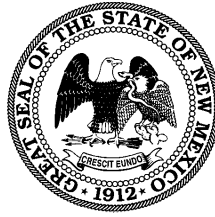


Susana Martinez  
New Mexico Governor

Ed Burckle  
Cabinet Secretary

Lawrence O. Maxwell  
State Purchasing Agent



**STATE OF NEW MEXICO**  
GENERAL SERVICES DEPARTMENT  
PURCHASING DIVISION

Administrative Services Division  
(505) 827-2000

Building Services Division  
(505) 476-2425

Property Control Division  
(505) 827-2141

Purchasing Division  
(505) 827-0472

Risk Management Division  
(505) 827-2036

State Printing & Graphic Services Bureau  
(505) 476-1950

Transportation Services Division  
(505) 827-1958

May 9, 2017

**SPD POLICY MEMO #FY17-001**

**This Policy Memo Sets Forth Guidelines for the Efficacy and Validity of Determinations**

Recently there have been several questions regarding determinations and their use. This memorandum shall serve to provide guidelines moving forward and becoming effective as of the date of this memorandum.

- 1) Determinations in regard to **professional vs. general services** received from this office in accordance with prior instructions (see the memorandum from this office dated May 13, 2016) will remain valid and effective for a period of **180 days** from the date of the email providing such determination. After 180 days or, if anything in the scope of work should change, a new determination must be acquired using the same process set forth in the May 13, 2016 memorandum.
- 2) Determinations in regard to **requests for proposals (RFPs)** shall be implemented within six months. That is, once a determination is received by an agency, the RFP must be issued within **180 days** of the date the determination is received. After 180 days or, if anything in the scope of work should change, a new determination must be acquired. Once an RFP has been issued, the timelines will be in accordance with those set forth in the actual RFP (generally 120 days from receipt of proposals to enter into a contract; however, the standard period of 120 days can be changed in the RFP in accordance with the needs of the agency).
- 3) Determinations in regard to **sole source procurements** shall also remain effective and valid for **180 days** from the date such procurements complete their thirty day posting required by law. That is, once the sole source has completed posting for the statutorily required thirty days, an agency has 180 days to enter into a contract pursuant to that particular posting. If anything should change regarding the information posted the procurement in its entirety must be re-posted. If the agency fails to enter into a contract pursuant to the sole source procurement within 180 days, the procurement must also be re-posted.
- 4) Determinations in regard to **State Use Act requirements** are valid for only **ninety (90) days**. (This reflects the potential for new services to be added to the list of services approved by the central non-profit agency which can potentially happen on a monthly basis.) After ninety days or, if anything in the scope of work should change, a new determination must be acquired.

This memorandum applies only to executive agencies and any other entities that come under the authority of the State Purchasing Agent. Thank you for your attention to this matter.

/s/ Lawrence O. Maxwell  
State Purchasing Agent