

1 SENATE BILL 566

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Mark Boitano

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9  
10 AN ACT

11 RELATING TO PROCUREMENT; ENACTING A NEW SECTION OF THE  
12 PROCUREMENT CODE TO REQUIRE EACH STATE AGENCY AND LOCAL PUBLIC  
13 BODY TO DEVELOP A POLICY REGARDING THE PROCUREMENT OF SERVICES  
14 FROM PERSONS WITH DISABILITIES; AMENDING THE STATE USE ACT TO  
15 PROVIDE THAT A STATE AGENCY OR LOCAL PUBLIC BODY MAY,  
16 CONSISTENT WITH ITS POLICY, PROCURE SERVICES PURSUANT TO THE  
17 PROVISIONS OF THAT ACT.

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

20 SECTION 1. A new section of the Procurement Code is  
21 enacted to read:

22 "[NEW MATERIAL] POLICY REGARDING PROCUREMENT FROM PERSONS  
23 WITH DISABILITIES.--

24 A. No later than January 1, 2012 each state agency  
25 and each local public body shall adopt a policy regarding how

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1 that state agency or local public body intends to procure  
2 services from persons with disabilities. The policy shall  
3 include targets for contracting services with persons with  
4 disabilities such as a percentage of contracts, a number of  
5 contracts, a dollar amount or other appropriate measure that  
6 the state agency or local public body intends to meet during  
7 the calendar year. The policy shall be filed with the state  
8 purchasing agent and the New Mexico council for purchasing from  
9 persons with disabilities. The policy shall also be available  
10 on the web site of the state agency or local public body if the  
11 agency or public body maintains a web site.

12 B. No later than January 1, 2013 and January 1 of  
13 each year thereafter, each state agency and each local public  
14 body shall evaluate whether the state agency or local public  
15 body followed the policy during the previous calendar year and  
16 whether the targets established in the policy for that year  
17 were met. As part of the evaluation, the state agency or local  
18 public body may amend its policy and set different targets for  
19 the current calendar year. The evaluation and amended policy  
20 shall be filed with the state purchasing agent and the New  
21 Mexico council for purchasing from persons with disabilities  
22 and posted on the state agency's or local public body's web  
23 site."

24 SECTION 2. Section 13-1C-7 NMSA 1978 (being Laws 2005,  
25 Chapter 334, Section 7) is amended to read:

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1 "13-1C-7. PROCUREMENT BY STATE AGENCIES AND LOCAL PUBLIC  
2 BODIES--COOPERATIVE AGREEMENTS.--

3 A. A state agency or local public body intending to  
4 procure a service on a list published by the council [~~shall~~]  
5 may, in accordance with rules of the council and the policy of  
6 the state agency or local public body regarding procurement of  
7 services from persons with disabilities, procure the service at  
8 the price established by the council if the service is  
9 available within the period required by the state agency or  
10 local public body. Procurement pursuant to the State Use Act  
11 is exempt from the provisions of the Procurement Code.

12 B. The council and a state agency or local public  
13 body may enter into a cooperative agreement for effective  
14 coordination of the objectives of the State Use Act and any  
15 other law requiring procurement of services from a state agency  
16 or local public body."

17 SECTION 3. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2011.