



Michelle Lujan Grisham
Governor

Howie Morales
Lieutenant Governor

STATE OF NEW MEXICO INDIAN AFFAIRS DEPARTMENT

Wendell Chino Building, 2nd Floor
1220 S. St. Francis Dr.
Santa Fe, NM 87505
Phone (505) 476-1600
Fax (505) 476-1601
www.iad.state.nm.us



James R. Mountain
Cabinet Secretary Designee

Lashawna R. Tso
Deputy Cabinet Secretary

Tuesday, May 2, 2023 9:00 a.m. – 4:30 p.m. San Juan College Henderson Building Farmington, NM	Wednesday, May 3, 2023 9:00 a.m. – 4:30 p.m. UNM Calvin Hall Rm 182/184 Gallup, NM	Thursday, May 4, 2023 9:00 a.m. – 4:30 p.m. Amerind Risk Conference Room Santa Ana Pueblo, NM	Friday, May 5, 2023 9:00 a.m. – 4:30 p.m. Santa Clarán Hotel – Mtn. View 7 th Floor Española, NM
---	--	---	--

GRANT MANAGEMENT REFRESHER COURSE & ICIP TRAINING AGENDA

	Time	Event	Facilitator
1	8:30 am to 8:45 am	Registration	
2	8:45 am to 9:00 am	Welcome, Overview of Training	Elroy Keetso, TIF/CO Manager, IAD
3	9:00 am to 10:15 am	Capital Improvement Planning and Grant Management Training	Elroy Keetso, TIF/CO Manager, IAD
4	10:15 to 10:30 am	Break	
5	10:30 to 11:45 pm	DFA Capital Outlay Process & ICIP	Carmen Morin Bureau Chief, Community Development Bureau (CDB) &Capital Outlay Bureau
6	11:45 pm to 1:00 pm	Lunch	Lunch on your own
7	1:00 pm to 2:00 pm	IAD Refresher on Capital Outlay and TIF Administration	Lawrence John, TIF/CO Administrator, IAD
8	2:00 pm to 3:00 pm	Arts in Public Place	Meredith Doborski, Public Art Program Director, Department of Cultural Affairs
9	3:00 pm to 3:15 pm	Break and Close of Training	
10	3:15 pm to 4:30 pm	Open Technical Assistance for TIF and Capital Outlay	IAD Staff (<i>bring your laptops and project materials if you want on-site technical assistance.</i>)

New Mexico Indian Affairs Department

Capital Improvement Planning and Grant Management Training

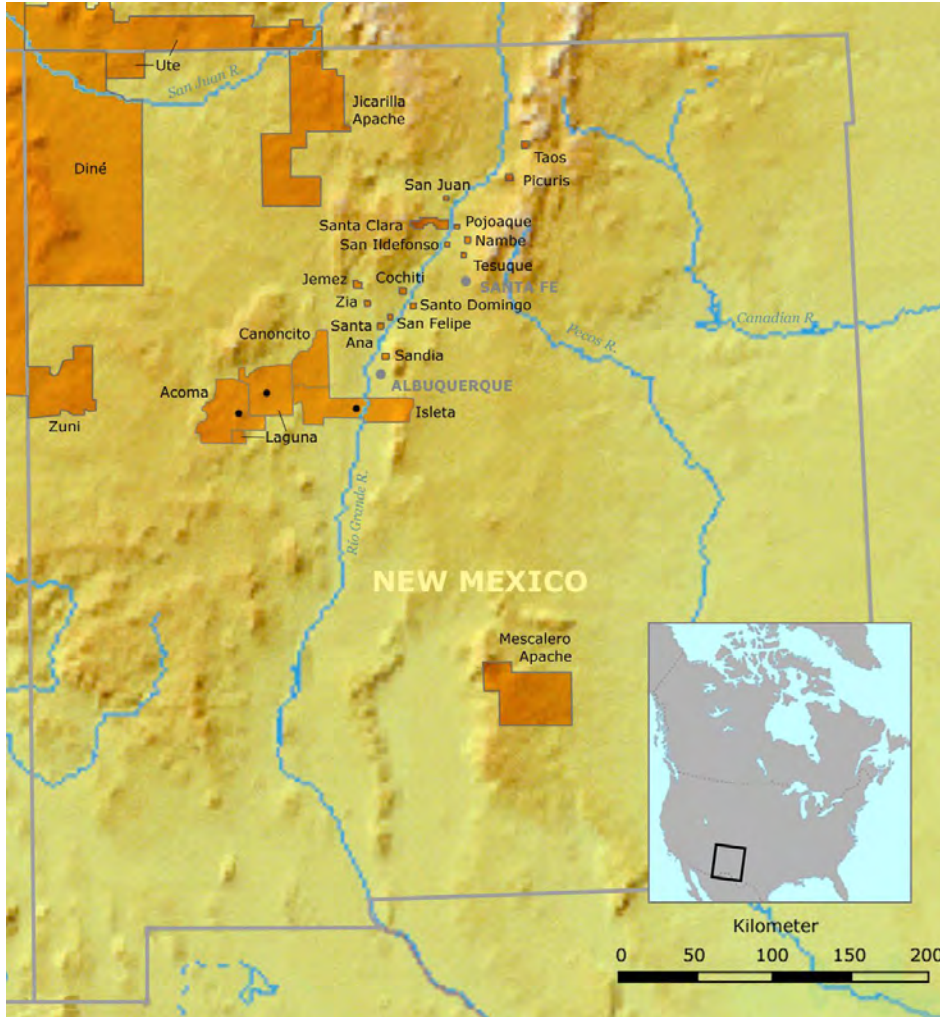
May 2 – 5, 2023



Indigenous Planning



Our Clients



Nation, Pueblos, Tribes

1. Acoma Pueblo
2. Pueblo of Cochiti
3. Pueblo of Isleta
4. Pueblo of Jemez
5. Pueblo of Laguna
6. Pueblo of Nambe
7. Ohkay Owingeh
8. Pueblo of Picuris
9. Pueblo of Pojoaque
10. Pueblo of San Felipe
11. Pueblo of San Ildefonso
12. Pueblo of Sandia
13. Pueblo of Santa Ana
14. Pueblo of Santa Clara
15. Pueblo of Santo Domingo
16. Pueblo of Taos
17. Pueblo of Tesuque
18. Pueblo of Zia
19. Pueblo of Zuni
20. Fort Sill Apache Tribe
21. Mescalero Apache Nation
22. Jicarilla Apache Nation
23. Navajo Nation

Entities

1. IPCC
2. SFIS
3. Navajo Prep
4. NTU
5. Dine College
6. SIPI



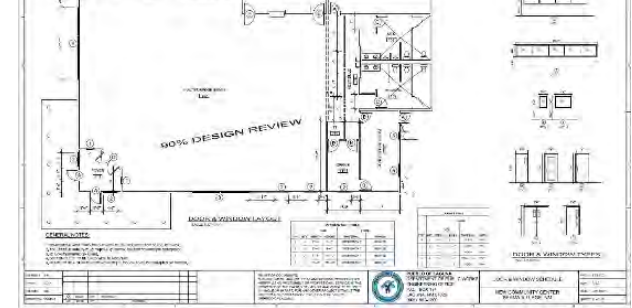
Planning



Funding



Design



Project Development Phasing

Construction



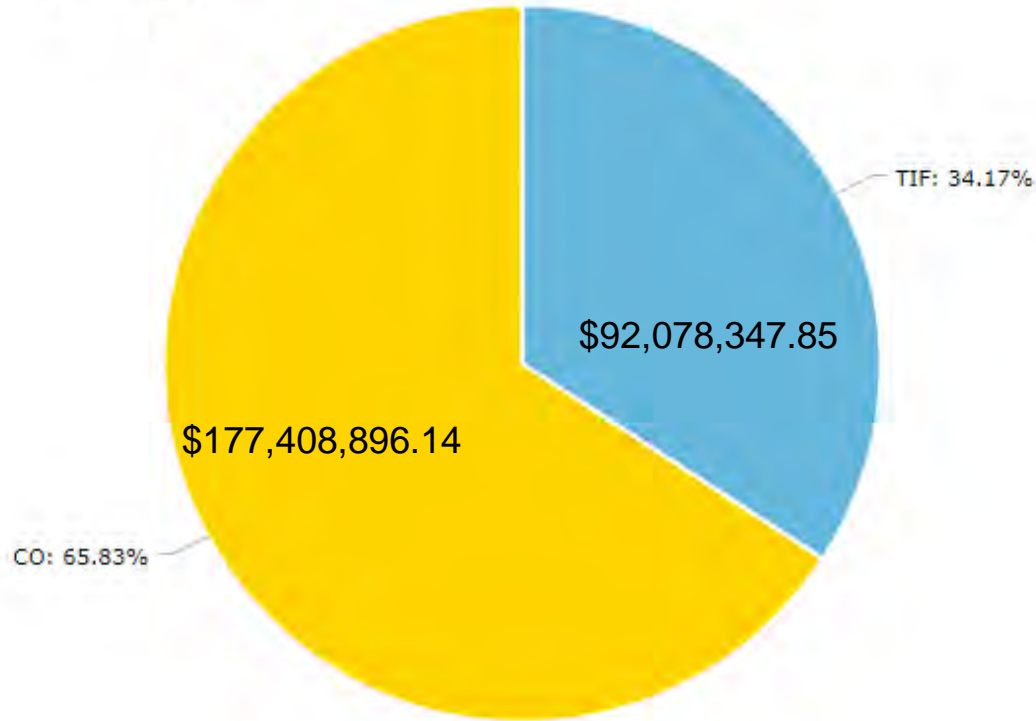
Operations & Maintenance



ASD Status Update

\$ Active Projects by Program

JS chart by amCharts



Total Projects: 1,036

Total Award Amount: \$424,263,777.11

Active Projects: 501

Active Project Award: \$269,487,243.99

Total Capital Outlay: 455

Total TIF: 56



2023 NM Capital Outlay

Tribal Capital Outlay projects breakdown by Agency

Number of projects	Agency	Awarded
9	AGING AND LONG-TERM SERVICES DEPARTMENT	\$ 2,041,721.00
7	HIGHER EDUCATION DEPARTMENT	\$ 4,766,302.00
1	DEPARTMENT OF ENVIRONMENT	\$ 300,000.00
176	INDIAN AFFAIRS DEPARTMENT	\$ 120,180,386.00
10	DEPARTMENT OF TRANSPORTATION	\$ 3,617,000.00
203	Total Awarded	\$ 130,905,409.00

IAD Capital Outlay new and reauthorized projects breakdown

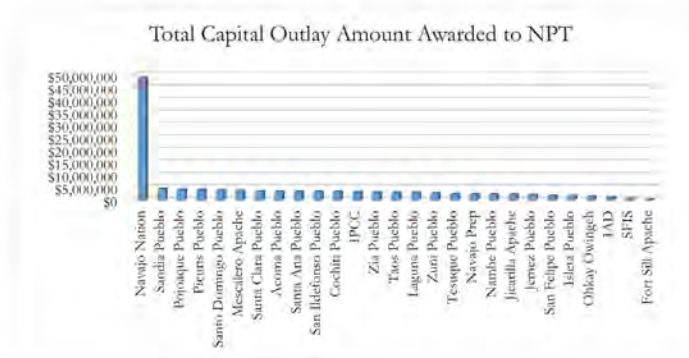
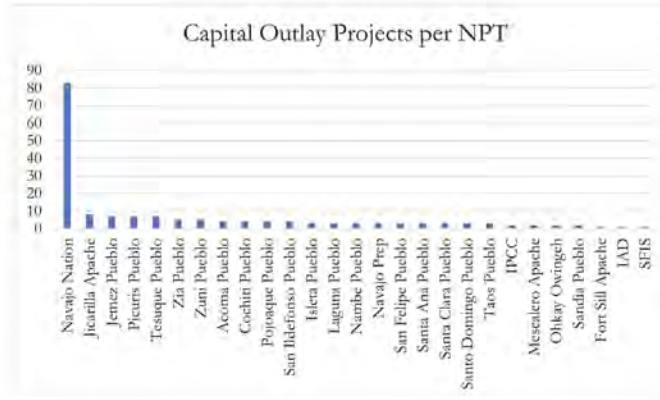
Number of projects	Project Type	Number of projects
176	2023 Capital Outlay - IAD	176
53	CO Project approved for Reauthorization	53
229	Total Projects	229



2023 NM Capital Outlay

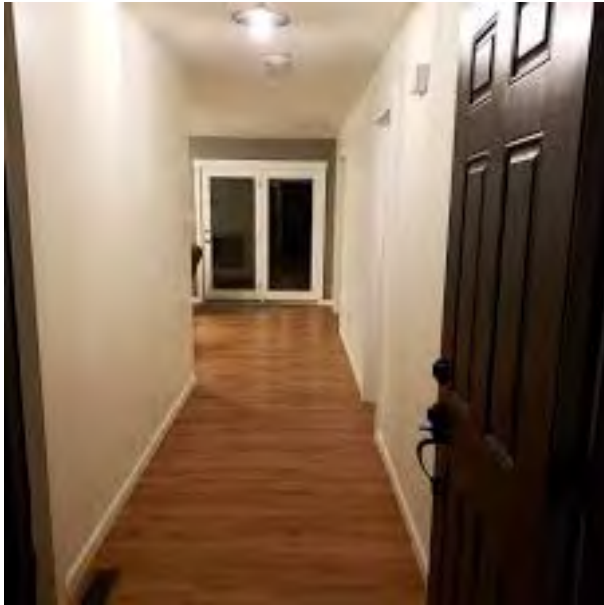
2023 IAD Capital Outlay Projects

No.	Entity	# Projects	% Projects	Total Amount Awarded
1	Acoma Pueblo	4	2%	\$3,475,000
2	Cochiti Pueblo	4	2%	\$3,375,000
3	Fort Sill Apache	1	1%	\$300,000
4	IAD	1	1%	\$1,188,040
5	IPCC	2	1%	\$3,210,000
6	Isleta Pueblo	3	2%	\$1,625,000
7	Jemez Pueblo	7	4%	\$2,295,000
8	Jicarilla Apache	8	5%	\$2,342,886
9	Laguna Pueblo	5	2%	\$2,945,000
10	Mescalero Apache	2	1%	\$3,690,500
11	Nambe Pueblo	3	2%	\$2,350,000
12	Navajo Nation	83	47%	\$49,006,960
13	Navajo Prep	3	2%	\$2,387,500
14	Ohkay Owingeh	2	1%	\$1,450,000
15	Picuris Pueblo	7	4%	\$4,140,000
16	Pojoaque Pueblo	4	2%	\$4,250,000
17	San Felipe Pueblo	3	2%	\$1,669,500
18	San Ildefonso Pueblo	4	2%	\$3,425,000
19	Sandia Pueblo	2	1%	\$4,600,000
20	Santa Ana Pueblo	3	2%	\$3,450,000
21	Santa Clara Pueblo	3	2%	\$3,500,000
22	Santo Domingo Pueblo	3	2%	\$3,825,000
23	SFIS	1	1%	\$500,000
24	Taos Pueblo	3	2%	\$2,950,000
25	Tesuque Pueblo	7	4%	\$2,420,000
26	Zia Pueblo	5	3%	\$3,060,000
27	Zuni Pueblo	5	3%	\$2,750,000
	Total	176	100%	\$120,180,386



Planning for Development

**WHAT COMES TO
MIND WHEN WE THINK
OF DEVELOPMENT...**



Planning for Development



**WHAT COMES TO
MIND WHEN WE THINK
OF DEVELOPMENT...**



Planning for Development



What is a Comprehensive Plan?

“a process that seeks to engage all community members to create a more prosperous, convenient, equitable, healthy, and attractive place for present and future generations.” American Planning Association



What is a Capital Improvement Plan?

A Capital Improvement Plan (CIP) contains all the individual capital projects, equipment purchases, and major studies for a local government; in conjunction with construction and completion schedules and in consort with financing plans.

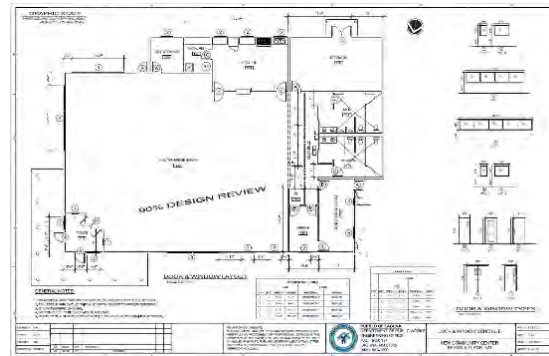


Project Phasing

Planning



Design



Construction



Planning



- Community Involvement
- Initial inspection
- Preliminary Engineering Report (PER)
- Conceptual Development
- Geotechnical Survey
- Environmental & Cultural studies
- Feasibility/Estimates
- Right of way or Easements
- Identification of potential funding sources.
- Project Financial Feasibility
 - Estimated Design and Construction Costs
 - Operations and Maintenance Costs
 - Programming Costs



What is a Conceptual Plan

A conceptual plan helps staff understand the proposed project and allows early discussion about potential site design issues before significant investment in engineering fees.



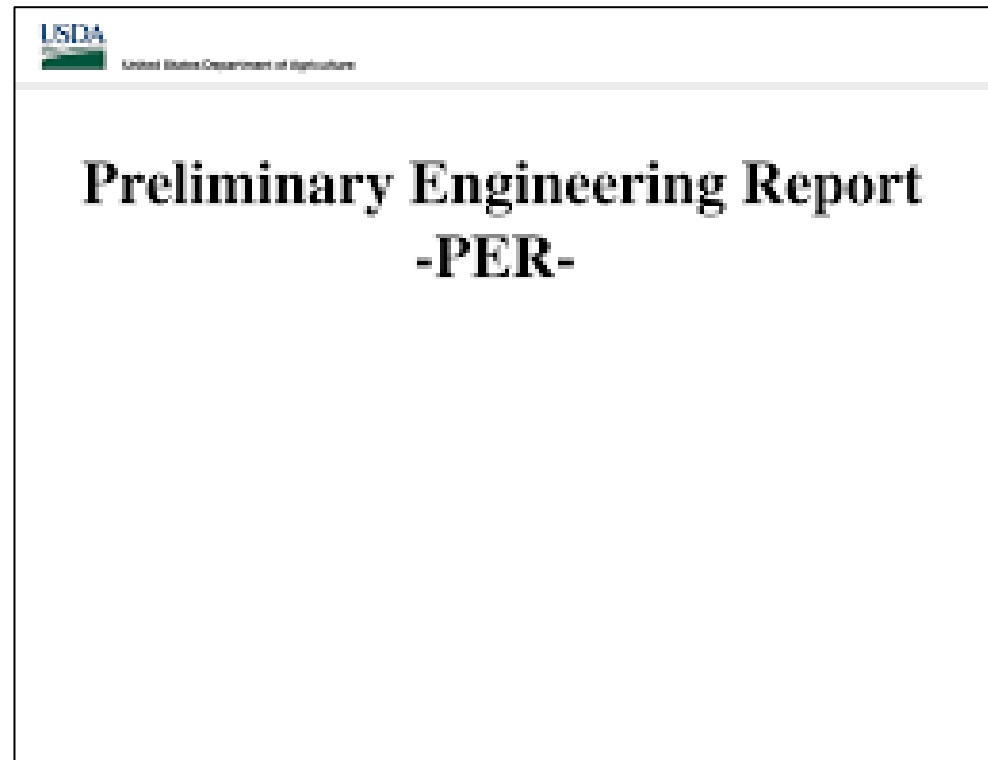
What is a Master Plan?

The site master plan is a plan that shows overall development based on a conceptual study defining the initial requirements of building space, flows, connections between buildings, logistics, urban design, infrastructures, and ancillary facilities.



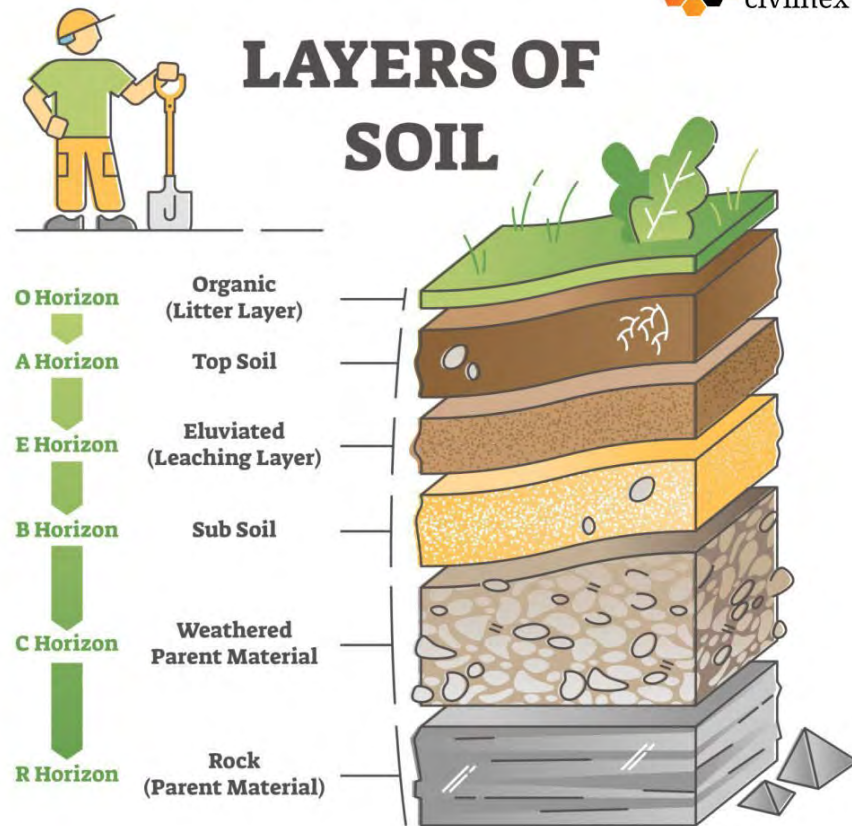
Preliminary Engineering Report (PER)

A Preliminary Engineering Report (Report) is a planning document for planning, survey, design, engineering, and preconstruction activities (including drainage, soil, infrastructure (wet & dry), archaeological, environmental, and right-of-way) related to a specific bridge project.



Geotechnical Survey

A Geotech survey aims to gather the physical characteristics of the soil and rocks on a site or around a building to properly design the foundations and/or make proper repairs because of subsurface shifting and changing. Geotech surveys are particularly important in areas with high seismic activity.



Collecting Data

- Comprehensive Plan
 - Community vision and goals
 - Community input
 - Policy
 - Governmental organization
 - Funding opportunities
- Capital Improvement Plan
 - Comprehensive list of projects
 - Project prioritization
 - Project findability based on status
 - Programming and Staffing
 - **Operations & Maintenance (O&M)**
- Conceptual Plan/Master Plan
 - Show the concept of a large development
 - Potential Site locations
 - Facility Usages
 - Multiple facilities
 - Discuss Infrastructure needs and potential costs
 - Discuss programming needs
 - **Ability to decide to proceed**
- Preliminary Engineering Report (PER)
 - Provides an analysis of the projects
 - Provided alternative solutions
 - Provide preliminary design and construction costs
 - **Ability to decide to proceed**



Design



- Surveying
- Design Drawing (30%, 60%, 90%)
- Stakeholder Engagement
- Project Financial Feasibility
- Approvals
- Development of Construction documents (PS&E)



Construction



- Construction
- Closeout



Identifying and forecasting funding sources



Local Tribal Fund

- ARPA

NM State

- **Capital Outlay**
- **Tribal Infrastructure Fund**
- **ALTS**
- **NMDOT**
- **State Agency Grants**

US Government

- USDA Rural Development
- BIA
- IHS
- Bureau of Reclamation
- Infrastructure Bill

Private grants or foundations



Identifying and forecasting funding sources



- What type of project does the grant fund?
- What phase of the project does the grant fund?
- When is the application due?
- Does the grant require match funding?
- When will the funds expire if awarded?
- When do they plan to award?
- Who will manage the grant?
- What are the reporting requirements?
- Do we have the capacity to administer the grant, do all the reporting, and can we complete the scope of work by the deadline?
- Is our project ready for the grant, or should we wait and apply at a later time?



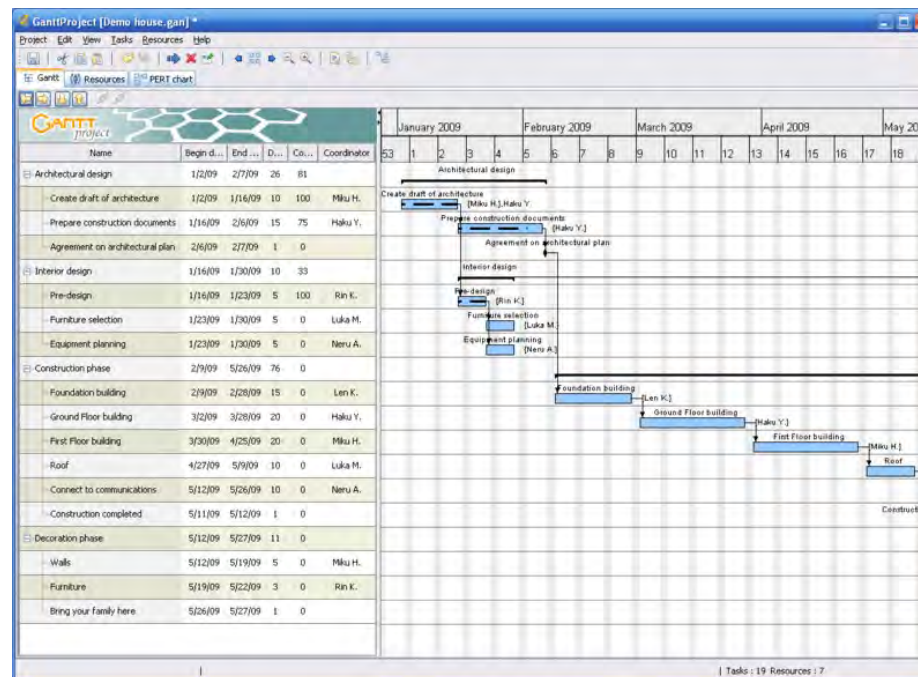
Grant Writing



- Read the grant
- Meeting with your team to plan for your grant.
- Gather all material, supporting documents, and work that illustrates your success and that you are ready for the fund.
- Develop a timeline and plan backward to submit one week before the grant is due.
- Make time for several reviews.
- Answer the questions. Try not to cut and paste language from other applications.
- Provide supporting documents that are connected to field experts.



Project Sponsor Question



- Based on the project status and timeline, do we have the capacity to administer the Capital Outlay Fund or TIF, do the reporting, and can we complete the scope of work by the expiration deadline date?
- Do we have the capital, or can we project fundraise to complete the project work and request reimbursement by the IGA expiration deadline?

Thank you.



Contact Information

Monica Maestas, CFO

Monica.Maestas@iad.nm.gov

(505) 609-5694

Elroy Keetso, Capital Outlay Manager

Elroy.Keetso@iad.nm.gov

(505) 490-0545

Lawrence John, TIF/Capital Outlay Administrator

Lawrence.John@iad.nm.gov

(505) 690-2997

Ellia Lopez, Accountant and Auditor

Ellia.Lopez1@iad.nm.gov

(505) 479 – 1523

Accounts Payable email

IAD.AccountsPayable@iad.nm.gov

Accounts Procurement email

IAD.Procurement@iad.nm.gov



FY 2025-2029 Infrastructure Capital Improvement Plan (ICIP)

ICIP

**Your
COG's**

**Upcoming
Training
Opportunities**

**Thank
you**



NEW MEXICO DEPARTMENT OF
FINANCE & ADMINISTRATION

ICIP



What is an ICIP?

Why is the ICIP Important?

What should an ICIP Project do?

FY 2024-2028 Deadlines & Submission

Who should participate in the ICIP?

Developing Your ICIP

What is an ICIP?



An ICIP is...

**An ICIP is
NOT...**

What is an ICIP?

- *A PLANNING TOOL, which establishes priorities for anticipated infrastructure projects for counties, municipalities, tribal governments, special districts, and senior citizen facilities.*
- *Covers a five year fiscal period FY 2025-2029 (July 1, 2024-June 30, 2029)*
- *Developed, updated, and submitted annually to LGD*

An ICIP is NOT....

- **Wish List**
- **Funding Application**
- **Funding Source**



Why is the ICIP Important?



**Establishes
Priorities**

**Increases
Funding
Opportunities**

Establishes Priorities

- **The ICIP is a tool to showcase your entities priority projects**
- **Focus on critical need projects**
- **Encourages planning**



Increases Funding Opportunities

- Participation in the ICIP is strongly encouraged
- Funding agencies utilize the ICIP in many ways
- The Governor's office uses the ICIP publication when vetting projects

What should an ICIP Project do?



An ICIP Project
should ...

An ICIP project should...

- Create a new fixed asset or;
- Enhance an existing fixed asset;
- Have a life expectancy of at least 10 years
- Be ready to proceed. Not a wish list.

**ICIP
projects
should
also...**

ICIP projects should also ...

- **Have Good Estimates**
- **Be over \$10,000**
- **Identify funding sources**
- **Regional projects encouraged**

Who should participate in the ICIP.

Counties & Municipalities

All 33 Counties and over 100 Municipalities submit an ICIP each year.

Tribal Governments

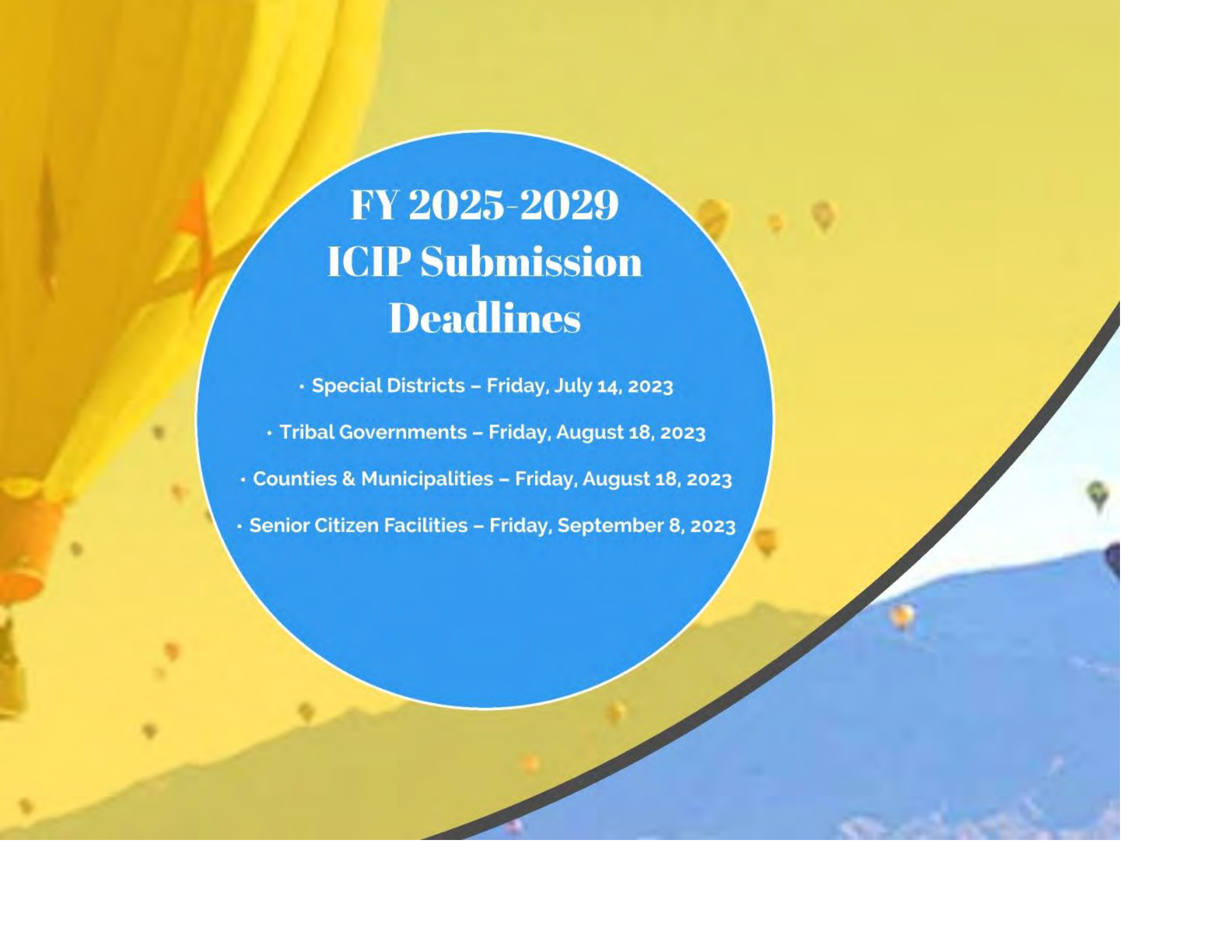
Pueblos, Nations, and Tribes participate in the ICIP each year.

Special Districts

The Special Districts category include mutual domestic water consumer associations, acequias, land grants, utility, flood control, and fire districts.

Senior Citizen Facilities

All Senior Citizen Facilities should submit an ICIP separately from their local government entity. The State is continuing to attempt to gain a full assessment of the infrastructure needs for each facility, therefore, all should submit an ICIP. Each facility is assigned an entity code and password to access the database.



FY 2025-2029 ICIP Submission Deadlines

- Special Districts – Friday, July 14, 2023
- Tribal Governments – Friday, August 18, 2023
- Counties & Municipalities – Friday, August 18, 2023
- Senior Citizen Facilities – Friday, September 8, 2023

ICIP - Your PLANNING TOOL

Developing
Your ICIP

ICIP
Submission

So What's
New?

The screenshot shows the ICIP Client Login page. At the top left is the New Mexico Department of Finance & Administration logo. To the right is the text 'NEW MEXICO DEPARTMENT OF FINANCE & ADMINISTRATION'. Below this is a navigation bar with 'ICIP' and 'CPMS' buttons. The main content area contains a login form with fields for 'Agency or Code' and 'Password', and a 'Login' button. Below the form is a welcome message: 'Welcome to the DFA site for the Infrastructure Capital Improvement (ICIP) projects and Capital Appropriations Search (CPMS). After login, click on ICIP to enter ICIP project information. For the Capital Appropriations Search and Capital Project Monitoring System, click on CPMS.' A red 'RELEASE NOTE' states: 'For security reasons, this ICIP site is no longer supported by Internet Explorer. Please use Google Chrome, Firefox or Microsoft Edge.' Below this are 'Other relevant links' for the Department of Finance and Administration, State Budget Division/Capital Outlay Bureau website, and Local Government ICIP Contact information. At the bottom, it asks 'How can an entity code/password be obtained?' and provides contact information for the State Agency ICIP Contact.

NEW MEXICO DEPARTMENT OF
FINANCE & ADMINISTRATION

ICIP Client Login
Agency or Code []
Password: []
Login

ICIP CPMS

Welcome to the DFA site for the Infrastructure Capital Improvement (ICIP) projects and Capital Appropriations Search (CPMS).
After login, click on ICIP to enter ICIP project information.
For the Capital Appropriations Search and Capital Project Monitoring System, click on CPMS.

RELEASE NOTE: For security reasons, this ICIP site is no longer supported by Internet Explorer. Please use Google Chrome, Firefox or Microsoft Edge.

Other relevant links:
Department of Finance and Administration website
Local Government ICIP Contact: jonas@state.nm.gov
State Budget Division/Capital Outlay Bureau website

Local Government ICIP Contact: Amnetha.Apoind@dfa.nm.gov or Lynda.Martinez@dfa.nm.gov
State Agency ICIP Contact: jonas@state.nm.gov

How can an entity code/password be obtained? Entry into the web site requires a code and a password. For new local government entities and special districts, send an email to Amnetha.Apoind@dfa.nm.gov or phone [505 297 2727](tel:5052972727) to request an entity code and password.



NEW MEXICO DEPARTMENT OF
FINANCE & ADMINISTRATION

ICIP Client Login

Agency or Entity Code:

Password:

ICIP

Login

ICIP

CPMS

Welcome to the DFA site for the Infrastructure Capital Improvement (ICIP) projects and Capital Appropriations Search (CPMS).

After login, click on ICIP to enter ICIP project information.

For the Capital Appropriations Search and Capital Project Monitoring System, click on CPMS.

PLEASE NOTE: For security reasons, this ICIP site is no longer supported by Internet Explorer. Please use Google Chrome, Firefox or Microsoft Edge.

Other relevant links:

[Department of Finance and Administration website](#)

[Local Government Division website](#)

[State Budget Division/Capital Outlay Bureau website](#)

Local Government ICIP Contact: Annette.Apodaca@dfa.nm.gov or Lynda.Martinez@dfa.nm.gov

State Agency ICIP Contact: Tonantzin.Roybal@dfa.nm.gov

How can an entity code/password be obtained? Entry into the web site requires a code and a password. For new local government entities and special districts, send an email to Annette Apodaca at Annette.Apodaca@dfa.nm.gov or phone (505) 396-0341 or to Lynda Martinez at Lynda.Martinez@dfa.nm.gov or phone (505) 699-3971 to request an entity code and password.

Developing Your ICIP

ROAD
WORK
AHEAD

ICIP Guidelines & Data Entry Instructions

<https://www.nmdfa.state.nm.us/local-government/icip/>

2.61.6 Bond Project Disbursement Guidelines

<https://www.nmdfa.state.nm.us/board-of-finance/rules-and-policies/>

New ICIP Submission Process - Google Form

Submit only three forms (attach on google form)

Appendix I: ICIP Completion Certification Form
FY 2025-2029 ICIP Completion Certification Form

Official Entity Name _____ ICIP Entity Code _____

This certifies that the official has completed and entered the information required for the FY 2024-2029 Infrastructure Capital Improvement Plan (ICIP) by include the following for each project (please check each check box as applicable):

1. Entity Information
 - ICIP Officer, Procurement Officer, Financial Officer: name, telephone, email
 - ICIP Budget number
 - Address Information
 - Entity type
 - Compliant with Executive Order 201-1006
 - Comprehensive plan and other planning documents
2. Capital Project Detail
 - Priority
 - Project Rank
 - Project Title
 - Project Contact Information
 - Total Project Cost
 - Type
 - Type/Subtype
 - Project Location (include latitude/longitude)
 - Legislative Language
 - Scope of Work
 - Second Potential Funding Budget
 - Project Budget
 - Planning Budget
 - Operating Budget
 - Who will Own, Operate, Fiscal Agent, Own, Land, Own, Asset, and Maintain
 - If/If Not Answer all questions as related to each specific project.

Authorized Signature _____ Date (MM/DD/YYYY) _____
Printed Name _____

Appendix II: Resolution Template

County, Municipality/Tribal Government/Special District of _____

COUNTY OF _____
Resolution No. _____

A RESOLUTION
ADOPTING THE FY 2025-2029 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

WHEREAS, the _____ of _____ recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvement planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts to prevent identification and selection of short and long-term capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE _____ that:

1. The county/municipality/tribal government/special district has adopted the attached FY 2025-2029 Infrastructure Capital Improvement Plan; and
2. It is intended that the Plan be a working document and in the event of any gaps in and improving national, long range capital planning and budgeting for New Mexico's infrastructure;
3. This Resolution upon adoption be:

PASSED, APPROVED and ADOPTED by the governing body as reciting of _____ 2025.

Mayor/County Commissioner/Chairboard Chair _____

AFFIXED:
Mark/Spill/County Clerk/Other Officer _____

Appendix III: Permission for Access Form

Current ICIP User
 Additional ICIP User
 New ICIP Entity
 CPMS Access Only

FY 2025-2029 ICIP Permission for Access/
New Entity Request Form/CPMS Access

Choose Entity Type from drop down below:
Entity Type: NA
Special District: NA

_____(Entity Name) agrees to provide the following agency or individual the authority to enter the Infrastructure Capital Improvement Plan (ICIP) for the FY 2025-2029 Infrastructure Capital Improvement Plan database for this entity:

Person with signature authority for this local government entity to give such permission:

Name _____ Title _____
Entity/Agency Name _____
Address _____
City _____ State _____ Zip _____ County _____
Phone _____ Email _____
Signature _____ Date _____

Agency or individual who has been given authority to enter the ICIP data on behalf of said entity:

Name _____ Title _____
Entity/Agency Name _____
Address _____
City _____ State _____ Zip _____ County _____
Phone _____ Email _____
Signature _____ Date _____

Save each document separately as a PDF
Naming Conventions: Melrose Completion Certification,
Belabito Chapter Resolution, Albuquerque Permission for Access

ICIP Entity Profile

Executive Order 2013-006 Compliance.

(<https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>)

1. Is your entity compliant with Executive Order 2013-006? Yes No
 - State Audit Act (Audit/Tier Certification)
 - Single Audit Act (as applicable)
 - NMSA 6-6-3 Budget Approved by LGD/Budget & Finance Bureau

2. Does your entity have a comprehensive plan/master plan? Yes No N/A

3. Provide the last date comprehensive plan/master plan was updated. _____ (Month/Year)

4. Do all projects in your ICIP include or follow your comprehensive plan/master plan? Yes No

5. Other Planning: Has your entity adopted any of the planning tools. (check all that apply below)
 - Asset Management Plan
 - LEDA (Local Economic Development Act)
 - Drought Contingency Plan
 - Water Conservation Ordinance
 - Financial Plan
 - Annual Action Plan
 - NM Affordable Housing Act Compliance
 - Other _____
 - N/A State Agency Only

Applying for Capital Outlay?



- Project Title
- Legislative Language
- Scope of Work

Project Title

Old:

Waterline Replacement Project

New:

Santa Fe Waterline Replacement

3. Title: *Provide a short succinct title.*

Santa Fe Waterline Replacement

Legislative Language

Old:

Example: to plan, design, construct, furnish and equip a new fire station for the town of Bernalillo, Sandoval county. Or to purchase and equip a new fire truck for the pueblo of Santa Clara, Rio Arriba county

Design, construct, purchase, furnish and equip waterline replacement for the City of Santa Fe NM in Santa Fe County.

New:

to plan, design, purchase, furnish and equip waterline replacement in Santa Fe, Santa Fe county

Example: to plan, design, construct, furnish and equip a new fire station for the town of Bernalillo, Sandoval county. Or to purchase and equip a new fire truck for the pueblo of Santa Clara, Rio Arriba county

to plan, design, construct, purchase, furnish and equip waterline replacement in Santa Fe, Santa Fe county

Scope of Work

Scope of Work: (2000 maximum characters allowed) Provide a brief description of work to be completed. Must match budget categories. (i.e., complete environmental studies, plan, design, and construct). **Provide detail on project to include what will be done with funding requested for each fiscal year.** If street/roads/highway project, include street and/or road name(s).

12. Scope of Work: (2000 maximum characters allowed) Provide a brief description of work to be completed. Must match budget categories. (i.e., complete environmental studies, plan, design, and construct). Provide detail on project to include what will be done with funding requested for each fiscal year. If street/roads/highway project, include street and/or road name(s).

Example: Plan, design, and construct a new fire station. The building will be 10,000 sq. ft. pre-engineered metal building with a cultured stone/EIFS finish on exposed exterior areas, with two 40 x 80 apparatus bays. The project will be completed in three phases. Phase I will include the easements, cultural resource inventory, environmental assessment, planning, design and the first half of the construction. The phase will take 12 months with some of the studies being completed concurrently. Phase II consists of the second half of the construction and will be completed in 12 months. Phase III will include the purchase of furnishings and equipment to include tables, chairs, office desks and commercial kitchen appliances, cots, storage lockers and fire safety equipment.

Your Council's of
Government (COGs)



NewMARC - NM Association of Regional Councils

Councils of Government by County

District 1: Northwest NM Council of Governments (*San Juan, McKinley, Cibola Counties*)

Evan Williams, Executive Director; Phone: (505) 722-4327; Email: ewilliams@nwnmcog.org

District 2: North Central NM Economic Development District (*Rio Arriba, Santa Fe, Taos, Los Alamos, Colfax, Mora, San Miguel Counties*)

Monica Abeita, Executive Director; Phone: (505) 395-2668; Email: monicaa@ncnmedd.com

District 3: Mid-Region Council of Governments (*Sandoval, Bernalillo, Valencia, Torrance Counties*)

Dewey Cave, Executive Director; Phone: (505) 247-1750; Email: DCave@mrcog-nm-gov

District 4: Eastern Plains Council of Governments (*Union, Harding, Quay, Curry, Roosevelt, Guadalupe, De Baca Counties*)

Sandy Chancey, Executive Director; Phone: (575) 762-7714 ; Email: schancey@epcog.org

District 5: Southwest NM Council of Governments (*Catron, Hidalgo, Luna, Grant Counties*)

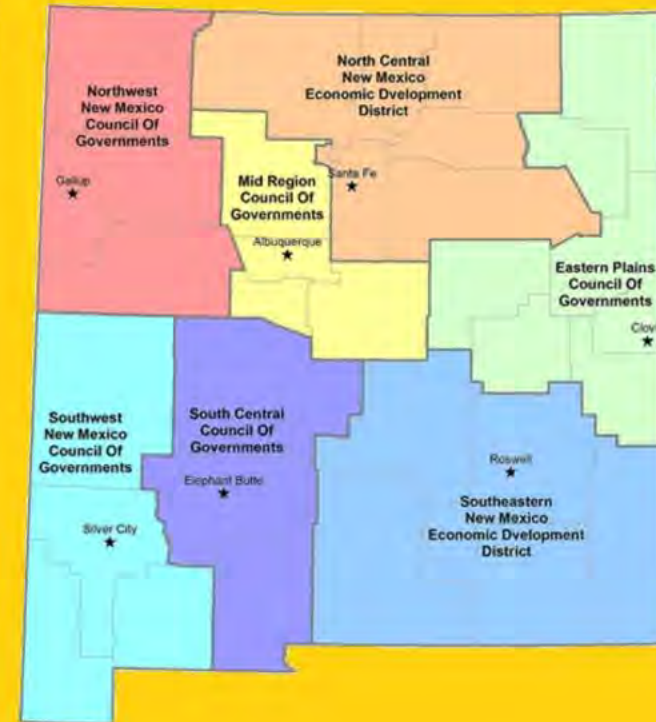
Priscilla Lucero, Executive Director; Phone: (575) 388-1509; Email: priscillalucero@swnmcog.org

District 6: Southeastern NM Economic Development District (*Lincoln, Otero, Chaves, Eddy, Lea Counties*)

Dora Batista, Executive Director; Phone: (575) 624-6131; Email: dbatisa@snmedd.com

District 7: South Central Council of Governments (*Socorro, Sierra, Dona Ana Counties*)

Jay Armijo, Executive Director; Phone: (575) 744-4857; Email: jarmijo@sccog-nm.com



But wait! There's more.

June							2023 ICIP Virtual Training Series						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2	3						
4	Planning and Vetting Application & Funding 10:00am to 12:00pm NWNM COG	5	6	NM Environmental Dept. Construction Program Bureau 10:00am to 11:00am	7	8	9	10					
11	12	13	Senior Center Facilities 10:00am to 11:00am Aging and Long-Term Services	14	15	16	17						
18	NM DFA Federal Grants Bureau 10:00am to 11:00am State Budget Division	19	20	21	22	23	24						
25	NMFA Funding Opportunities 10:00am to 11:00am NM Finance Authority	26	27	28	29	30							



**25th Annual
New Mexico
Infrastructure Finance
Conference (IFC)
October 18, 19 & 20, 2023
Las Cruces NM**

<http://www.nmifc.com/>



Community Development Bureau Team

Carmen Morin; Bureau Chief, CarmenB.Morin@dfa.nm.gov; 505-470-8979

Alison Gillette; Project Manager, Alison.Gillette@dfa.nm.gov; 505-469-7811

Annette Apodaca; ICIP Program Manager; Annette.Apodaca@dfa.nm.gov; 505-369-0341

Daniel Catanach, Project Manager, DanielN.Catanach@dfa.nm.gov; 505-231-6090

Dawn Webster, Project Manager; Dawn.Webster3@dfa.nm.gov; 505-490-1528

Donna Stewart, Project Manager; DonnaJ.Stewart@dfa.nm.gov; 505-231-2993

Jennifer McGrath, Project Manager; Jennifer.mcGrath@dfa.nm.gov; 505-469-2910

Lynda Martinez; ICIP Program Manager; Lynda.Martinez@dfa.nm.gov; 505-669-3971

Maureen Ayers, Project Manager; Maureen.Ayers@dfa.nm.gov; 470-0977

Monica Tapia, Project Manager; Monica.Tapia@dfa.nm.gov; 505-470-1775

Nicole Silva; Nicole.Silva@dfa.nm.gov; 505-470-7041

Rick Chavez, Project Manager; Rick.Chavez@dfa.nm.gov; 505-670-7320

Steve Lacy, Project Manager, StevenK.Lacy@dfa.nm.gov; 505-695-5602

DFA-Local Government Division

<u>Wesley Billingsley</u>	Acting Division Director	505-819-1915
<u>Jeannette Gallegos</u>	Deputy Director/Special Services Bureau Chief	505-660-8744
<u>Cordelia Chavez</u>	Budget and Finance Bureau Chief	505-231-7246
<u>Carmen Morin</u>	Community Development Bureau Chief	505-470-8979
<u>Stephen Weinkauff</u>	E-911 Bureau Chief	505-660-3637
<u>Julie Krupcale</u>	LDWI Bureau Chief	505-629-2845
<u>Shanna Sasser</u>	Rural & Frontier Equity Ombudsman	505-470-2750
<u>Geovanna Losito</u>	Administrative Assistant	505 827-8051



Department of Finance & Administration Capital Outlay Bureau

ADMINISTRATION OF CAPITAL APPROPRIATIONS

Wesley Billingsley

Acting Local Government Division Director

Capital Outlay Bureau Chief

Ryan Serrano

Capital Outlay Bureau Executive Capital Analyst

Today's Topics

- ▶ Capital Outlay Bureau
 - ✓ What we do & What is capital outlay
- ▶ Administrative Tools
 - ✓ Budget Formulation & Management System, Tableau Dashboard & Capital Outlay Request Forms
- ▶ 2023 Legislative Session
 - ✓ 2023 Capital Appropriations, Reauthorizations & Other Signed Legislation
- ▶ Capital Outlay Implementation
 - ✓ EO 2013-006, Anti-Donation, Grant Agreement & Reporting
- ▶ Upcoming 2024 Legislative Session
 - ✓ Obstacles, Capital Outlay Timeline, Infrastructure Capital Improvement Plans
- ▶ Contact Information
 - ✓ State Agency Contacts and DFA Contacts

What we do?

The Capital Outlay Bureau (COB) is responsible for:

- ▶ Coordinate the funding and administration of capital projects.
- ▶ Work closely with executive agencies, the Governor's office (GOV), and the Legislative Finance Committee (LFC) to prepare the Executive Capital Budget.
- ▶ Oversee the capital budgeting process:
 - ▶ Assists with the STB questionnaire process; (SBOF)
 - ▶ General Fund (GF) Questionnaire process; (COB)
 - ▶ Identifying local entities; (Executive Agencies)
 - ▶ EO Compliance; and (Executive Agencies including OSA)
 - ▶ Budgeting capital projects. (COB)
- ▶ Maintain the State Capital Project Monitoring System (CPMS), soon to be the Budget Formulation & Management System (BFM).
- ▶ Utilize BFM and SHARE accounting data to create reports on all capital appropriations. These reports are used to update dashboards and assist the LFC with their quarterly reports.
- ▶ Monitor the expiration dates of all capital appropriations to ensure timely reversions of expired appropriation balances.
- ▶ Provide training, assistance and oversight to state and local agencies on the planning, project management and administration of capital project appropriations, including the Infrastructure Capital Improvement Plan (ICIP) for State Agencies.

What is Capital Outlay?

Definitions

- ▶ Capital outlay includes but is not limited to:
 - ▶ Equipment that is properly chargeable to a capital account and has a useful life of ten years or more;
 - ▶ Major renovations or repairs;
 - ▶ Acquisitions of existing assets;
 - ▶ Plan and design;
 - ▶ New building construction;
 - ▶ Non-structural improvements to land (grading, leveling, drainage and landscaping)
 - ▶ Construction of roadways, fences, ditches, and sanitary sewers.

Capital Outlay
Implementation

**Budget Formulation
and Management
(BFM)**

Category Budget Upload

Budget Form Lines

ID	Form	Business Unit	Bond Series	Form Name	Approp Less AIPP	Assigned to Categories	Amount not assigned
31615	8400	62400 - Aging and Long-Term Servi	GOB23 - General Obligation Bonds	SHARE Capital Budget	23,993,960.00	23,993,960.00	0.00

Quick Search:

Actions:

Row	Audit Trail	Fin Class	Appropriation Title	BU	Fund	ACode	2023-24 Appropriated Amount	2023-24 Approp Less AIPP	2023-24 Category 300 Approp*	2023-24 Category 400 Approp*	2023-24 Category 500 Approp*	2023-24 AIPP Set Aside	2023-24 Requested AIPP Changes*	2023-24 AIPP Revised Amount	Comments / Notes	
1		G5300	BARELAS SENIOR CTR-EQUIP	62400	89200	A22G5300	40,141.00	40,141.00	0.00	40,141.00	0.00	0.00	0.00	0.00		
2		G5301	CASA SENIOR TRANSPORTATION-VEH	62400	89200	A22G5301	375,050.00	375,050.00	0.00	375,050.00	0.00	0.00	0.00	0.00		
3		G5302	HIGHLAND SENIOR CTR-REN	62400	89200	A22G5302	353,358.00	349,824.00	0.00	349,824.00	0.00	3,534.00	0.00	3,534.00		
4		G5303	NORTH VALLEY SENIOR CTR-REN	62400	89200	A22G5303	2,971,442.00	2,941,728.00	0.00	2,941,728.00	0.00	29,714.00	0.00	29,714.00		
5		G5304	PALO DURO SENIOR CTR-REN	62400	89200	A22G5304	1,000,000.00	990,000.00	0.00	990,000.00	0.00	10,000.00	0.00	10,000.00		
6		G5305	RAYMOND G. SANCHEZ SENIOR CTR-REN	62400	89200	A22G5305	235,000.00	232,650.00	0.00	232,650.00	0.00	2,350.00	0.00	2,350.00		
7		G5306	WHISPERING PINES SENIOR CTR-REN	62400	89200	A22G5306	457,000.00	452,430.00	0.00	452,430.00	0.00	4,570.00	0.00	4,570.00		
8		G5307	GLENWOOD SENIOR CTR-REN	62400	89200	A22G5307	90,000.00	90,000.00	0.00	90,000.00	0.00	0.00	0.00	0.00		
9		G5308	GLENWOOD SENIOR CTR-VEH	62400	89200	A22G5308	52,000.00	52,000.00	0.00	52,000.00	0.00	0.00	0.00	0.00		
10		G5309	QUEMADO SENIOR CTR-EQUIP	62400	89200	A22G5309	92,500.00	92,500.00	0.00	92,500.00	0.00	0.00	0.00	0.00		
11		G5310	RESERVE SENIOR CTR-EQUIP	62400	89200	A22G5310	40,000.00	40,000.00	0.00	40,000.00	0.00	0.00	0.00	0.00		
12		G5311	RESERVE SENIOR CTR-REN	62400	89200	A22G5311	40,000.00	40,000.00	0.00	40,000.00	0.00	0.00	0.00	0.00		
13		G5312	LA CASA SENIOR CTR-CODECOMPLY	62400	89200	A22G5312	43,500.00	43,500.00	0.00	43,500.00	0.00	0.00	0.00	0.00		
14		G5313	FORT SUMNER SENIOR CTR-PLAN	62400	89200	A22G5313	75,000.00	75,000.00	0.00	75,000.00	0.00	0.00	0.00	0.00		
15		G5314	FORT SUMNER SENIOR CTR-VEH	62400	89200	A22G5314	50,000.00	50,000.00	0.00	50,000.00	0.00	0.00	0.00	0.00		

Records per page:

Records: 1 - 50 of 72 - Pages:

Reauthorization Budget Reduction Form

Budget Form Lines

ID	Form	Business Unit	Form Name
22085	9300	21800 - Administrative Office of the	Reauthorization (Budget Reduction)

Quick Search:

Actions:

Row	Audit Trail	BU	Class	Class Name (Reduction)	ACode (Reduce)	Fund (Reduce)	Acct (Reduce)	Rev Acct (Reduce)	Class to Increase	Reauthorization Reduction*	Justification	
1		21800	111232	BERN CO PAJARITO MEAL SITE-CODE	A000004	89200	400	499906	111242	0.00	To reduce per the laws	
2		21800	111232	BERN CO PAJARITO MEAL SITE-CODE	A000004	89200	300	499906	111259	0.00	Per laws	
3		21800	F2001	CURRY CO MAGISTRATE COURT RELOCATE	A21F2001	89200	400	499906	E2006	10,000.00	Per Laws 2023	
4		21800	F2001	CURRY CO MAGISTRATE COURT RELOCATE	A21F2001	89200	400	499906	E2017	1,500.00		

Records per page:

Records: 1 - 4 of 4 - Pages:

Reauthorization Budget Increase Form

Budget Form Lines

Close Export Import Refresh

ID	Form	Business Unit	Form Name
32710	9400	34100 - Department of Finance and	Reauthorization (Budget Increase)

Quick Search:
Enter search criteria here...

Actions:
Add New Copy

Row	Audit Trail	BU *	Class *	Class Name (Increase)	ACode (Increase)	Fund (Increase)	Acct (Increase) *	Rev Acct (Increase)	Class Reduced *	Reauthorization Increase*	Justification*	
1		34100	31131	ACEQUIA DE LA POSEION IMPROVE & LOAN	A121401	89200	400	499906	111259	5,000.00	Test	

Records per page: 50

Records: 1 - 1 of 1 - Pages: 1

Quarterly Report

Budget Form Header

Instance ID	Form Definition	Definition Name	Name	Business Unit	Fin Class:
22317	9200	Project Updates	IMPROVE NEW MEXICO HIGHWAY 1	80500	D4053

Stage Code:*
Business Unit:
Fin Class:
Entity:

Local: Department of Transportation
 IMPROVE NEW MEXICO HIGHWAY 118
McKinley County

Project Goals and Intended Public Benefit (Instructions): ***** Recipient of funding must describe the purpose and goals of the project and how it is expected to serve the public upon completion. This field is required to be completed once the funding for the appropriation becomes active. Quarterly updates are only required if the status has changed. (8,000 character limit) *****

Project Goals and Intended Public Benefit:*

Project History (Instructions): ***** Provide a record of major milestones reached and challenges confronted in the project to date. Previous entries to the "Recent Developments" field may be moved here to complete that record. Please include MM/YYYY date notations if you choose to copy previous entries into this field. (8,000 character limit) *****

Project History:*

Recent Developments ***** Summarize progress made on the project and major challenges in the last quarter, including any detail on assistance needed or efforts in

OK to Close Fin Class?

Project Phase:

Current Challenge:

Is Project Fully Funded?

Project Outcome:

Administrative Tools

Tableau Dashboard

Online Capital Outlay Dashboard, primarily for local capital projects.

- ▶ Accessibility of data to easily obtain capital appropriations and balances by year, county, fiscal agent, and project type
- ▶ Accessibility of data to highlight spend down progress and potential issues
- ▶ Data visualization to drive action by oversight agencies, fiscal agents, and policymakers
- ▶ Also used to show SB192 (Junior Bill) expenditures from SHARE.

<http://www.nmdfa.state.nm.us/dfa-dashboards>



RESET



CO_01 Capital Appropriations

CO_02 Executive Order

CO_03 Grant Agreements

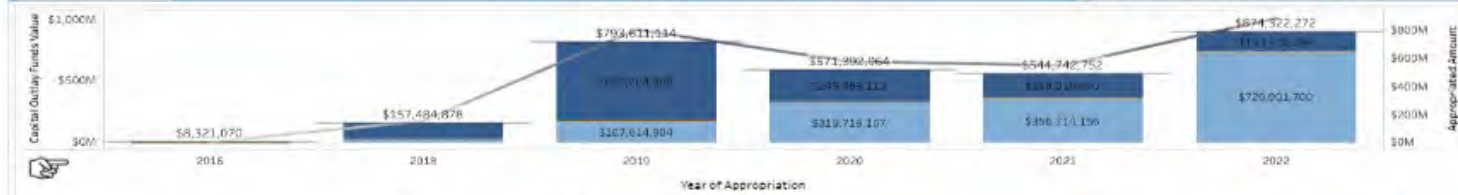
CO_09 Glossary



	Number of Selected Records	Number of Total Records	Line Items	Selected Amount	Capital Outlay Total
Appropriated Amount	4,969	4,969	Appropriated Amount	\$2,949,875,050	\$2,949,875,050
Expended	3,121	3,121	Expended	\$1,346,004,961	\$1,346,004,961
Reversion	142	142	Reversion	\$5,235,778	\$5,235,778
Balance	4,002	4,002	Balance	\$1,598,634,311	\$1,598,634,311

Category: (All) Sub Category: (All) Agency: (All) Local Fiscal Agent: (All) Fund Code: (All) Appropriated Amount: 0 - 75000000

\$2.95 B Distribution of Appropriated Amount during Different Appropriation Years



	2016	2018	2019	2020	2021	2022	Grand Total
Appropriated Amount	\$6,321,070	\$157,484,878	\$793,611,314	\$571,992,964	\$544,742,752	\$674,322,272	\$2,949,875,050
Expended	\$6,764,617	\$125,201,364	\$623,204,908	\$249,499,213	\$188,016,860	\$153,458,299	\$1,346,004,961
Reversion	\$0	\$255,862	\$2,791,222	\$2,174,184	\$11,736	\$2,273	\$5,235,778
Balance	\$1,556,453	\$32,127,651	\$167,614,984	\$319,719,167	\$356,714,156	\$720,901,700	\$1,598,634,311

Distribution of Appropriated Amount on the basis of County



Standard County

County	Row #	Appropriated Amount	Record Count
Grand Total		\$2,249,155,560	4,726
Bernalillo	1	\$620,130,067	1,369
Catron	2	\$1,623,000	30
Chaves	3	\$5,351,076	95
Cibola	4	\$1,136,233	57
Colfax	5	\$2,570,030	89
Curry	6	\$1,115,590	60
De Baca	7	\$3,180,688	16
Doña Ana	8	\$208,673,964	343
Eddy	9	\$40,162,583	96
Grant	10	\$43,753,098	91
Guadalupe	11	\$6,681,183	37
Harding	12	\$1,716,810	17
Hidalgo	13	\$10,466,636	28

Non-Standard County

County	Row #	Appropriated Amount	Record Count
Grand Total		\$700,719,480	249
Blair	1	\$4,000,000	1
Multiple	2	\$64,344,185	81
Statewide	3	\$632,375,305	161

Administrative Tools

Capital Outlay Request Form

- ▶ Online Capital Outlay Request Form - Department of Finance & Administration (DFA), the Governor's Office (GOV), Legislative Counsel Service (LCS) and Legislative Finance Committee (LFC) are continuing to work together to make the capital outlay request online.
- ▶ Goals / Benefits include:
 - ▶ More accessibility and ease of use
 - ▶ Data from ICIP can be pulled in, if governmental entity has submitted ICIP
 - ▶ Better data collected overall, as some fields are required
 - ▶ Ability to cross compare and analyze requests for policy priorities, project readiness, legal issues
 - ▶ Forms and/or links are typically found on the LCS, GOV and DFA websites

<https://www.nmlegis.gov/CapitalOutlayWeb/Default>



Capital Outlay Web



CAPITAL OUTLAY PROJECT REQUEST TERMS AND CONDITIONS

[Click here to search submitted projects by title](#)

Please read and acknowledge the following terms and conditions to start your capital project request:

To be considered for funding, your request must be submitted through this website by 3:00 p.m. on Thursday, January 13th, 2022.

Completed requests will be transmitted electronically by the Legislative Council Service (LCS) to legislators and/or the governor for sponsorship. Requests will be posted on the New Mexico Legislature's website at https://www.nmlegis.gov/Legislation/BillFinder/Capital_Outlay

Capital Outlay and 2023 Legislative Session

2023 Legislative Session - HB505

- ▶ New Mexico was appropriated about \$1.234 billion for 1,494 state and local capital outlay projects. (HB505) (3 Vetoes and 15 Partial Vetoes)
- ▶ 1,266 projects totaling over \$570 million allocated for local capital outlay projects. (Tribal: 194 projects totaling \$124,426,067)
- ▶ 101 projects totaling over \$530 million allocated for statewide capital outlay projects. (Tribal: 2 projects totaling \$21,188,040)
- ▶ 127 projects totaling about \$134 million allocated for higher education capital outlay projects.
- ▶ General Fund (GF) appropriations will be budgeted through an automated upload by DFA in July.
- ▶ GF appropriations must have 5% encumbered by June 30, 2024, or the funds will be reverted per language in HB505.

* Over \$4.3 billion total capital outlay appropriated since 2019.

Capital Outlay and 2023 Legislative Session 2023 Legislative Session - HB505 (GF) By Category

Subcategories	# of Appropriations	AMOUNT IN BILL (By Subcategory)
Acequias & Dams	46	\$ 22,223,275
Behavioral Health Facilities	3	\$ 78,551,490
Children & Family Facilities	7	\$ 10,286,470
Community Facilities	91	\$ 35,857,738
Corrections Facilities	7	\$ 25,776,490
Cultural Facilities	68	\$ 60,282,722
Health Facilities	29	\$ 52,043,940
Higher Education	129	\$ 140,674,351
Highways, Roads & Bridges	108	\$ 41,615,828
Housing	16	\$ 22,096,800
Judicial Facilities	16	\$ 44,646,100
Law Enforcement & Public Safety	135	\$ 126,041,472
Military & Veterans	14	\$ 20,178,268
Miscellaneous	5	\$ 6,078,500
Parks & Recreation Facilities	119	\$ 63,882,610
Public Building	71	\$ 64,028,500
Schools	221	\$ 189,627,011
Senior Citizens	72	\$ 27,435,100
Telecommunications	5	\$ 2,999,000
Transportation	86	\$ 31,533,442
Utility & Waste	52	\$ 18,435,000
Water & Wastewater	197	\$ 150,225,876
Grand Total	1497	\$ 1,234,519,983

Capital Outlay and 2023 Legislative Session 2023 Legislative Session - HB505 (GF) Tribal Projects By Category

Subcategories	# of Appropriations	Appropriation Amounts
Community Facilities	22	\$8,710,000
Health Facilities	7	\$4,435,960
Housing	5	\$7,274,500
Law Enforcement & Public Safety	15	\$23,199,926
Military & Veterans	6	\$8,189,000
Miscellaneous	1	\$850,000
Parks & Recreation Facilities	4	\$1,250,500
Senior Citizens	8	\$1,516,721
Telecommunications	2	\$600,000
Transportation	18	\$4,003,000
Public Building	23	\$12,594,000
Children & Family Facilities	1	\$2,830,000
Cultural Facilities	7	\$23,505,000
Schools	10	\$8,037,500
Utility & Waste	18	\$9,313,000
Acequias & Dams	1	\$100,000
Water & Wastewater	38	\$25,463,000
Highways, Roads & Bridges	10	\$3,742,000
Grand Total	196	\$145,614,107

Capital Outlay and 2023 Legislative Session

Capital Outlay - HB505

General Fund Questionnaire

- ▶ Statements made on Questionnaires are legal certifications and they must be true and complete.
- ▶ Failure to complete the project timely and as certified may result in the SBOF sweeping proceeds for projects that are ready to proceed or not funding future projects.
- ▶ If the project is not ready, return the questionnaire indicating no proceeds are requested at this time. Another questionnaire will be sent out later this calendar year for those projects not included in the July 2023 budget upload.
- ▶ The entity must notify the COB if the project changes or faces delays.

Funds will not be issued for a project if:

- ▶ the project recipient does not return a questionnaire to the COB
- ▶ the project recipient cannot **encumber** 5% of the funds within 6 months or **expend** 85% of the funds within 3 years of the execution of the grant agreement
- ▶ the **funding is not sufficient** to complete the project or a well-defined phase of the project
- ▶ the public body receiving the appropriation will not **own** the site or the asset to be funded
- ▶ the project recipient is not compliant with the State Audit Act and Executive Order 2013-006
- ▶ the project has unresolved **anti-donation** issues resulting from a private operator/manager/user not paying fair market value for the capital asset

Capital Outlay and 2023 Legislative Session

2023 Legislative Session - SB309

- ▶ The capital outlay reauthorization bill reauthorized 297 projects:
 - ▶ Time extension - Budgets are reduced and re-established immediately following the Governor signing the bill.
 - ▶ Change of Purpose and/or Agency - Budgets are reduced immediately following the Governor signing the bill.
 - ▶ For general fund projects - Budgets can be re-established at the same time they are reduced with a new class code and budref in SHARE, if allocated to the same agency. Otherwise, if there is a change in agency, operating transfers must take place prior to the new budgets being established.
 - ▶ For STB projects - Budgets cannot be re-established until the State Board of Finance has reviewed the new purpose during a future board meeting. Typically occurs prior to the new fiscal year.
- ▶ 7 reauthorizations were vetoed and 2 were partially vetoed.

Capital Outlay and 2023 Legislative Session

Capital Outlay Budget Process

- ▶ The budget process is different for each bill signed during the legislative session. For more detailed instructions please visit the Capital Outlay Bureau website at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>.

Training Materials

Search files:

Title	Open File
CPMS Instructions - Local Entity	Open File
CPMS Instructions-State Agency	Open File
Capital Outlay Presentation_6-14-2021	Open File
Capital Outlay Budget Set Up 4-29-22	Open File

Capital Outlay and 2023 Legislative Session

2021 Legislative Session - HB55

- ▶ The bill to allow for the publication of capital outlay allocations on the LCS website.
- ▶ Require LCS to publish a searchable list of capital projects that passed the Legislature (including those that are vetoed) and the name of each legislator and the Governor who allocated a portion of the capital outlay appropriation or bond authorization for each project, as well as the amounts of such allocations.
- ▶ LCS would publish this list 30 days after adjournment of each legislative session in which a capital projects list is approved by the Legislature.
- ▶ The bill would apply to the first session of the 55th Legislature (adjourned March 20, 2021) and subsequent Legislatures.
- ▶ The bill contains an emergency clause and would take effect immediately if signed by the Governor.

https://www.nmlegis.gov/Legislation/BillFinder/Capital_Outlay

* All recent capital outlay appropriations (2019 - 2023) are located on the Capital Outlay Bureau website at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>

Capital Outlay Implementation

EO-2013-006

Established on May 2, 2013 to address the following:

- ▶ Lack of audits or findings raise concerns about a grantee's ability to be a good steward of capital outlay funds thereby increasing the risk of fraud, waste and abuse.
 - ▶ Independent audits provide the best assessment of grantees' accounting methods.
 - ▶ Oversight of grantees' accounting methods is needed to safeguard appropriations and assets.

FIN 9.2 Grants Management—Funding Criteria and Oversight Requirements

Established by the Financial Control Division of the Department of Finance and Administration (revised September 30, 2013) to create a policy and criteria for implementation of Executive Order 2013-006

Capital Outlay Implementation

Anti-Donation Clause

- ▶ Article IX, Section 14 of NM Constitution
- ▶ Started with the Rail Road companies
- ▶ The NM Constitution prohibits public entities from donating to private entities
- ▶ Private entity can't own a publicly-financed capital asset, but they can operate them if certain conditions are met
- ▶ When there is a private operator, the market rental value of the public asset must be appraised to determine the fair market value of the asset
- ▶ Private operators can pay fair market rent in cash or in services
- ▶ If payment is made in services, the tenant has to be selected in compliance with the Procurement Code and the lease term has to be limited to the Procurement Code contract term limit
- ▶ The lease/operating agreement must have a "menu" of services to be provided and the value that each service will count towards rent. The value of each service must be demonstrated to be at fair market value
- ▶ Potential anti-donation is identified and cleared based on funding source
 - ▶ Bonds => State Board of Finance
 - ▶ General Fund => State Agency
- ▶ For general fund appropriations, contact State agency ASAP



Capital Outlay Implementation

Inter-governmental Grant Agreement (IGA)

- ▶ Before the agency issues a grant agreement, compliance with Executive Order 2013-006 is verified, Anti-Donation Issues are resolved, and the appropriation has been budgeted.
- ▶ Scope of Work - use appropriation law language as a guide when determining scope of work and ensure all appropriation activity is within the limits of authorizing language.
- ▶ Notice of Obligation (NOO) Exhibit 2 - agency reviews third party agreement and verifies it falls within authorizing language.
- ▶ Request for Reimbursement (RFR) Exhibit 1 - submit for payment of expenditures.
- ▶ Special Conditions (Optional Attachment A) - may be required if the entity is not in compliant with EEO2013-006 or if the state agency is required to impose other special conditions.
- ▶ Reporting requirements (Moving from CPMS to BFM, monthly to quarterly)

http://nmdfa.state.nm.us/Capital_Outlay_Bureau.aspx

Capital Outlay Implementation

Local Government Division Information

- ▶ <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/legislative-information/>

* All state agencies may have minor differences in their internal process, but most should require a grant agreement, notice of obligations, pay requests for reimbursement and reporting requirements.

The screenshot shows the 'Legislative Information' page on the NMDFA website. The page has a header with the title 'Legislative Information' and a breadcrumb trail: 'Home > Local Government > Community Development Bureau > Legislative Information'. Below the header, there is a background image of a classical building facade. The main content area is divided into two sections: 'Legislative Capital Grants Projects' and 'Legislative Exhibits'. Each section has a search bar and a table of documents with 'Open File' links.

Legislative Information
Home > Local Government > Community Development Bureau > Legislative Information

Legislative Capital Grants Projects

Capital Outlay Guidance

[Capital Outlay Guidance, Pay Requests – Presentation](#)

[Capital Outlay Guidance, NOOs – Presentation](#)

Search files:

Document	Open File
Capital Project Guidance	Open File
W-9 Form	Open File

Legislative Exhibits

Search files:

Document	Open File
Exhibit 1 - Capital Grant Request For Payment Form (fillable)	Open File
Exhibit 1 - Request for Payment Form Instructions to complete and submit	Open File
Exhibit 2 - Notice of Obligation	Open File
Exhibit 2 - Notice of Obligation for Multiple Vendors	Open File

Upcoming Legislative Session

Obstacles facing Local Governments & State Agencies

- ▶ Piecemealed funding;
- ▶ Procurement processes;
- ▶ Contractor availability;
- ▶ Rising material/contractor costs;
- ▶ Supply chain causing delays;
- ▶ Turnover at the state and local levels;
- ▶ DFA administrative process.

Upcoming Legislative Session

Capital Outlay Administrative Process and Timeline

Complete process for capital appropriations (FY 2024 - 4 Year appropriations):

- ▶ Planning process to identify projects that are ready; (Yearly)
- ▶ Enter planned projects into ICIP; (May 2023 through November 2024)
- ▶ Start preparing for annual audit to ensure EO compliance; (July 2023 through May 2024)
- ▶ Projects funded through capital bill; (December 2023 through February 2024)
- ▶ Capital bill drafted and signed into law; (February 2024 through April 2024)
- ▶ Projects budgeted at DFA; (April 2024 through July 2024)
- ▶ Grant Agreements issued and executed; (July 2024 through December 2024)
- ▶ Procurement Process; (January 2025 through March 2025)
- ▶ Construction; (March 2025 through March 2027) (Depends on project size and scope)
- ▶ Reimbursement Process; (March 2025 through June 2027)
- ▶ Project Closeout; (March 2027 through January 2028)(11-month warranty period)
- ▶ Project Closed. (January 2028 through June 2028)(Remaining balance reverted)

Upcoming Legislative Session

Suggested Administrative Reforms and Collaboration

- ▶ State Agencies standardize forms and databases to share information. (Grant Agreements & Audit Compliance - UFC forms)
- ▶ DFA is continuing to work with the Legislative Council Service on the paperless capital project request system to reduce redundancy. (Hope to refine process little by little each year)
- ▶ Set a minimum project size and funding amount (exception for critical health and safety needs) to streamline administration, oversight, and return on taxpayer investment. (Fully Functional Phase)
- ▶ Legislators continue to collaborate to fund larger, regional projects.
- ▶ Require local project matching funds (with exceptions for very small entities and critical health and safety projects). Leverage multiple funding sources, such as local bonds and federal funds.

Upcoming Legislative Session



Infrastructure Capital Improvement Plan (ICIP)

- ▶ Infrastructure capital improvement plan (ICIP) establishes planning priorities for anticipated capital projects.
- ▶ ICIP helps to plan for future capital improvements.
- ▶ ICIPs must be submitted annually by the deadlines set forth by statute or LGD.
 - ▶ Covers 5-year period and is developed each year (2024-2028);
 - ▶ Policy direction, project timelines, estimated costs, justifications, and the details projects proposed, by year, over the five-year period.
 - ▶ May include:
 - ▶ Repair/replacement of existing infrastructure
 - ▶ Development of new infrastructure
 - ▶ Implementation plan and includes an estimate of operating/maintenance expenses to ensure long-term viability each planned project's viability and sustainability; and
 - ▶ Entities should update their ICIP based on what was previously funded and programmatic changes that impact their capital needs.

Upcoming Legislative Session

Infrastructure Capital Improvement Plan (ICIP)

- ▶ ICIP instructions can be found on our website at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>.
- ▶ Statutory deadline for state agencies is July 3, 2023.

Infrastructure Capital Improvement Plan (ICIP)

Search files:

Title	Open File
2021 DFA Capital Outlay Hearing Schedule FINAL 9-29-21	Open File
2023-2027 ICIP Public Notice 9-29-21 FINAL	Open File
State Agencies_HigherEd_ICIP Report_ 2023_9-29-2021	Open File
2024-2028 State Agency ICIP_Checklist_4-11-22_Agency Name	Open File
2024-2028 State Agency ICIP_Certification_4-11-22	Open File
2024-2028 State Agency ICIP Memo_Draft_4-11-22	Open File
2024-2028 State Agency ICIP Guidelines_5-2-22	Open File
FY2024-2028 Data Entry Instructions	Open File

Upcoming Legislative Session

Infrastructure Capital Improvement Plan (ICIP)

- ▶ ICIP instructions for local entities can be found on the LGD website at <https://www.nmdfa.state.nm.us/local-government/icip/>.

ICIP – YOUR PROJECT PLANNING TOOL

The local government infrastructure capital improvement plan (ICIP) is a **PLANNING TOOL**, which establishes priorities for anticipated infrastructure projects for counties, municipalities, tribal governments, special districts, and senior citizen facilities. The local government ICIP is administered through the Department of Finance and Administration, Local Government Division. The ICIP planning tool encourages entities to develop and update their five-year plan annually which is submitted to the State. It provides an opportunity for communities to assist and assess any critical needs. Although the ICIP is not a funding source, it does include information in each project for state and federal funding opportunities.

FY2024-2028 ICIP Submission Deadlines

- Special Districts – Friday, July 15, 2022
- Tribal Governments – Friday, August 19, 2022
- Counties and Municipalities – August 19, 2022
- Senior Citizen Facilities – Friday, September 9, 2022

FY2024-2028 ICIP	File Type
FY2024-2028 ICIP Guidelines (rev. 5.5.2022)	PDF
FY2024-2028 Data Entry Instructions	PDF
FY2024-2028 ICIP Worksheets	DOCX
Appendix I – Completion Certification Form	PDF
Appendix II – Resolution Template	PDF
Appendix III – Permission for Access	PDF
2022 ICIP Virtual Training May Series 1	PDF
2022 ICIP Virtual Training June Series 2	PDF
2022 Infrastructure Capital Improvement Plan (ICIP) Submission Form	Online Form

State Agency - Capital Outlay Bureau

State Agency Contacts	Agency	Title	Phone	Email
Carmen Morin	DFA, Local Government Division (LGD)	Community Development Bureau Chief	505-470-8979	carmenb.morin@dfa.nm.gov
Elizabeth Chavez	Aging & Long-Term Services Dept. (ALTS)	Capital Outlay Coordinator	505-365-3804	elizabeth.chavez@altsd.nm.gov
Clarissa Martinez	Department of Transportation (DOT)	Management Analyst	505-699-9946	clarissa.martinez@dot.nm.gov
Rhonda Holderman	Environment Department (DOE)	Financial Manager, Loans and Grants	505-363-9396	rhonda.holderman@env.nm.gov
Gerald Hoehne	Higher Education Department (HED)	Capital Projects Coordinator	505-476-8434	gerald.hoehne@hed.nm.gov
Elroy Keetso	Indian Affairs Department (IAD)	Financial Coordinator Supervisor	505-490-0545	elroy.keetso@iad.nm.gov
Amanda Lupardus	Public Education Department (PED)	Financial Coordinator	505-827-6613	amanda.lupardus@ped.nm.gov
Emily Breen	Office of the State Engineer (OSE)	Program Manager	505-827-6310	emily.breen@ose.nm.gov

DFA - Capital Outlay Bureau

Contacts

Wayne Propst (DFA Secretary) - 505-827-4966

wayne.propst@dfa.nm.gov

Wesley Billingsley (Capital Outlay Bureau Chief) - 505-819-1915

wesley.billingsley@dfa.nm.gov

Tonantzin Roybal (Executive Capital Analyst) - 505-470-4673

tonantzin.roybal@dfa.nm.gov

Ryan Serrano (Executive Capital Analyst) - 505-819-1568

ryans.serrano@dfa.nm.gov

Melody Montoya (Administrative Assistant) - 505-827-3696

melody.montoya@dfa.nm.gov

http://nmdfa.state.nm.us/Capital_Outlay_Bureau.aspx

Community Development Bureau

Contacts

Wesley Billingsley (Acting LGD Director) - 505-819-1915

wesley.billingsley@dfa.nm.gov

Carmen Morin (Community Development Bureau Chief) - 505-470-8979

carmenb.morin@dfa.nm.gov

Annette Apodaca (ICIP Program Manager) - 505-369-0341

annette.apodaca@dfa.nm.gov

Daniel Catanach (Project Manager) - 505-827-4973

danieln.catanach@dfa.nm.gov

Dawn Webster (Project Manager) - 505-490-1528

dawn.webster3@dfa.nm.gov

Donna Stewart (Project Manager) - 505-231-2993

donnaj.stewart@dfa.nm.gov

Jennifer McGrath (Project Manager) - 505-469-2910

jennifer.mcgrath@dfa.nm.gov

Maureen Ayers (Project Manager) - 208-805-6894

maureen.ayers@dfa.nm.gov

Monica Tapia (Project Manager) - 505-470-1775

monica.tapia@dfa.nm.gov

Steve Lacy (Project Manager) - 505-695-5602

stevenk.lacy@dfa.nm.gov

<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/>

New Mexico Indian Affairs Department



Grant Management Training for Grantees



OVERVIEW OF TRAINING TOPICS

- Acronyms
- Capital Outlay Process
- TIF Process
- Tribal Audits
- Bond Questionnaire
- Understanding the Grant Agreement
- Appropriation Types
- Allowable Expense
- Scope of Work/Budget Form
- Notice of Obligation
- Expenditures
- Reporting
- Reversions
- Final Report
- Reauthorizations

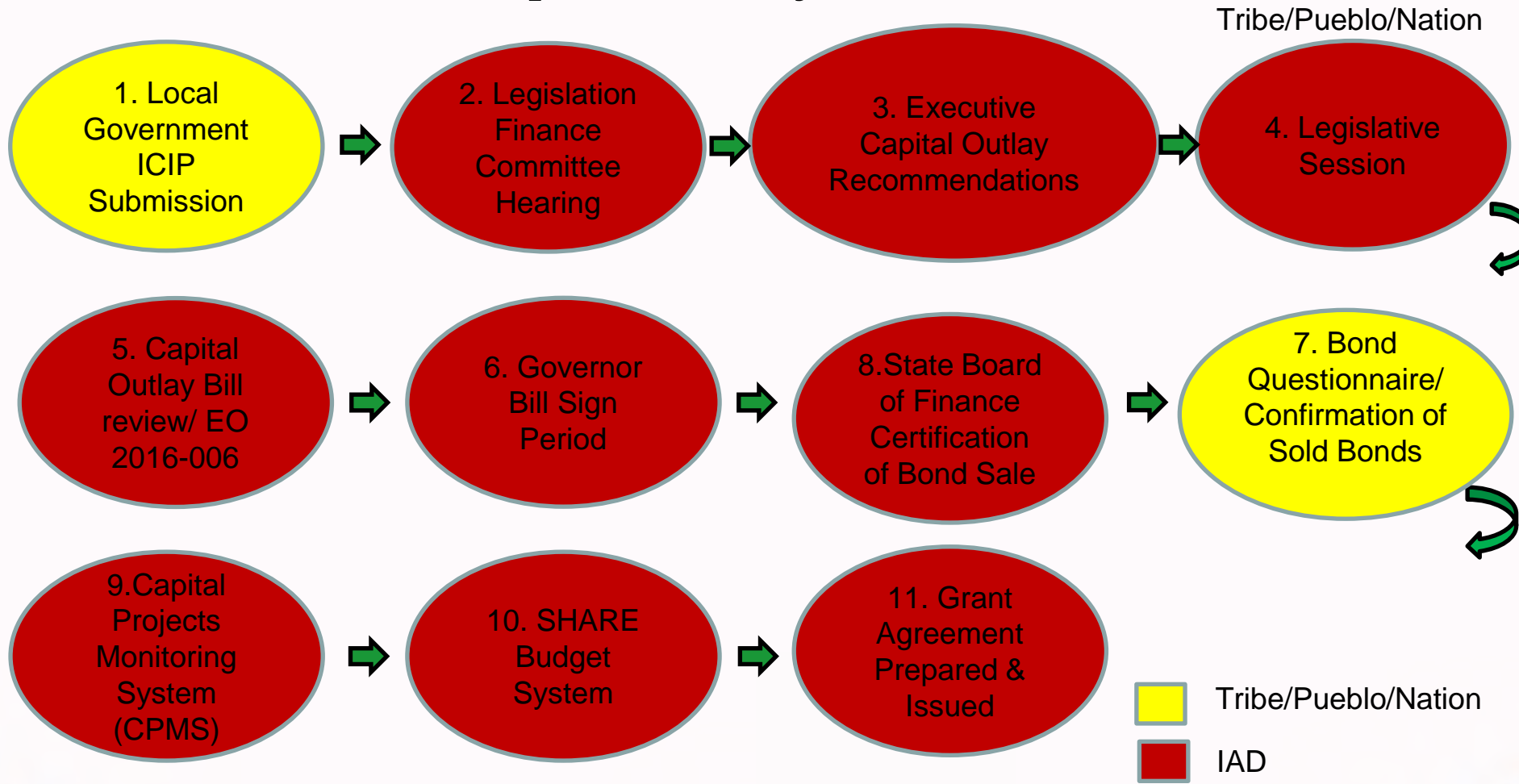


ACRONYMS

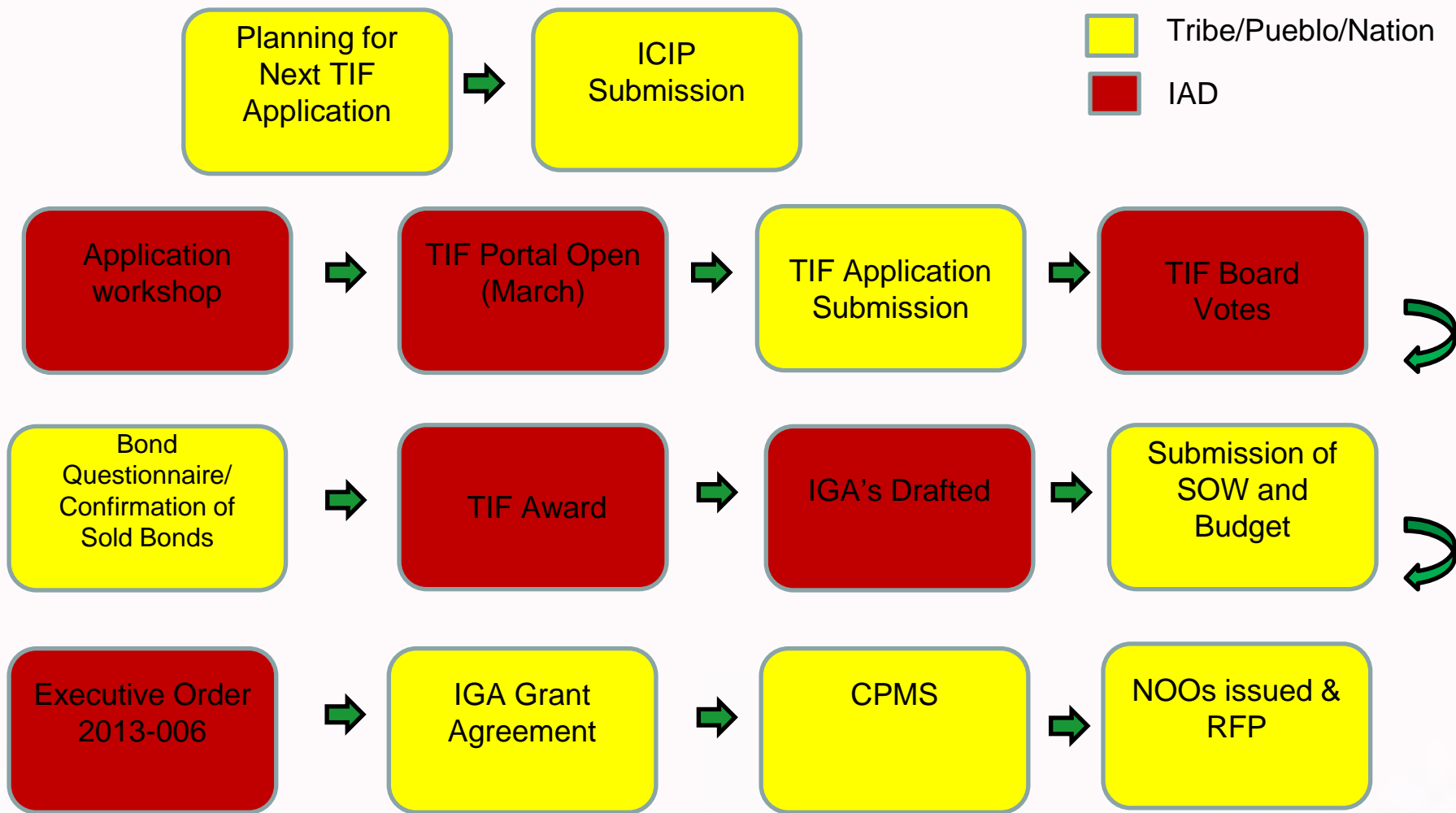
- **AIPP – Arts in the Public Place**
- **CO – Capital Outlay**
- **CPMS – Capital Projects Monitoring System**
- **DFA – Division of Finance Administration**
- **EO – Executive Order**
- **GF – General Fund**
- **GOB – General Obligation Bond**
- **ICIP – Infrastructure Capital Improvement Plan**
- **NOO – Notice of Obligation**
- **PO – Purchase Order**
- **RET – Reauthorization**
- **RFP – Request for Payment**
- **SOW – Scope of Work**
- **STB – Severance Tax Bond**
- **TIF – Tribal Infrastructure Fund**
- **UFC – Uniform Funding Criteria**



Capital Outlay Process



Tribal Infrastructure Funds Process



Tribal Audits

- In the month of March, we will send an email to Tribal Leadership & Staff requesting for Tribal Audits
- Once the Tribal Audit is submitted it is reviewed by the CFO and a Uniform Funding Criteria (UFC) form is filled out and sent to DFA-Capital Outlay Bureau
- DFA receives the UFC and if everything meets the requirements of EO 2013-006 the appropriation will be placed on the list for the Bond Sale
- It is important to do your tribal audits and submit per the EO-2013-006
- More information you can go to the link at:
www.nmdfa.state.nm.us/budget-division/capital-outlaybureau/



Executive Order – 2013-006



State of New Mexico

Susana Martínez
Governor

EXECUTIVE ORDER 2013-006

ESTABLISHING UNIFORM FUNDING CRITERIA AND GRANT MANAGEMENT AND OVERSIGHT REQUIREMENTS FOR GRANTS OF STATE CAPITAL OUTLAY APPROPRIATIONS BY STATE AGENCIES TO OTHER ENTITIES

WHEREAS, robust capital outlay oversight requires grantees' accounting methods and procedures, including their internal control framework, to be scrutinized, so as to safeguard State capital outlay appropriations and assets acquired with such appropriations; and

WHEREAS, timely annual audits, approved budgets, and financial reports are necessary to assess a grantee's accounting methods and procedures; and

WHEREAS, State agencies must critically examine annual audits to identify relevant material weaknesses and significant deficiencies and, where necessary and feasible, impose special conditions to address such weaknesses and deficiencies; and

WHEREAS, intended end-users of some State-funded projects are private entities, necessitating that such projects receive extra scrutiny and oversight to avoid unconstitutional donations of public capital to private entities; and

WHEREAS, the lack of annual audits and financial reports, material weaknesses and significant deficiencies, and private use of State-funded capital increase the risk that State capital outlay appropriations will be subject to fraud, waste, or abuse; and

WHEREAS, capital outlay processes vary among State agencies, which can cause confusion among grantees and result in best practices not being uniformly followed; and

WHEREAS, these risks and concerns can be avoided or minimized by establishing and requiring State agencies to follow a set of uniform minimum funding criteria focused on the accounting methods and procedures of grantees and grant management and oversight requirements; and

WHEREAS, among other statutory authority, the Department of Finance and Administration has the authority to "devise, formulate, approve, control and set standards for the accounting methods and procedures of all state agencies" (NMSA 1978, Section 6-5-2(A)); "prescribe procedures, policies and processing documents for use by state agencies in connection with fiscal matters" (NMSA 1978, Section 6-5-2(A)); "coordinate all procedures for financial administration and financial control and integrate them into an adequate and unified system" (NMSA 1978, Section

State Capitol • Room 400 • Santa Fe, New Mexico 87501 • 505-476-2200 • Fax: 505-476-2226

Page 2
Executive Order 2013-006
May 2, 2013

6-5-2.1(A)); and "make improvements in the state's model accounting practices, systems and procedures" (NMSA 1978, Section 6-5-2.1(Q)).

NOW, THEREFORE, I, Susana Martínez, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, do hereby order the following:

1. **Definitions.** As used in this Executive Order:

A. "annual audit" means the annual examination and audit of the financial affairs of an agency required by NMSA 1978, Section 12-6-3(A);

B. "DFA" means the Department of Finance and Administration;

C. "grant" means a non-exchange transaction whereby a State agency makes all or a part of a State capital outlay appropriation available to a grantee;

D. "grant agreement" means the written agreement pursuant to which a State agency grants all or a part of a State capital outlay appropriation to a grantee;

E. "grantee" means an entity to which a State agency grants or considers granting all or a part of a State capital outlay appropriation; and

F. "State agency" means any department, institution, board, bureau, commission, district or committee of the government of the state and means every office or officer of any of the above.

2. **Uniform Funding Criteria.**

A. Pursuant to the statutory authority cited above, DFA shall establish the following uniform funding criteria for a grantee to be eligible for a grant:

1. a grantee's annual audit for the most recently concluded fiscal year must be a public record pursuant to NMSA 1978, Section 12-6-5(A);

2. in the case of a grantee whose most recent annual audit, or special audit released since its most recent annual audit became a public record, documents material weaknesses or significant deficiencies that raise concerns about the grantee's ability to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired with grant funds:

a. the grantee must have remedied the material weaknesses and significant deficiencies to the satisfaction of the State agency making the grant;



Executive Order (EO) Compliant 2013-0006

- The EO-2013-006 requires agencies that fund Capital Outlay Project and TIF Projects review the entities annual audits
- The review will include:
 - Looking at the timeliness of the audit
 - The audit findings including material weaknesses and significant deficiencies
 - The auditor's opinion
 - Special Conditions



UNDERSTANDING THE INTERGOVERNMENTAL GRANT AGREEMENT (IGA)

NMIAD IGA 609-22-Z3860
EXAMPLE TRIBE ADMIN BLDG CONSTRUCT
CPMS ID# Z3860

**STATE OF NEW MEXICO
DEPARTMENT OF INDIAN AFFAIRS
FUND 89200 CAPITAL APPROPRIATION PROJECT**

THIS AGREEMENT is made and entered into by and between the Indian Affairs Department, Wendell Chino Building, 1220 S. St Francis Drive, Santa Fe, NM 87505, hereinafter called the “Department” or abbreviation such as “IAD”, and Example Tribe, hereinafter called the “Grantee”.

RECITALS

WHEREAS, in the Laws of 2022, Chapter 53, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement;

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement;

The IGA is the agreement between IAD and the entity (your government).



UNDERSTANDING THE INTERGOVERNMENTAL GRANT AGREEMENT (IGA)

NMIAD IGA 609-22-Z3860
EXAMPLE TRIBE ADMIN BLDG CONSTRUCT
CPMS ID# Z3860

**STATE OF NEW MEXICO
DEPARTMENT OF INDIAN AFFAIRS
FUND 89200 CAPITAL APPROPRIATION PROJECT**

THIS AGREEMENT is made and entered into by and between the Indian Affairs Department, Wendell Chino Building, 1220 S. St Francis Drive, Santa Fe, NM 87505, hereinafter called the “Department” or abbreviation such as “IAD”, and Example Tribe, hereinafter called the “Grantee”.

RECITALS

WHEREAS, in the Laws of 2022, Chapter 53, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement;

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement;

Review IGA

- Appropriation Language
- Title of Project
- Reversion Date



UNDERSTANDING THE INTERGOVERNMENTAL GRANT AGREEMENT (IGA)

Laws of 2022, Chapter 53, Section 47, Paragraph 18, ONE MILLION DOLLARS (\$1,000,000) to plan, design, construct, furnish and equip a tribal administration complex for the Example Tribe in Example county; and;

The Grantee's total reimbursements under this Agreement shall not exceed **NINE HUNDRED AND NINETY THOUSAND DOLLARS (\$900,000)** which is hereinafter referred to as "Appropriation Amount." Pursuant to the Art in Public Places Act, **TEN THOUSAND DOLLARS (\$10,000.00)** has been set aside from the Project and transferred to the Art in Public Places Fund, which is administered by the Cultural Affairs Department.

- The IGA will also list the amount obligated from the project to **Art in Public Places (AIPP)**
- If AIPP is applicable the project amount may be different than what was original awarded
- TIF does not take out AIPP



UNDERSTANDING THE INTERGOVERNMENTAL GRANT AGREEMENT (IGA)

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

EXAMPLE TRIBE ADMIN BLDG CONSTRUCTTRIBAL ADMIN BLDG
CONSTRUCT

IGA # 609-22-Z3860

Page 1 of 20

APPROPRIATION REVERSION DATE: 6/30/2026



The IGA will list the reversion date
of the funding.



APPROPRIATION TYPES

TIF

- **Planning projects** must be completed within **24 months (2 years)** from the date of the execution of the **Intergovernmental Agreement (IGA)** by the Cabinet Secretary.
- **Design and Construction** projects must be completed within **36 months (3 years)** from the date of the execution **Intergovernmental Agreement (IGA)** by the Cabinet Secretary.
- Any **unexpended balance reverts to the severance tax bond fund.**

Capital Outlay

- Identified in Capital Bill (Reversion Date)
- **4 year** for plan, design, construction, demolish, renovate, refurnish
- **2 year** for purchase (motor grader, vehicle, equipment)



ALLOWABLE EXPENSE

- **Direct project costs** are allowable expenses
- **Indirect project costs directly to entities are not allowed** Indirect project costs include but are not limited to:
 - Penalty fees, food, room rental for meeting
 - Damages other than pay for work performed
 - Attorney fees
 - Administrative fees i.e. salaries, benefits, building rental fees, utilities, etc.
- If you are not sure; refer to the State Board of Finance Disbursement Rule
- Bond Project Disbursement Rule | New Mexico Department of Finance and Administration (state.nm.us)

**TITLE 2 PUBLIC FINANCE
CHAPTER 61 STATE INDEBTEDNESS AND SECURITIES
PART 6 BOND PROJECT DISBURSEMENTS**

2.61.6.1 ISSUING AGENCY: State Board of Finance, 181 Bataan Memorial Building, Santa Fe, NM 87501.
[2.61.6.1 NMAC - N, 02-28-02]

2.61.6.2 SCOPE: All agencies with respect to draw down of bond proceeds from severance tax bonds, supplemental severance tax bonds, or general obligation bonds.
[2.61.6.2 NMAC - N, 02-28-02; A, 01-15-09]

2.61.6.3 STATUTORY AUTHORITY: Section 6-1-1 (E) NMSA 1978 provides for the state board of finance to have general supervision of the fiscal affairs of the state and securities belonging to or in custody of the state, and that the board may make rules and regulations for carrying out these provisions.
[2.61.6.3 NMAC - N, 02-28-02]

2.61.6.4 DURATION: Permanent.
[2.61.6.4 NMAC - N, 02-28-02]

2.61.6.5 EFFECTIVE DATE: February 28, 2002, unless a later date is cited at the end of a section.
[2.61.6.5 NMAC - N, 02-28-02]

2.61.6.6 OBJECTIVE: This rule provides general guidance regarding the financial and legal requirements for draw down of bond proceeds.
[2.61.6.6 NMAC - N, 02-28-02]

2.61.6.7 DEFINITIONS:
A. "Agency" means any department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state. It also includes the purchasing division of the general services department and the state purchasing agent, but does not include local public bodies.
B. "Board" means state board of finance.
C. "Capital expenditure" means cost of a type that is properly chargeable to a capital account under general federal income tax principles.
D. "Draw requests" means agency request for bond proceeds on a form approved from time to time by board staff.
[2.61.6.7 NMAC - N, 02-28-02; A, 01-15-09]

2.61.6.8 INTERPRETATION OF AUTHORIZING LANGUAGE:
A. In accordance with New Mexico law, bond proceed expenditures shall not be made for purposes other than those specified in an appropriation and any other relevant law, and must meet the definition of capital expenditure unless otherwise authorized by law. It is crucial to determine whether the purpose for a draw request falls within an appropriation's permitted use. The following provides general direction and clarification in the interpretation of authorizing language. Agencies may also refer to the Uniform Statute and Rule Construction Act, 12-2A NMSA 1978 for guidance.
(1) Straight-forward language - some appropriation language is relatively unambiguous, either because it is quite specific or quite general, and it should not be difficult to determine whether the draw request falls within the appropriation language. The following examples use both specific and general language.
(a) "To purchase a van" - the specificity would not permit the purchase of a bus or truck or multiple vans. Using the appropriation to prepay rent on a leased vehicle would not be permitted.
(b) "For (a jail, an engineering study, specific type of equipment, etc.)" - "for" permits the broadest interpretation of the items that could be covered. The words act as a substitute for a particular verb or verbs that might raise interpretive questions or otherwise limit the use of funds. For example, "for a jail" could include purchasing an existing building, purchasing real estate, demolition, the planning and designing, constructing, equipping, furnishing and all other things of capital nature incident to completing the jail.

SCOPE OF WORK

- **Name of Tribal Entity / Organization:**
- **Project Title :**
- **Background Narrative:**
- **Work Plan:**
- **Budget:**
- **Performance Measures:**
- **Results Expected (Community Benefits):**
- **Time Frame / Milestones:**
- **Responsible Staff Names & Contact Information:**
- **Attachments:**

Name of Tribal Entity / Organization:

Use your preferred organization name.

Project Title:

Use project name on IGA

Background Narrative:

Provide a brief history of the project and explain the current status.

Work Plan:

Provide what phase will be accomplished with the funding

Budget:

Provide a list of funding the project has that may be listed under other in the budget worksheet. (*e.g., other state fund, local funds, or federal funds*)

Performance Measures:

What performance measure your organization will take to ensure that the project will be done properly and timely.

Results Expected (Community Benefits):

Describe what phase of the project will be complete

Time Frame / Milestones:

Describe the milestones of the project phase and time frame of when it is expected to be complete.

Responsible Staff Names & Contact Information:

List who is responsible for the project from your organization. Provide name, title, direct phone number, and email.

Attachments:



Budget Form (Signed)

BUDGET FORM

PROJECT BUDGET

Tribal Infrastructure Fund
 Capital Outlay

DATE: **11/30/22**

PROJECT #: **609-22-Z3860**

NAME OF GRANTEE: **Example Tribe**

CLASSIFICATION: If applicable the amount total listed for the grant award in IGA should reflect the **AIPP withdrawn**.

TOTAL:

- Identify source of other funding (include matching requirements)
- Are the other funds committed? (Yes/No)
- If not, when do you expect commitment?

X Grantee Signatory Authority: MUST be Signed

Project Contact Information:

Laws of 2022, Chapter 53, Section 47, Paragraph 18, ONE MILLION DOLLARS (\$1,000,000) to plan, design, construct, furnish and equip a tribal administration complex for the Example Tribe in Example county; and;

The Grantee's total reimbursements under this Agreement shall not exceed **NINE HUNDRED AND NINETY THOUSAND DOLLARS (\$900,000)** which is hereinafter referred to as "Appropriation Amount." Pursuant to the Art in Public Places Act, **TEN THOUSAND DOLLARS (\$10,000.00)** has been set aside from the Project and transferred to the Art in Public Places Fund, which is administered by the Cultural Affairs Department.

DATE:	11/30/22	PROJECT #:	609-22-Z3860
NAME OF GRANTEE:	Example Tribe		
CLASSIFICATION		OTHER FUNDS	TOTAL
Administrative Expenses	Ineligible	\$ -	\$ -
Engineer Fees			
Other Professional Service Fees-Identify			
Inspection Fees			
Property Acquisition			
Construction Cost (Attach Breakdown)	\$900,000.00	\$ 200,000.00	\$1,100,000.00
Equipment (Purchase)			
Other Costs (specify Installation)			
Contingencies			\$ -
TOTAL:	\$ 900,000.00	\$ 200,000.00	\$ 1,100,000.00
Identify Sources of Other Funds (Include matching requirements):	Local Tribal Funds		
Are the other funds committed? (Yes/No)	Yes	Signed Budget Form X Grantee Signatory Authority	
If not, when do you expect commitment?			
Project Contact Information:	Alternate Project Contact Information:		
Fred Yazzie	Mary Martinez		
Phone No: 505-555-5555	Alternate Phone No: (505) 555-6666		



NOTICE OF OBLIGATION

- The Grantee shall complete and submit before work or purchase to be performed:
 - a 3rd party agreement signed by contractor **BEFORE IT IS FULLY EXECUTED**, provided that it is in accordance with the Grantee's procurement code and the approved scope of work as defined in the IGA and appropriation language.
 - documentation of how the third-party agreement was procured (copy of bids/quotes/proposals, copy of RFP, copy of public notice, scoring, etc.)
- IAD signs NOO for the obligated amount and forwards to IAD Procurement for Purchase Order (PO). Once PO is approved the NOO and PO will be sent to the Grantee.
- Entities in receipt of the approved NOO, can execute the third-party agreement and proceed with the project.



NOTICE OF OBLIGATION FORM

**NOTICE OF OBLIGATION TO REIMBURSE GRANTEE
EXHIBIT 2**

- PO or Contract Number
- Vendor
- Contract amount
- Termination date/Reversion date

- Grant Amount
- Amount of NOO being requested
- Amount of Previously NOOs requested
- Total of all NOO requested to Date

Notice of Obligation to Reimburse Grantee [# 1]

DATE: 8/30/2019

TO: Department Representative:
FROM: Grantee:
Grantee Official Representative:

SUBJECT: Notice of Obligation to Reimburse Grantee
Grant Number: 609-19-DXXXX
Grant Termination Date: 6/30/2023

As the designated representative of the Department for Grant Agreement number 609-19-DXXXX entered into between Grantee and the Department, I certify that the Grantee has submitted to the Department the following third party obligation executed, in writing, by the third party's authorized representative:

Vendor or Contractor: ACME CONSTRUCTION
Third Party Obligation Amount: \$600,000.00

Vendor or Contractor: _____
Third Party Obligation Amount: _____

Vendor or Contractor: _____
Third Party Obligation Amount: _____

I certify that the State is issuing this Notice of Obligation to Reimburse Grantee for permissible purposes within the scope of the project description, subject to all the terms and conditions of the above referenced Grant Agreement.

Grant Amount (Minus AIPP if applicable):	\$500,000.00
The Amount of this Notice of Obligation:	\$500,000.00
The Total Amount of all Previously Issued Notices of Obligation:	\$0.00
The Total Amount of all Notices of Obligation to Date:	\$500,000.00

Note: Contract amounts may exceed the total grant amount, but the invoices paid by the grant will not exceed the grant amount.

Department Rep. Approver: _____
Title: _____
Signature: _____
Date: _____

¹ Administrative and/or Indirect Cost – generally, the legislation authorizing the issuance of bonds prohibits the use of its proceeds for indirect expenses (e.g. penalty fees or damages other than pay for work performed, attorney fees, and administrative fees). Such use of bond proceeds shall not be allowed unless specifically authorized by statute.

- Date of Request
- Grantee Representative
- Department Representative
- Project Number

- NOO is signed by IAD Department Rep.
- Title of IAD Rep
- Date of Signature



Purchase Order

- NOO sent to IAD Procurement
- PO is reviewed and created in SHARE system and PO number is created once entered
- DFA reviews the PO and supporting documents and either approves or denies
- Once approved IAD Procurement will notify the TIF/CO Administrator
- PO and NOO will be sent to grantee



Purchase Order



Indian Affairs Department
 1220 S. St. Francis Dr.
 Wendell Chino Building, 2nd Floor
 Santa Fe NM 87505
 United States

State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

Dispatched		Dispatch Via Print
Purchase Order 60900-0000004181	Date 01-21-2020	Revision 2 -
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer VANESSA GUTIERREZ	Phone	Currency USD

Supplier: 0000054606
 THE NAVAJO NATION
 PO BOX 3150
 WINDOW ROCK AZ 86515-0000
 United States

Ship To: 1220 S. St. Francis Dr.
 Wendell Chino Building,
 2nd Floor
 Santa Fe NM 87505
 United States

Bill To: 1220 S. St. Francis Dr.
 Wendell Chino Building,
 2nd Floor
 Santa Fe NM 87505
 United States

Line-Sch	Item/Description	Exc\Exci#:	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	To plan, design and construct power line extensions in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county TSE'DAA'KAAN CHP POWER LINE EXTENSIONS 609-19-D2671 60900-93100-A19D2671-547430- - - - -91960-D2671	13-1-98-A	1.00	EA	\$155,462.33	\$155,462.33	01/21/2020

Schedule Total	<u>\$155,462.33</u>
Item Total	<u>\$155,462.33</u>
Total PO Amount	<u>\$155,462.33</u>

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

Authorized Signature




EXPENDITURES

Request for Payment (RFP) Checklist - indicates all the required documentation needed for reimbursement. All RFP's must have this checklist attached before it will be processed.

- Please make sure all supporting documentation is attached.
- The Grantee shall be strictly accountable for receipts and disbursements relating to the Project's funds.
- Department has the right to reject a payment request if the Department determines the expenses were not permitted or does not comply with the IGA, Scope of Work, Budget or Notice of Obligation.



REQUEST FOR PAYMENT CHECKLIST
IAD cannot alter a notarized Request for Payment Form

I. Grantee Information:

Are the following correct:

- Grantee Name (I.A)
- Address (This where the warrant will be mailed) (I.B.)
- Phone No. (I.C.)
- Grant No. (I.D.)
- Project Title (I.E.)
- Grant Expiration Date (I.F.)

II. Payment Computation:

Are the following correct:

- Grant Amount (II.A.)
- AIPP Amount (if applicable) (II.B.)
- Funds Requested to Date (II.C.)
- Amount Requested this Payment (II.D.)
- Grant Balance (II.E.)
- GF (General Fund) GOB (General Obligation Bond) STB (Severance Tax Bond) (II.F.) **Which box was checked on REQUEST FOR PAYMENT FORM?**
- Payment Request No. (II.G.)

III. Fiscal Year Expenditure Period Ending:

- Jan - June
 - July - Dec
 - Fiscal Year Correct?
- } **Month when expenditure is invoiced**

This is the State Fiscal Year not Calendar year.

**Example: Any expenditures received after 7/1/2015 are considered State Fiscal Year 2016. If you are not sure, please call Audrey Gonzales, Accountant Auditor at 505-476-1608 or Marion Salvador, Capital Outlay Coordinator at 505-476-1607.*

IV. Certification:

Is signature and date original? Grantee Fiscal Officer Grantee Representative
IAD **WILL NOT ACCEPT** anyone signing for the Grantee Fiscal Officer or Grantee Representative

Is the "SWORN TO AND SUBSCRIBED" date the same date as the Grantee Fiscal Officer/Grantee Representative signature dates? **Note: These dates CANNOT BE DIFFERENT since these signatures are witnessed by the notary on the same day.**

- Grantee Fiscal Officer
- Grantee Representative

Original Notary signature required and the Notary stamp shall be on each side of signatures.

- Grantee Fiscal Officer
- Grantee Representative

Supporting Documentation

- Detailed invoice** is required to match exactly the amount being requested on the Request for Payment form.
- Current copy of **Notice of Obligation (NOO)** attached?
- Include a copy of the front & back cancelled check.
- Attach a copy of the current quarterly report.
- Attach a copy of the Final Report, if this is a final payment.
- Attach a copy of the current updated CPMS report.

} **These documents are required to process the request for payment.**

Attach a copy of completed checklist to IAD with the Request for Payment Form.

Completed by _____ (Print)

Signature _____

Date _____

For IAD Staff Use Only	
A. Is Tribal Grantee listed on the "Compliant Grantee" listing? <input type="checkbox"/> Yes, proceed to step C <input type="checkbox"/> No, proceed to step B	
B. Obtain Tribal Grantee Special Grant Conditions Checklist and Approval Form. Has form been completed and approval for payment obtained? <input type="checkbox"/> Yes, proceed to step C <input type="checkbox"/> No, check NOT approved at step D	
C. Review Request for Payment Checklist.	
D. Request for payment is: <input type="checkbox"/> Approved <input type="checkbox"/> NOT Approved, further information needed.	
Approver Signature _____	Date _____

**STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
Request for Payment Form
Exhibit 2**

I. Grantee Information		II. Payment Computation	
(Make sure information is complete & accurate)			
A.	Grantee:	A.	Grant Amount:
B.	Address:	B.	AIPP Amount (If Applicable)
Complete Mailing, including Suite, if applicable		C.	Funds Requested to Date:
City State Zip		D.	Amount Requested this Payment:
C.	Phone No:	E.	Grant Balance:
D.	Grant No:	F.	<input type="checkbox"/> GF <input type="checkbox"/> GOB <input type="checkbox"/> TB (attach wire if first draw)
E.	Project Title:	G.	Payment Request No.
F.	Grant Expiration Date:		
III.	Fiscal Year Expenditure Period Ending:	(Jan-Jun) <input type="checkbox"/>	Fiscal Year
	(check one)	(Jul-Dec) <input type="checkbox"/>	
IV. Certification: Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.			
Grantee Fiscal Officer or Fiscal Agent (if applicable)		Grantee Representative	
Printed Name		Printed Name	
Date:		Date:	
SWORN TO AND SUBSCRIBED		SWORN TO AND SUBSCRIBED	
before me on this _____ day		before me on this _____ day	
of _____, 20____		of _____, 20____	
Notary Public _____		Notary Public _____	
My Commission expires _____		My Commission expires _____	
(Indian Affairs Department Use Only)			
Vendor Code:		Fund No.:	
Loc No.:			
Division Fiscal Officer _____ Date _____		Division Project Manager _____ Date _____	
I certify that the Local Government financial and vendor file information agree with the above submitted information.		I certify that the Local Government records and related appropriation laws agree with the above submitted information.	



REPORTING

GOODBYE BYE CPMS!



The screenshot shows a web interface for 'Capital Appropriations'. At the top, there is a dark blue header with the title 'Capital Appropriations' in white. To the right of the title are two links: 'Home' and 'Reports'. Below the header, the main content area has a light blue background. It contains the following text: 'Please enter your username and password below. You will be given access to change the status and information of your agency's appropriations.' Below this is a warning: 'Unauthorized access is strictly prohibited.' The login form is titled 'Login' and includes a 'Username:' label with an input field, a 'Password:' label with an input field, and two buttons labeled 'Submit' and 'Reset'.

Coming soon, new training for Budget Financial Management (BFM).



FINAL REPORT

- Entity submits to IAD with final RFP payment
- Number 1 needs to be completed by providing a brief detailed status. This can be completed on another paper.
- Ensure project amount and balance are correct
- Supporting document with final RFP
- Submitted with Reversion Letter
- Final Reports
- Due within 20 days after the reversion date or early termination

**STATE OF NEW MEXICO
TIF & CAPITAL APPROPRIATION PROJECTS
Quarterly/Final Report Form
Exhibit "2"**

QUARTERLY REPORT FINAL REPORT
(Complete one report form for each project included in the Agreement)

Grantee: _____
Project Number: _____ Reporting Period: _____

1. **Please attach a detailed status of project referenced above.**

A. Contracts (provide contract #, vendor name, dates entered and termination)
Contract # _____ Vendor _____
Contract amount # _____ Date executed _____ Termination _____

B. Project Phase
Bonds sold Plan/design Bid documents Construction Phase
(provide anticipated date of commencement and completion for each phase)

2. Project Amount: _____
Expended to date: _____
Grant Balance: _____

QUARTERLY REPORT

I hereby certify that the aforementioned TIF & Capital Appropriations Project funds are being expended in accordance with the Project description (Attachment A) of the Grant Agreement, and in compliance with all other applicable state statutory/regulatory requirements.

FINAL REPORT

I hereby certify that the aforementioned TIF & Capital Appropriations project funds have been completed and funds were expended in accordance with the Project description (Attachment A) of the Grant Agreement, and in compliance with all other applicable state/regulatory requirements.

Name/Title

Date



REVERSIONS

- Reversion Letter is required to close out CO/TIF projects
- Due within 20 days after the expiration date or early termination with final RFP packet

Date:

_____, Cabinet Secretary
State of New Mexico
Indian Affairs Department
2600 Cerrillos Road
Santa Fe, New Mexico 87505

RE: Request to Revert Balance
Name of Project as indicated on IGA
Project Number as indicated on IGA

Dear Secretary _____,

This letter serves as a request to revert the balance of \$X,XXX.XX on the Intergovernmental Grant Agreement – Name of Project Name and Number as indicated on IGA. The project is complete and will not incur further expenses.

Please contact, Name, Title, Phone Number or email address if they are any questions.

Respectfully,

Name

Grantee Name



Reauthorizations



How to Submit a Reauthorization Request

- Reauthorization request forms are available online at https://www.nmlegis.gov/Publications/Capital_Outlay/capital_outlay_reauth_form.pdf
- The deadline to submit a reauthorization request is 3:00 p.m., Monday, February 13, 2023.
- Hard copies of the form are available from the Legislative Council Service (LCS) office.
- Reauthorization request forms require a sponsor's signature, and must be submitted to the LCS office by the deadline.
- Bring two copies of the signed form to the LCS office. The forms will be date-stamped and one copy of the form will be returned to you.
- For assistance in completing the form contact the LCS Capital Outlay Division at 986-4600.

Reauthorization requests may be submitted for appropriations made in previous years in order to extend the time of expenditure, change, clarify or expand the scope of the project, or to change the administering agency.



Reauthorizations

- Reauthorization appropriation require a new IGA.
- Reauthorization amend the amount, law citation, purpose, and contract expiration date of the grant agreement that was funded with a reauthorized appropriation
- Amends the amount, purpose and contract expiration date of third-party contracts funded



Reauthorizations

- The Tribe must stop spending immediately and submit an RFP to close out that expenditures on the project
- Immediately cease any further expenditures
- Once the amended IGA is executed the project can continue (NOO, RFP, etc.)



Reauthorizations – Expenditures

- April 6, 2023 – Governor signed the Reauthorization Bill SB 309
- Expenditures for Capital Outlay projects need to be submitted if work is done prior to April 6, 2023



REMINDERS

- Funding is only available after the bonds are sold through the State Board of Finance (SBOF).
- 5% obligation
 - Once you complete the Bond Certification and received the fully executed IGA you need to:
 - Obligate at least 5% of appropriation within the first 6 months of the sale of the bonds
 - IAD can suspend the IGA until an approved Corrective Action Plan is received
 - Expend at least 85% of appropriation within 3 years after proceeds available
- If the project is not moving forward in any significant way or at a reasonable pace, then the IGA and the award may be suspended or terminated



THANK YOU





Art in Public Places New Mexico Arts



IAD GRANTS MANAGEMENT TRAINING
Presentation 2023



New Mexico Arts Division

“Your State Arts Agency”

Mission:

Public support for the arts to ensure the arts are central to the lives of New Mexicans.

Vision:

A New Mexico with vibrant communities, meaningful quality of life, and a robust economy.





Art in Public Places (AIPP) Program

Art in Public Places Act signed into law in 1986 (Sections 13-4A-1 through 13-4A-11 NMSA)

Statute: All capital outlay appropriations for new construction or major renovation of a public building, 1% must be set aside for the acquisition of public art for that site. 1% up to \$200,000.

Eligibility:

<https://www.nmarts.org/assets/files/aipp/Docs%20And%20Forms/AIPP%20Eligibility%20Requirements.pdf>

- Appropriations over \$100,000
- Auxiliary buildings such as maintenance plants, correctional facilities, warehouse or temporary structures are subject to 1% (funds are placed in Auxiliary Fund)
- Appropriation Language is KEY: renovations for specific purposes such as roof repair, asbestos removal, accessibility, security system install, HVAC install, etc. 1% does not apply. If the above is part of a “major renovation” then 1% does apply.
- Pre-fab building purchases or demolition are not eligible for 1%
- Infrastructure projects are not eligible for 1%



What sites typically have Art in Public Places funding?

- ❖ Public schools, colleges, universities
- ❖ Public Libraries
- ❖ Senior Centers
- ❖ Community Centers
- ❖ Animal Shelters
- ❖ Courthouses
- ❖ Municipal Buildings (chambers, administrative)
- ❖ County Buildings
- ❖ State Buildings/Facilities
- ❖ Tribal Community Buildings/Facilities
- ❖ Fire Stations
- ❖ Police Stations
- ❖ Hospitals/Clinics
- ❖ Domestic Violence/Homeless Shelters and Rehab Facilities
- ❖ Public Parks/Outdoor Recreation Centers
- ❖ Long Term Care Facilities
- ❖ Sports stadiums/arenas/amphitheaters
- ❖ Military Facilities
- ❖ Museums/Historic Sites/Cultural Centers

Capital Appropriations

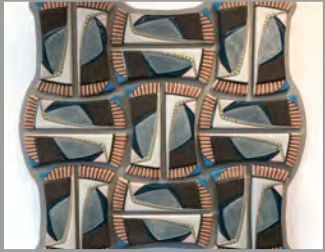
Home Back

Appropriation ID: A5139

A5139 - University of New Mexico - Dept Code:A16A5139 - Class Code:A5139	
Appropriation Year	2016
Appropriation Title	UNM INTERDISCIPLINARY SCIENCE BLDG
Fund Code	GENERAL OBLIGATION BONDS
EO 2013-006 Eligibility	
Bond Sale Date	8/1/2017
Bond Series Number	GOB17
Amount of Bond Sale	\$27,000,000
Category	HED
Subcategory	Higher Education
County	Bernalillo
State Amount	\$27,000,000
Chapter/Section/Paragraph	82 / 10/C / 11
Reversion Date	6/30/2021
SHARE/BOF Data	
Expended Amount (SHARE)	\$0
Appropriation Balance (SHARE)	\$26,800,000
Expended Amount (BOF)	\$26,800,000
AIPP Amount (BOF)	\$200,000
Reversion Amount (BOF)	\$0
Appropriation Balance (BOF)	\$0
Last Update (SHARE/BOF)	3/16/2022
State Agency Data	
ICIP Project #	
ICIP Priority #	/
Local Fiscal Agent Code	99952 - University of New Mexico
Reauth from Prior Project Amount	\$0
Amount Obligated	\$0
Project End Date	***
Expended Amount	\$26,800,000
AIPP Amount	\$200,000
Reauth of Balance to New Project	\$0
Reauth to Project #	
Reversion Amount	\$0
Project Status	Combined with 14-2145 and 15-1009. Active construction phase
Goal/Milestone achieved last quarter	Milestones Achieved Jan-Mar 2019 - VRF Lift, Roof 65& complete, Glass and Exterior wall - 60% complete, Drywall and interior 65% complete
Goal/Milestone for next quarter	Milestone goals - Apr-Jun 2019 - Bldg dried in, start & test mech sys, trim, interior and labwork, ceilings, flooring, doors - finish sitework
Project Phase	0250 - Project Closed
Calculated Balance	\$0
Last Agency Update	3/16/2022 12:00:00 AM
Last Submission Date	3/15/2019 12:00:00 AM

Fun Facts

- AIPP funds never revert or expire
- Funds are only available after the corresponding bond sells (unless GF)
- No limit to amount of funds that can be aggregated for one site
- You can kick-in your own funds to increase budget



Direct Purchase Program



Site-Specific
Commission Projects



New Mexico Arts
Permanent Collection



Special Projects
Temporary Installations
Made for the Environment

AIPP Acquisition Initiatives



Direct Purchase

Less than \$100,000 in AIPP funds

Selecting artwork ready for purchase from pre-assembled slideshows

Slideshows are assembled from bi-annual calls for art, and juried by panelists across the state:

- New Mexico Only
- Southwest Artists Series
- Native/Indigenous Artists Series
- Large Scale Series

Timeline: 3-12 months

Site-Specific Commission

More than \$100,000 in AIPP funds

Launch an RFQ for artists

Selection committee identifies finalists

Finalists are commissioned to write and present a proposal

Five finalists (artists or artist teams) present proposals to selection committee

One proposal is selected, and we enter into a professional services contract

Timeline: 2-3 years

AIPP funds can ONLY be utilized for acquisition and installation of “original works of art”



Before Acquiring Public Art

Things to consider...

1. Location, location, location
 - a. Publicly accessible area, no locked offices/storage areas/private offices
 - b. Interior versus exterior
 - c. Space available (wall space/floor space, measurements, installation friendly)

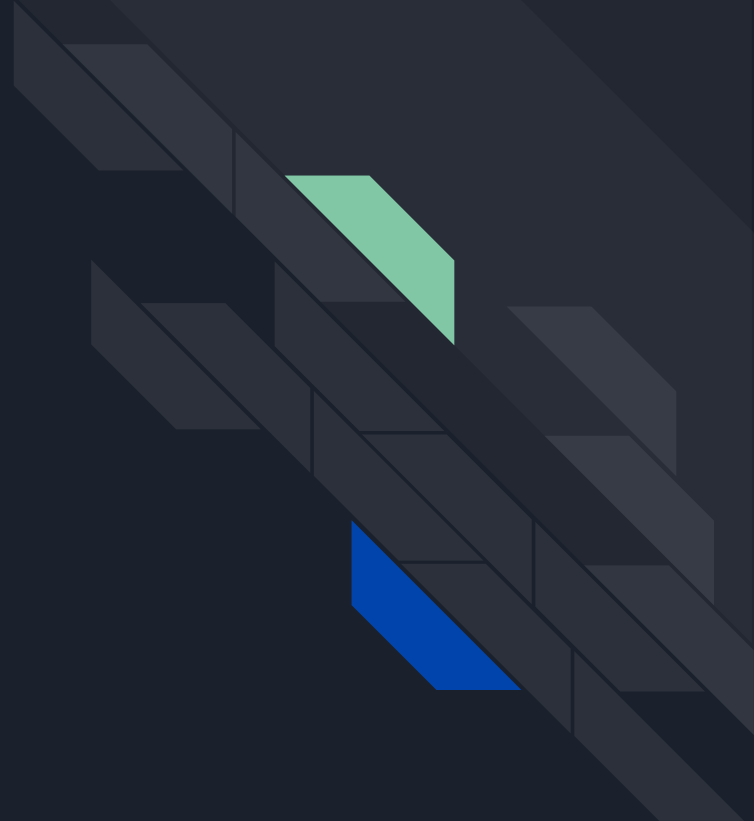
2. Long-term Maintenance
 - a. Insurance Coverage (once installed)
 - b. Do you have a budget for maintenance?
 - c. Best Practices - Record keeping, inventory, maintenance schedule



First Steps to Start an AIPP Acquisition:

1. Contact AIPP team (to determine sites, AIPP budgets)
2. Form your Local Selection Committee
3. Set up a Zoom or in-person meeting (Purchase Selection Meeting or Prospectus Development Meeting) with your AIPP coordinator.

Congratulations!
You are now the owner of a
shiny, new public artwork.



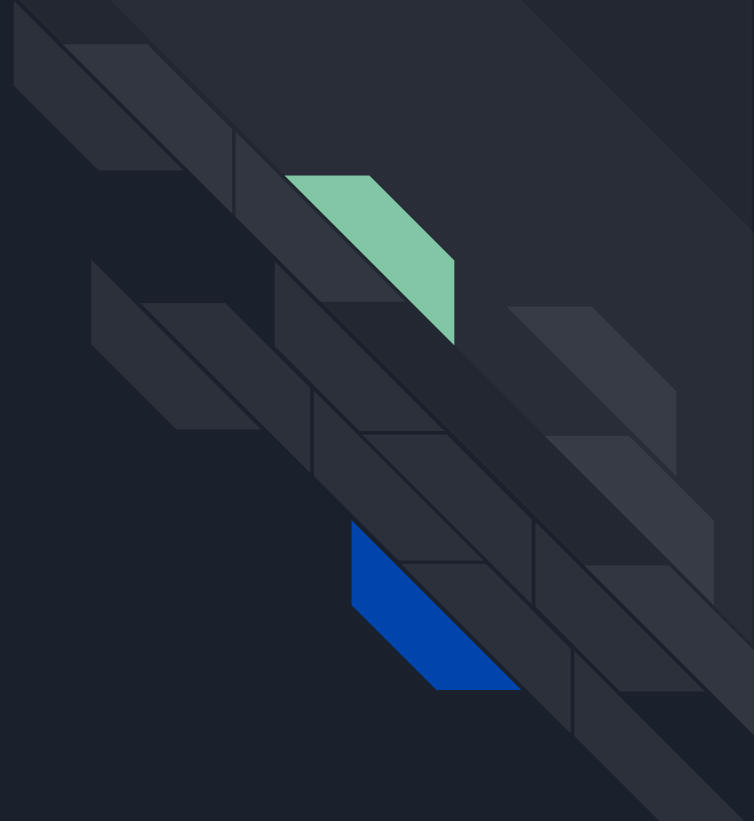


Maintenance/Long-term Asset Management

- Remember: Ownership transfers to Owner Agency upon installation
- Insurance
- Ongoing maintenance (develop a budget)
- Future develop reporting obligations
- Deaccession possibility
- Resources available (give us a call)

Recent Acquisitions

Purchase Program



Public Art Examples



Last Light on the Rio Chama

Photograph

Jessica Lozoya

Mora Senior Center

Mora

2022

\$1,000

Public Art Examples

Mom and Me
Sculpture
Rosemary Lonewolf
Community Health Program Office
Santa Clara Pueblo
2022
\$1,600



Public Art Examples



Dine Bizaad

Monoprint serigraphs on paper lithographs

David Sloan

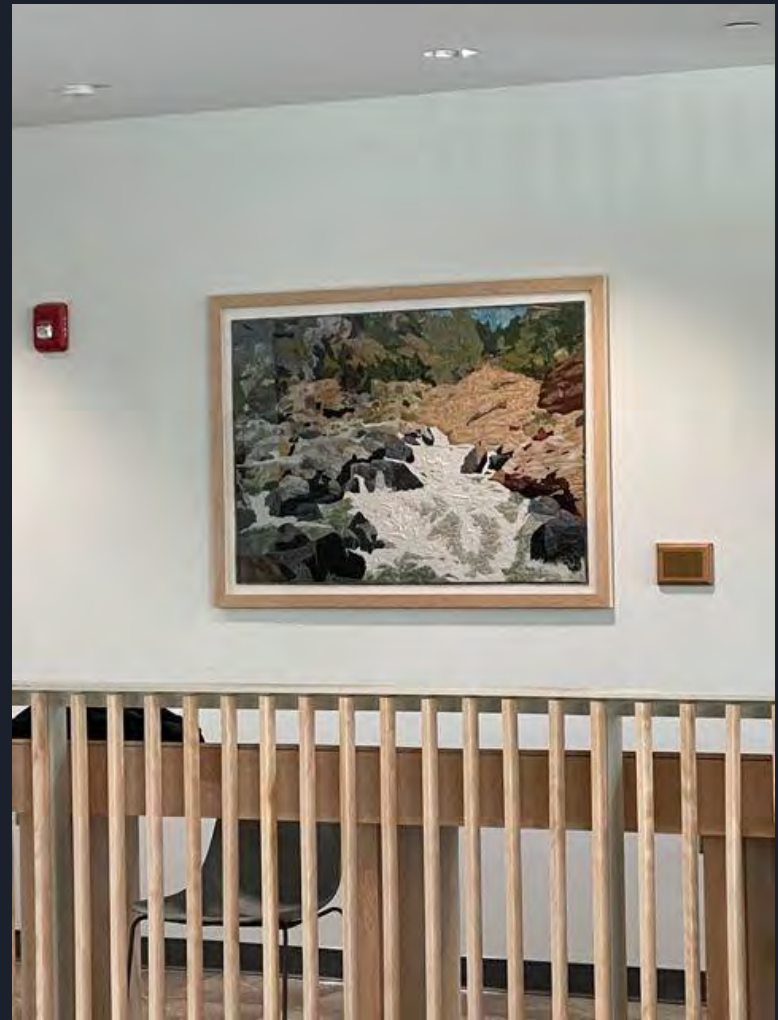
UNM - Gallup Campus
(outside of library)

2021

\$2,200

Public Art Examples

Jemez
Quilted fiber
Michelle Jackson
UNM - Main Campus
Albuquerque
2021
\$2,400



Public Art Examples

Desert Rabbit
Sculpture
Sean Rising Sun Flanagan
Fort Selden Historic Site
Radium Springs
2021
\$2,400



Public Art Examples

Bull Bison
Sculpture
Tito Naranjo
Community Health Program Office
Santa Clara Pueblo
2022
\$2,500



Public Art Examples

Blessings of the Rain
Fresco painting on panel board
Deborah Jojola
Tribal Services Complex
Pueblo of Isleta
2022
\$3,300



Public Art Examples

Woven Bands, Circle, Mesa Interwoven Mesa Series
Handwoven tapestry
Donna Loraine Contractor
UNM - Los Alamos Campus
Los Alamos
2020
\$5,200



Public Art Examples

Valdez Autumn Valley
Oil painting
Krysteen Waszak
Questa Public Library
Questa
2022
\$5,400



Public Art Examples

Quad Sun
Copper sculpture
Greg Gowen
City of Eunice Public Safety & Judicial Complex
Eunice
2023
\$6,900



Public Art Examples

Sacred Connection
Bronze Sculpture
Caroline Carpio
North Domingo Baca Multi-Gen Center
Albuquerque
2021
\$8,000



Public Art Examples



Acero Picado
Corten Steel Sculpture
Cristina Gonzalez
Public Restrooms
City of Santa Fe
2023
\$9,800

Public Art Examples

Grandmother
Powder coated steel sculpture
Melanie Yazzie
Institute of American Indian Arts
Santa Fe
2022
\$12,000



Public Art Examples

Eka Numu Kutsu - Red Buffalo
Acrylic painting on canvas
Nocona Burgess
UNM - Gallup Campus
(library)
2021
\$13,800



Public Art Examples

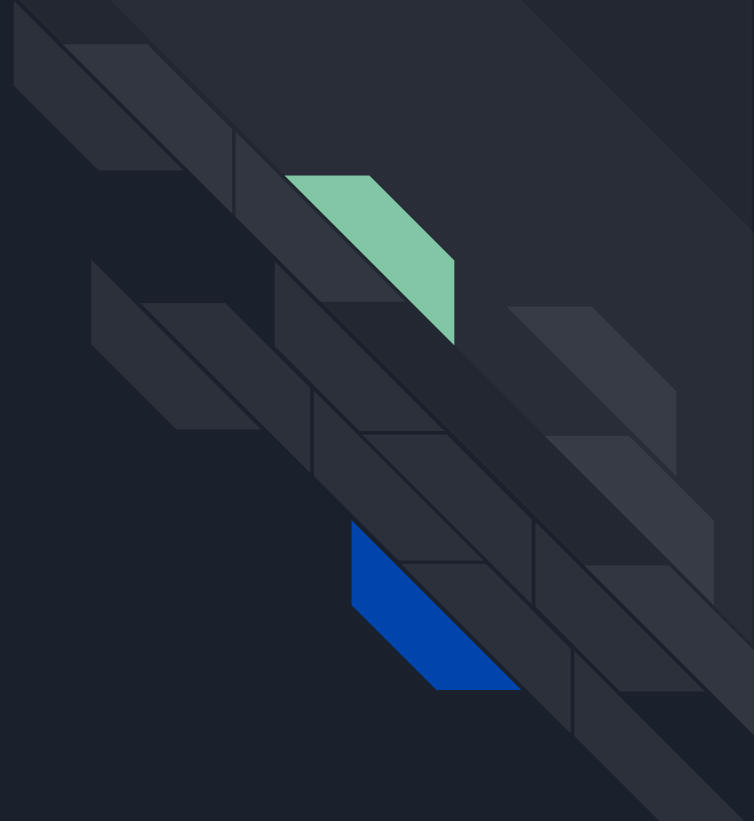
Land of Enchantment
Painted panel
Collette Marie
TIWA Building - WSD
Albuquerque
2023
\$17,000

Golden Zia
Steel Sculpture
Jose Varela
TIWA Building - WSD
Albuquerque
2022
\$20,000



Recent Acquisitions

Site-Specific Commission Program

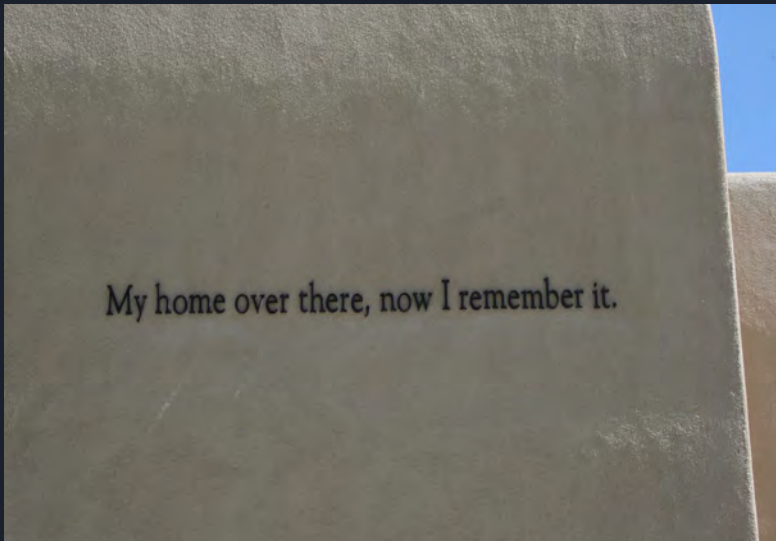


Public Art Examples



Sun Mask
Don Redman
Rio Rancho City Center
Rio Rancho
2014
\$79,250

Public Art Examples



*My Home Over There,
Now I Remember It*
Paula Castillo
NM History Museum
Santa Fe
2009
\$103,250

Public Art Examples



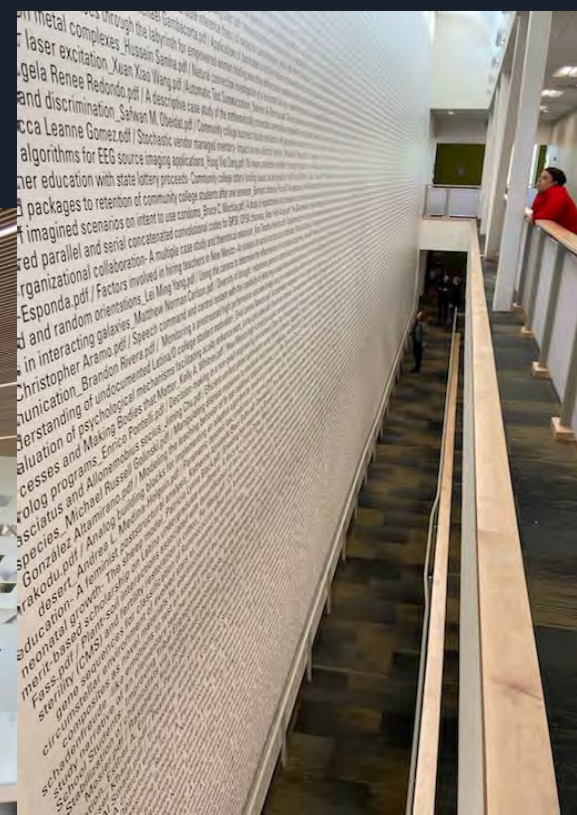
Growing Strength
Karen Yank
CNM
Albuquerque
2017
\$112,750

Public Art Example



The Poetry of Geology
Joseph Bellacera
NMTech - Bureau of Geology
Socorro
2022
\$115,500

Public Art Example



Mine Mirror
Sarah Schoenfeld
NMSU
Las Cruces
2019
\$180,950

Public Art Examples

Inside/Out
Ivan Depeña
UNM - The Pit
Albuquerque
2015
\$200,000



Public Art Examples



GENESIS
Otto Rigan
Spaceport America
T or C
2015
\$200,000



Public Art Example



Outside, Inside
Elizabeth Busch
DOH NM Scientific
Lab Division
Albuquerque
2012
\$200,000

Public Art Examples



Luminaria
Gordon Huether
Steve Schiff District Attorney Bldg
Albuquerque
2021
\$223,650



Public Art Examples



Stay Human

Gail Folwell

Center of Recreational Excellence

NM Junior College

Hobbs

2021

\$240,500

Thank You!



Meredith Doborski
Public Art Program Director
New Mexico Arts Division
Department of Cultural Affairs
meredith.doborski@dca.nm.gov
505-396-0326

For More Information Visit:
<https://www.nmarts.org/aipp-documents-and-forms1.html>



Tribal Infrastructure Board Guidelines & Procedures

November 4, 2016

1. Tribal Infrastructure Act

In 2005, the Tribal Infrastructure Act (Act) was signed into law (§6-29-1 to §6-29-9 NMSA 1978). The primary purposes of the Act are threefold: one, to ensure adequate financial resources for infrastructure development for tribal communities; two, to provide for the planning and development of infrastructure in an efficient and cost-effective manner; and three, to develop infrastructure in tribal communities to improve the quality of life and encourage economic development.

2. Tribal Infrastructure Board

To accomplish these purposes the Act created a thirteen (13) person Tribal Infrastructure Board (Board), consisting of nine voting members and four non-voting members. Pursuant to the Act, the Board is comprised of the Cabinet Secretaries from the New Mexico Indian Affairs Department (IAD or Department), the Department of Finance and Administration (DFA), the New Mexico Environment Department (NMED), the Department of Health (DOH) and the Executive Director of the New Mexico Finance Authority (NMFA), or their designees. There are four tribal Board members, appointed by the Governor, who represent the Pueblos, Navajo Nation, Mescalero Apache Tribe and the Jicarilla Apache Nation. The four non-voting representatives of the Board include one representative from the federal Bureau of Indian Affairs, SW Regional Office; one representative from the Navajo Regional Office; one representative from the Albuquerque Area Indian Health Services and one representative from the Navajo Area Indian Health Services.

The Board is responsible for:

1. Adopting rules governing terms, conditions and priorities for providing financial assistance to tribes.
2. Developing application and evaluation procedures, forms and qualifications for applicants and projects.
3. Providing financial assistance to tribes for qualified projects.
4. Authorizing funding for qualified projects, including:
 - a. Planning, designing, constructing, improving, expanding or equipping water and wastewater facilities, major water systems, electrical power lines, communications infrastructure, roads, health infrastructure, emergency response facilities and infrastructure needed to encourage economic development.
 - b. Developing engineering feasibility reports for infrastructure projects and inspecting construction of qualified projects.
 - c. Providing special engineering services.
 - d. Completing environmental assessments or archaeological clearances and other surveys for infrastructure projects.
 - e. Acquiring land, easements or rights of way. ¹

The Board shall meet at the call of the chair or whenever four voting members submit a request in writing to the chair, but not less than twice each calendar year.

¹ Although the Act allows qualified projects to include paying legal costs associated with development of qualified projects, the Severance Tax Bonding Act prohibits use of severance tax bond proceeds for paying indirect project costs. Therefore, severance tax bond proceeds may not be used to fund qualified project legal costs.

3. Definitions

Act – Tribal Infrastructure Fund Act.

Board – New Mexico Tribal Infrastructure Board.

Capacity – An Applicant’s demonstrable compliance with requirements for grant funding within the past three years, as attested by IAD.

Certification- the tribe must certify project compliance with all applicable state and federal regulations requirements.

Closed Project - a TIF project that has completed all requirements per the IGA.

Construct – build a structure or space including fixtures and other built-ins, but not including furnishings or moveable equipment; may include demolition and the design and planning process but does not include acquisition of underlying land; may include the use of modular and prefabricated buildings; may include the cost of commissioning a building for energy efficient green building standards, as required by law .

Design - The process including location and feasibility studies, architectural drawings and plans, engineering, archaeological and environmental surveys or clearances, zoning, design activities necessary for energy efficient buildings, and all other steps incidental to creating a plan for a final product.

DFA – New Mexico Department of Finance and Administration.

EO – Executive Order 2013-006 – Requires uniform audit and budget compliance criteria as a pre-requisite to the state granting funds.

IAD- New Mexico Indian Affairs Department.

ICIP – New Mexico Infrastructure Capital Improvement Plan.

Improvement – The construction, reconstruction, replacement, rehabilitation, repair, renovation, remodel, expansion, upgrade, development, purchase, equipment, furnishing, or installation of infrastructure, which, when final, will be put to beneficial use.

Indirect Project Costs – includes costs not directly related to a capital asset, such as penalty fees or damages other than pay for work performed, attorney fees, administrative fees, and other costs not directly related to the creation of a capital asset. Indirect costs may also include other types of costs determined in the sole discretion of the SBOF.

Infrastructure- water and wastewater systems, major water systems, electrical power lines, communications, roads, health and emergency response facilities and infrastructure needed for economic development.

IGA – an intergovernmental grant agreement between IAD and a tribe that establishes the terms and conditions for the disbursement of money for the project approved by the Board.

Leveraging – A tribe’s contribution to a particular effort, described as a dollar amount. Leveraging may include cash match and in-kind support that contributes directly toward the particular project that is the subject of the application. A cash match may be from any secured source of funds: tribal, federal, or state government; philanthropic organizations; etc. In-kind support may include the value of land, staff time for project management, staff time for grant administration, and other justifiable expenses. Leveraging may include funds for necessary project costs that cannot be paid with severance tax bond revenues, i.e., indirect costs, either as cash match or in-kind support.

NOFA – Notice of funding availability.

NOO – Notice of Obligation: a DFA-created form utilized for the purpose of obligating funds for a project.

Open Project – a TIF qualified project that has not been closed out by IAD.

Plan – A document establishing the process for future implementation of the design and/or construction of a qualified project; to include preliminary engineering reports (PERs), feasibility studies, water use plans, and similar plans. When Severance Tax Bond proceeds fund TIF, plans that do not demonstrate the end cost of a final capital asset are not eligible TIF projects..

Project – The components of infrastructure improvements for which 1) the applicant is currently seeking TIF funds or 2) the applicant has previously submitted an application and received an award of TIF funds.

These components may include planning, design, and construction efforts, separate or combined, in a variety of different project delivery methods.

Project Completion – Project completion means the date the project is completed, the date the project’s bond proceeds are fully expended, the date the project’s bond proceed balances revert pursuant to applicable law, or the date on which the agency to which the proceeds are authorized determines that the project will not proceed as identified in an IGA, whichever occurs first.

TRC- TIF Review Committee.

Reversion – The process whereby any unexpected balance for a qualified project reverts to the TIF within six (6) months of project completion as identified in the IGA.

SBOF – New Mexico State Board of Finance.

Scoring Metric – the measures by which the TRC scores projects.

Tribe - a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico or in the case of the Navajo Nation, each chapter

TIF – Tribal Infrastructure Fund.

TIFA – Tribal Infrastructure Fund Application.

4. Funding

4.1 Tribal Infrastructure Trust Fund

To accomplish the goals of the Act, the Tribal Infrastructure Trust Fund was created and is funded by monies appropriated by the State legislature, donated or otherwise accrued. The Trust Fund is invested by the State Investment Officer in the same manner as the state land grant permanent funds. Trust Fund monies are not to be expended except to make an annual distribution to the Tribal Infrastructure Project Fund.

4.2 Tribal Infrastructure Project Fund

The Act also created the Tribal Infrastructure Project Fund, which is administered by DFA. The Project Fund consists of distributions made from the Trust Fund, monies appropriated by the Legislature or otherwise allocated to the Project Fund, and income from investments made from the Project Fund.

5. Tribal Infrastructure Projects

Tribal infrastructure project means a qualified project under the Act.

The Board is responsible for certifying to the State Board of Finance the need for issuance of bonds for qualified projects. Proceeds from the sale of the bonds are appropriated for the purposes certified by the Board to the SBOF. Any unexpended balance from proceeds of severance tax bonds issued for qualified projects shall revert to the severance tax bonding fund within six months of project completion.

6. Tribe and Project Eligibility

Pursuant to the Act, Tribes are eligible to apply to the Board for funding to be used within the State of New Mexico to meet needs specifically provided for within the Act.. Projects must be entered into the ICIP prior to applying for TIF funds. Each tribe must be in compliance with EO 2013-006 to be eligible to apply for funding.

7. Terms & Conditions

The Board has set forth terms and conditions that apply to all Tribes applying for project funding.

1. Tribes awarded TIF funding shall obligate at least 5% of the bond proceeds for the project within 6 months of the date of bond sale.
2. Tribes awarded TIF funding shall obligate at least 85% of the bond proceeds within 3 years of the date of bond sale
3. All projects, except for projects delineated within an application as planning projects, must be completed within thirty-six (36) months from the date of the execution of the IGA.
4. All projects delineated in the application as “planning projects” must be completed within twenty-four (24) months of the date of execution of the IGA.
5. Each tribe may apply for up to 15% of the total annual TIF allocation for a project. The Board reserves the right to alter this cap based on fund availability. The Board’s alteration of this cap must be made at a Board meeting no later than the second quarter of each calendar year.
6. Tribes awarded TIF funding are to attend TIF trainings required by IAD.

8. Outreach & Education

Annually, IAD will generate and distribute a NOFA to tribes. IAD will provide TIF Application Workshops throughout the year to provide guidance to tribes regarding TIF guidelines and procedures and the TIFA process.

9. Application for Project Funds

9.1 Tribal Infrastructure Fund Application (TIFA)

Tribes seeking to apply for TIF funding must submit a TIFA. Project readiness documents associated with each TIFA shall be submitted with the application.

IAD will notify each applicant of receipt of the TIFA. IAD will review the application and supporting documents for eligibility, entity capacity, completeness, readiness, scope and budget. IAD staff may request additional information from the tribe as needed. Each complete TIFA submitted by the deadline is placed on an application listing for Board review.

9.2 TIF Review Committee (TRC)

The TRC is a TIF Board Committee comprised of members of the Board and/or staff designated from the various agencies represented on the Board along with appropriate infrastructure experts as may be deemed necessary. The Board Chair appoints the TRC chair. The TRC convenes and conducts an in-depth review of all project applications along with all supporting documentation based on the selection criteria set forth in the scoring metric. Tribal entities with top-ranking proposals are invited to make a short presentation to the Board outlining the proposed projects at a meeting of the Board.

9.3 Scoring Metric

The TRC considers the following criteria and point system comprised of four (4) categories and a total of one hundred (100) possible points for each formal TIF project application:

1. **Critical Need** (30 possible points): Projects that demonstrate a high degree of critical need with an emphasis on addressing specific health, safety, welfare, or economic development needs in accordance with the Act.
2. **Readiness** (30 possible points): Projects are ready to proceed, clearly demonstrating all components and the ability to complete the project within the time allotted for the grant.

3. **Capacity** (25 possible points): The Applicant has demonstrated timely expenditure and compliance with requirements for grant funding.
4. **Leveraging** (15 possible points): Projects are supported by a high percentage of funds in relation to the amount of the TIF funding.

The Board votes on TIF awards in open meetings of the Board. The ability of the Board to make awards of grants under the Act is contingent upon the existence of sufficient funds in the Project Fund. The Board's decision regarding TIF project awards shall be accepted by the applying tribe and shall be final.

10. Intergovernmental Agreement Process

Following Board approval of a qualified project, IAD and the tribe will enter into an IGA. Receipt of funds is contingent upon a tribe's compliance with the terms and conditions of the IGA.

11. Payment of Project Expenses & Reporting

The Board must safeguard State assets through the effective management and administration of grants allocated from the Project Fund. TIF projects are completed on a reimbursement basis according to agreements between IAD and DFA.

11.1 Safeguarding Funds

IAD is responsible for safeguarding funds. This will be accomplished by:

1. Recognizing and recording all transactions.
2. Assuring that resources are expended only for authorized purposes as stipulated in the IGA, Scope of Work, Budget and NOO.
3. Complying with legislation, rules and regulations.
4. Establishing accountability.
5. Ensuring that all processes are completed timely, accurately, completely, economically, efficiently, and effectively.
6. Disbursing funds using only the methods and procedures authorized by state law, rules and regulations.

The tribe shall request payment by submitting a Request for Payment, in such form as IAD may prescribe. Payment requests are subject to the following procedures:

1. The tribe must submit one original of each Request for Payment.
2. Each request for payment must contain a notarized certification that:
 - a. The information contained in the request is accurate.
 - b. The expenditures included in the request are valid and for proper purposes under the IGA.
 - c. The expenditures included in the request have been paid or, if the expenditures have been incurred but not yet paid, the tribe's representation that the expenditure will be paid within fifteen (15) calendar days of receiving payment from the Department.
 - d. None of the expenditures included in the request have been previously reimbursed.
 - e. The Project activity is in full compliance with the IGA.
 - f. Such other representations as IAD may reasonably require.

All notarized certifications must be made by the tribe's designated representative; a person designated by such representative in writing on an IAD prescribed form as being authorized to submit such certifications; or the person designated by tribal law as being authorized to submit such certifications.

11.2 Deadlines

Requests for payment shall be submitted by the tribe to IAD in the form prescribed by IAD. IAD has the right to reject a payment request for the Project unless and until it is satisfied that the expenditures in the Request for Payment are for permissible purposes within the meaning of the Project Description and that the expenditures and the tribe are otherwise in compliance with the IGA. Notice of Obligation (NOO) and BOF's Bond Disbursement Rule 2.61.6.

11.3 Severance Tax Bond Project Requirements

Pursuant to the Severance Tax Bonding Act, Section 7-27-10.1(C), the SBOF shall allocate a certain percentage of the estimated severance tax bond capacity each year for tribal infrastructure projects, and SBOF will issue severance tax bonds in the annually allocated amount for use by the Board to fund tribal infrastructure projects.

The underlying appropriation for the Project may be a severance tax bond, which requires the project to meet requirements of both the Act and the Severance Tax Bonding Act (Sections 7-27-1 et seq., NMSA 1978). Rules that govern the TIF project use of severance tax bond proceeds may change as determined by the SBOF. The SBOF may set conditions on release of bond proceeds related to satisfaction of the State Constitution's anti-donation clause or other issues in the SBOF's sole discretion. The SBOF's conditions may be updated periodically based on new information, changes in law, or for other reasons. IAD's obligation to reimburse a tribe is contingent upon the SBOF's release of bond proceeds.

IGAs are subject to the SBOF's Bond Project Disbursements rule, 2.61.6 NMAC. Only direct project costs are allowable expenses for qualified projects. Indirect project costs, as determined by the SBOF may not be reimbursed from severance tax bond proceeds.

11.4 Reports

11.4.1 Periodic Reports

In order that the IAD may adequately monitor Project activity, the tribe shall submit periodic reports to IAD for the Project. Periodic reports shall be submitted in accordance with the requirements in the IGA and per any additional requirements established by IAD.

11.4.2 Paper Quarterly and Final Report

The tribe shall submit to IAD and DFA quarterly reports and a final report for the project on a form provided by IAD and contain such information as IAD may require. IAD shall provide Grantee with a minimum of thirty (30) days advance, written notice of any change to the quarterly and final report format or content. The quarterly reports shall be due within ten (10) days after the last day of each quarter, beginning with the first full quarter following execution of and IGA by IAD and ending upon the submission of a final report for the project. The final report must be submitted within twenty (20) days after the project's closeout.

11.5 Requests for Additional Information/Project Inspection

During the term of the IGA and during the period of time during which the tribe must maintain records, IAD may request such additional information regarding the Project as it deems necessary and conduct, at reasonable times and upon reasonable notice, onsite inspections of the project.

12. Project Oversight

12.1 Project Oversight

TIF project oversight is provided by the IAD. Project oversight includes:

1. Administrative/Managerial/Technical Oversight by IAD Infrastructure Manager
2. Financial Oversight by IAD Chief Financial Officer
3. Legal Oversight by IAD General Counsel
4. Document Processing by other IAD staff

The purpose of project oversight is to ensure that the project undertaken meets:

1. The scope of work for the project granted by the Board
2. The laws and regulations of the State of New Mexico as they apply to sovereign tribal lands
3. The requirements of the IGA
4. Time period required by the IGA

12.2 Document Review

The following documents are received by IAD during the course of a project:

1. Professional Service Contracts, Purchase Orders and other Contracts for the Issuance of NOO
2. Plans and Specifications
3. Preliminary Engineering Report
4. Environmental Documents
5. Planning Report for Planning Project Plans and Specifications
6. Bid Tabulations
7. Change Orders
8. Pay Applications and Invoices
9. Quarterly and Final Project Reports
10. Monthly CPMS Updates
11. Close-out documents
12. Tribal Audit, per EO 2013-006

12.3 State Site Visits

On-site visits are made during the course of project activities to monitor progress being made, to verify that work is in accordance with the IGA and State requirements, and to maintain good coordination and understanding between the tribe and the State. Reports are written to document these visits with information to include date visited, people contacted, work observed, project status and pictures.

12.4 Meetings and Communications

Meetings and communications are conducted with the tribe whenever appropriate to advise the tribe on any issues involved with administration of grant, including reporting, payment procedures, deadlines, etc. These take place by telephone, e-mail or in person. These are opportunities for the IAD to assist the tribe in building capacity to manage grants.

Upon reasonable advance notice by the Board or a member of the Board, IAD staff should provide a Board-funded project update at the next Board meeting. The project update at a minimum should include IGA executed date, amount expended, award balance, project status, project goals/milestones, expected project completion date and IGA expiration date.

12.5 Trainings

Trainings are conducted as needed with multiple tribes, to assist with their project management. For the TIF program, these include any TIF trainings IAD designates as required. Required trainings are to be attended, by at least one fiscal representative and one project representative of the tribe. Additional non-required trainings or short talks are provided as requested by tribes.

13. Change in Scope of Work

Should a tribe request a change in an agreed scope of work subsequent to the execution of an IGA, the tribe is required to submit written justification for why the agreed existing scope of work should be changed.

The project sponsor is required to provide to IAD for review and recommendation to the Board:

1. A rationale indicating why the existing scope of work needs to be changed;
2. A rationale for the newly proposed scope of work;
3. Information clearly indicating project costs for the newly proposed scope of work;
4. Documentation illustrating the proposed scope of work schedule.

The changed SOW must be sent to the IAD where the new SOW will be reviewed to ensure that it is within the legislative intent of the Act and for recommendation to the Board for review/approval.

The tribe will be notified and may be required to present the request at a Board meeting. In any event, the ability of the Board to make awards of grants under the Act is contingent upon the existence of sufficient funds in the project fund. The Board's decision as to whether sufficient funds are available shall be accepted by the applying tribe and shall be final.

14. Change Orders

A change order is work that is added to or deleted from the original scope of work of a TIF project. After the original scope (or contract) is formed, complete with the total amount and the specific work to be completed, a tribe may determine that the original plans do not best represent their definition for the finished project.

Accordingly, the tribe may suggest an alternate approach. With this in mind, the TIF Board acknowledges that there may be several causes for change orders to be created. These include but are not limited to:

1. Incorrect estimate of the project's work;
2. The discovery of obstacles or possible efficiencies that require deviation from the original plan;
3. The project team being incapable of completing required deliverables within budget, and additional time, or resources must be added to the project;
4. Additional features or options perceived and requested during the course of the project.

Change orders for TIF projects must describe the new work to be done (or not done in some cases), and the time required to complete the new work. Requests for change orders must be submitted to IAD for consideration and may be approved by IAD.

15. Early Termination on Incomplete Projects

If the Board in its discretion determines that a project is not moving forward in any significant way or at a reasonable pace, the IGA and the project award may be terminated in accordance with the terms of the IGA and funding for the project will revert to the appropriate fund.

16. No-Cost Extension

Grantees requesting a no-cost extension must submit written notification to IAD staff at least 60 days in advance of the project date. Under extenuating circumstances the Board will consider a no-cost extension on a case-by-case basis. Extenuating circumstances include, but are not limited to, Events of Force Majeure. "Events of Force Majeure" include risks beyond the reasonable control of a grantee, incurred not as a product or result of the negligence or malfeasance of a grantee, which have a materially adverse effect on the ability of the grantee to perform its obligations.

The written notification submitted by the project sponsor must provide:

1. Full justification for why the project will not be not completed in the allotted time
2. Information clearly indicating all executable project deliverables completed
3. Information clearly indicating project costs to date and payments made
4. A specific plan of action for the completion of all outstanding executable project deliverables within the extension period
5. A specific budget indicating the project amount spent to execute deliverables completed
6. An anticipated budget for the completion of all outstanding project deliverables
7. Documentation illustrating the proposed project schedule including start and finish dates and any contingencies

Project sponsors requesting a no-cost extension are required to present their request at a Board meeting, presenting the information submitted along with additional information deemed necessary. Failure to submit a written notification with backup material 60 days prior to the project end date may result in the forfeiture of a no-cost extension.

17. Project Close-Out

Projects are required to be formally closed-out by the IAD, and the tribe. A close-out report and CPMS update must be submitted by the tribe prior to the final disbursement request. The close-out report shall include a narrative description of the project's accomplishments, a final project disposition, a Project Close-Out Financial Status Report, and any other information deemed necessary.

18. Exceptions to the TIF Board Guidelines and Procedures

Upon written request to the Board, exceptions to these Board Guidelines and Procedures will be considered on a case-by-case basis, provided that, no exceptions will be granted that would otherwise violate applicable laws, rules and regulations.

TITLE 2 PUBLIC FINANCE
CHAPTER 61 STATE INDEBTEDNESS AND SECURITIES
PART 6 BOND PROJECT DISBURSEMENTS

2.61.6.1 ISSUING AGENCY: State Board of Finance, 181 Bataan Memorial Building, Santa Fe, NM 87501.

[2.61.6.1 NMAC - N, 02-28-02]

2.61.6.2 SCOPE: All agencies with respect to draw down of bond proceeds from severance tax bonds, supplemental severance tax bonds, or general obligation bonds.

[2.61.6.2 NMAC - N, 02-28-02; A, 01-15-09]

2.61.6.3 STATUTORY AUTHORITY: Section 6-1-1 (E) NMSA 1978 provides for the state board of finance to have general supervision of the fiscal affairs of the state and securities belonging to or in custody of the state, and that the board may make rules and regulations for carrying out these provisions.

[2.61.6.3 NMAC - N, 02-28-02]

2.61.6.4 DURATION: Permanent.

[2.61.6.4 NMAC - N, 02-28-02]

2.61.6.5 EFFECTIVE DATE: February 28, 2002, unless a later date is cited at the end of a section.

[2.61.6.5 NMAC - N, 02-28-02]

2.61.6.6 OBJECTIVE: This rule provides general guidance regarding the financial and legal requirements for draw down of bond proceeds.

[2.61.6.6 NMAC - N, 02-28-02]

2.61.6.7 DEFINITIONS:

A. "Agency" means any department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state. It also includes the purchasing division of the general services department and the state purchasing agent, but does not include local public bodies.

B. "Board" means state board of finance.

C. "Capital expenditure" means cost of a type that is properly chargeable to a capital account under general federal income tax principles.

D. "Draw requests" means agency request for bond proceeds on a form approved from time to time by board staff.

[2.61.6.7 NMAC - N, 02-28-02; A, 01-15-09]

2.61.6.8 INTERPRETATION OF AUTHORIZING LANGUAGE:

A. In accordance with New Mexico law, bond proceed expenditures shall not be made for purposes other than those specified in an appropriation and any other relevant law, and must meet the definition of capital expenditure unless otherwise authorized by law. It is crucial to determine whether the purpose for a draw request falls within an appropriation's permitted use. The following provides general direction and clarification in the interpretation of authorizing language. Agencies may also refer to the Uniform Statute and Rule Construction Act, 12-2A NMSA 1978 for guidance.

(1) Straight-forward language - some appropriation language is relatively unambiguous, either because it is quite specific or quite general, and it should not be difficult to determine whether the draw request falls within the appropriation language. The following examples use both specific and general language.

(a) "To purchase a van" - the specificity would not permit the purchase of a bus or truck or multiple vans. Using the appropriation to prepay rent on a leased vehicle would not be permitted.

(b) "For (a jail, an engineering study, specific type of equipment, etc.)" - "for" permits the broadest interpretation of the items that could be covered. The words act as a substitute for a particular verb or verbs that might raise interpretive questions or otherwise limit the use of funds. For example, "for a jail" could include purchasing an existing building, purchasing real estate, demolition, the planning and designing, constructing, equipping, furnishing and all other things of capital nature incident to completing the jail.

(2) Standard appropriation language - appropriation language uses certain verbs routinely to anticipate how appropriations will be applied. In order for agencies to be able to make draw requests with certainty based on frequently used verbs or combinations thereof, the following are the board's interpretations of frequently used verbs in authorizing language.

(a) Acquire - obtain something already in existence; does not mean to construct, build or otherwise create the thing to be acquired.

(b) Build - construct a structure or space including fixtures and other built-ins, but not including furnishings or moveable equipment; may include demolition and the design and planning process but does not include acquisition of underlying land; may include the use of modular and prefabricated buildings; may include the cost of commissioning a building for energy efficient green building standards (i.e. LEED certification), as required by law; used interchangeably with "construct".

(c) Construct or construct improvements - see "build".

(d) Design - planning process including location and feasibility studies, architectural drawings and plans, engineering, archaeological and environmental surveys or clearances, zoning, design activities necessary if seeking LEED certification, and all other steps incident to creating a plan for a final product.

(e) Develop - establish the process for future implementation of a project; similar to "design" however less tangible and more conceptual.

(f) Equip or equip improvements - supply tools, furnishing and other implements that are of a permanent or non-depletable nature and are reasonably necessary in the use of the building or other asset for its intended purpose; for example: wood chips and shade structures for playgrounds; used interchangeably with "furnish" (however the nouns "equipment" and "furniture" have different meanings, the former referring to mechanical, technological or recreational items, while the latter is generally limited to objects necessary to make a room comfortable).

(g) Expand - increase size or capacity.

(h) Feasibility study - a preliminary study undertaken to determine and document a project's viability, the results of which are used to make a decision whether or not to proceed with the project.

(i) Furnish - is generally interpreted to mean provide furniture for a building; however, may be used interchangeably with "equip" to mean the provision of items essential for the use of a building or asset for its intended purpose.

(j) Furniture - see "furnish".

(k) Governmental entity - a public body such as state agencies, cities, counties, school districts (including charter schools), governmental instrumentalities created by statute.

(l) Improve - enhance the quality or function of something; encompasses "construct", "equip", "remodel", "renovate" and "upgrade"; may include items such as the purchase of books and desks for a library.

(m) Information technology - includes hardware, software when the software is needed for the intended use of the facility and is a one-time expense, wiring, cooling (where necessary) and related costs, but does not include remodeling, space dividers or other furniture; does not include consumables such as toner, batteries, CD-ROMs, etc, unless included as part of the package or otherwise allowed.

(n) Install - bring into service, including necessary labor and parts directly related to the installation, but does not include the cost of the item actually being installed.

(o) Plan - see "develop".

(p) Prepare - make ready for a future purpose, use or activity.

(q) Purchase - see "acquire".

(r) Remodel - see "improve".

(s) Renovate - see "improve".

(t) Repair - return to usefulness.

(u) Replace - substitute with identical or similar item.

(v) Upgrade - see "improve".

B. Special meanings in road/street context - Unless specifically limited by the legislature, "to improve a road" includes anything that will make the existing road better and is deemed appropriate in the discretion of the agency responsible for the project, and could include acquisition of rights-of-way. However, the department of transportation has taken the position that "to construct a road" does not include planning, designing, right-of-way activities and acquisition, environmental documentation, environmental clearances, and other pre-construction project development tasks. Preliminary activities such as those would only be included if the legislature specified for "planning and designing."

C. Training of government employees - if training is purchased from the vendor or other third party in connection with the acquisition of any permitted property, which training is necessary to the initial use of the property, the appropriation may be used for such training costs. However, no part of the appropriation shall be used to pay for the salaries or wages of government employees during training, or travel costs for government employees to attend training.

D. Litany - when multiple verbs are listed in the appropriation, assume that they are used deliberately and to the exclusion of those not listed. When "and" is used in a list, the appropriation must be applied to all the purposes listed, unless the appropriation act provides that when the amount appropriated is not enough to pay for all the purposes listed, the funds may be expended on fewer than all of them. When "or" is used, the appropriation may be applied to any or all of the purposes listed.

E. Unusual or special appropriation language - if the appropriation language is not clear, the following interpretation guidelines may be helpful. Technical term - determine whether a technical term or term of art has an established meaning within a particular field, industry or context, such as the following examples:

- (1) Software - software that is a one-time expenditure if necessary for intended use of hardware;
- (2) Accounting term - if the term is commonly thought of as an accounting term, apply generally accepted accounting principles (GAAP) and government accounting standards board (GASB) interpretations;
- (3) Tax term - if the term is commonly thought of as a tax term, consult the Internal Revenue Code for meaning.

F. Errors in appropriation language - if the entity, location or object erroneously referenced in the appropriation actually exists, then the funds cannot be applied otherwise, regardless of a suspected different legislative intent. If the entity, location or object erroneously referenced in the appropriation is non-existent, then the funds can be applied to the appropriate cause, if there is sufficient evidence that was the intended use.

G. Other considerations - the interpretations must make sense and not violate applicable law.

- (1) Avoid unconstitutional results:
 - (a) Anti-donation - the appropriation cannot be given to a non-governmental entity; the item to be purchased or constructed must be owned by a governmental entity.
 - (b) Control of state - no appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state.
- (2) Consider the appropriation in terms of the current context/situation of a project.
- (3) Favor an interpretation that would make full use of the appropriation and avoid unachievable results.
- (4) Assess the sufficiency of funds to support the interpretation (however, if an appropriation for a project is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation, if the appropriation act so states).
- (5) Avoid interpretations that may jeopardize any tax-exempt bonds issued to finance the appropriation:
 - (a) Capital expenditure - appropriations should be used for a capital expenditure.
 - (b) Private use - if the item acquired or created will be used principally by one or a few private sector entities (including a non-profit organization) this should be brought to the attention of the board, unless previously discussed.
- (6) Operating expenses - unless expressly provided for by statute, bond proceeds may not be used to pay for operating expenses (e.g. salaries and in-house labor).
- (7) Indirect expenses - generally, the legislation authorizing the issuance of bonds prohibits the use of its proceeds for indirect expenses (e.g. penalty fees or damages other than pay for work performed, attorney fees, and administrative fees). Such use of bond proceeds shall not be allowed unless specifically authorized by statute.

H. Interpretive memoranda - in order to develop consistency in interpretations, the board will document specific interpretive decisions that arise. The interpretive memoranda will be provided to agencies making draw requests based on interpreting language, and may be relied on for future interpretations of the same or similar terms.

[2.61.6.8 NMAC - N, 02-28-02; A, 01-15-09; A, 10-15-09; A, 08-14-2015]

2.61.6.9 PAYMENT OF CAPITAL PROJECT EXPENSES, DRAW REQUEST PROCEDURES:

A. The recipient of bond proceeds is the governmental entity that will carry-out the completion of the project. In many cases, the agency named to receive the appropriation will also be the entity responsible for the project. In other cases, the named agency will be an intermediate agency that is expected to make a grant to a local government entity to carry out the completion of the project. Either an intermediate agency may make a draw request to the board on behalf of a local government entity as recipient, or an agency itself as recipient may make the request directly to the board, unless otherwise approved by the board director.

- (1) Documentation to support draw requests from agency:
 - (a) one draw request form for each project (1 original and 2 copies);
 - (b) proof of payment - notarized certification from an authorized signatory that expenditures are valid or actual receipts;
 - (c) evidence that conditions have been satisfied if applicable;
 - (d) certification that the statements made in the original certification and questionnaire remain true, including use of facility;
 - (e) additional documentation to be submitted for requests by state educational institutions:
 - (i) if the capital project only requires higher education department approval, a higher education department approval letter;
 - (ii) if the capital project requires both higher education department and board approval, a higher education department approval letter and a copy of the board action sheet;
 - (iii) if the capital project does not require higher education department approval, a higher education department project review approval verification.
- (2) Intermediate agencies typically submitting draw requests to the board on behalf of local entity recipients: environment department, department of transportation, Indian affairs department, local government division, public education department, higher education department and aging and long term services department:

- (a) one draw request form for each project (1 original and 2 copies);
- (b) proof of payment - a notarized certification from an authorized signatory that expenditures are valid or actual receipts;
- (c) evidence that conditions have been satisfied if applicable;
- (d) certification that the statements made in the original certification and questionnaire remain true, including use of facility.

B. Frequency - draw requests are due in the board office by 3:00 p.m. on the 1st and 15th day of each month or by 9:00 a.m. the next business day if the 1st or 15th falls on a weekend or holiday (the "draw request deadline"). Draw requests submitted on or before the draw request deadline will result in funds available six business days after the draw request deadline.

C. The minimum draw request amount per project shall be \$1,500 unless it is the final draw request or otherwise recommended by the intermediate agency.

D. State executive agencies may request a direct payment to a contractor or other entity.

(1) The agency must submit the payment voucher to department of finance and administration financial control division six business days after the board deadline unless notified by the board of processing delay due to additional information or legal review being required.

(2) If a direct payment to a contractor or other entity is requested and the agency mails the payment directly to the payee or transfers the funds electronically via automated clearing house (ACH), the agency must send state treasurer's office a copy of the warrant or a copy of the ACH no later than two business days after the payment has been made.

[2.61.6.9 NMAC - N, 02-28-02; A, 01-15-09; A, 10-15-09; A, 06-28-13; A, 08-14-2015]

2.61.6.10 ART IN PUBLIC PLACES (AIPP) ACT:

A. A portion of appropriations for construction and major renovations shall be set aside for the acquisition or commissioning of works of art to be used in, upon or around public buildings.

(1) "Appropriations for construction and major renovations" include appropriations for that purpose to any public entity from severance tax bonds, general obligation bonds, or supplemental severance tax bonds, both taxable and tax-exempt.

(2) Under the AIPP Act, all agencies shall set aside the lesser of \$200,000 or one percent of the amount appropriated for new construction or major renovation (exceeding \$100,000) to use for art in, upon or around the building being constructed or renovated. In addition, an amount of money equal to the lesser of

\$200,000 or one percent of the amount appropriated for new construction or major renovations of auxiliary buildings, as defined in the AIPP Act, shall be accounted for separately and expended for acquisition and installation of art for existing public buildings, as defined.

B. The board's role in administering the AIPP Act is as follows.

(1) After each bond issue, the board submits a list of approved projects to the arts division of the department of cultural affairs, which administers the AIPP fund. The arts division determines which projects the AIPP Act applies to and advises the board accordingly. Based on that determination, the board sets aside the requisite amount from each applicable project in a separate AIPP pooled fund for each bond issue.

(2) When the arts division of the department of cultural affairs is ready to purchase or commission art, the office submits a draw request to the board which then makes the disbursement out of the AIPP project.

C. Frequency - Draw requests are due in the board office by 3:00 p.m. on the 1st and 15th day of each month or by 9:00 a.m. the next business day if the 1st or 15th falls on a weekend or holiday (the "draw request deadline"). Draw requests submitted on or before the draw request deadline will result in funds available six business days after the draw request deadline.

[2.61.6.10 NMAC - N, 02-28-02; A, 01-15-09; A, 10-15-09; A, 06-28-13; A, 08-14-2015]

2.61.6.11 EXCEPTIONS TO THE RULE: In the absence of specific legislative authority or board-issued guidance to the contrary, this rule governs the disbursement of all bond proceeds to agencies. Further, the executive director of the board, in consultation with bond and board counsel, may approve exceptions to the provisions herein when circumstances warrant.

[2.61.6.11 NMAC - N, 01-15-09]

HISTORY OF 2.61.6 NMAC: [RESERVED]



State of New Mexico

Susana Martinez
Governor

EXECUTIVE ORDER 2013-006

ESTABLISHING UNIFORM FUNDING CRITERIA AND GRANT MANAGEMENT AND OVERSIGHT REQUIREMENTS FOR GRANTS OF STATE CAPITAL OUTLAY APPROPRIATIONS BY STATE AGENCIES TO OTHER ENTITIES

WHEREAS, robust capital outlay oversight requires grantees' accounting methods and procedures, including their internal control framework, to be scrutinized, so as to safeguard State capital outlay appropriations and assets acquired with such appropriations; and

WHEREAS, timely annual audits, approved budgets, and financial reports are necessary to assess a grantee's accounting methods and procedures; and

WHEREAS, State agencies must critically examine annual audits to identify relevant material weaknesses and significant deficiencies and, where necessary and feasible, impose special conditions to address such weaknesses and deficiencies; and

WHEREAS, intended end-users of some State-funded projects are private entities, necessitating that such projects receive extra scrutiny and oversight to avoid unconstitutional donations of public capital to private entities; and

WHEREAS, the lack of annual audits and financial reports, material weaknesses and significant deficiencies, and private use of State-funded capital increase the risk that State capital outlay appropriations will be subject to fraud, waste, or abuse; and

WHEREAS, capital outlay processes vary among State agencies, which can cause confusion among grantees and result in best practices not being uniformly followed; and

WHEREAS, these risks and concerns can be avoided or minimized by establishing and requiring State agencies to follow a set of uniform minimum funding criteria focused on the accounting methods and procedures of grantees and grant management and oversight requirements; and

WHEREAS, among other statutory authority, the Department of Finance and Administration has the authority to "devise, formulate, approve, control and set standards for the accounting methods and procedures of all state agencies" (NMSA 1978, Section 6-5-2(A)); "prescribe procedures, policies and processing documents for use by state agencies in connection with fiscal matters" (NMSA 1978, Section 6-5-2(A)); "coordinate all procedures for financial administration and financial control and integrate them into an adequate and unified system" (NMSA 1978, Section

6-5-2.1(A)); and “make improvements in the state's model accounting practices, systems and procedures” (NMSA 1978, Section 6-5-2.1(Q)).

NOW, THEREFORE, I, Susana Martinez, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, do hereby order the following:

1. Definitions. As used in this Executive Order:

A. “annual audit” means the annual examination and audit of the financial affairs of an agency required by NMSA 1978, Section 12-6-3(A);

B. “DFA” means the Department of Finance and Administration;

C. “grant” means a non-exchange transaction whereby a State agency makes all or a part of a State capital outlay appropriation available to a grantee;

D. “grant agreement” means the written agreement pursuant to which a State agency grants all or a part of a State capital outlay appropriation to a grantee;

E. “grantee” means an entity to which a State agency grants or considers granting all or a part of a State capital outlay appropriation; and

F. “State agency” means any department, institution, board, bureau, commission, district or committee of the government of the state and means every office or officer of any of the above.

2. Uniform Funding Criteria.

A. Pursuant to the statutory authority cited above, DFA shall establish the following uniform funding criteria for a grantee to be eligible for a grant:

1. a grantee’s annual audit for the most recently concluded fiscal year must be a public record pursuant to NMSA 1978, Section 12-6-5(A);

2. in the case of a grantee whose most recent annual audit, or special audit released since its most recent annual audit became a public record, documents material weaknesses or significant deficiencies that raise concerns about the grantee’s ability to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired with grant funds:

a. the grantee must have remedied the material weaknesses and significant deficiencies to the satisfaction of the State agency making the grant;

b. the State agency making the grant must have determined that it can impose and has the resources to implement special grant conditions that adequately address those weaknesses and deficiencies; or

c. the State agency making the grant must have determined that another appropriate entity is able and willing to act as fiscal agent for the grant;

3. in the case of a grantee that is not required to have annual audits conducted under the Audit Act:

a. the grantee must have otherwise demonstrated to the satisfaction of the State agency making the grant that it has adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds;

b. the State agency must have determined that it can impose and has the resources to implement special grant conditions that will adequately address any relevant deficiencies in the grantee's accounting methods and procedures; or

c. the State agency must have determined that another appropriate entity is able and willing to act as fiscal agent for the grant; and

4. the grantee must have a budget approved by its oversight agency (if any) for the current fiscal year and be in compliance with any financial reporting requirements.

B. DFA shall require these uniform funding criteria to be met prior to allowing a State agency (i) to certify to the State Board of Finance for the issuance of severance tax bonds for a project or (ii) to make a grant to a grantee.

3. Uniform Grant Management and Oversight Requirements. Pursuant to the statutory authority cited above, DFA shall establish uniform grant management and oversight requirements that, at a minimum, require State agencies to:

A. ensure that sales, leases, and licenses of capital assets acquired with State capital outlay appropriations granted to a grantee are approved in accordance with law;

B. in the event no oversight agency is required to approve of the sale, lease, or license of capital assets acquired with State capital outlay appropriations granted to a grantee, independently confirm that such disposition complies with law and that the grantee is receiving adequate consideration in exchange for the capital assets;

C. utilize the appropriate capital outlay grant agreement template developed by DFA; and

D. conduct field audits of capital outlay projects, on a statistical or stratified basis, in accordance with procedures and policies prescribed by DFA.

4. **DFA Responsibilities.** DFA shall:

A. prescribe procedures, policies, and processing documents to implement the uniform funding criteria and uniform grant management requirements set forth in Paragraphs 2 and 3 of this Executive Order;

B. prescribe one or more capital outlay grant agreement templates for use by State agencies;

C. develop criteria for granting requests for deviations from its grant agreement templates and grant management and oversight requirements; and

D. monitor and enforce State agencies' compliance with the uniform funding criteria and uniform grant management and oversight requirements required by this Executive Order.

I DIRECT that this Executive Order supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

SIGNED AT THE EXECUTIVE OFFICE THIS
2nd DAY OF MAY 2013.

ATTEST:



DIANNA J. DURAN
SECRETARY OF STATE

WITNESS MY HAND AND THE GREAT
OF SEAL OF THE STATE OF NEW MEXICO.



SUSANA MARTINEZ
GOVERNOR



Entity Name
Scope of Work
Attachment "A"

Name of Tribal Entity / Organization:

Project Title:

Background Narrative:

Work Plan:

Budget:

Performance Measures:

Results Expected (Community Benefits):

Time Frame / Milestones:

Responsible Staff Names & Contact Information:

Attachments:

Attachment B

NEW MEXICO INDIAN AFFAIRS DEPARTMENT

_____ Tribal Infrastructure Fund _____ Capital Outlay

PROJECT BUDGET

DATE:		PROJECT #:	IGA# 609-
NAME OF GRANTEE:			
CLASSIFICATION	PROJECT AWARD	OTHER FUNDS	TOTAL
Administrative Expenses	Ineligible		
Easements and Right of Way			
Acquisition			
Archaeological Studies			
Environmental Studies			
Planning			
Design (Engr./Arch.			
Construction			
Furnish/Equip/Vehicles			
Other Professional Service Fees-Identify			
Contingencies			
TOTAL:			
Identify Sources of Other Funds (Include matching requirements):			
Are the other funds committed? (Yes/No)		Name and title of the person that prepared the form?	
If not, when do you expect commitment?		Email:	
		Phone No:	
Project Contact Information		Alternate Project Contact Information	
Name and title:		Name and title:	
Email:		Email:	
Phone No:		Phone No:	

**NOTICE OF OBLIGATION TO REIMBURSE GRANTEE
EXHIBIT 2**

Notice of Obligation to Reimburse Grantee #

DATE:

TO: Department Representative:

FROM: **Grantee:**

Grantee Official Representative:

SUBJECT: Notice of Obligation to Reimburse Grantee

Grant Number:

Grant Termination Date:

As the designated representative of the Department for Grant Agreement number _____ entered into between Grantee and the Department, I certify that the Grantee has submitted to the Department the following third party obligation executed, in writing, by the third party's authorized representative:

Vendor or Contractor:
Third Party Obligation Amount:

Vendor or Contractor:
Third Party Obligation Amount:

Vendor or Contractor:
Third Party Obligation Amount:

Vendor or Contractor:
Third Party Obligation Amount:

I certify that the State is issuing this Notice of Obligation to Reimburse Grantee for permissible purposes within the scope of the project description, subject to all the terms and conditions of the above referenced Grant Agreement.

Grant Amount (Minus AIPP if applicable):
Amount of this Notice of Obligation:
The Total Amount of all Previously Issued Notices of Obligation:
The Total Amount of all Notices of Obligation to Date:

Note: Contract amounts may exceed the total grant amount, but the invoices paid by the grant will not exceed the grant amount.

Department Rep. Approver:
Title:
Signature:
Date:

1 Administrative and/or Indirect Cost – generally, the legislation authorizing the issuance of bonds prohibits the use of its proceeds for indirect expenses (e.g. penalty fees or damages other than pay for work performed, attorney fees, and administrative fees). Such use of bond proceeds shall not be allowed unless specifically authorized by statute.

REQUEST FOR PAYMENT CHECKLIST

I. Grantee Information:

- ┆ Grantee Name (I.A.)
- ┆ Address (This where the warrant will be mailed) (I.B.)
- ┆ Phone No. (I.C.)
- ┆ Grant No. (I.D.)
- ┆ Project Title (I.E.)
- ┆ Grant Expiration Date (I.F.)

II. Payment Computation:

- ┆ Payment Request No. (II.A.)
- ┆ Grant Amount (II.B.)
- ┆ AIPP Amount (if applicable) (II.C.)
- ┆ Funds Requested to Date (II.D.)
- ┆ Amount Requested this Payment (II.E.)
- ┆ Reversion Amount (If Applicable) (II.F.)
- ┆ Grant Balance (II.G.)
- ┆ **GF** (General Fund) **GOB** (General Obligation Bond) **STB** (Severance Tax Bond) (II.H.)
- ┆ Final Request for Payment (If Applicable) (II.I.)

III. Fiscal Year:

- ┆ FY 2023 (July 1, 2022 – June 30, 2023)
 - ┆ Fiscal Year Correct?
- This is the State Fiscal Year not Calendar year.

IV. Reporting Certification:

- ┆ I hereby certify to the best of my knowledge and belief, that database reporting is up to date; to include the accuracy of expenditures and grant balance, project status, project phase, achievements and milestone; and in compliance with Article VIII of the Capital Outlay Grant Agreement.

V. Compliance Certification:

- ┆ Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Artic IX. Sec. 14 of the New Mexico Constitution known as the “anti-donation” clause.

REQUEST FOR PAYMENT CHECKLIST:

- ┆ Detailed invoice(s) is required as backup to the Request for Payment form. The Request for Payment amount shall not exceed total invoice(s) or grant amount
- ┆ Current copy of Notice of Obligation(s).
- ┆ Include a copy of the front & back cleared check from bank or ACH (bank statement)
- ┆ Attach a copy of Final Report, if this is a final payment.
- ┆ Attach a copy of current updated CPMS & completed project timeline.
- ┆ Attach a Reversion Letter with the Final Report if there is a remaining balance.

Attach copy of completed checklist with the Request for Payment Form.

Completed by (Print)

Signature

Date

For IAD Staff Use Only

A. Is Tribal Grantee listed on the “Compliant Grantee” listing?

- ┆ Yes, **proceed to step C** No, **proceed to step B**

B. Obtain Tribal Grantee Special Grant Conditions Checklist and Approval Form. Has form been completed and approval for payment obtained?

- ┆ Yes, **proceed to step C** No, **check NOT approved at step D**

C. Review Request for Payment Checklist.

D. Request for payment is:

- ┆ Approved NOT Approved, further information needed.

Approver

Date

**STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
Request for Payment Form
Exhibit 1**

I. Grantee Information

(Make sure information is complete & accurate)

- A. Grantee: _____
- B. Address: _____
(Complete Mailing, including Suite, if applicable)
- _____
- City State Zip
- C. Phone No: _____
- D. Grant No: _____
- E. Project Title: _____
- F. Grant Expiration Date: _____

II. Payment Computation

- A. Payment Request No. _____
- B. Grant Amount: _____
- C. AIPP Amount (If Applicable): _____
- D. Funds Requested to Date: _____
- E. Amount Requested this Payment: _____
- F. Reversion Amount (If Applicable): _____
- G. Grant Balance: _____
- H. GF GOB STB (attach wire i
- I. Final Request for Payment (if Applicable)

III. Fiscal Year : _____

(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. Reporting Certification: I hereby certify to the best of my knowledge and belief, that database reporting is up to date; to include expenditures and grant balance, project status, project phase, achievements and milestones; and in compliance with Article VIII of the Capital Agreement.

V. Compliance Certification: Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or **Fiscal Agent** (if applicable)

Grantee Representative

Printed Name

Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager

**STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
PAPER PERIODIC/FINAL REPORT
EXHIBIT 3**

PERIODIC REPORT **FINAL REPORT**

Grantee: _____

Project Number: _____ **Reporting Period:** _____

1. Please provide a detailed status of project referenced above.

A. Third Party Obligations

Purchase Order or Contract # _____

Name of Contractor or Vendor: _____

Amount of Third Party Obligation: _____

Date Executed: _____

Termination Date: _____

B. Project Phase

Bonds Sold Plan/Design Bid Documents Construction
(provide anticipated date of commencement and completion for each phase)

2. Grant Amount adjusted for AIPP if applicable: _____

Total Amount of all Notices of Obligation to Reimburse: _____

Total Grant Amount Expended by Grantee to Date: _____

Grant Balance as of this Date: _____

Amount of Other Unexpended Funding Sources: _____

PERIODIC REPORT

I hereby certify that the aforementioned Capital Grant Project funds are being expended in accordance with all requirements of the Grant Agreement, and in compliance with all other applicable requirements.

FINAL REPORT

I hereby certify that the aforementioned Capital Grant Project funds have been completed and funds were expended in accordance with all requirements of the Grant Agreement, and in compliance with all other applicable state/regulatory requirements.

Grantee Representative/Title

Date

Date:

_____, Cabinet Secretary

State of New Mexico
Indian Affairs Department
2600 Cerrillos Road
Santa Fe, New Mexico 87505

RE: Request to Revert Balance
Name of Project as indicated on IGA
Project Number as indicated on IGA

Dear Secretary _____,

This letter serves as a request to revert the balance of \$X,XXX.XX on the Intergovernmental Grant Agreement – Name of Project Name and Number as indicated on IGA. The project is complete and will not incur further expenses.

Please contact, Name, Title, Phone Number or email address if they are any questions.

Respectfully,

Name
Grantee Name