



STATE OF NEW MEXICO
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**** MEMORANDUM ****

TO: Chief Financial Officers
FROM: Paul Kippert, Contracts Review Bureau
DATE: November 26, 2012
RE: State Use Act

This memo is to confirm the Department of Finance and Administration/Contracts Review Bureau process for implementing the State Use Act (Sections 13-1C-1 through 13-1C-7 NMSA 1978) in regard to professional services contracts. There continue to be two means of complying with this Act for Agencies' contracts submitted to DFA/CRB. An Agency may:

- 1) Obtain an email from the Central Non-Profit Agency (currently Horizons of New Mexico) that states the services cannot be delivered by the CNA; **OR**
- 2) Print the list from the Central Non-Profit Agency's website which shows that the service the Agency is seeking is not posted on that list.

NOTE: If your CRB analyst believes that the scope of work does potentially come under one of the categories on Horizons of New Mexico's website, CRB reserves the right to require an email from the CNA.

It is important to note that the CNA does not provide goods but only services, both professional and general. And, further, remember that, under the State Use Act, a procurement is exempted from the provisions of the Procurement Code (so there is no RFP necessary no matter the cost of the services being obtained from the CNA).

If an Agency has a question regarding the State Use Act's implementation, the Agency should call or email the Horizons of New Mexico. Contact information appears on their website which is: www.horizonsofnewmexico.org. Thank you for your attention to this matter.