

NEW MEXICO PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** None
2. **Auto-drop:** None
3. **Life Cycle Costing (LCC):** Evaluations based on LCC may be used if stated in the IFB.
 - a. **NMAC 1.4.1.16.C** → The IFB shall set forth the evaluation criteria that will be used to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria such as discounts, transportation costs and total or life-cycle costs that will affect the bid price shall be objectively measurable. No criteria may be used in bid evaluation that are not set forth in the IFB.
 - b. **NMAC 1.4.1.24.E** → Determination of lowest bidder. Following determination of product acceptability as set forth in Subsections B, C and D of this section, if any is required, bids will be evaluated to determine which bidder offers the lowest cost to the state in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, discounts, transportation costs and ownership or life-cycle formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the state has available concerning future use
 - i. **NMAC 1.4.1.24.E.5** → Award may be determined by total or life-cycle costing if so indicated in the IFB. Lifecycle cost evaluation may take into account operative, maintenance, and money costs, other costs of ownership and usage and resale or residual value, in addition to acquisition price, in determining the lowest bid cost over the period the item will be used
4. **Piggybacking:** Allowed.
 - a. **NMAC 1.4.1.65** → The state purchasing agent or a central purchasing office may contract for services, construction, or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:
 - i. **NMAC 1.4.1.65.B** → with a business which has a current price agreement with the state purchasing agent or a central purchasing office for the item, services, or construction meeting the same standards and specifications as the items to be procured, if the following conditions are met:
 - (1) the total quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and
 - (2) the purchase order adequately identifies the price agreement relied upon.
5. **Recycle Preferences:** 10% price preference for recycled price preference, 5% if nonresident
 - a. **NM Stat. Ann. 1978 13-1-21 Sect. H** → When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for virgin content goods, the contract shall be awarded to:

- i. *a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price;*
- ii. a resident business offering a bid on recycled content goods of equal quality if:
 - (1) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and
 - (2) the lowest bid price of the resident business when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price; or
- iii. *a nonresident business or nonresident manufacturer offering recycled content goods of equal quality if:*
 - (1) *the bid price of no resident business or resident manufacturer following application of the preference allowed in Paragraph (1) or (2) of this subsection can be made sufficiently low; and*
 - (2) *the lowest bid price of a nonresident offering recycled content goods when multiplied by a factor of .95 is made lower than the otherwise low virgin content bid price.*

b. **NM Stat. Ann. 1978 13-1-21 Sect. I** → When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a nonresident business or nonresident manufacturer, the contract shall be awarded to:

- i. a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price; or
- ii. a resident business offering a bid on recycled content goods of equal quality if:
 - (1) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and
 - (2) the lowest bid price of the resident business when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price offered by a nonresident business or manufacturer

c. **NM Stat. Ann. 1978 13-1-21 Sect. J** → When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a resident business, the contract shall be awarded to a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price.

<http://www.nmonesource.com/nmpublic/gateway.dll/?f=templates&fn=default.htm> (click on NM Statutes and Court..; Statutory Chapters in NM Statutes; Chapter 13; Article 1)

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** None.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** New Mexico Administrative Code Chapter 4 (State Procurement):**

http://www.nmcpr.state.nm.us/nmac/_title01/T01C004.htm