



State of New Mexico
CONSTRUCTION INDUSTRIES COMMISSION

Mr. Beryl Durham, AIA, President
New Mexico Society of Architects

Dear Mr. Durham:

We are wondering if your society could assist us in obtaining wider dissemination of a couple of points in the Construction Industries Licensing Act concerning bidding.

Section 67-35-15, as amended by the last session of the legislature, reads:

COMMISSION—CONTRACTOR'S LICENSE REQUIRED

A. No person shall engage in the business of contractor within the state without a license issued by the commission classified to cover the type of work to be undertaken.

B. No bid on a contract shall be submitted unless the contractor has a valid license issued by the commission to bid and perform the type of work to be undertaken; provided, this paragraph shall not prohibit a licensed contractor from bidding or contracting work involving the use of two or more trades, crafts or classifications, if the performance of the work in the trades, crafts or classifications other than the one or ones in which he is licensed is incidental or supplemental to the performance of the work in the trades, crafts or classifications for which he is licensed; and further provided that work coming under the jurisdiction of the mechanical board or the electrical board must be performed by a contractor licensed to perform such work.

C. Any contractor may bid on a New Mexico highway project involving the expenditure of federal funds prior to making application to the commission for a special license. The contractor, if he has not previously been issued a license shall, upon becoming the successful bidder, apply to the commission for a special license for the limited purpose of carrying out the project. The commission, without regard to residence requirements, shall issue a special license to the contractor upon the submission of a properly completed application, and in accordance with qualifications as prescribed by law and upon payment of the prescribed fee.

D. The commission shall define and establish all license classifications and the licensee shall be limited in his bidding and contracting as provided in Subsection B of this section. Any licensee, subsequent to the issuance of his license, may make application for additional classification and be licensed in more than one classification if he meets the prescribed qualification for the additional classification.

We would like to point out that the Commission's Rules and Regulations, as approved and filed at the State Records Center and State Law Library, state:

The license number and classification shall be placed on all written bids submitted by the licensee, as well as on the container of the bid.

Since a contractor should not bid on work beyond the dollar-amount specified on his license, it would be wise for architects to ascertain what a contractor's dollar limit is prior to accepting bids.

(Signed)

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