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## POLICY M E M O R A N D U M

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Date: October 3, 2019  
To: All State Agency CPOs and CFOs  
From: Mark Hayden, State Purchasing Agent  
Subject: In-State/Out-of-State Reporting/Sole Sources/Emergencies

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A handwritten signature in black ink, appearing to read "Mark Hayden", is written over the signature line of the memorandum header.

This policy memorandum is being issued to clarify a point from an earlier memorandum.

Laws of 2019, Chapter 153 (compiled as Section 13-1-95.3 NMSA 1978) states:

***“All state agencies shall*** report annually to the purchasing division of the general services department information on the amount of state agency contracts awarded to in-state contractors and the amount awarded to out-of-state contractors.” [emphasis added]

The definition of “state agency” in the Procurement Code can be found at Section 13-1-90 NMSA 1978 and means:

“any department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of this state. “State agency” includes the purchasing division of the general services department and the state purchasing agent but does not include local public bodies.”

Given this definition of state agency and given the use of the phrase “state agency” in the newly passed legislation, it appears clear that all branches of state government (executive, judicial, and legislative) are required to report to the State Purchasing Division regarding the number of in-state and out-of-state contracts they have entered into.

State Purchasing has set up a portal for the reporting of this information and is providing webinars to instruct on how to use the portal. The prior memorandum on this subject contains further information regarding this matter as well and is attached.

Thank you for your cooperation in this matter.