

Capital Appropriations Bond Questionnaire

Appropriation ID:

NOTE!

Agencies must respond to every question, unless otherwise specified. Failure to do so may result in delayed funding.

* Drop Down - Use drop down on right side to select option

* Fill In - Please type response

Project Manager Information			
	Name		
	Title		
	Phone		
	Email		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 85%; padding: 5px;">By submitting this questionnaire, I confirm that I am an authorized officer who has knowledge of the representations contained within this questionnaire. I also</td> <td style="width: 15%; padding: 5px; text-align: center;">(Choose)</td> </tr> </table>		By submitting this questionnaire, I confirm that I am an authorized officer who has knowledge of the representations contained within this questionnaire. I also	(Choose)
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1 Funding Request & Public Benefit			
1.a	What is the total amount of bond proceeds requested (must be equal to or less than the appropriation remaining)?		
1.b	If not requesting the full appropriation amount, explain.		
<p style="color: #0070c0; font-size: small;">BEFORE YOU ANSWER THE NEXT QUESTION--This is one of the most important questions to answer thoroughly. Provide specific details on what the money will be used for. <u>If funding a phase or portion of a larger project</u>, only detail what the appropriation will fund; you will summarize the larger project in the next question. <u>Do not</u> repeat any of the appropriation language--your answer should give more information and detail than the appropriation.</p>			
1.c	Provide a DETAILED description of what the bond proceeds will fund.		
1.d	Are the bond proceeds funding an entire project or a portion or phase of a larger project?		
<p style="color: #0070c0; font-size: small;">IF FUNDING AN ENTIRE PROJECT: Skip to Question 1.f.</p> <p style="color: #0070c0; font-size: small;">BEFORE YOU ANSWER THE NEXT QUESTION--Only answer if the proceeds are funding a portion or phase of a larger project. The answer should briefly summarize the larger project plan and how the proceeds fit into the plan.</p>			
1.e	IF FUNDING A PORTION/PHASE OF A LARGER PROJECT: Summarize the larger project.		
<p style="color: #0070c0; font-size: small;">BEFORE YOU ANSWER THE NEXT QUESTION--NOTE: some projects are not open to the public but still fulfill a public function. Examples: senior centers, public safety equipment, research facilities, law enforcement/public safety buildings.</p>			
1.f	Does the project <i>benefit</i> the general public OR <i>fulfill</i> a governmental function OR <i>allow general access and use</i> to the public?		
1.g	Will proceeds be used to purchase equipment or software?		
<p style="color: #c00000; font-size: small;">IF NO: Skip to Question 1.j.</p> <p style="color: #0070c0; font-size: small;">BEFORE YOU ANSWER Question 1.h--Standard is defined as vehicle or equipment manufacturer warranties or other warranties or agreements that are purchased as part of the equipment purchase.</p>			
1.h	IF YES: Will a separate extended warranty, maintenance, or support service agreement, that is not a standard, be purchased?		
<p style="color: #c00000; font-size: small;">IF NO: Skip to Question 1.j.</p>			
1.i	IF YES: Please describe the warranties, maintenance, or support service agreements you'll be purchasing.		
1.j	Do you intend to use the proceeds to reimburse the governmental entity for money spent prior receiving the bond proceeds?		
1.k	Will any portion of the proceeds be used to refinance, retire, or repay any prior debt obligation?		

2 Sufficient Funding					
REFER TO YOUR ANSWER TO QUESTION 1.C FOR THE FOLLOWING QUESTIONS.					
2.a	Are these proceeds enough to fund EITHER the entire project OR a well-defined phase of the project if part of a larger project?	(Choose)			
	IF YES: Skip to Question 2.d.				
	IF NO: Complete Question 2.b. and 2.c (if necessary).				
2.b	Have <u>other</u> funding sources been identified or secured that, in addition to the appropriation, fully fund the project or a well-defined phase of the project?	(Choose)			
	IF NO: Skip to Question 2.d.				
2.c	IF YES: Enter the funding source information below. Include established and anticipated funds. If funds have not been received and/or expended, state "N/A." Provide ALL information requested. Then continue to Question 2.d.				
	Funding Source (Established and Anticipated)	Amount	Amount Secured? Y/N	Date Received or Will Receive	Expended to Date
2.d	Are the proceeds being requested replacing another funding source? (e.g., operating budget, other bond proceeds)	(Choose)			
	IF NO: Skip to Question 2.f.				
2.e	IF YES: What is the funding source being replaced?				
2.f	Has the project, or any portion of it, been included in one or more prior State (not local) bond sales?	(Choose)			
	IF NO: Skip to Question 2.j.				
	IF YES: Complete the following Questions 2.g through 2.i, and continue to Question 2.j.				
2.g	What was the year of the bond sale?				
2.h	What series funded the project?				
2.i	How much of the proceeds, if any, were unspent as of April 19, 2023? (Answer "\$0" if no unspent proceeds.)				
2.j	CONFIRM that you will continue to monitor changes to the intended use or disposition of the real property or equipment financed with the proceeds <u>for the entire time the bonds are outstanding.</u>	(Choose)			
2.k	CONFIRM that you will immediately inform the State Board of Finance if there is a change in use or disposition.	(Choose)			
3 Project Readiness, Priority, Spend-Down of Proceeds, and Contingencies					
Projects must meet certain readiness and spend-down criteria in order to be included. If the project is not ready and/or funds cannot be expended in time, it may be eligible to be included in a future bond sale. <u>You MUST have a high degree of confidence in the readiness of the project.</u>					
3.a	Has the project already begun or has the purchase of real property or equipment already occurred?	(Choose)			
	BEFORE YOU ANSWER Question 3.b--If you expect to start the project upon receipt of the funds, the start date should not be prior to June 2023 for bonds that have already been issued and should not be prior to July 2023 for bonds that have not been issued.				
3.b	IF NO: When will it begin (month and year)? Now skip to Question 3.e.				
	IF YES: Complete the following Questions 3.c and 3.d, then continue to 3.e.				
3.c	When did the project begin OR when was the equipment purchased?				

3.d	Explain the current status of the project (e.g., ready to issue RFP for design, construction documents complete)	
3.e	Will you enter into one or more contracts with vendors by December 20, 2023, to expend at least 5% of the proceeds?	(Choose)
3.f	IF YES: Will work on the project proceed diligently to completion?	(Choose)
3.g	IF NO: Explain why you won't be able to <u>encumber</u> at least 5% by this date.	
3.h	Will at least 85% of the proceeds be expended by June 20, 2026 ?	(Choose)
3.i	Are there any contingencies specified in the legislative appropriation?	(Choose)
	IF NO: Skip to Question 3.l	
	IF YES: Complete the following Questions 3.j and 3.k, then continue to 3.l.	
3.j	Describe the contingencies.	
3.k	State how AND when (month and year) each contingency is expected to be cleared.	
3.l	Are there any <u>other</u> contingencies or obstacles that need to be addressed for the project to proceed? (e.g., permitting, other financing, construction contracts) Note that receipt of this funding should not be considered a contingency.	(Choose)
3.m	IF YES: Explain those contingencies AND how AND when (month and year) each contingency is expected to be cleared.	
4 Ownership, Operation & Use		
A PRIVATE OR NONPROFIT ENTITY CANNOT OWN THE REAL PROPERTY OR EQUIPMENT. The constitution of New Mexico prohibits the State from making any donation or appropriation to any private individual, or privately-owned association or corporation (including nonprofits, whether charitable, educational, or other).		
AGREEMENTS BETWEEN PRIVATE ENTITIES/NONPROFIT ENTITIES/THE FEDERAL GOVERNMENT AND THE GOVERNMENTAL ENTITY MUST BE PROVIDED when a private or nonprofit entity or the federal government will lease, use, or operate the real property or equipment. FAILURE TO SUBMIT SUFFICIENT AGREEMENTS MAY RESULT IN A DELAY IN FUNDING.		
4.a	Who owns the property or equipment?	
4.b	Confirm the owner is a governmental entity (i.e., not a private or nonprofit entity or the federal government).	(Choose)
4.c	Will any other entity (besides the owner) operate, use, service, or manage the real property or equipment being funded?	(Choose)
	IF NO: Skip to Section 5.	
	IF YES: Continue to Question 4.d and the rest of this section.	
4.d	Who will operate, use, service, or manage the real property or equipment to be funded?	
4.e	What type of organization is the operator/user/servicer/manager?	(Choose)
	IF GOVERNMENTAL ENTITY: Complete Questions 4.f and 4.g, then skip to Section 5.	
4.f	What is the governmental entity's role in the project?	(Choose)
4.g	Explain further the governmental entity's role in the project.	
	STOP: If the operator/user/services/manager is a governmental entity, skip to Section 5 now.	
	IF A PRIVATE OR NONPROFIT ENTITY OR THE FEDERAL GOVERNMENT: Complete Questions 4.h through 4.p and then move to Section 5.	
4.h	Identify the organization's role in the project.	(Choose)
4.i	Explain the organization's role in the project.	
4.j	Do you anticipate that the organization will make any payments to the governmental entity for the use of the project?	(Choose)
4.k	IF YES: Explain what will the payments cover.	

4.l	Do agreements exist between the owner and the organization governing the organization's operation/use?	(Choose)
4.m	IF YES: Explain what the agreements govern. (e.g., lease, operations, management, research/testing), then skip to Question 4.p. IF NO: Complete Questions 4.n and 4.o, then continue to Question 4.p.	
4.n	When do you anticipate entering into agreements (month and year) related to the organization's operation/use?	
4.o	Describe the agreements you plan to enter into.	
4.p	CONFIRM that you will provide all lease, operating, management, service, or other agreements governing the use or operation of the real property or equipment within 5 days of submitting this questionnaire.	(Choose)
	Email all agreements to: Nicholas.Gonzales2@dfa.nm.gov	
	Include the project number at the beginning of the file name (e.g., "A2651_Management_Agreement.pdf") and in the email subject line.	

5 Acknowledgment of Severance Tax Bond Restrictions and Authorized Officer Status

The legislation authorizing severance tax notes includes restrictions, such as deadlines and expenditure controls, which vary based on the year of enactment and timing of note issuance. The 2022 severance tax bond legislation (the "2022 Act") states that the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund:

- (a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or
- (b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law that originally authorized the severance tax bonds or the time frame set forth in any law that has previously reauthorized the expenditure of the proceeds, whichever is later.

Upon expiration of the periods specified in the legislation, all remaining balances from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund three months after the reversion date for the unexpended balances.

Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to the 2022 Act shall not be used to pay indirect project costs. For more information regarding eligible use of note proceeds, please consult the State Board of Finance's Bond Project Disbursement Rule, 2.61.6 NMAC available on the State Board of Finance's website at <https://www.nmdfa.state.nm.us/board-of-finance/capital-projects/bond-project-disbursement-rule/>.

Except for a project that was originally funded using a tax-exempt loan or bond issue, a project involving repayment of debt previously incurred shall be funded through the issuance of taxable severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued.

"Unexpended balance" means the remainder of an appropriations after reserving for unpaid costs an expenses covered by binding written obligations to third parties. The Department of Finance and Administration interprets that an "expense" occurs, according to generally accepted accounting principles, at the point in time when goods or services are actually received.

Failure to complete a questionnaire to the satisfaction of the State Board of Finance may result in a reauthorized project not being funded. Failure to satisfy any conditions imposed on a reauthorized project by the State Board of Finance may result in proceeds not being disbursed for the project.

For a local project subject to a grant agreement with a state agency, in general, bond proceeds cannot be used to reimburse for expenditures made prior to the effective date of the grant agreement.

5.a	CONFIRM that the authorized officer acknowledges recognition of these restrictions. If this box is not checked, the State Board of Finance will not authorize funds for the project.	(Choose)
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Authorized Officer	
Name	
Title	
Phone	
Email	