

LFC Requester:	Simon
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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/31/2025
Bill No: SB 206

Sponsor: Padilla, Lindstrom, Garratt
Short Title: Procurement Changes

Agency Name and Code Commission of Public Records 36900
Number: _____
Person Writing Matthew Ortiz
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	n/a	
0	0		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	n/a	

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	n/a	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 206 amends the procurement code definitions by: increasing the amount for a ‘local public works project’ and ‘state public works project’ and adding a ‘public-private development partnership agreement’ and ‘best obtainable price’. It sets out requirements for procurement officials for agencies. The bill also increases various thresholds, for example: \$100,000 from \$10,000 the threshold for exemptions for ‘magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases’; \$10,000 from \$1,500 the threshold for exclusions through the state procurement agent for small purchases; \$100,000 from \$20,000 the threshold for sending copies of notice or invitation to bids to businesses that have interest in submitting bids; \$100,000 from \$60,000 the threshold for tangible personal property and professional services for central purchasing office; and \$60,000 from \$20,000 the threshold for a state agency or local public body to procure tangible personal property.

The bill also changes certain requirements for procurement process, for example: changing the posting for a sole source contract from 30 days to 15 days for state purchasing agent of its notice of intent to award; requiring the notice of invitation to bid from one to two newspapers of general circulation or by posting invitation or notice on state purchasing website; changing the invitation to bid from 10 days to three calendar days; and setting forth who is the ‘responsible individual’ and what are responsibilities with respect to architectural, landscape architectural, engineering or surveying services.

The bill also includes within exceptions the categories of: early childhood education and care department (“ECECD”) contracts with licensed child care businesses, contracts to replace capital licenses that provide enterprise services, digitalization of state or federal records, real estate appraisals or survey contracts, and slots for child care assistance for eligible families through ECECD.

FISCAL IMPLICATIONS

NFI for the agency.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be

reported in this section.

SIGNIFICANT ISSUES

By adding an exception to procurement code for digitation of federal or state records, proposed Subsection KK (p.12 of the bill), there is a potential for abuse regarding this exception due to a lack of accountability. This exception provides for no oversight over contracts entered into by general services department, unless the vendor is listed on the SWPA.

By changing the threshold for exclusions through the state procurement agent for small purchases to \$10,000 from \$1,500, there is a potential for abuse due to a lack of accountability by the oversight agency (department of finance and administration). Quotes are currently not required to be uploaded to SHARE for purchases under \$1,500. The assumption would be that this lack of requiring quotes would apply to higher \$10,000 threshold.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS