



Department of Finance & Administration Capital Outlay

ADMINISTRATION OF CAPITAL APPROPRIATIONS

PRESENTATION TO COUNTIES, MUNICIPALITIES,
TRIBAL GOVERNMENTS, SPECIAL DISTRICTS
AND SENIOR CENTER FACILITIES

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Today's Topics

- Capital Outlay Bureau
 - ✓ What we do & What is capital outlay
- Administrative Tools
 - ✓ Tableau Dashboard & Capital Outlay Request Forms
- 2021 Legislative Session
 - ✓ 2021 Capital Appropriations, Reauthorizations & Other Signed Legislation
- Capital Outlay Implementation
 - ✓ Grant Agreement, EO 2013-006, Anti-Donation & Reporting
- Upcoming 2022 Legislative Session
 - ✓ Obstacles, Capital Outlay Timeline, Infrastructure Capital Improvement Plans, Sources & Uses
- 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 questionnaire process; (SBOF)
 - Identifying local entities; (Executive Agencies)
 - EO Compliance; and (Executive Agencies including OSA)
 - Budgeting capital projects. (COB)
- Maintain the State Capital Project Monitoring System (CPMS).
- Utilize CPMS 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.

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 SB377 (Junior Bill) expenditures from SHARE.

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

New Mexico Capital Outlay Dashboard

Appropriations	Project Activity	Grant Agreements	Capital Project Listing	Def
				So

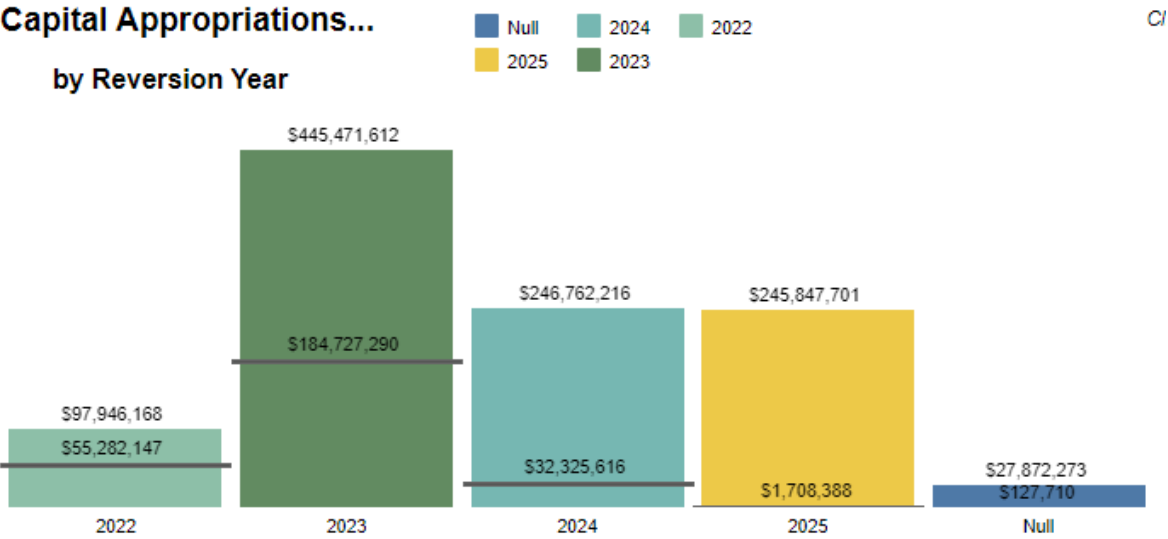
Capital Appropriations

Reversion FY 2022 through FY 2025

Select One
Filter Option

Project County

(All)



New Mexico Capital Outlay Dashboard

Appropriations	Project Activity	Grant Agreements	Capital Project Listing	Definitions & Funding Sources	Contact Information
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Grant Agreements

Appropriation Fiscal Year

(All) ▼

FY 2019 through FY 2021

Grant Agreement Phase

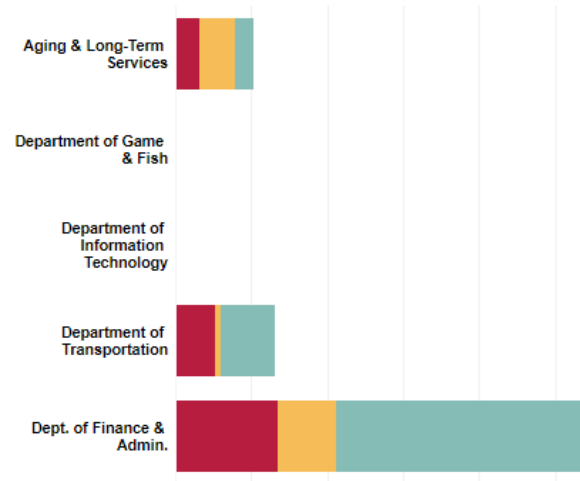
Not Issued

Issued

Executed

by Agency

Click on agency to see detail to the right.



by Local Fiscal Agent

Click on local fiscal agent to see detail at the bottom.



New Mexico Capital Outlay Dashboard

Appropriations	Project Activity	Grant Agreements	Capital Project Listing	Definitions & Funding Sources	Contact Information
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Capital Projects Detail

Appropriated Projects FY 2016 to FY 2021

Select One
Filter
Option

Project County

(All)

OR

Local Fiscal Agent

(All)

Additional
Filter
Options

Agency

(All)

Funding Source

(All)

Reversion Year

☒ (All)

☐ Null

☐ 2022

☐ 2023

☐ 2024

☐ 2025

Appropriation Year

☒ (All)

☐ 2016

☐ 2018

☐ 2019

☐ 2020

☐ 2021

Capital Project Type

(All)

Appropriation Total

\$0 \$32,895,000



Agency ID	Appropriation Title	Approp YR	Revert YR	Funding	Appropriation	Total Expended	Expended Pct	Total Reve
A16A2019	Reauth - ALBUQUERQUE GUN VIOLENCE MEMOR..	2020	2022	STBR	\$229,000	\$0	8.8%	
A16A2022	Reauth - BOSQUE REDONDO MEMORIAL IMPROV..	2020	2022	STBR	\$9,188	\$0	16.4%	
A16A2026	Reauth - CORONADO HISTORIC SITE RUINS FOO..	2020	2022	STBR	\$26,787	\$0	0.0%	
A16A2029	Reauth - PALACE OF THE GOVERNORS STATE HI..	2020	2022	STBR	\$7,311	\$0	0.0%	
A16A2041	Reauth - ALBUQUERQUE SIGN LANGUAGE ACAD..	2020	2022	STBR	\$192,789	\$192,789	32.5%	
A16A2042	Reauth - AMY BIEHL HIGH SCHOOL ASBESTOS A..	2020	2022	STBR	\$18,130	\$18,051	100.0%	
A16A2236	Reauth - OIL CONSERVATION DIVISION ARTESIA ..	2020	2022	STBR	\$887,672	\$29,685	26.1%	
A16A2242	Reauth - VILLA VIEW DETENTION PONDS FACILIT..	2020	2022	STBR	\$79,512	\$79,512	0.0%	
A16A2246	Reauth - DEXTER WATER SYSTEM IMPROVEMEN..	2020	2022	STBR	\$274,215	\$0	25.9%	
A16A2248	Reauth - ANGEL FIRE WATER STORAGE TANKS C..	2020	2022	STBR	\$115,483	\$29,928	0.0%	
A16A2261	Reauth - LOVING SEWER COLLECTION AND WAS..	2020	2022	STBR	\$73,675	\$0	0.0%	

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>



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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



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Capital Outlay Web Request

1. Infrastructure Capital Improvement Plan (ICIP) five digit project ID # *(If you do not have a project #, begin your request with Item #2. [See instructions.](#))*

[Import ICIP Data](#)

2. Contact Name*

3. Contact Title*

4. Contact Phone*

5. Contact Email*

6. Fiscal Agent* *(Entity to receive funding. [See instructions.](#)) Only the state or political subdivisions of the state are eligible to receive funding.*

Select a fiscal agent ▼

7. Entity requesting funding* *(If different from fiscal agent, type in the requesting entity name. [See instructions.](#))*

22. Direct Request*(Select the legislator(s) to whom you wish to submit your request from the dropdown menu. You can also choose to submit your request to the governor from the dropdown menu. Be selective. It is important to legislators to fund projects in their districts. Match district requests to the appropriate legislators and/or the governor.)*

- ☐ Governor Lujan Grisham
- ☐ Representative Eliseo Lee Alcon
- ☐ Representative Anthony Allison
- ☐ Representative Phelps Anderson
- ☐ Representative Gail Armstrong
- ☐ Representative Deborah A. Armstrong
- ☐ Senator Gregory A. Baca
- ☐ Representative Alonzo Baldonado
- ☐ Representative Brittney Barreras
- ☐ Representative Karen C. Bash
- ☐ Representative Rachel A. Black

Review the information you have provided for accuracy prior to submitting your request. If you select "Submit capital project request" and your request does not include all of the required information, the fields that lack required information will be highlighted in red. Complete the required information. If you select "Submit capital project request" and you see a project summary sheet on your screen, your request has been submitted. You will then have the option to print your project summary sheet. It will be important for future reference to have the LCS Web ID number in the project title. Do not submit the same request more than once. Requests will be transmitted by the LCS electronically to the selected legislators and/or the governor. A list of requested projects will be posted on the legislature's website.

Submit capital project request

Capital Outlay and 2021 Legislative Session

2021 Legislative Session – HB285

- New Mexico was appropriated about \$512 million for 1,198 state and local capital outlay projects. (HB285) (23 Vetoes and 7 Partial Vetoes)
- 1,028 projects totaling over \$285 million allocated for local capital outlay projects. (This includes all tribal and senior centers)
- General Fund (GF) appropriations will be budgeted through a CAPBUD submitted by the administering agency.
- Appropriations funded through Severance Tax Bonds (STB) will be budgeted through an automated upload by DFA once the bonds are sold.

* Over \$3 billion total capital outlay appropriated since 2016.

Capital Outlay and 2021 Legislative Session

Bonds for Capital Outlay – HB285

State Board of Finance (SBOF) 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.
- The SBOF typically issues bonds about 2 times per year. If the project is not ready, return the questionnaire indicating no proceeds are requested at this time.
- The entity must notify the SBOF if the project changes or faces delays.

Bonds will not be issued for a project if:

- the project recipient does not return a questionnaire to the SBOF
- the project recipient cannot **encumber 5%** of the funds within 6 months of bond issuance or **expend 85%** of the funds within 3 years of bond issuance
- 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 2021 Legislative Session

2021 Legislative Session – HB296

- The capital outlay reauthorization bill reauthorized 93 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.
- 4 reauthorizations were vetoed and 1 was partially vetoed.

Capital Outlay and 2021 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/Publications/Capital_Outlay/HB%20285%20Capital%20Projects%20Publication%20by%20County%20with%20Sponsor,%202021.pdf

* All recent capital outlay appropriations (2018 – 2021) are located on the Capital Outlay Bureau website at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>

Capital Outlay and 2021 Legislative Session

2021 Legislative Session – SB377 (Junior Bill)

- Appropriations from the general fund for expenditure in fiscal years 2021 and 2022.
- Over 200 appropriations totaling about \$24 million.
- Administered and budgeted by DFA, State Budget Division.

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.
- Report Requirements – local entity updates CPMS by the 30th of every month.
- 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.

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

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.

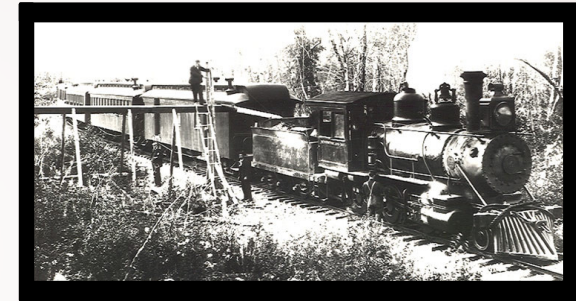
FIN 9.2 Grants Management—Funding Criteria and Oversight Requirements

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

Capital Projects Monitoring System (CPMS)

- CPMS is a web-based system used for reporting and monitoring of capital outlay appropriations
- **Used by:**
 - Department of Finance and Administration (DFA).
 - Legislative Finance Committee (LFC).
 - Press and general public.
- **Local entities begin reporting once a grant agreement has been executed.**
 - Local entity is required to update appropriation information on monthly basis by the 30th of each month (IGA)

Upcoming Legislative Session

Obstacles facing Local Governments

- 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 2022 – 4 Year appropriations):

- Local planning process to identify projects that are ready; (Yearly)
- Enter planned projects into ICIP; (May 2021 through November 2021)
- Start preparing for annual audit to ensure EO compliance; (July 2021 through May 2022)
- Projects funded through capital bill; (December 2021 through February 2022)
- Capital bill drafted and signed into law; (February 2022 through April 2022)
- Projects budgeted at DFA; (April 2022 through July 2022)
- Grant Agreements issued and executed; (July 2022 through December 2022)
- Procurement Process; (January 2023 through March 2023)
- Construction; (March 2023 through March 2025)(Depends on project size and scope)
- Reimbursement Process; (March 2023 through June 2025)
- Project Closeout; (March 2025 through January 2026)(11-month warranty period)
- Project Closed. (January 2026 through June 2026)(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 (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 (2023-2027);
 - 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

Sources and Uses of Bonding Capacity

Sources and Uses of Bonding Capacity Available for Authorization and Severance Tax Permanent Fund Transfer (in millions)						
AUGUST 2021 Estimate						
Sources of Funds	FY22	FY23	FY24	FY25	FY26	5-Year
General Obligation Bonds	\$244.5		\$244.5		\$244.5	\$733.5
Senior STBs	\$712.8	\$851.6	\$788.5	\$749.3	\$714.3	\$3,816.4
Severance Tax Bonds	\$513.0	\$513.0	\$513.0	\$513.0	\$513.0	\$2,565.0
Severance Tax Notes	\$199.8	\$338.6	\$275.5	\$236.3	\$201.3	\$1,251.4
Supplemental STBs	\$266.9	\$405.3	\$394.3	\$394.3	\$398.2	\$1,858.8
Supplemental Severance Tax Bonds	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Supplemental Severance Tax Notes	\$266.9	\$405.3	\$394.3	\$394.3	\$398.2	\$1,858.8
TOTAL Sources of Funds	\$1,224.2	\$1,256.9	\$1,427.3	\$1,143.5	\$1,357.0	\$6,408.8
Uses of Funds	FY22	FY23	FY24	FY25	FY26	5-Year
GOB Projects Approved by Referendum	\$244.5		\$244.5		\$244.5	\$733.5
Authorized but Unissued STB Projects (1)	\$31.2	\$0.0	\$0.0	\$0.0	\$0.0	\$31.2
9% of Senior STB for Water Projects	\$64.2	\$76.6	\$71.0	\$67.4	\$64.3	\$343.5
4.5% of Senior STB for Colonias Projects	\$32.1	\$38.3	\$35.5	\$33.7	\$32.1	\$171.7
4.5% of Senior STB for Tribal Projects	\$32.1	\$38.3	\$35.5	\$33.7	\$32.1	\$171.7
New Senior STB Statewide Capital Projects	\$553.3	\$698.3	\$646.6	\$614.4	\$585.7	\$3,098.3
PSCOC Public School Capital	\$241.9	\$405.3	\$394.3	\$394.3	\$398.2	\$1,833.82
PED Instructional Materials/Transportation (2)	\$25.0	\$0.0	\$0.0	\$0.0	\$0.0	\$25.00
TOTAL Uses of Funds	\$1,224.2	\$1,256.9	\$1,427.3	\$1,143.5	\$1,357.0	\$5,051.8
(1) Includes projects authorized that have either not yet met requirements for funding or were not able to be funded with annual senior capacity.						
(2) Pursuant to 22-24-4 (N) NMSA 1978. This amount shall be reserved for appropriation by the legislature to the instructional material fund or to the transportation distribution of the public school fund.						
Estimated Transfer to Severance Tax Permanent Fund						
	FY22	FY23	FY24	FY25	FY26	5-Year
Severance Tax Permanent Fund Transfer	\$585.3	\$98.1	\$104.4	\$113.9	\$141.9	\$1,043.5
Note: The permanent fund transfer will be higher in years in which there is a large difference between the previous year's actual Severance Tax revenues and the current year's estimate. This is evidenced for FY22, as FY21 actual revenues are lower than the projected revenues for FY22.						

Capital Outlay Bureau

State Agency Contacts

State Agency Contacts	Agency	Title	Phone	Email
Carmen Morin	DFA, Local Government Division (LGD)	Community Development Bureau Chief	505-470-8979	carmenb.morin@state.nm.us
Barbara Romero	Aging & Long-Term Services Dept. (ALTSD)	Capital Projects Bureau Chief	505-476-4704	barbara.romero@state.nm.us
Clarissa Martinez	Department of Transportation (DOT)	Management Analyst	505-699-9946	clarissa.martinez@state.nm.us
Rhonda Holderman	Environment Department (DOE)	Financial Manager, Loans and Grants	505-363-9396	rhonda.holderman@state.nm.us
Gerald Hoehne	Higher Education Department (HED)	Capital Projects Coordinator	505-476-8434	gerald.hoehne@state.nm.us
Chandler Kahawai	Indian Affairs Department (IAD)	CPO/Capital Outlay Coordinator	505-476-1610	chandler.kahawai@state.nm.us
Amanda Lupardus	Public Education Department (PED)	Financial Coordinator	505-827-6613	amanda.lupardus@state.nm.us
Marcos Mendiola	Office of the State Engineer (OSE)	Program Manager	505-476-0261	marcos.mendiola@state.nm.us

Capital Outlay Bureau

Contacts

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

Community Development Bureau

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Questions...?