

SENATE TAX, BUSINESS AND TRANSPORTATION
COMMITTEE SUBSTITUTE FOR
SENATE BILL 53

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO PROCUREMENT; CREATING PREFERENCES AND CERTIFICATION
REQUIREMENTS FOR RESIDENT MINORITY AND RESIDENT TRIBAL
BUSINESSES AND RESIDENT MINORITY AND RESIDENT TRIBAL
CONTRACTORS; RETAINING THE RESIDENT VETERAN BUSINESS
PREFERENCE; AUTHORIZING PROCUREMENTS FOR EXCLUSIVE BIDDING BY
NEW MEXICO BUSINESSES OR SMALL BUSINESSES; ADDING AND REVISING
DEFINITIONS IN THE PROCUREMENT CODE; SPECIFYING THE PERIOD FOR
WHICH BIDS AND PROPOSALS ARE TO REMAIN CONFIDENTIAL; CLARIFYING
ELECTRONIC SUBMISSION REQUIREMENTS; ALLOWING VIRTUAL BID
OPENINGS; REVISING CHIEF PROCUREMENT OFFICER REGISTRATION
REQUIREMENTS; CLARIFYING REPORTING REQUIREMENTS FOR IN-STATE
AND OUT-OF-STATE CONTRACTS; APPLYING THE PROCUREMENT CODE TO
MARKETING; ALLOWING THE REJECTION OF IDENTICAL LOW BIDS BASED
ON THE APPEARANCE OF NON-INDEPENDENT BIDDING; SPECIFYING
POSTING REQUIREMENTS FOR EMERGENCY PROCUREMENT; PRESCRIBING

.219636.2

underscoring material = new
~~[bracketed material] = delete~~

1 REQUIREMENTS FOR PURCHASES OF SUSTAINABLE AND RECYCLED CONTENT
2 GOODS; AUTHORIZING AUDITS RELATED TO SALES UNDER A CONTRACT;
3 DEFINING OFFERORS FOR PURPOSES OF PROTESTING AN AWARD;
4 REQUIRING REPORTING ON CONTRACTS AWARDED TO NEW MEXICO
5 BUSINESSES; ALLOWING THE PURCHASE OF ELECTRIC, PLUG-IN HYBRID
6 ELECTRIC AND GAS-ELECTRIC HYBRID VEHICLES MADE OUTSIDE NORTH
7 AMERICA; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978;
8 REPEALING LAWS 2012, CHAPTER 56, SECTION 4 AND LAWS 2015,
9 CHAPTER 73, SECTION 25.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

12 SECTION 1. Section 13-1-21 NMSA 1978 (being Laws 1979,
13 Chapter 72, Section 1, as amended) is amended to read:

14 "13-1-21. APPLICATION OF PREFERENCES.--

15 A. For the purposes of this section:

16 (1) "bid" means a submission by a prospective
17 supplier in response to a solicitation involving a formal bid
18 process, where all bids are submitted wholly independent of
19 each other in a competitive manner;

20 [~~(1)~~] (2) "business" means a commercial
21 enterprise carried on for the purpose of selling goods or
22 services, including growing, producing, processing or
23 distributing agricultural products;

24 [~~(2)~~] (3) "formal bid process" means a
25 competitive bid process;

.219636.2

1 [~~(3)~~] (4) "formal request for proposals
2 process" means a competitive proposal process, including a
3 competitive qualifications-based proposal process;

4 [~~(4)~~] (5) "public body" means a department,
5 commission, council, board, committee, institution, legislative
6 body, agency, government corporation, educational institution
7 or official of the executive, legislative or judicial branch of
8 the government of the state or a political subdivision of the
9 state and the agencies, instrumentalities and institutions
10 thereof, including two-year post-secondary educational
11 institutions, school districts, local school boards and all
12 municipalities, including home-rule municipalities;

13 [~~(5)~~] (6) "recycled content goods" means
14 supplies and materials composed twenty-five percent or more of
15 recycled materials or sustainable materials, as determined by
16 the general services department; provided that the recycled
17 materials or sustainable materials content meets or exceeds the
18 minimum content standards required by bid specifications;

19 [~~(6)~~] (7) "resident business" means a business
20 that has a valid resident business certificate issued by the
21 taxation and revenue department pursuant to Section 13-1-22
22 NMSA 1978 but does not include a resident veteran business
23 [~~and~~], resident minority business or resident tribal business;

24 (8) "resident minority business" means a
25 business that has a valid resident minority business

.219636.2

1 certificate issued by the taxation and revenue department
2 pursuant to Section 13-1-22 NMSA 1978;

3 (9) "resident tribal business" means a
4 business that has a valid resident tribal business certificate
5 issued by the taxation and revenue department pursuant to
6 Section 13-1-22 NMSA 1978; and

7 ~~(7)~~ (10) "resident veteran business" means a
8 business that has a valid resident veteran business certificate
9 issued by the taxation and revenue department pursuant to
10 Section 13-1-22 NMSA 1978.

11 B. Except as provided in Subsection C of this
12 section, when a public body makes a purchase using a formal bid
13 process, the public body shall deem a bid submitted by a ~~(1)~~
14 ~~resident business to be five percent lower than the bid~~
15 ~~actually submitted; or~~

16 ~~(2)~~ resident business, resident minority
17 business, resident tribal business or resident veteran business
18 ~~[with annual gross revenues of up to three million dollars~~
19 ~~(\$3,000,000) in the preceding tax year]~~ to be avored with a
20 ten percent ~~[lower than]~~ preference over the bid actually
21 submitted.

22 C. When a public body makes a purchase using a
23 formal bid process and the bids are received for both recycled
24 content goods and nonrecycled content goods, the public body
25 shall deem ~~(1)~~ bids submitted for recycled content goods from

.219636.2

1 any business [~~except a resident veteran business~~] to be [five]
 2 favored with a ten percent [lower than] preference over the
 3 bids actually submitted [or

4 ~~(2) bids submitted for recycled content goods~~
 5 ~~from a resident veteran business with annual gross revenues of~~
 6 ~~up to three million dollars (\$3,000,000) in the preceding tax~~
 7 ~~year to be ten percent lower than the bids actually submitted].~~

8 D. When a public body makes a purchase using a
 9 formal request for proposals process, not including contracts
 10 awarded on a point-based system, the public body shall award an
 11 additional [~~(1) five percent of the total weight of all the~~
 12 ~~factors used in evaluating the proposals to a resident~~
 13 ~~business; and~~

14 ~~(2)] ten percent of the total weight of all the~~
 15 factors used in evaluating the proposals to a resident
 16 business, resident minority business, resident tribal business
 17 or resident veteran business [that has annual gross revenues of
 18 up to three million dollars (\$3,000,000) in the preceding tax
 19 year].

20 E. When a public body makes a purchase using a
 21 formal request for proposals process, and the contract is
 22 awarded based on a point-based system, the public body shall
 23 award additional points equivalent to [~~(1) five percent of the~~
 24 ~~total possible points to a resident business; or~~

25 ~~(2)] ten percent of the total possible points~~

.219636.2

1 to a resident business, resident minority business, resident
2 tribal business or resident veteran business [~~that has annual~~
3 ~~gross revenues of up to three million dollars (\$3,000,000) in~~
4 ~~the preceding tax year~~].

5 F. When a joint bid or joint proposal is submitted
6 by a combination of resident veteran, resident or nonresident,
7 resident minority or resident tribal businesses, the preference
8 provided pursuant to Subsection B, C, D or E of this section
9 shall be calculated in proportion to the percentage of the
10 contract, based on the dollar amount of the goods or services
11 provided under the contract, that will be performed by each
12 business as specified in the joint bid or proposal.

13 [~~G. A resident veteran business shall not benefit~~
14 ~~from the preference pursuant to this section for more than ten~~
15 ~~consecutive years. A person that is an owner of a business~~
16 ~~that is a resident veteran business shall not benefit from the~~
17 ~~preference pursuant to this section for more than ten~~
18 ~~consecutive years. A person shall not benefit from the~~
19 ~~provisions of this section based on more than one business~~
20 ~~concurrently.~~

21 H.] G. A public body shall not award a business
22 [~~both a resident business preference and a resident veteran~~
23 ~~business preference] more than one preference pursuant to this
24 section.~~

25 [~~F.~~] H. The procedures provided in Sections

1 13-1-172 through 13-1-183 NMSA 1978 or in an applicable
 2 purchasing ordinance apply to a protest to a public body
 3 concerning the awarding of a contract in violation of this
 4 section.

5 ~~[J-]~~ I. This section shall not apply when the
 6 expenditure includes federal funds for a specific purchase."

7 SECTION 2. Section 13-1-22 NMSA 1978 (being Laws 1969,
 8 Chapter 184, Section 1, as amended) is amended to read:

9 "13-1-22. ~~[RESIDENT BUSINESS, RESIDENT VETERAN BUSINESS,~~
 10 ~~RESIDENT CONTRACTOR AND RESIDENT VETERAN CONTRACTOR~~
 11 ~~CERTIFICATION]~~ CERTIFICATIONS FOR PREFERENCES.--

12 A. To receive a resident business, ~~[or]~~ resident
 13 veteran business, resident minority business or resident tribal
 14 business preference pursuant to Section 13-1-21 NMSA 1978 or a
 15 resident contractor, ~~[or]~~ resident veteran contractor, resident
 16 minority contractor or resident tribal contractor preference
 17 pursuant to Section 13-4-2 NMSA 1978, a business or contractor
 18 shall submit with its bid or proposal a copy of ~~[a valid~~
 19 ~~resident business certificate, valid resident veteran business~~
 20 ~~certificate, valid resident contractor certificate, or valid~~
 21 ~~resident veteran contractor]~~ the certificate issued by the
 22 taxation and revenue department to the business or contractor
 23 pursuant to this section.

24 B. To qualify for a certification pursuant to this
 25 section, the gross revenues of the applicant business or

.219636.2

1 contractor in the preceding tax year shall not exceed three
2 million five hundred thousand dollars (\$3,500,000). Every two
3 years, the taxation and revenue department shall adjust the
4 gross revenues required by this subsection in accordance with
5 the percentage of the preceding two calendar years' increase of
6 the consumer price index for all urban consumers, United States
7 city average for all items, published by the United States
8 department of labor, and shall publish the increased amounts on
9 its website.

10 [B-] C. An application for a resident business
11 certificate shall include an affidavit [~~from a certified public~~
12 ~~accountant~~] providing the previous year's gross revenues for
13 the business and setting forth that the business is licensed to
14 do business in this state and that:

15 (1) the business has paid property taxes or
16 rent on real property in the state and paid at least one other
17 tax administered by the state in each of the three years
18 immediately preceding the submission of the affidavit;

19 (2) if the business is a new business, the
20 owner or majority of owners has paid property taxes or rent on
21 real property in the state and has paid at least one other tax
22 administered by the state in each of the three years
23 immediately preceding the submission of the affidavit and has
24 not applied for a resident business or resident contractor
25 certificate pursuant to this section during that time period;

.219636.2

1 (3) if the business is a relocated business,
2 at least eighty percent of the total personnel of the business
3 in the year immediately preceding the submission of the
4 affidavit were residents of the state and that, prior to the
5 submission of the affidavit, the business either leased real
6 property for ten years or purchased real property greater than
7 one hundred thousand dollars (\$100,000) in value in the state;
8 or

9 (4) if the business is a previously certified
10 business or was eligible for certification, the business has
11 changed its name, has reorganized into one or more different
12 legal entities, was purchased by another legal entity but
13 operates in the state as substantially the same commercial
14 enterprise or has merged with a different legal entity but
15 operates in the state as substantially the same commercial
16 enterprise.

17 ~~[G.]~~ D. An application for a resident veteran
18 business certificate shall include the affidavit required by
19 Subsection ~~[B]~~ C of this section ~~[an affidavit from a certified
20 public accountant providing the previous year's annual revenues
21 of the resident veteran business]~~ and:

22 (1) verification by the federal department of
23 veterans affairs as being either a veteran-owned small business
24 or a service-disabled veteran-owned small business; or

25 (2) verification of veteran status as

.219636.2

underscoring material = new
[bracketed material] = delete

1 indicated by the United States department of defense DD form
2 214 of release or discharge from active duty with an honorable
3 discharge or of service-disabled veteran status by the
4 department of veterans affairs and proof that a veteran or
5 veterans own a majority of the business.

6 E. An application for a resident minority business
7 certificate shall include:

8 (1) the affidavit required by Subsection C of
9 this section; and

10 (2) verification that more than fifty percent
11 of the business is owned by women or persons who are African
12 American or Black, Latino or Hispanic, Asian, Pacific Islander,
13 Native American or Alaska native. The requirements of this
14 paragraph may be satisfied by submitting verification of
15 women-owned or minority-owned business status by an agency of
16 the United States government or a national certifying entity
17 approved by an agency of the United States government or by
18 submitting other evidence of women-owned or minority-owned
19 business status as established by the taxation and revenue
20 department in rule.

21 F. An application for a resident tribal business
22 certificate shall include:

23 (1) an affidavit providing the previous year's
24 gross revenues for the business and setting forth that the
25 business's principal place of business is on tribal land within

1 the boundaries of New Mexico; and

2 (2) verification, as prescribed by rule of the
3 taxation and revenue department, that:

4 (a) the business is wholly owned by a
5 federally recognized Indian nation, tribe or pueblo located
6 wholly or partially in New Mexico, including a political
7 subdivision, agency or department of the Indian nation, tribe
8 or pueblo;

9 (b) the business is an incorporated or
10 unincorporated enterprise of a federally recognized Indian
11 nation, tribe or pueblo located wholly or partially in New
12 Mexico;

13 (c) more than fifty percent of the
14 business is owned by persons who are enrolled members of a
15 federally recognized Indian nation, tribe or pueblo located
16 wholly or partially in New Mexico; or

17 (d) the business is a corporation
18 considered to be an Indian nation, tribe or pueblo, located
19 wholly or partially in New Mexico, by the federal government or
20 the state.

21 ~~[D-]~~ G. An application for a resident contractor
22 certificate shall include an affidavit [from a certified public
23 accountant] providing the previous year's annual revenues for
24 the contractor and setting forth that the contractor is
25 currently licensed as a contractor in this state and that:

.219636.2

- 1 (1) the contractor has:
- 2 (a) registered with the state at least
- 3 one vehicle; and
- 4 (b) in each of the five years
- 5 immediately preceding the submission of the affidavit: 1) paid
- 6 property taxes or rent on real property in the state and paid
- 7 at least one other tax administered by the state; and 2) paid
- 8 unemployment insurance on at least three full-time employees
- 9 who are residents of the state; provided that if a contractor
- 10 is a legacy contractor, the requirement of at least three full-
- 11 time employees who are residents of the state is waived;
- 12 (2) if the contractor is a new contractor, the
- 13 owner or majority of owners has paid property taxes or rent on
- 14 real property in the state and has paid at least one other tax
- 15 administered by the state in each of the five years immediately
- 16 preceding the submission of the affidavit and has not applied
- 17 for a resident business or resident contractor certificate
- 18 pursuant to this section during that time period;
- 19 (3) if the contractor is a relocated business,
- 20 at least eighty percent of the total personnel of the business
- 21 in the year immediately preceding the submission of the
- 22 affidavit were residents of the state and that, prior to the
- 23 submission of the affidavit, the contractor either leased real
- 24 property for ten years or purchased real property greater than
- 25 one hundred thousand dollars (\$100,000) in value in the state;

.219636.2

1 or

2 (4) if the contractor is a previously
3 certified contractor or was eligible for certification, the
4 contractor has changed its name, has reorganized into one or
5 more different legal entities, was purchased by another legal
6 entity but operates in the state as substantially the same
7 enterprise or has merged with a different legal entity but
8 operates in the state as substantially the same commercial
9 enterprise.

10 ~~[E.]~~ H. An application for a resident veteran
11 contractor certificate shall include the affidavit required by
12 Subsection ~~[D]~~ G of this section ~~[an affidavit from a certified
13 public accountant providing the previous year's annual revenues
14 for the resident veteran contractor]~~ and:

15 (1) verification by the federal department of
16 veterans affairs as being either a veteran-owned small business
17 or a service-disabled veteran-owned small business; or

18 (2) verification of veteran status as
19 indicated by the United States department of defense DD form
20 214 of release or discharge from active duty with an honorable
21 discharge or of service-disabled veteran status by the
22 department of veterans affairs and proof that a veteran or
23 veterans own a majority of the business.

24 I. An application for a resident minority
25 contractor certificate shall include:

.219636.2

1 (1) the affidavit required by Subsection G of
2 this section; and

3 (2) verification that more than fifty percent
4 of the business is owned by women or persons who are African
5 American or Black, Latino or Hispanic, Asian, Pacific Islander,
6 Native American or Alaska native. The requirements of this
7 paragraph may be satisfied by submitting verification of
8 women-owned or minority-owned business status by an agency of
9 the United States government or a national certifying entity
10 approved by an agency of the United States government or by
11 submitting other evidence of women-owned or minority-owned
12 business status as established by the taxation and revenue
13 department in rule.

14 J. An application for a resident tribal contractor
15 certificate shall include:

16 (1) an affidavit providing the previous year's
17 gross revenues for the contractor and setting forth that:

18 (a) the contractor is currently licensed
19 as a contractor in this state;

20 (b) the contractor has registered with
21 the state at least one vehicle; and

22 (c) the contractor's principal place of
23 business is on tribal land within the boundaries of New Mexico;
24 and

25 (2) verification, as prescribed by rule of the

1 taxation and revenue department, that:

2 (a) the business is wholly owned by a
3 federally recognized Indian nation, tribe or pueblo located
4 wholly or partially in New Mexico, including a political
5 subdivision, agency or department of the Indian nation, tribe
6 or pueblo;

7 (b) the business is an incorporated or
8 unincorporated enterprise of a federally recognized Indian
9 nation, tribe or pueblo located wholly or partially in New
10 Mexico;

11 (c) more than fifty percent of the
12 business is owned by persons who are enrolled members of a
13 federally recognized Indian nation, tribe or pueblo located
14 wholly or partially in New Mexico; or

15 (d) the business is a corporation
16 considered to be an Indian nation, tribe or pueblo, located
17 wholly or partially in New Mexico, by the federal government or
18 the state.

19 [F-] K. The taxation and revenue department shall
20 prescribe the form and content of an application for
21 certification and required affidavit. The taxation and revenue
22 department shall examine the application and affidavit and, if
23 necessary, may seek additional information to ensure that the
24 business or contractor is eligible to receive the certificate
25 pursuant to the provisions of this section. If the taxation

.219636.2

1 and revenue department determines that an applicant is
2 eligible, the department shall issue a certificate pursuant to
3 the provisions of this section. If the taxation and revenue
4 department determines that the applicant is not eligible and
5 denies the application, the department shall issue notification
6 of the denial, including the reasons for the denial, within
7 thirty days. If no notification is provided by the department,
8 the certificate is deemed approved. A certificate is valid for
9 three years from the date of its issuance; provided that if
10 there is a change of ownership of more than fifty percent, a
11 [~~resident~~] business [~~resident veteran business, resident~~
12 ~~contractor, or resident veteran~~] or contractor shall reapply
13 for a certificate.

14 [~~G. A business or contractor whose application for~~
15 ~~a certificate is denied has fifteen days from the date of the~~
16 ~~taxation and revenue department's decision to file an objection~~
17 ~~with the taxation and revenue department. The person filing~~
18 ~~the objection shall submit evidence to support the objection.~~
19 ~~The taxation and revenue department shall review the evidence~~
20 ~~and issue a decision within fifteen days of the filing of the~~
21 ~~objection.~~]

22 L. A business or contractor whose application for a
23 certificate is denied may protest the denial by filing a
24 petition with the administrative hearings office. A person
25 that files a petition pursuant to this subsection shall be

.219636.2

1 entitled to a hearing on the applicant's protest. A petition
 2 shall:

3 (1) be filed no later than ninety days after
 4 the taxation and revenue department notifies the applicant that
 5 the application for certification has been denied;

6 (2) state the applicant's name and address;

7 (3) state why the applicant believes the
 8 denial of the application for certification is incorrect, and
 9 why the applicant believes the application for certification
 10 should have been approved; and

11 (4) contain other information as the
 12 administrative hearings office may require by rule.

13 ~~[H.]~~ M. If, following a hearing and an opportunity
 14 to be heard, the administrative hearings office finds that a
 15 business or contractor provided false information to the
 16 taxation and revenue department in order to obtain a
 17 certificate pursuant to this section or that a business or
 18 contractor used a certificate to obtain a [~~resident business,~~
 19 ~~resident veteran business, resident contractor or resident~~
 20 ~~veteran contractor~~] preference for a bid or proposal and the
 21 [~~resident business, resident veteran business, resident~~
 22 ~~contractor or resident veteran~~] business or contractor did not
 23 perform the percentage of the contract specified in the bid or
 24 proposal, the business or contractor:

25 (1) is not eligible to receive a certificate

.219636.2

1 or a preference pursuant to Section 13-1-21 or 13-4-2 NMSA 1978
2 for a period of five years from the date on which the taxation
3 and revenue department became aware of the submission of the
4 false information or the failure to perform the contract as
5 specified in the bid or proposal; and

6 (2) is subject to an administrative penalty of
7 up to fifty thousand dollars (\$50,000) for each violation.

8 [~~F.~~] N. In a decision issued pursuant to Subsection
9 [~~G. or H.~~] L or M of this section, the [~~taxation and revenue~~
10 ~~department or~~] administrative hearings office shall state the
11 reasons for the action taken and inform an aggrieved business
12 or contractor of the right to judicial review of the
13 determination pursuant to the provisions of Section 39-3-1.1
14 NMSA 1978.

15 [~~J.~~] O. The taxation and revenue department may
16 assess a reasonable fee for the issuance of a certificate not
17 to exceed the actual cost of administering the taxation and
18 revenue department's duties pursuant to this section.

19 [~~K.~~] P. The state auditor may audit or review the
20 issuance or validity of certificates.

21 [~~L.~~] Q. For purposes of this section:

22 (1) "new business" means a person that did not
23 exist as a business in any form and that has been in existence
24 for less than three years;

25 (2) "new contractor" means a person that did

1 not exist as a business in any form and that has been in
2 existence for less than five years;

3 (3) "legacy contractor" means a construction
4 business that has been licensed in this state for ten
5 consecutive years; and

6 (4) "relocated business" means a business that
7 moved eighty percent of its total domestic personnel from
8 another state to New Mexico in the past five years."

9 SECTION 3. A new section of the Procurement Code is
10 enacted to read:

11 "[NEW MATERIAL] NEW MEXICO BUSINESSES--EXCLUSIVE
12 PROCUREMENTS AUTHORIZED.--The state purchasing agent or a
13 central purchasing office may design procurements to
14 exclusively receive proposals, bids or responses from New
15 Mexico businesses; provided that this section shall not apply
16 to procurements using federal or private funds."

17 SECTION 4. A new section of the Procurement Code is
18 enacted to read:

19 "[NEW MATERIAL] DEFINITION--ADVERTISING.--"Advertising"
20 means the promotion of a product or service through paid media
21 and does not include marketing."

22 SECTION 5. A new section of the Procurement Code is
23 enacted to read:

24 "[NEW MATERIAL] DEFINITION--EVALUATION FACTORS.--
25 "Evaluation factors" means the factors stated in the request

.219636.2

1 for proposals that are used by evaluators to determine which
2 competing proposal is most advantageous to the procuring state
3 agency or local public body."

4 SECTION 6. A new section of the Procurement Code is
5 enacted to read:

6 "[NEW MATERIAL] DEFINITION--MARKETING.--"Marketing" means
7 the process of identifying public needs or desires and
8 determining how best to meet those needs or desires, including
9 any element of the process such as creation, research, design,
10 planning or data mining."

11 SECTION 7. Section 13-1-37 NMSA 1978 (being Laws 1984,
12 Chapter 65, Section 10, as amended) is amended to read:

13 "13-1-37. DEFINITION--CENTRAL PURCHASING OFFICE.--
14 "Central purchasing office" means that office, entity, bureau
15 or purchasing staff within a state agency or a local public
16 body responsible for the control of procurement of items of
17 tangible personal property, professional services, general
18 services or construction [~~"Central purchasing office"~~] and
19 includes the purchasing division of the general services
20 department."

21 SECTION 8. Section 13-1-88 NMSA 1978 (being Laws 1984,
22 Chapter 65, Section 61) is amended to read:

23 "13-1-88. DEFINITION--SMALL BUSINESS.--"Small business"
24 means a business, not a subsidiary or division of another
25 business, having an average annual [~~volume~~] gross revenue for

1 the preceding three fiscal years [~~which~~] that does not exceed
 2 [~~one million five hundred thousand dollars (\$1,500,000)] three
 3 million five hundred thousand dollars (\$3,500,000), increased
 4 every two years by the taxation and revenue department by the
 5 percentage of the preceding two calendar years' increase of the
 6 consumer price index for all urban consumers, United States
 7 city average for all items, published by the United States
 8 department of labor."~~

9 SECTION 9. Section 13-1-95.1 NMSA 1978 (being Laws 2001,
 10 Chapter 292, Section 7, as amended) is amended to read:

11 "13-1-95.1. ELECTRONIC TRANSMISSIONS.--

12 A. The state purchasing agent shall develop
 13 guidelines for central purchasing offices to use electronic
 14 media, including distribution of solicitations and acceptance
 15 of sealed bids and competitive sealed proposals that include
 16 electronic signatures. The guidelines shall include:

17 (1) appropriate security to prevent
 18 unauthorized access to electronically submitted bids or
 19 proposals prior to the date and time set for opening of bids or
 20 the deadline set for receipt for proposals, including the
 21 electronic bidding, approval and award process; and

22 (2) accurate retrieval or conversion of
 23 electronic forms of information into a medium that permits
 24 inspection and copying.

25 B. A central purchasing office, in an invitation

.219636.2

1 for bids or a request for proposals, may require all or any
2 part of a sealed bid or a competitive sealed proposal to be
3 submitted electronically if the office determines that an
4 electronic submission will be advantageous to the procurement
5 process. If electronic submission is required:

6 (1) no hard copy documentation shall be
7 submitted to the central purchasing office prior to the award
8 of the contract, except as specifically identified in the
9 invitation for bids or the request for proposals;

10 (2) the invitation for bids or request for
11 proposals shall specify an opening date and time, a fixed
12 closing date and time and ~~[an email account or other]~~ a secure
13 electronic location to which the electronic bid or proposal
14 shall be submitted; provided that the process of uploading and
15 submitting the electronic bid or proposal shall be completed in
16 full no later than the fixed closing date and time;

17 (3) sealed bids submitted electronically shall
18 be opened publicly in the presence of one or more witnesses at
19 the time and place designated in the invitation for bids,
20 including virtual openings conducted by video conferencing.

21 The amount of each bid and each bid item, if appropriate, and
22 such other relevant information as may be specified by the
23 state purchasing agent or a central purchasing office, together
24 with the name of each bidder, shall be recorded, and the record
25 and each bid shall be open to public inspection; and

.219636.2

1 (4) for sealed proposals, the proposals shall
2 be opened, evaluated and the contract awarded as required in
3 the request for proposals and as otherwise provided in the
4 Procurement Code."

5 SECTION 10. Section 13-1-95.2 NMSA 1978 (being Laws 2013,
6 Chapter 70, Section 3) is amended to read:

7 "13-1-95.2. CHIEF PROCUREMENT OFFICERS--REPORTING
8 REQUIREMENT--TRAINING--CERTIFICATION.--

9 A. [~~On or before January 1 of each year beginning~~
10 ~~in 2014, and every time~~] When a chief procurement officer is
11 hired, each state agency and local public body shall provide to
12 the state purchasing agent the name of the state agency's or
13 local public body's chief procurement officer and information
14 identifying the state agency's or local public body's central
15 purchasing office, if applicable, and shall register the chief
16 procurement officer on the purchasing division website along
17 with updated information, as needed. Corrective action to
18 update information, registration and replacement of chief
19 procurement officers is the responsibility of each state agency
20 and local public body.

21 B. The state purchasing agent shall maintain a list
22 of the names of the chief procurement officers reported to the
23 state purchasing agent by state agencies and local public
24 bodies. The state purchasing agent shall make the list of
25 chief procurement officers available to the public through the

.219636.2

1 [web site] website of the purchasing division of the general
2 services department and in any other appropriate form.

3 C. The state purchasing agent shall offer a
4 certification training program for chief procurement officers
5 each year.

6 D. On or before January 1, 2015, the state
7 purchasing agent shall establish a certification program for
8 chief procurement officers that includes initial certification
9 and recertification every two years for all chief procurement
10 officers. In order to be recertified, a chief procurement
11 officer shall pass a recertification examination approved by
12 the secretary of general services.

13 E. On and after July 1, 2015, only certified chief
14 procurement officers may do the following, except that persons
15 using procurement cards may continue to issue purchase orders
16 and authorize small purchases:

17 (1) make determinations, including
18 determinations regarding exemptions, pursuant to the
19 Procurement Code;

20 (2) issue purchase orders and authorize small
21 purchases pursuant to the Procurement Code; and

22 (3) approve procurement pursuant to the
23 Procurement Code."

24 SECTION 11. Section 13-1-95.3 NMSA 1978 (being Laws 2019,
25 Chapter 153, Section 1) is amended to read:

.219636.2

1 "13-1-95.3. STATE AGENCY--REPORTING REQUIRED--IN-STATE
2 AND OUT-OF-STATE CONTRACTS.--All state agencies shall report
3 annually to the purchasing division of the general services
4 department [~~information on~~] the total number and corresponding
5 total dollar amount of state agency contracts awarded to in-
6 state contractors and the total number and corresponding total
7 dollar amount of state agency contracts awarded to out-of-state
8 contractors. As used in this section, "contracts" does not
9 include purchase orders."

10 SECTION 12. Section 13-1-98 NMSA 1978 (being Laws 1984,
11 Chapter 65, Section 71, as amended by Laws 2019, Chapter 48,
12 Section 13 and by Laws 2019, Chapter 63, Section 1) is amended
13 to read:

14 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
15 provisions of the Procurement Code shall not apply to:

16 A. procurement of items of tangible personal
17 property or services by a state agency or a local public body
18 from a state agency, a local public body or external
19 procurement unit except as otherwise provided in Sections
20 13-1-135 through 13-1-137 NMSA 1978;

21 B. procurement of tangible personal property or
22 services for the governor's mansion and grounds;

23 C. printing and duplicating contracts involving
24 materials that are required to be filed in connection with
25 proceedings before administrative agencies or state or federal

.219636.2

1 courts;

2 D. purchases of publicly provided or publicly
3 regulated gas, electricity, water, sewer and refuse collection
4 services;

5 E. purchases of books, periodicals and training
6 materials in printed or electronic format from the publishers
7 or copyright holders thereof and purchases of print, digital or
8 electronic format library materials by public, school and state
9 libraries for access by the public;

10 F. travel or shipping by common carrier or by
11 private conveyance or to meals and lodging;

12 G. purchase of livestock at auction rings or to the
13 procurement of animals to be used for research and
14 experimentation or exhibit;

15 H. contracts with businesses for public school
16 transportation services;

17 I. procurement of tangible personal property or
18 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
19 by the corrections industries division of the corrections
20 department pursuant to rules adopted by the corrections
21 industries commission, which shall be reviewed by the
22 purchasing division of the general services department prior to
23 adoption;

24 J. purchases not exceeding ten thousand dollars
25 (\$10,000) consisting of magazine subscriptions, web-based or

.219636.2

underscoring material = new
~~[bracketed material] = delete~~

1 electronic subscriptions, conference registration fees and
2 other similar purchases where prepayments are required;

3 K. municipalities having adopted home rule charters
4 and having enacted their own purchasing ordinances;

5 L. the issuance, sale and delivery of public
6 securities pursuant to the applicable authorizing statute, with
7 the exception of bond attorneys and general financial
8 consultants;

9 M. contracts entered into by a local public body
10 with a private independent contractor for the operation, or
11 provision and operation, of a jail pursuant to Sections 33-3-26
12 and 33-3-27 NMSA 1978;

13 N. contracts for maintenance of grounds and
14 facilities at highway rest stops and other employment
15 opportunities, excluding those intended for the direct care and
16 support of persons with handicaps, entered into by state
17 agencies with private, nonprofit, independent contractors who
18 provide services to persons with handicaps;

19 O. contracts and expenditures for services or items
20 of tangible personal property to be paid or compensated by
21 money or other property transferred to New Mexico law
22 enforcement agencies by the United States department of justice
23 drug enforcement administration;

24 P. contracts for retirement and other benefits
25 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

.219636.2

1 Q. contracts with professional entertainers;

2 R. contracts and expenditures for legal
3 subscription and research services and litigation expenses in
4 connection with proceedings before administrative agencies or
5 state or federal courts, including experts, mediators, court
6 reporters, process servers and witness fees, but not including
7 attorney contracts;

8 S. contracts for service relating to the design,
9 engineering, financing, construction and acquisition of public
10 improvements undertaken in improvement districts pursuant to
11 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
12 improvement districts pursuant to Subsection L of Section
13 4-55A-12.1 NMSA 1978;

14 T. works of art for museums or for display in
15 public buildings or places;

16 U. contracts entered into by a local public body
17 with a person, firm, organization, corporation or association
18 or a state educational institution named in Article 12, Section
19 11 of the constitution of New Mexico for the operation and
20 maintenance of a hospital pursuant to Chapter 3, Article 44
21 NMSA 1978, lease or operation of a county hospital pursuant to
22 the Hospital Funding Act or operation and maintenance of a
23 hospital pursuant to the Special Hospital District Act;

24 V. purchases of advertising in all media, including
25 radio, television, print and electronic. The Procurement Code

.219636.2

1 shall apply to marketing;

2 W. purchases of promotional goods intended for
3 resale by the tourism department;

4 X. procurement of printing, publishing and
5 distribution services for materials produced and intended for
6 resale by the cultural affairs department;

7 Y. procurement by or through the public education
8 department from the federal department of education relating to
9 parent training and information centers designed to increase
10 parent participation, projects and initiatives designed to
11 improve outcomes for students with disabilities and other
12 projects and initiatives relating to the administration of
13 improvement strategy programs pursuant to the federal
14 Individuals with Disabilities Education Act; provided that the
15 exemption applies only to procurement of services not to exceed
16 two hundred thousand dollars (\$200,000);

17 Z. procurement of services from community
18 rehabilitation programs or qualified individuals pursuant to
19 the State Use Act;

20 AA. purchases of products or services for eligible
21 persons with disabilities pursuant to the federal
22 Rehabilitation Act of 1973;

23 BB. procurement, by either the department of health
24 or Grant county or both, of tangible personal property,
25 services or construction that are exempt from the Procurement

.219636.2

1 Code pursuant to Section 9-7-6.5 NMSA 1978;

2 CC. contracts for investment advisory services,
3 investment management services or other investment-related
4 services entered into by the educational retirement board, the
5 state investment officer or the retirement board created
6 pursuant to the Public Employees Retirement Act;

7 DD. the purchase for resale by the state fair
8 commission of feed and other items necessary for the upkeep of
9 livestock;

10 EE. contracts entered into by the crime victims
11 reparation commission to distribute federal grants to assist
12 victims of crime, including grants from the federal Victims of
13 Crime Act of 1984 and the federal Violence Against Women Act of
14 1994;

15 FF. procurement by or through the early childhood
16 education and care department of early pre-kindergarten and
17 pre-kindergarten services purchased pursuant to the Pre-
18 Kindergarten Act;

19 GG. procurement of services of commissioned
20 advertising sales representatives for New Mexico magazine; and

21 HH. procurements exempt from the Procurement Code
22 as otherwise provided by law."

23 SECTION 13. A new Section 13-1-105.1 NMSA 1978 is enacted
24 to read:

25 "13-1-105.1. [NEW MATERIAL] COMPETITIVE SEALED

.219636.2

1 BIDS--DISCLOSURE.--The contents of any bid shall not be
 2 disclosed after the submission of the bid and before the bid is
 3 opened pursuant to Section 13-1-107 NMSA 1978."

4 SECTION 14. Section 13-1-110 NMSA 1978 (being Laws 1984,
 5 Chapter 65, Section 83) is amended to read:

6 "13-1-110. COMPETITIVE SEALED BIDS--IDENTICAL BIDS.--When
 7 competitive sealed bids are used and two or more of the bids
 8 submitted are identical in price and are the low bid, the state
 9 purchasing agent or a central purchasing office may:

10 A. award pursuant to the multiple source award
 11 provisions of Sections [~~126 and 127 of the Procurement Code~~]
 12 13-1-153 and 13-1-154 NMSA 1978;

13 B. award to a resident business if the identical
 14 low bids are submitted by a resident business and a nonresident
 15 business;

16 C. award to a resident manufacturer if the
 17 identical low bids are submitted by a resident manufacturer and
 18 a resident business;

19 D. award by lottery to one of the identical low
 20 bidders; [~~or~~]

21 E. reject the identical low bids if the bids are
 22 submitted by separately registered bidders that have the same
 23 physical address, shared operations or shared ownership; or

24 [~~E.~~] F. reject all bids and resolicit bids or
 25 proposals for the required services, construction or items of

.219636.2

1 tangible personal property."

2 SECTION 15. Section 13-1-116 NMSA 1978 (being Laws 1984,
3 Chapter 65, Section 89) is amended to read:

4 "13-1-116. COMPETITIVE SEALED PROPOSALS--DISCLOSURE
5 [RECORD].--The contents of any proposal shall not be disclosed
6 [~~so as to be available to competing offerors during the~~
7 ~~negotiation process~~] after the submission of the proposal and
8 before the final execution of all awarded contracts."

9 SECTION 16. Section 13-1-127 NMSA 1978 (being Laws 2019,
10 Chapter 153, Section 5) is amended to read:

11 "13-1-127. EMERGENCY PROCUREMENT--REQUIRED CONDITIONS--
12 LIMITATIONS--NOTICE.--

13 A. The state purchasing agent or a central
14 purchasing office may only make an emergency procurement when
15 the service, construction or item of tangible personal property
16 procured:

17 (1) is needed immediately to:

18 (a) control a serious threat to public
19 health, welfare, safety or property caused by a flood, fire,
20 epidemic, riot, act of terrorism, equipment failure or similar
21 event; or

22 (b) plan or prepare for the response to
23 a serious threat to public health, welfare, safety or property
24 caused by a flood, fire, epidemic, riot, act of terrorism,
25 equipment failure or similar event; and

.219636.2

1 (2) cannot be acquired through normal
2 procurement methods.

3 B. The state purchasing agent or a central
4 purchasing office:

5 (1) in making an emergency procurement, shall:

6 (a) employ a competitive process to the
7 extent practicable under the circumstances; and

8 (b) use due diligence in determining the
9 basis for the procurement and in selecting a contractor; and

10 (2) shall not make an emergency procurement
11 for the purchase or lease of heavy road equipment.

12 C. The state purchasing agent or a central
13 purchasing office that makes an emergency procurement shall
14 outline its determination of the basis for the procurement and
15 its selection of the contractor in writing and include the
16 writing in the procurement file. Promptly thereafter:

17 (1) the ~~[state purchasing agent]~~ central
18 purchasing office shall post notice of the procurement, ~~[on its~~
19 ~~website; or]~~ including the name of the vendor and the contract
20 amount, to the sunshine portal; and

21 (2) the central purchasing office shall post
22 notice of the procurement on its website, if it maintains one
23 ~~[and shall transmit the notice to the state purchasing agent~~
24 ~~for posting on the state purchasing agent's website].~~

25 D. The state purchasing agent or a central

.219636.2

underscoring material = new
[bracketed material] = delete

1 purchasing office that makes an emergency procurement to plan
2 or prepare for the response to a serious threat to public
3 health, welfare, safety or property caused by a flood, fire,
4 epidemic, riot, act of terrorism, equipment failure or similar
5 event shall account for the money spent in making the
6 procurement and report on that accounting to the legislative
7 finance committee and the department of finance and
8 administration within sixty days after the end of the fiscal
9 year in which the procurement was made."

10 SECTION 17. Section 13-1-135.1 NMSA 1978 (being Laws
11 1995, Chapter 60, Section 2) is amended to read:

12 "13-1-135.1. SUSTAINABLE AND RECYCLED CONTENT
13 GOODS--COOPERATIVE PROCUREMENT.--

14 A. [~~Beginning July 1, 1995, each~~] A central
15 purchasing office shall [whenever its price, quality, quantity,
16 availability and delivery requirements are met] purchase
17 sustainable and recycled content goods through contracts
18 established by the purchasing division of the general services
19 department or with other central purchasing offices whenever
20 its quality, quantity, availability and delivery requirements
21 are met and the cost of the sustainable and recycled content
22 goods is no more than ten percent higher than the cost of
23 comparable conventional goods.

24 B. A central purchasing office may negotiate
25 contracts and design procurements to exclusively purchase

.219636.2

1 sustainable goods and recycled content goods.

2 [B-] C. For purposes of this section:

3 (1) "recycled content goods" means supplies
4 and materials composed in whole or in part of recycled
5 materials; [~~provided that the recycled materials content meets~~
6 ~~or exceeds the minimum content standards required by bid~~
7 ~~specifications]~~ and

8 (2) "sustainable goods" means supplies and
9 materials that are ecologically friendly or otherwise have a
10 reduced carbon footprint in their use or manufacture, as
11 established by the state purchasing agent."

12 SECTION 18. Section 13-1-160 NMSA 1978 (being Laws 1984,
13 Chapter 65, Section 133) is amended to read:

14 "13-1-160. AUDIT OF COST OR PRICING DATA.--A state agency
15 or a local public body may, at reasonable times and places,
16 audit the books and records of any person who has submitted
17 cost or pricing data, to the extent that [~~such~~] the books and
18 records relate to [~~such~~] the cost or pricing data, and may
19 audit the books and records related to sales for which a
20 payment of fees is required under a contract. Any person who
21 receives a contract, change order or contract modification for
22 which cost or pricing data is required shall maintain books and
23 records that relate to [~~such~~] the cost or pricing data for
24 three years from the date of final payment under the contract
25 unless a shorter period is otherwise authorized in writing."

.219636.2

1 SECTION 19. Section 13-1-174 NMSA 1978 (being Laws 1984,
2 Chapter 65, Section 147, as amended) is amended to read:

3 "13-1-174. AUTHORITY TO RESOLVE PROTESTS.--The state
4 purchasing agent, a central purchasing office or a designee of
5 either shall have the authority to take any action reasonably
6 necessary to resolve a protest of an aggrieved bidder or
7 offeror. This authority shall be exercised in accordance with
8 [~~regulations~~] rules promulgated by the secretary, a local
9 public body or a central purchasing office [~~which~~] that has the
10 authority to issue [~~regulations~~] rules but shall not include
11 the authority to award money damages or [~~attorneys'~~] attorney
12 fees. An entity unsuccessful in submitting a bid or offer is
13 deemed not a bidder nor offeror under this section and has no
14 right to protest."

15 SECTION 20. Section 13-1-184 NMSA 1978 (being Laws 1984,
16 Chapter 65, Section 157) is amended to read:

17 "13-1-184. ASSISTANCE TO SMALL BUSINESS--POLICY--
18 EXCLUSIVE PROCUREMENTS AUTHORIZED.--

19 A. It shall be the policy of this state to
20 encourage small businesses to do business with state agencies
21 and local public bodies.

22 B. The state purchasing agent or a central
23 purchasing office may design procurements to exclusively
24 receive proposals, bids or responses from small businesses."

25 SECTION 21. Section 13-1-187 NMSA 1978 (being Laws 1984,

1 Chapter 65, Section 160) is amended to read:

2 "13-1-187. SMALL BUSINESS--NEW MEXICO BUSINESS--REPORT TO
3 THE LEGISLATURE.--The state purchasing agent shall annually,
4 before January 1, report in writing to the legislature
5 concerning the awarding of state contracts to small businesses
6 and New Mexico businesses during the preceding fiscal year."

7 SECTION 22. Section 13-1-188 NMSA 1978 (being Laws 1984,
8 Chapter 65, Section 161, as amended) is amended to read:

9 "13-1-188. PUBLIC ACQUISITION OF AMERICAN-MADE MOTOR
10 VEHICLES REQUIRED.--A state agency shall only acquire motor
11 vehicles assembled in North America except for electric
12 vehicles, plug-in hybrid vehicles or gas-electric hybrid
13 vehicles [~~until these vehicles are assembled in North America~~];
14 provided that this section shall not apply to motor vehicles
15 used for law enforcement purposes. For the purposes of this
16 section, "motor vehicle" means a light-duty vehicle under eight
17 thousand five hundred pounds."

18 SECTION 23. Section 13-4-2 NMSA 1978 (being Laws 1984,
19 Chapter 66, Section 2, as amended) is amended to read:

20 "13-4-2. APPLICATION OF PREFERENCE.--

21 A. For the purposes of this section:

22 (1) "formal bid process" means a competitive
23 sealed bid process;

24 (2) "formal request for proposals process"
25 means a competitive sealed proposal process, including a

.219636.2

1 competitive sealed qualifications-based proposal process;

2 (3) "public body" means a department,
3 commission, council, board, committee, institution, legislative
4 body, agency, government corporation, educational institution
5 or official of the executive, legislative or judicial branch of
6 the government of the state or a political subdivision of the
7 state and the agencies, instrumentalities and institutions
8 thereof, including two-year post-secondary educational
9 institutions, school districts, local school boards and all
10 municipalities, including home-rule municipalities;

11 (4) "public works contract" means a contract
12 for construction, construction management, architectural,
13 landscape architectural, engineering, surveying or interior
14 design services;

15 (5) "resident contractor" means a person that
16 has a valid resident contractor certificate issued by the
17 taxation and revenue department pursuant to Section 13-1-22
18 NMSA 1978 but does not include a resident veteran contractor,
19 [~~and~~] resident minority contractor or resident tribal
20 contractor;

21 (6) "resident minority contractor" means a
22 person that has a valid resident minority contractor
23 certificate issued by the taxation and revenue department
24 pursuant to Section 13-1-22 NMSA 1978;

25 (7) "resident tribal contractor" means a

1 person that has a valid resident tribal contractor certificate
 2 issued by the taxation and revenue department pursuant to
 3 Section 13-1-22 NMSA 1978; and

4 ~~[(6)]~~ (8) "resident veteran contractor" means
 5 a person that has a valid resident veteran contractor
 6 certificate issued by the taxation and revenue department
 7 pursuant to Section 13-1-22 NMSA 1978.

8 B. For the purpose of awarding a public works
 9 contract using a formal bid process, a public body shall deem a
 10 bid submitted by a

11 ~~[(1) resident contractor to be five percent~~
 12 ~~lower than the bid actually submitted; or~~

13 ~~(2)]~~ resident contractor, resident minority
 14 contractor, resident tribal contractor or resident veteran
 15 contractor [with annual gross revenues of up to three million
 16 dollars (\$3,000,000) in the preceding tax year] to be ten
 17 percent lower than the bid actually submitted.

18 C. When a public body awards a contract using a
 19 formal request for proposals process, not including contracts
 20 awarded on a point-based system, the public body shall award an
 21 additional

22 ~~[(1) five percent of the total weight of all~~
 23 ~~the factors used in evaluating the proposals to a resident~~
 24 ~~contractor; or~~

25 ~~(2)]~~ ten percent of the total weight of all the

.219636.2

1 factors used in evaluating the proposals to a resident
2 contractor, resident minority contractor, resident tribal
3 contractor or resident veteran contractor [~~that has annual~~
4 ~~gross revenues of up to three million dollars (\$3,000,000) in~~
5 ~~the preceding tax year~~].

6 D. When a public body makes a purchase using a
7 formal request for proposals process, and the contract is
8 awarded based on a point-based system, the public body shall
9 award an additional of the equivalent of

10 [~~(1) five percent of the total possible points~~
11 ~~to a resident contractor; or~~

12 ~~(2)] ten percent of the total possible points~~
13 to a resident contractor, resident minority contractor,
14 resident tribal contractor or resident veteran contractor [~~that~~
15 ~~has annual gross revenues of up to three million dollars~~
16 ~~(\$3,000,000) in the preceding tax year~~].

17 E. When a joint bid or joint proposal is submitted
18 by a combination of resident veteran, resident, resident
19 minority, resident tribal or nonresident contractors, the
20 preference provided pursuant to Subsection B, C or D of this
21 section shall be calculated in proportion to the percentage of
22 the contract, based on the dollar amount of the goods or
23 services provided under the contract, that will be performed by
24 each contractor as specified in the joint bid or joint
25 proposal.

.219636.2

1 ~~[F. A resident veteran contractor shall not benefit~~
 2 ~~from the preference pursuant to this section for more than ten~~
 3 ~~consecutive years. A person that is an owner of a business~~
 4 ~~that is a resident veteran contractor shall not benefit from~~
 5 ~~the preference pursuant to this section for more than ten~~
 6 ~~consecutive years. A person shall not benefit from the~~
 7 ~~provisions of this section based on more than one business~~
 8 ~~concurrently.~~

9 ~~G.]~~ F. A public body shall not award a contractor
 10 ~~[both a resident contractor preference and a resident veteran~~
 11 ~~contractor preference] more than one preference.~~

12 ~~[H.]~~ G. The procedures provided in Sections
 13 13-1-172 through 13-1-183 NMSA 1978 or in an applicable
 14 purchasing ordinance apply to a protest to a public body
 15 concerning the awarding of a contract in violation of this
 16 section."

17 **SECTION 24. REPEAL.**--Laws 2012, Chapter 56, Section 4 and
 18 Laws 2015, Chapter 73, Section 25 are repealed.

19 **SECTION 25. EFFECTIVE DATE.**--The effective date of the
 20 provisions of this act is July 1, 2021.