

1 SENATE BILL 146

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO PROCUREMENT; EXCLUDING COOPERATIVE PROCUREMENT BY  
12 STATE AGENCIES FROM THE REQUIREMENT OF PROCUREMENT THROUGH THE  
13 STATE PURCHASING AGENT; AUTHORIZING A STATE AGENCY OR LOCAL  
14 PUBLIC BODY TO JOIN AN EXISTING COOPERATIVE PROCUREMENT  
15 AGREEMENT FOR THE PROCUREMENT OF SERVICES, CONSTRUCTION OR  
16 ITEMS OF TANGIBLE PERSONAL PROPERTY.

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

21 "13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE  
22 STATE PURCHASING AGENT.--Excluded from the requirement of  
23 procurement through the state purchasing agent but not from the  
24 requirements of the Procurement Code are the following:

25 A. procurement of professional services;

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1           B. small purchases having a value not exceeding one  
2 thousand five hundred dollars (\$1,500);

3           C. emergency procurement;

4           D. procurement of highway construction or  
5 reconstruction by the department of transportation;

6           E. procurement by the judicial branch of state  
7 government;

8           F. procurement by the legislative branch of state  
9 government;

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

13          H. procurement by the state fair commission of  
14 tangible personal property, services and construction under  
15 twenty thousand dollars (\$20,000);

16          I. purchases from the instructional material fund;

17          J. procurement by all local public bodies;

18          K. procurement by regional education cooperatives;

19          L. procurement by charter schools;

20          M. procurement by each state health care  
21 institution that provides direct patient care and that is, or a  
22 part of which is, medicaid certified and participating in the  
23 New Mexico medicaid program; [and]

24          N. procurement by the public school facilities  
25 authority; and

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1                   O. procurement by a state agency of tangible  
2 personal property, services or construction in accordance with  
3 a cooperative procurement agreement pursuant to Section  
4 13-1-135 NMSA 1978."

5                   SECTION 2. Section 13-1-135 NMSA 1978 (being Laws 1984,  
6 Chapter 65, Section 108, as amended) is amended to read:

7                   "13-1-135. COOPERATIVE PROCUREMENT AUTHORIZED.--

8                   A. ~~[Any]~~ A state agency or local public body may  
9 ~~[either]~~ participate in, sponsor or administer a cooperative  
10 procurement agreement or join an existing cooperative  
11 procurement agreement for the procurement of any services,  
12 construction or items of tangible personal property with any  
13 other state agency, local public body or external procurement  
14 unit in accordance with an agreement entered into and approved  
15 by the governing authority of each of the state agencies, local  
16 public bodies or external procurement units involved. The  
17 cooperative procurement agreement shall clearly specify the  
18 purpose of the agreement and the method by which the purpose  
19 will be accomplished. Any power exercised ~~[under]~~ in  
20 accordance with a cooperative procurement agreement entered  
21 into pursuant to this subsection shall be limited to the  
22 central purchasing authority common to the contracting parties,  
23 even though one or more of the contracting parties may be  
24 located outside this state. An approved and signed copy of all  
25 cooperative procurement agreements entered into pursuant to

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1 this subsection shall be filed with the state purchasing agent.  
2 A cooperative procurement agreement entered into pursuant to  
3 this subsection is limited to the procurement of items of  
4 tangible personal property, services or construction.

5 B. Notwithstanding the provisions of Subsection A  
6 of this section, a cooperative procurement agreement providing  
7 for mutually held funds or for other terms and conditions  
8 involving public funds or property included in Section 11-1-4  
9 NMSA 1978 shall be entered into pursuant to the provisions of  
10 the Joint Powers Agreements Act.

11 C. Central purchasing offices other than the state  
12 purchasing agent may cooperate by agreement with the state  
13 purchasing agent in obtaining contracts or price agreements,  
14 and such contract or agreed prices shall apply to purchase  
15 orders subsequently issued under the agreement."