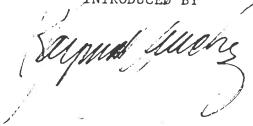
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HOUSE BILL 333

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY



AN ACT

RELATING TO PUBLIC WORKS; PROVIDING FOR THE INCLUSION OF CERTAIN PROVISIONS IN CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR MAINTENANCE OF STATE HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. STATE HIGHWAY CONSTRUCTION CONTRACTS-
REQUIRED PROVISIONS FOR LIQUIDATED DAMAGES--AUTHORIZATION FOR
BONUSES.--

A. All contracts entered into by the state highway and transportation department for the construction, reconstruction, repair or maintenance of a state highway shall contain:

- (1) a specific time for completion of the work to be performed pursuant to the contract; and
 - (2) provisions imposing liquidated damages

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against the contractor for:

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(a) failure to complete the work by the

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time stated in the contract for completion; and

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(b) suspension of the work by the contractor for a period of more than two consecutive days.

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B. A contract containing the provisions required

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pursuant to this section may also contain provisions authorizing a bonus for early completion of the work to be

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performed under the contract.

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C. For the purposes of this section a contractor

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shall be deemed to have suspended work if he takes actions

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resulting in a substantial reduction of work activities on the

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job, including, but not limited to, a withdrawal of a

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significant part of the contractor's or subcontractor's work

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force or equipment from the job.

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D. A contract containing the provisions required pursuant to this section may also contain a customary force

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[bracketed with orial]

majeure clause relieving the contractor from the imposition of

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liquidated damages when delays are caused by circumstances

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beyond the control of the contractor.

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- 2 -

State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE FIRST SESSION, 1995

February 10, 1995

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has been referred

HOUSE BILL 333

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 2, line 5, strike "two" and insert in lieu thereof "fourteen".

2. On page 2, lines 17 and 18, strike "customary force majeure".

Respectfully submitted,

Adopted (Chief Clerk)

Not Adopted

(Chief Clerk)

Date -

The roll call vote was 9 For 0 Against

Yes:

Excused: Al

Alwin, Gurule

Absent:

Varela

H0333BI1

State of New Alexico Senate

FORTY-SECOND LEGISLATURE FIRST SESSION, 1995

March 11, 1995

SENATE FL	OOR AMENDMENT	number /	to HOUSE	BILL 333,	as amended	
AMENDMENT	sponsored by	SENATOR Manny	M. Arago	n		
1.	Strike House	Business and	Industry	Committee	amendment 2.	
			28			
			Senato	r Manhy M.	Aragon	_
Adopted _	(Chief Cler		Adopted	(Chi	ef Clerk)	
	Da	ate	73			

H0333FS1

State of New Mexico

FORTY-SECOND LEGISLATURE FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

March 16, 1995

Mr. President:

Your CONFERENCE COMMITTEE, to whom has been referred

HOUSE BILL 333, as amended

has had it under consideration and reports same with the following recommendations:

1. The following House Business and Industry amendments be APPROVED:

Nos. 1 and 2.

2. Senate Floor Amendment 1 be DISAPPROVED.

Tom Rutherford

Edward J. Hopez J

L. Skip Vernon

Respectfully submitted,

Adopted (Chief Clerk) Not Adopted (Chief Clerk)

Date 3/17/95