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Date: June 8, 2020
To: All Local Public Bodies (including School Districts, Cooperative Educational Services, other cooperative purchasing entities, etc.)
From: Mark Hayden, Director and State Purchasing Agent
General Services Division, State Purchasing Division
Subject: Construction Contract reporting under HB319 & CPO Designation Certification Letter

In the 2020 Legislative Session, House Bill 319 (Laws of 2020, Chapter 66, Codified as Section 13-1-154.1 NMSA 1978) was enacted into law requiring state agencies and local public bodies to report the number of contracts and the amount of those contracts for contractors awarded under multiple source awards commencing March 4, 2020, and reporting quarterly. The statute reads, in pertinent part:

“Section 13-1-154.1.F. NMSA 1978 A state agency and a *local public body*, not including an agency of the legislative or judicial branch of state government, ***shall report to*** the legislative finance committee on an annual basis and to ***the purchasing division of the general services department on, at minimum, a quarterly basis the aggregate amount of contracts for each contractor and the corresponding amounts to be spent under each multiple source contract pursuant to this section.*** The general services department may promulgate rules regarding reporting to the department pursuant to this subsection.”

Although the statute does not explicitly mention cooperative purchasing groups, keep in mind that such groups formed by Joint Powers Agreements can only be afforded the powers and obligations of the entities creating them. Therefore, these entities act on the part of local public bodies when performing those functions (such as procurement) that have been given them by the local public bodies through the Joint Powers Agreement Act. The obligation of reporting such contract expenditures flows through to the cooperative entities in the same manner as the ability to perform the procurements would do so.

In order to facilitate all entities meeting this obligation, the State Purchasing Division (SPD) created a portal for all local public body chief procurement officers to enter this required information at:
<https://spd.gsd.state.nm.us/WebPortal/Modules/ContractsReporting/ContractsReporting.aspx>

Before any local public body chief procurement officer (CPO) may access the portal to enter data, each CPO must register with SPD by submitting a CPO Designation Certification letter to Mr. Richard Rodriguez, State Purchasing Division, 1100 St. Francis Drive, Santa Fe, New Mexico 87502. The letter must be signed by both the local public body's chief financial officer and designated CPO. Upon receipt of the executed letter, SPD will verify the information and approve the CPO registration. Access to the portal will not occur unless these steps are followed. Executive branch CPOs who have previously registered for accessing SPD's portal last year do not need to re-register.

The CPO Designation Certification letter should be sent on your local public body's stationery in the following format:

Dear Mr. Rodriguez,

This letter serves to certify that [CPO's full name] [CPO Certificate Number]
has been designated as the CPO for [Local Public Body].

[Signature of Chief Financial Officer or Other Appropriate Official]

If you have questions or need clarification, please contact the State Purchasing office at 505-827-0472.