

**Procurement Code [Section 13-1-1 to 13-1-99 NMSA 1978]
Professional Services Determination
Issued by The State Purchasing Division and Contract Review Bureau**

April 25, 2007

Professional Services vs. Services [Section 13-1-76 & 87, NMSA 1978]

13-1-76. Definition; Professional Services.

“Professional services” means the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or businesses providing similar professional services, which may be designated as such by a determination issued by the state purchasing agent or a central purchasing office.

13-1-87. Definition; Services

“Services” means the furnishing of labor, time, or effort by a contractor not involving the delivery of a specific end product other than reports and other materials which are merely incidental to the required performance. “Services” includes the furnishing of insurance but does not include construction or the services of employees of a state agency or a local public body.

Notes:

1. The following list of Examples of Professional Services constitutes a determination by the State Purchasing Agent(SPA) that such examples are “professional services” within the meaning of the definition set forth in Section 13-1-76 NMSA 1978. This determination is issued to guide agencies in their procurements and budget preparation.
2. An agency may feel that, because of the case-specific facts, a service listed under “Examples of Services” should, in a particular case, be considered a “Professional Service” or that a service listed under “Examples of Professional Services” should, in a particular case, be considered a “Service”. In either event, the agency should, prior to the procurement, seek a fact-specific determination from the SPA concerning the correct classification of the service in the particular case.
3. If an agency intends to procure a service that is not included in either list “Examples of Professional Services” or “Examples of Services”, that agency must obtain a determination from the SPA prior to the procurement.

Characteristics of Professional Services	Characteristics of Services
<ul style="list-style-type: none"> • Services are professional or technical in nature and meet more specialized needs. Work is predominantly intellectual and varied. • Work is independent from the day-to-day control of the agency; consultant maintains control of work methods. • Work requires regular exercise of judgment, discretion, and decision-making; involves providing advice, opinions or recommendations; may have policy-implications for agency; often addresses management-level issues. • May require advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience. • Work may be original and creative in character in arecognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination or talent. 	<ul style="list-style-type: none"> • Services are more repetitive, routine or mechanical in nature, following established or standardized procedures as contrasted with customary and regular exercise of discretion or independent judgment. • Services contribute to the day-to-day business operations of the agency, rather than the management or policy side of the agency, and may meet more general needs of the agency. • Services generally involving completion of an assigned task, rather than an entire project. • Decision-making and analysis, if required, is more routine or perfunctory in nature.

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Examples of Professional Services	Examples of Services
<ul style="list-style-type: none"> • Accountants* (certified public accountants and registered public accountants) • Actuaries • Analysts of processes, programs, fiscal impact and compliance • Appraisers • Archeologists* • Architects* • Art work, original (services creating the art work) • Audio/video media productions (design, development and/or oversight of) • Auditors • Business process re-engineering • Construction Managers* • Counselors • Curriculum/Examination development • Economists • Engineers* • Financial Advisors • Graphic designers (creative or original in nature) • Insurance Adjusters • Investigators (personnel related, etc.) • Investment advisors and management • Labor negotiators • Landscape Architects* • Lawyers* • Lobbyists • Management and system analysts* • Management consultants • Marketing consultants (including identifying market opportunities, conduct of marketing programs, planning, promotion, market research surveys, etc) • Medical arts practitioners* • Planners* • Policy Advisors • Program/Project Managers • Psychologists* • Public relations advisors/Publicists • Publication development (creation of audio/video productions, brochures, pamphlets, maps, signs, posters, annual reports, etc.) • Researchers* • Scientists* (Bio/Chem/Env/Geo/Hydro/Mech, etc) • Speech writers • Statisticians 	<ul style="list-style-type: none"> • Air/bus, vehicle charter/rental service • Auctioneers • Banking Services (routine, transaction based) • Boiler testing/water treatment service • Bookkeeping service (routine, transaction based) • Building alarm systems, service and repair • Check collection service • Clothing, textile fabrication repair service • Commercial laundry service, dry cleaning, etc. • Communications systems installation, servicing and repair • Conference and trade show coordination • Debt collection service • Delivery/courier service • Document storage, duplication, retrieval, review and destruction service • Drug testing and screening (standard tests) • Engraving service • Environmental monitoring: noise level, safety, hazardous gas detection, radiation monitoring service, etc. (using standardized processes) • Equipment installation, preventive maintenance, inspection, calibration and repair • Equipment rental services • Exams administration and scoring service • Executive recruitment • Firefighting/suppression service • Food preparation, vending and catering services • Grant writing • Health screening, basic diagnostic (wellness, blood pressure monitoring, blood draw, etc.) • Herbicide application service • Household goods packing, storage, transportation service • HVAC system maintenance service • Interpretive services: written/oral/sign language • Inventory service • Janitorial service, carpet cleaning, window washing • Laboratory testing and analysis (standard tests only) • Land clearing/debris removal service • Landscaping--tree planting, grooming service, lawn mowing, etc • Language translation service • Linen rental service • Marine equipment inspection, certification and repair • Medical equipment rental or repair service (wheel

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Examples of Professional Services	Examples of Services
<ul style="list-style-type: none"> • Surveyors* • Trade developers • Training – when it is: (a) offered to specific categories or classes of employees; (b) offered to all or most agency employees six times or less in a fiscal year 	<p>chairs, walkers, etc.) Includes measurements, adjustments and modifications to meet patient needs</p> <ul style="list-style-type: none"> • Metal/pipe/wiring detection service • Office furnishings installation, refurbishment and repair service • Package inspection and crating • Painting service • Paper shredding • Parking lot sweeping/snow removal service • Pest/weed control service • Photographic/micrographic processing and delivering, includes aerial and ground photography (if analysis is included, then personal service) • Printing/duplicating service • Process serving • Property management (rent collection, property maintenance, etc.) • Recycling/disposal/litter pickup service • Retreat and workshop planning, conduct, coordination, etc. • Security/armored car services • Shop welding/metal fabrication service • Steam cleaning, high pressure washing, parts cleaning service • Studio photography service (does not include portrait painting) • Telephone interview service (conduct of survey using prescribed survey instrument) • Towing service • Training – when it is offered on a recurring basis (more than six times per fiscal year) to all or most employees. Also includes existing satellite down-link courses and teleconferencing training services • Travel service — air, surface, water • Vehicle inspection, lubricating and repair services • Videotaping and recording service • Warehouse dry/cold storage rental service • Weather information service

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