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HOUSE BILL 130

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO PROCUREMENT; REVISING THE DEFINITION OF "SMALL BUSINESS"; REQUIRING THE STATE PROCUREMENT STANDARDS AND SPECIFICATIONS COMMITTEE TO PERIODICALLY REVIEW REQUESTS FOR PROPOSALS; REVISING THE COMPOSITION OF THE COMMITTEE.

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

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

"13-1-88. DEFINITION--SMALL BUSINESS.--"Small business" means a business that is not a subsidiary or division of another business ~~[having]~~ and that has:

A. an average annual volume for the preceding three fiscal years ~~[which]~~ that does not exceed one million five hundred thousand dollars (\$1,500,000); or

B. an average number of employees for the preceding

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1 three fiscal years that does not exceed one hundred fifty."

2 SECTION 2. Section 13-1-162 NMSA 1978 (being Laws 1984,  
3 Chapter 65, Section 135) is amended to read:

4 "13-1-162. STATE PROCUREMENT STANDARDS AND SPECIFICATIONS  
5 COMMITTEE--TERMS--STAFF.--

6 A. There is created a "state procurement standards  
7 and specifications committee". The state purchasing agent is a  
8 member and the [~~chairman~~] chair of the committee.

9 B. The committee consists of [~~eleven~~] thirteen  
10 members knowledgeable in procurement procedures. In addition  
11 to the state purchasing agent, the following members shall be  
12 appointed by the secretary with the approval of the governor  
13 [~~as follows~~]:

14 (1) one representative of the [~~state highway~~]  
15 department of transportation;

16 (2) one representative of the department of  
17 health [~~and environment department~~];

18 (3) one representative of the corrections  
19 department;

20 (4) one person who is an elected county  
21 official or [~~is~~] a full-time county employee;

22 (5) one person who is an elected municipal  
23 official or [~~is~~] a full-time municipal employee;

24 (6) one person who is an elected district  
25 school board member or [~~is~~] a full-time school employee;

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1 (7) two persons representing other state  
2 departments; and

3 (8) [~~two~~] four persons representing the  
4 private sector.

5 C. The terms of all committee members are limited  
6 to the term of the governor under whom they were appointed;  
7 provided, however, that the terms of the county, municipal and  
8 district school board members are further conditioned upon  
9 their continuing service with the local governing body [~~which~~]  
10 that qualified their appointment.

11 D. The state purchasing agent shall provide the  
12 necessary staff for the committee."

13 SECTION 3. Section 13-1-163 NMSA 1978 (being Laws 1984,  
14 Chapter 65, Section 136) is amended to read:

15 "13-1-163. COMMITTEE POWERS AND DUTIES--SPECIAL  
16 COMMITTEES--ANNUAL REPORT.--

17 A. The state procurement standards and  
18 specifications committee shall prepare standards,  
19 specifications and a list of acceptable brand-name items and  
20 shall seek the advice and assistance of state agencies and  
21 local public bodies to ascertain their common and special  
22 requirements.

23 B. The committee shall meet monthly and conduct  
24 reviews of requests for proposals to identify any concerns with  
25 the preparation or contents of the requests for proposals. If

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1 the committee identifies a concern with a request for  
2 proposals, the committee shall inform the relevant agency of  
3 the committee's concern and shall provide a recommendation on  
4 how to remedy the concern.

5 ~~[B-]~~ C. The committee shall develop model  
6 specifications for all state agencies and local public bodies.

7 ~~[G-]~~ D. The committee shall assist the state  
8 purchasing agent in the preparation of rules and regulations.

9 ~~[D-]~~ E. The committee shall appoint special  
10 committees consisting of representatives of state departments,  
11 local public bodies and private industry, including technical  
12 consultants, for the study of any commodity or commodity group  
13 whenever such appointment is necessary or reasonable. The  
14 special committee shall automatically dissolve upon the  
15 completion of its specific task.

16 ~~[E-]~~ F. The committee and special committees may  
17 make use of the laboratories, engineering facilities and  
18 technical staff of any state department or agency, including  
19 educational institutions, in connection with the performance of  
20 their duties.

21 ~~[F-]~~ G. The state purchasing agent shall report  
22 annually to the secretary on the work done by the committee and  
23 its special committees and on the concerns that the committee  
24 noted in its review of requests for proposals pursuant to  
25 Subsection B of this section during the calendar year. The

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1 report shall be made available to the legislature by delivering  
2 a copy to the legislative finance committee prior to the  
3 beginning of each annual legislative session.

4 ~~[G.]~~ H. No standard, specification, acceptable brand  
5 list, rule or regulation recommended by the committee shall be  
6 construed to alter the authority of any state agency or local  
7 public body."

8 SECTION 4. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2015.