

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 1 REQUIREMENTS AND PROCEDURES GOVERNING PROCUREMENT BY
THE GAMING CONTROL BOARD

15.1.1.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[N, 9/15/98; 15.1.1.1 NMAC – Rn, 15 NMAC 1.1.1, 3/31/00]

15.1.1.2 SCOPE: This rule applies to all parties seeking to furnish property and/or services to the New Mexico Gaming Control Board and includes references to regulations and guidelines issued by the General Services Department and to Sections 13-1-74 and 13-1-93 of the Procurement Code.
[N, 9/15/98; 15.1.1.2 NMAC – Rn, 15 NMAC 1.1.2, 3/31/00]

15.1.1.3 STATUTORY AUTHORITY: Authority for this rule derives from the Gaming Control Act [Sections 60-2E-1 to 60-2E-61 NMSA 1978] and the Procurement Code [Sections 13-1-28 to 13-1-117 and 13-1-118 to 13-1-199].
[N, 9/15/98; 15.1.1.3 NMAC – Rn, 15 NMAC 1.1.3, 3/31/00]

15.1.1.4 DURATION: Permanent.
[N, 9/15/98; 15.1.1.4 NMAC – Rn, 15 NMAC 1.1.4, 3/31/00]

15.1.1.5 EFFECTIVE DATE: September 15, 1998, unless a later date is cited at the end of a section.
[N, 9/15/98; 15.1.1.5 NMAC – Rn, 15 NMAC 1.1.5, 3/31/00; A, 2/14/02]

15.1.1.6 OBJECTIVE: The objectives of this rule are to notify potential contractors of the procedures and requirements for furnishing property and/or services to the Gaming Control Board.
[N, 9/15/98; 15.1.1.6 NMAC – Rn, 15 NMAC 1.1.6, 3/31/00]

15.1.1.7 DEFINITIONS: Unless otherwise defined below, terms in this rule have the same meanings as set forth in the Gaming Control Act:

A. “board” means the New Mexico Gaming Control Board.

B. “contractor” means any party submitting a bid, proposal, and/or quote to the board for the furnishing of property and/or services.

C. “controlling interest” means owning, directly or indirectly, 5% or more of the voting securities in a gaming interest.

D. “gaming” means those activities defined as “game” and “gaming activity” in the Gaming Control Act and also includes Class III gaming as that term is defined in an Indian Gaming Compact executed between the State of New Mexico and an Indian nation, tribe, or pueblo.

E. “gaming interest(s)” means, but is not limited to, person(s), partnership(s), trust(s), corporation(s), limited liability corporation(s), limited liability partnership(s), joint venture(s), and other legal entities that do any one or combination of the following: (1) own an establishment where gaming activities occur; (2) own or lease a premises where gaming activities occur; (3) operate an establishment where gaming activities occur; (4) manufacture gaming devices, and/or (5) distribute (including leasing) gaming devices.

F. “personal property” means that property defined in Section 13-1-93 NMSA 1978 of the Procurement Code as tangible personal property.

G. “procurement” means those activities defined as “procurement” in Section 13-1-74 NMSA 1978 of the Procurement Code.

H. “state purchasing agent” means the Director of the General Services Department and includes any person(s) receiving a delegation of authority from the Director of the General Services Department.

[N, 9/15/98; 15.1.1.7 NMAC – Rn, 15 NMAC 1.1.7, 3/31/00]

15.1.1.8 GENERAL PROCUREMENT BY THE BOARD: The Board shall procure all property and services in accordance with the regulations and guidelines issued by the General Services Department unless, pursuant to the Procurement Code, the Board elects to adopt its own regulations for procurement of items exempted from the State Purchasing Agent’s sole procurement authority. Procurement of personal property valued in excess of twenty thousand dollars (\$20,000) is subject to the provisions of section 15.1.1.9 of this rule.

[N, 9/15/98; 15.1.1.8 NMAC – Rn, 15 NMAC 1.1.8, 3/31/00]

15.1.1.9 PROCUREMENT BY THE BOARD OF PERSONAL PROPERTY VALUED IN EXCESS OF TWENTY THOUSAND DOLLARS (\$20,000): Pursuant to Section 60-2E-8(C)(17) of the Gaming Control Act, all procurement by the Board of personal property valued in excess of twenty thousand dollars (\$20,000) shall be made pursuant to General Services Department Regulations and published guidelines and the Procurement Code. Such procurement is also subject to the following:

A. Board Approval: All procurement approvals, awards and/or final decisions for personal property valued in excess of twenty thousand dollars (\$20,000) shall be made at duly-noticed open meetings of the Board unless the Board, at a duly-noticed open meeting, delegates approval authority to the Executive Director.

B. Background Checks Required of Some Contractors: All contractors that have ties to current or likely gaming interests in New Mexico, including but not limited to, significant contractual relationships, ownership, parent-subsidiary relationships, holding company relationships, employment, and/or controlling interests shall be required, upon submission of a proposal, bid, or quote to furnish personal property in excess of twenty thousand dollars (\$20,000) in response to a procurement request or invitation by the Board, to submit to a background investigation including the completion of all required information on forms and/or complete responses to written and oral questions provided by the Department of Public Safety and/or the Board. At the Board's discretion, contractors covered by this subsection will not receive an award or final approval from the Board, or may be granted a conditional award or approval, until the background investigation is completed and the Board is satisfied that the contractor has the requisite moral character, financial and technical competency, and lack of criminal record necessary to meet the Board's procurement needs consistent with the Gaming Control Act and the public interest. The Board, in its discretion, may require any other contractors not tied to gaming interests and who propose to furnish personal property in excess of twenty thousand dollars (\$20,000) to submit to background investigations.

C. Refusal to Submit to Background Investigation Constitutes Automatic Disqualification: Any contractor that refuses to submit to a background check as provided in Subsection B of 15.1.1.9 NMAC shall be automatically disqualified.

[N, 9/15/98; 15.1.1.9 NMAC – Rn & A, 15 NMAC 1.1.9, 3/31/00; A, 2/14/02]

HISTORY OF 15.1.1 NMAC: [RESERVED]