

1 SENATE BILL 206

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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5 and Pete Campos
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10 AN ACT

11 RELATING TO PROCUREMENT; AMENDING DEFINITIONS TO INCREASE
12 MINIMUM AMOUNTS FOR CERTAIN LOCAL PUBLIC WORKS PROJECTS AND
13 CERTAIN STATE PUBLIC WORKS PROJECTS; ADDING THE DEFINITION OF
14 "PUBLIC-PRIVATE PARTNERSHIP AGREEMENT" TO THE PROCUREMENT CODE;
15 REQUIRING STATE AGENCIES AND LOCAL PUBLIC BODIES TO PROVIDE UP
16 TO TWO NAMES FOR CHIEF PROCUREMENT OFFICERS; REQUIRING THAT A
17 CHIEF PROCUREMENT OFFICER CERTIFICATION PROGRAM BE MAINTAINED
18 BY THE STATE PURCHASING AGENT; ALLOWING APPROVED CONTINUING
19 EDUCATION UNITS TO BE USED FOR RECERTIFICATION; DEFINING
20 "CONTINUING EDUCATION UNITS"; INCREASING EXEMPTION MAXIMUM
21 AMOUNTS FOR CERTAIN PURCHASES; ALLOWING THE EARLY CHILDHOOD
22 EDUCATION AND CARE DEPARTMENT TO CONTRACT FOR CHILD CARE
23 SERVICES; ADDING EXEMPTIONS FOR INFORMATION TECHNOLOGY
24 ENTERPRISE SERVICES CAPITAL EQUIPMENT AND SOFTWARE CONTRACTS;
25 EXEMPTING CONTRACTS FOR DIGITIZING STATE OR FEDERAL RECORDS AND

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1 FOR APPRAISALS AND SURVEYS FOR PURCHASING REAL PROPERTY;
2 INCREASING SMALL PURCHASES AMOUNTS EXCLUDED FROM CENTRAL
3 PURCHASING; EXCLUDING CERTAIN SOLE SOURCE CONTRACTS FROM
4 CENTRAL PURCHASING FOR AGENCIES WITH A CERTIFIED PROCUREMENT
5 OFFICER AND ALLOWING THOSE CONTRACTS TO BE FOR TERMS LONGER
6 THAN ONE YEAR; CHANGING INVITATION FOR BIDS POSTING AND
7 PUBLICATION REQUIREMENTS AND EXPENDITURE AMOUNTS; PROVIDING FOR
8 MODIFICATION OR WITHDRAWAL NOTICES OF BIDS CONTAINING MISTAKES;
9 REQUIRING THAT PROFESSIONAL SERVICES CONTRACTS BE REVIEWED BY
10 THE STATE PURCHASING AGENT OR A GENERAL SERVICES DEPARTMENT
11 DESIGNEE; IDENTIFYING THE RESPONSIBLE INDIVIDUALS FOR
12 MANAGEMENT AND NEGOTIATIONS FOR CERTAIN QUALIFICATIONS-BASED
13 CONTRACTS; INCREASING THE AMOUNT FOR CERTAIN PURCHASES BY A
14 CENTRAL PURCHASING AGENT; ALLOWING STATE AGENCIES OR LOCAL
15 PUBLIC BODIES TO ISSUE CERTAIN DIRECT PURCHASE ORDERS; CHANGING
16 CERTAIN INTENT TO AWARD SOLE SOURCE CONTRACT REQUIREMENTS;
17 REQUIRING COST OR PRICING DATA BY PROSPECTIVE CONTRACTORS FOR
18 COMPETITIVE SEALED BIDS OR REQUESTS FOR PROPOSALS; INCREASING
19 MAXIMUM TERMS FOR PROFESSIONAL SERVICES CONTRACTS TO EIGHT
20 YEARS.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 13-1-66.1 NMSA 1978 (being Laws 1989,
24 Chapter 69, Section 4, as amended) is amended to read:

25 "13-1-66.1. DEFINITION--LOCAL PUBLIC WORKS PROJECT.--

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1 "Local public works project" means a project of a local public
2 body that uses architectural or engineering services requiring
3 professional services costing [~~fifty thousand dollars~~
4 ~~(\$50,000)~~] one hundred thousand dollars (\$100,000) or more or
5 landscape architectural or surveying services requiring
6 professional services costing ten thousand dollars (\$10,000) or
7 more, excluding applicable state and local gross receipts
8 taxes."

9 SECTION 2. A new section of the Procurement Code, Section
10 13-1-66.2 NMSA 1978, is enacted to read:

11 "13-1-66.2. [NEW MATERIAL] DEFINITION--PUBLIC-PRIVATE
12 PARTNERSHIP AGREEMENT.--"Public-private partnership agreement"
13 means an agreement between at least one public partner and one
14 private partner in which the public partner accepts a private
15 contribution to the research, development, design,
16 construction, financing, implementation, operation or
17 maintenance of any public asset or public benefit."

18 SECTION 3. A new section of the Procurement Code is
19 enacted to read:

20 "[NEW MATERIAL] DEFINITION--BEST OBTAINABLE PRICE.--"Best
21 obtainable price" means the price at which services or goods
22 can be purchased that is most advantageous to the purchasing
23 entity. The "best obtainable price" can be found by obtaining
24 quotes or by other appropriate methods."

25 SECTION 4. Section 13-1-91 NMSA 1978 (being Laws 1984,
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1 Chapter 65, Section 64, as amended by Laws 2007, Chapter 312,
2 Section 4 and by Laws 2007, Chapter 315, Section 2) is amended
3 to read:

4 "13-1-91. DEFINITION--STATE PUBLIC WORKS PROJECT.--"State
5 public works project" means a project of a state agency, not
6 including projects of the state educational institutions, the
7 supreme court building commission, the legislature or local
8 public bodies, that uses architectural or engineering services
9 requiring professional services costing [~~fifty thousand dollars~~
10 ~~(\$50,000)~~] one hundred thousand dollars (\$100,000) or more,
11 [~~or~~] including landscape architectural or surveying services
12 requiring professional services [~~costing ten thousand dollars~~
13 ~~(\$10,000) or more~~], excluding applicable state and local gross
14 receipts taxes."

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

17 "13-1-95.2. CHIEF PROCUREMENT OFFICERS--REPORTING
18 REQUIREMENT--TRAINING--CERTIFICATION.--

19 A. [~~On or before January 1 of each year beginning~~
20 ~~in 2014~~] Each year before expiration of certification, and
21 every time a chief procurement officer is hired, each state
22 agency and local public body shall provide to the state
23 purchasing agent [~~the name of~~] no more than two names of
24 certified chief procurement officers for the state agency's or
25 local public body's chief procurement [~~officer~~] officers and

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1 information identifying the state agency's or local public
2 body's central purchasing office, if applicable.

3 B. The state purchasing agent shall maintain a list
4 of the names of the chief procurement officers reported to the
5 state purchasing agent by state agencies and local public
6 bodies. The state purchasing agent shall make the list of
7 chief procurement officers available to the public through the
8 [~~web site~~] website of the purchasing division of the general
9 services department and in any other appropriate form.

10 C. The state purchasing agent shall offer a
11 certification training program for chief procurement officers
12 each year.

13 D. [~~On or before January 1, 2015~~] The state
14 purchasing agent shall [~~establish~~] maintain a certification
15 program for chief procurement officers that includes initial
16 certification and recertification every two years for all chief
17 procurement officers. In order to be recertified, a chief
18 procurement officer shall pass a recertification examination
19 approved by the secretary of general services or obtain sixteen
20 continuing education units approved by the secretary. As used
21 in this subsection, one contact hour is equal to one continuing
22 education unit and a "continuing education unit" means any
23 approved public procurement course or participation in the
24 evaluation and scoring of a request for proposal that is for an
25 entity other than the entity of the chief procurement officer

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1 requesting the recertification.

2 E. [~~On and after July 1, 2015~~] Only certified chief
3 procurement officers may do the following, except that persons
4 using procurement cards may continue to issue purchase orders
5 and authorize small purchases:

6 (1) make determinations, including
7 determinations regarding exemptions, pursuant to the
8 Procurement Code;

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

11 (3) approve procurement pursuant to the
12 Procurement Code."

13 SECTION 6. Section 13-1-98 NMSA 1978 (being Laws 1984,
14 Chapter 65, Section 71, as amended by Laws 2023, Chapter 149,
15 Section 2 and by Laws 2023, Chapter 174, Section 1) is amended
16 to read:

17 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
18 provisions of the Procurement Code shall not apply to:

19 A. procurement of items of tangible personal
20 property or services by a state agency or a local public body
21 from a state agency, a local public body or external
22 procurement unit except as otherwise provided in Sections
23 13-1-135 through 13-1-137 NMSA 1978;

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

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1 C. printing and duplicating contracts involving
2 materials that are required to be filed in connection with
3 proceedings before administrative agencies or state or federal
4 courts;

5 D. purchases of publicly provided or publicly
6 regulated gas, electricity, water, sewer and refuse collection
7 services;

8 E. purchases of books, periodicals, instructional
9 materials and training materials in printed, digital or
10 electronic format from the publishers, designated public-
11 education-department-approved instructional material
12 depositories or copyright holders thereof and purchases of
13 print, digital or electronic format library materials by
14 public, school and state libraries for access by the public;

15 F. travel or shipping by common carrier or by
16 private conveyance or to meals and lodging;

17 G. purchase of livestock at auction rings or to the
18 procurement of animals to be used for research and
19 experimentation or exhibit;

20 H. contracts with businesses for public school
21 transportation services;

22 I. procurement of tangible personal property or
23 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
24 by the corrections industries division of the corrections
25 department pursuant to rules adopted by the corrections

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1 industries commission, which shall be reviewed by the
2 purchasing division of the general services department prior to
3 adoption;

4 J. purchases not exceeding [~~ten thousand dollars~~
5 ~~(\$10,000)~~] one hundred thousand dollars (\$100,000) consisting
6 of magazine subscriptions, web-based or electronic
7 subscriptions, conference registration fees and other similar
8 purchases, but not including software licenses or maintenance
9 agreements, where prepayments are required;

10 K. municipalities having adopted home rule charters
11 and having enacted their own purchasing ordinances;

12 L. the issuance, sale and delivery of public
13 securities pursuant to the applicable authorizing statute, with
14 the exception of bond attorneys and general financial
15 consultants;

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

20 N. contracts for maintenance of grounds and
21 facilities at highway rest stops and other employment
22 opportunities, excluding those intended for the direct care and
23 support of persons with handicaps, entered into by state
24 agencies with private, nonprofit, independent contractors who
25 provide services to persons with handicaps;

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1 O. contracts and expenditures for services or items
2 of tangible personal property to be paid or compensated by
3 money or other property transferred to New Mexico law
4 enforcement agencies by the United States department of justice
5 drug enforcement administration;

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

8 Q. contracts with professional entertainers;

9 R. contracts and expenditures for legal
10 subscription and research services and litigation expenses in
11 connection with proceedings before administrative agencies or
12 state or federal courts, including experts, mediators, court
13 reporters, process servers and witness fees, but not including
14 attorney contracts;

15 S. contracts for service relating to the design,
16 engineering, financing, construction and acquisition of public
17 improvements undertaken in improvement districts pursuant to
18 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
19 improvement districts pursuant to Subsection L of Section
20 4-55A-12.1 NMSA 1978;

21 T. works of art for museums or for display in
22 public buildings or places;

23 U. contracts entered into by a local public body
24 with a person, firm, organization, corporation or association
25 or a state educational institution named in Article 12, Section
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1 ll of the constitution of New Mexico for the operation and
2 maintenance of a hospital pursuant to Chapter 3, Article 44
3 NMSA 1978, lease or operation of a county hospital pursuant to
4 the Hospital Funding Act or operation and maintenance of a
5 hospital pursuant to the Special Hospital District Act;

6 V. purchases of advertising in all media, including
7 radio, television, print and electronic, but does not include
8 marketing purchases;

9 W. purchases of promotional goods intended for
10 resale by the tourism department;

11 X. procurement of printing, publishing and
12 distribution services for materials produced and intended for
13 resale by the cultural affairs department;

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

24 Z. procurement of services from community
25 rehabilitation programs or qualified individuals pursuant to

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1 the State Use Act;

2 AA. purchases of products or services for eligible
3 persons with disabilities pursuant to the federal
4 Rehabilitation Act of 1973;

5 BB. procurement, by either the department of health
6 or Grant county or both, of tangible personal property,
7 services or construction that are exempt from the Procurement
8 Code pursuant to Section 9-7-6.5 NMSA 1978;

9 CC. contracts for investment advisory services,
10 investment management services or other investment-related
11 services entered into by the educational retirement board, the
12 state investment officer or the retirement board created
13 pursuant to the Public Employees Retirement Act;

14 DD. the purchase for resale by the state fair
15 commission of feed and other items necessary for the upkeep of
16 livestock;

17 EE. contracts entered into by the crime victims
18 reparation commission to distribute federal grants to assist
19 victims of crime, including grants from the federal Victims of
20 Crime Act of 1984 and the federal Violence Against Women Act of
21 1994;

22 FF. procurement by or through the early childhood
23 education and care department of early pre-kindergarten and
24 pre-kindergarten services purchased pursuant to the
25 Pre-Kindergarten Act;

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1 GG. procurement of services of commissioned
2 advertising sales representatives for New Mexico magazine;

3 HH. contracts entered into by the forestry division
4 of the energy, minerals and natural resources department to
5 distribute federal grants to nongovernmental entities and
6 individuals selected through an application process conducted
7 by the United States department of agriculture, the United
8 States department of the interior or any division or bureau
9 thereof for programs for wildfire prevention or protection,
10 urban forestry, forest and watershed restoration and
11 protection, reforestation or economic development projects to
12 advance the use of trees and wood biomass for hazardous fuel
13 reduction; [~~and~~]

14 II. contracts entered into by the early childhood
15 education and care department with licensed child care
16 businesses;

17 JJ. contracts to acquire and replace capital
18 licenses used to provide enterprise services pursuant to
19 Section 9-27-11 NMSA 1978;

20 KK. contracts for the digitization of state or
21 federal records;

22 LL. contracts for appraisals or surveys for the
23 sale or purchase of real property;

24 MM. slots for child care assistance for eligible
25 families procured by or through the early childhood education

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1 and care department; and

2 [~~II.~~] NN. procurements exempt from the Procurement
3 Code as otherwise provided by law."

4 SECTION 7. Section 13-1-99 NMSA 1978 (being Laws 1984,
5 Chapter 65, Section 72, as amended) is amended to read:

6 "13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE
7 STATE PURCHASING AGENT.--Excluded from the requirement of
8 procurement through the state purchasing agent but not from the
9 requirements of the Procurement Code are the following:

10 A. procurement of professional services;

11 B. small purchases having a value not exceeding
12 [~~one thousand five hundred dollars (\$1,500)] ten thousand
13 dollars (\$10,000);~~

14 C. emergency procurement;

15 D. procurement of highway construction or
16 reconstruction by the department of transportation;

17 E. procurement by the judicial branch of state
18 government;

19 F. procurement by the legislative branch of state
20 government;

21 G. procurement by the boards of regents of state
22 educational institutions named in Article 12, Section 11 of the
23 constitution of New Mexico;

24 H. procurement by the state fair commission of
25 tangible personal property, services and construction under

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1 twenty thousand dollars (\$20,000);

2 I. purchases of instructional materials;

3 J. procurement by all local public bodies;

4 K. procurement by regional education cooperatives;

5 L. procurement by charter schools;

6 M. procurement by each state health care

7 institution that provides direct patient care and that is, or a
8 part of which is, medicaid certified and participating in the
9 New Mexico medicaid program; and

10 N. procurement by the public school facilities
11 authority."

12 SECTION 8. Section 13-1-104 NMSA 1978 (being Laws 1984,
13 Chapter 65, Section 77, as amended) is amended to read:

14 "13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE.--

15 A. An invitation for bids or a notice thereof shall
16 be published not less than ~~[ten]~~ three calendar days prior to
17 the date set forth for the opening of bids. In the case of
18 purchases made by the state purchasing agent, the invitation or
19 notice shall be published at least once in at least ~~[three]~~ two
20 newspapers of general circulation in this state ~~[in addition,~~
21 ~~an invitation or notice may be published electronically]~~ or by
22 posting the invitation or notice on the state purchasing
23 agent's ~~[web site that is maintained for that purpose]~~ website.
24 In the case of purchases made by other central purchasing
25 offices, the invitation or notice shall be published at least

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1 once in a newspaper of general circulation in the area in which
2 the central purchasing office is located. These requirements
3 of publication are in addition to any other procedures that may
4 be adopted by central purchasing offices to notify prospective
5 bidders that bids will be received, including publication in a
6 trade journal, if available. If there is no newspaper of
7 general circulation in the area in which the central purchasing
8 office is located, such other notice may be given as is
9 commercially reasonable.

10 B. Central purchasing offices shall send copies of
11 the notice or invitation for bids involving the expenditure of
12 more than [~~twenty thousand dollars (\$20,000)~~] one hundred
13 thousand dollars (\$100,000) to those businesses that have
14 signified in writing an interest in submitting bids for
15 particular categories of items of tangible personal property,
16 construction and services and that have paid any required fees.
17 A central purchasing office may set different registration fees
18 for different categories of services, construction or items of
19 tangible personal property, but such fees shall be related to
20 the actual, direct cost of furnishing copies of the notice or
21 invitation for bids to the prospective bidders. The fees shall
22 be used exclusively for the purpose of furnishing copies of the
23 notice or invitation for bids of proposed procurements to
24 prospective bidders.

25 C. A central purchasing office may satisfy the

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1 requirement of sending copies of a notice or invitation for
2 bids by distributing the documents to prospective bidders
3 through electronic media. Central purchasing offices shall not
4 require that prospective bidders receive a notice or invitation
5 for bids through electronic media.

6 D. As used in this section, "prospective bidders"
7 includes persons considering submission of a bid as a general
8 contractor for the construction contract and persons who may
9 submit bids to a general contractor for work to be
10 subcontracted pursuant to the construction contract. Central
11 purchasing offices shall make copies of invitations for bids
12 for construction contracts available to prospective bidders. A
13 central purchasing office may require prospective bidders who
14 have requested documents for bid on a construction contract to
15 pay a deposit for a copy of the documents for bid. The deposit
16 shall equal the full cost of reproduction and delivery of the
17 documents for bid. The deposit, less delivery charges, shall
18 be refunded if the documents for bid are returned in usable
19 condition within the time limits specified in the documents for
20 bid, which time limits shall be no less than ten calendar days
21 from the date of the bid opening. All forfeited deposits shall
22 be credited to the funds of the applicable central purchasing
23 office."

24 SECTION 9. Section 13-1-106 NMSA 1978 (being Laws 1984,
25 Chapter 65, Section 79) is amended to read:

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1 "13-1-106. COMPETITIVE SEALED BIDS--CORRECTION OR
2 WITHDRAWAL OF BIDS.--

3 A. A bid containing a mistake discovered before bid
4 opening may be modified or withdrawn by a bidder prior to the
5 time set for bid opening by delivering written or [~~telegraphic~~]
6 electronic notice to the procurement manager or the individual
7 identified for notices in the request for proposals, rather
8 than the location designated in the invitation for bids as the
9 place where bids are to be received. After bid opening, no
10 modifications in bid prices or other provisions of bids shall
11 be permitted. A low bidder alleging a material mistake of fact
12 [~~which~~] that makes [~~his~~] the low bid nonresponsive may be
13 permitted to withdraw [~~its~~] the low bid if:

14 (1) the mistake is clearly evident on the face
15 of the bid document; or

16 (2) the low bidder submits evidence [~~which~~]
17 that clearly and convincingly demonstrates that a mistake was
18 made.

19 B. Any decision by a procurement officer to permit
20 or deny the withdrawal of a bid on the basis of a mistake
21 contained [~~therein~~] in the bid shall be supported by a
22 determination setting forth the grounds for the decision."

23 SECTION 10. Section 13-1-118 NMSA 1978 (being Laws 1984,
24 Chapter 65, Section 91, as amended) is amended to read:

25 "13-1-118. COMPETITIVE SEALED PROPOSALS--PROFESSIONAL
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1 SERVICES CONTRACTS--CONTRACT REVIEW.--All contracts for
2 professional services with state agencies shall be reviewed as
3 to form, legal sufficiency and budget requirements by the state
4 purchasing agent or a designee of the general services
5 department if required by the [~~regulations~~] rules of the
6 department. This section does not apply to contracts entered
7 into by the legislative branch of state government, the
8 judicial branch of state government or the boards of regents of
9 state educational institutions named in Article 12, Section 11
10 of the constitution of New Mexico."

11 SECTION 11. Section 13-1-122 NMSA 1978 (being Laws 1984,
12 Chapter 65, Section 95, as amended) is amended to read:

13 "13-1-122. COMPETITIVE SEALED QUALIFICATIONS-BASED
14 PROPOSALS--RESPONSIBLE INDIVIDUAL--AWARD OF ARCHITECT,
15 ENGINEERING, LANDSCAPE ARCHITECT AND SURVEYING CONTRACTS.--

16 A. As used in this section, "responsible
17 individual" means:

18 (1) the director of the facilities management
19 division of the general services department or a designee of
20 that division;

21 (2) the secretary or [~~his~~] the secretary's
22 designee [~~or~~];

23 (3) the secretary of [~~the highway and~~]
24 transportation [~~department~~] or [~~his~~] that secretary's designee;

25 (4) the secretary of cultural affairs or that

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1 secretary's designee; or

2 (5) a designee of a local public body.

3 B. The responsible individual shall negotiate a
4 contract with the highest qualified business for the
5 architectural, landscape architectural, engineering or
6 surveying services at compensation determined in writing to be
7 fair and reasonable. In making this decision, the [~~secretary~~
8 ~~or his designee or the designee of a local public body~~]
9 responsible individual shall take into account the estimated
10 value of the services to be rendered and the scope, complexity
11 and professional nature of the services. Should the [~~secretary~~
12 ~~or his designee or the designee of a local public body~~]
13 responsible individual be unable to negotiate a satisfactory
14 contract with the business considered to be the most qualified
15 at a price determined to be fair and reasonable, negotiations
16 with that business shall be formally terminated. The
17 [~~secretary or his designee or the designee of a local public~~
18 ~~body~~] responsible individual shall then undertake negotiations
19 with the second most qualified business. Failing accord with
20 the second most qualified business, the [~~secretary or his~~
21 ~~designee or a designee of a local public body~~] responsible
22 individual shall formally terminate negotiations with that
23 business. The [~~secretary or his designee or the designee of~~
24 ~~the local public body~~] responsible individual shall then
25 undertake negotiations with the third most qualified business.

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1 Should the ~~[secretary or his designee or a designee of a local~~
2 ~~public body]~~ responsible individual be unable to negotiate a
3 contract with any of the businesses selected by the committee,
4 additional businesses shall be ranked in order of their
5 qualifications and the ~~[secretary or his designee or the~~
6 ~~designee of a local public body]~~ responsible individual shall
7 continue negotiations in accordance with this section until a
8 contract is signed with a qualified business or the procurement
9 process is terminated and a new request for proposals is
10 initiated. ~~[The secretary or the representative of a local~~
11 ~~public body]~~ If a contract is awarded, the responsible
12 individual shall publicly announce the business selected for
13 award."

14 SECTION 12. Section 13-1-125 NMSA 1978 (being Laws 1984,
15 Chapter 65, Section 98, as amended) is amended to read:

16 "13-1-125. SMALL PURCHASES.--

17 A. A central purchasing office shall procure
18 services, construction or items of tangible personal property
19 having a value not exceeding ~~[sixty thousand dollars (\$60,000)]~~
20 one hundred thousand dollars (\$100,000), excluding applicable
21 state and local gross receipts taxes, in accordance with the
22 applicable small purchase rules adopted by the secretary, a
23 local public body or a central purchasing office that has the
24 authority to issue rules.

25 B. Notwithstanding the requirements of Subsection A

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1 of this section, a central purchasing office may procure
2 professional services having a value not exceeding [~~sixty~~
3 ~~thousand dollars (\$60,000)~~] one hundred thousand dollars
4 (\$100,000), excluding applicable state and local gross receipts
5 taxes, except for the services of landscape architects or
6 surveyors for state public works projects or local public works
7 projects, in accordance with professional services procurement
8 rules promulgated by the general services department or a
9 central purchasing office with the authority to issue rules.

10 C. Notwithstanding the requirements of Subsection A
11 of this section, a state agency or a local public body may
12 procure services, construction or items of tangible personal
13 property having a value not exceeding [~~twenty thousand dollars~~
14 ~~(\$20,000)~~] sixty thousand dollars (\$60,000), excluding
15 applicable state and local gross receipts taxes, by issuing a
16 direct purchase order to a contractor based upon the best
17 obtainable price.

18 D. Procurement requirements shall not be
19 artificially divided so as to constitute a small purchase under
20 this section."

21 SECTION 13. Section 13-1-126.1 NMSA 1978 (being Laws
22 2013, Chapter 40, Section 6, as amended) is amended to read:

23 "13-1-126.1. SOLE SOURCE CONTRACTS--NOTICE--PROTEST.--

24 A. At least [~~thirty~~] fifteen days before it awards
25 a sole source contract, the state purchasing agent shall post

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1 notice of its intent to award the contract on its website. At
2 least thirty days before it awards a sole source contract, a
3 central purchasing office shall post notice of its intent to
4 award the contract on its website, if it maintains one, and
5 shall transmit the notice to the state purchasing agent for
6 posting on the state purchasing agent's website. In each case,
7 the notice shall identify, at a minimum:

- 8 (1) the parties to the proposed contract;
- 9 (2) the nature and quantity of the service,
10 construction or item of tangible personal property being
11 contracted for; and
- 12 (3) the contract amount.

13 B. Any qualified potential contractor that was not
14 selected for a proposed sole source contract may protest the
15 selection in writing, within fifteen calendar days after the
16 notice of intent to award the contract was posted by the state
17 purchasing agent or central purchasing office, by submitting
18 the protest to the state purchasing agent or central purchasing
19 office, as appropriate. The state purchasing agent or central
20 purchasing office shall then reconsider its selection."

21 SECTION 14. Section 13-1-138 NMSA 1978 (being Laws 1984,
22 Chapter 65, Section 111) is amended to read:

23 "13-1-138. COST OR PRICING DATA REQUIRED.--When required
24 by the state purchasing agent or a central purchasing office, a
25 prospective contractor shall submit cost or pricing data when

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1 the contract is expected to exceed [~~twenty-five thousand~~
2 ~~dollars (\$25,000)~~] sixty thousand dollars (\$60,000) and is to
3 be awarded by [~~a method other than~~] competitive sealed [~~bids~~]
4 bid or request for proposals."

5 SECTION 15. Section 13-1-150 NMSA 1978 (being Laws 1984,
6 Chapter 65, Section 123, as amended) is amended to read:

7 "13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

8 A. A multi-term contract for items of tangible
9 personal property, construction or services except for
10 professional services, in an amount under twenty-five thousand
11 dollars (\$25,000), may be entered into for any period of time
12 deemed to be in the best interests of the state agency or a
13 local public body not to exceed four years; provided that the
14 term of the contract and conditions of renewal or extension, if
15 any, are included in the specifications and funds are available
16 for the first fiscal period at the time of contracting. If the
17 amount of the contract is twenty-five thousand dollars
18 (\$25,000) or more, the term shall not exceed ten years,
19 including all extensions and renewals, except that for a
20 contract entered into pursuant to the Public Facility Energy
21 Efficiency and Water Conservation Act, the term shall not
22 exceed twenty-five years, including all extensions and
23 renewals. Payment and performance obligations for succeeding
24 fiscal periods shall be subject to the availability and
25 appropriation of funds therefor.

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1 B. A contract for professional services may not
2 exceed ~~[four]~~ eight years, including all extensions and
3 renewals, except for the following:

4 (1) services required to support or operate
5 federally certified medicaid, financial assistance and child
6 support enforcement management information or payment systems;

7 (2) services to design, develop or implement
8 the taxation and revenue information management systems project
9 authorized by Laws 1997, Chapter 125;

10 (3) a multi-term contract for the services of
11 trustees, escrow agents, registrars, paying agents, letter of
12 credit issuers and other forms of credit enhancement and other
13 similar services, excluding bond attorneys, underwriters and
14 financial advisors with regard to the issuance, sale and
15 delivery of public securities, may be for the life of the
16 securities or as long as the securities remain outstanding;

17 (4) services relating to the implementation,
18 operation and administration of the Education Trust Act;

19 (5) services relating to measurement and
20 verification of conservation-related cost savings and utility
21 cost savings pursuant to the Public Facility Energy Efficiency
22 and Water Conservation Act;

23 (6) services relating to the design and
24 engineering of a state public works project:

25 (a) for a period not to exceed the

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1 requisite time for project completion and a subsequent warranty
2 period; and

3 (b) upon approval of the secretary of
4 finance and administration; ~~and~~

5 (7) services relating to the design and
6 engineering of a regional water project with an estimated cost
7 of more than five hundred million dollars (\$500,000,000):

8 (a) for a period not to exceed the
9 requisite time for project completion and a subsequent warranty
10 period; and

11 (b) upon approval of the secretary of
12 finance and administration; and

13 (8) a public-private partnership agreement.

14 C. A sole source contract shall not exceed four
15 years, including all extensions and renewals."

16 SECTION 16. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2025.

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