

SENATE JOINT MEMORIAL 48

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Phil A. Griego

A JOINT MEMORIAL

REQUESTING THE ATTORNEY GENERAL, THE SECRETARY OF FINANCE AND ADMINISTRATION AND THE SECRETARY OF GENERAL SERVICES TO INVESTIGATE PREDATORY PRICING PRACTICES WITHIN THE STATE AND ENSURE THAT AWARDS OF PROCUREMENT CONTRACTS NOT OVERLOOK SMALL BUSINESSES IN NEW MEXICO.

WHEREAS, New Mexico must be committed to the support, survival and growth of small businesses throughout the state; and

WHEREAS, that commitment must be expressed in the equitable and fair treatment of small businesses through the state procurement process; and

WHEREAS, the record shows that small businesses have been overlooked through the request for proposal process particularly in the area of business supplies; and

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WHEREAS, when awarding contracts the state should provide a weighted system that does not treat the small business owners of New Mexico unfairly; and

WHEREAS, the most recent awards to out-of-state vendors should be investigated for predatory pricing practices; and

WHEREAS, there has not been oversight in the contract process whereby awarded vendors are held accountable for submitting contractually required documentation, including sample purchase volume reports, and a recent investigation found a failure by state purchasing agents to monitor the awarding of contracts; and

WHEREAS, the small businesses of New Mexico have been disregarded and deeply affected by the predatory pricing practices of larger and out-of-state businesses, to the extent that many may go out of business;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the attorney general, the secretary of finance and administration and the secretary of general services investigate predatory pricing practices within the state procurement system and ensure that awards of contracts not overlook small businesses in New Mexico; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the attorney general and the secretaries of finance and administration and general services.