

This is an amendment to 11.2.3 NMAC, Section 29, effective January 1, 2020.

11.2.3.29 ENERGY TRANSITION ACT COMPLIANCE:

A. The construction of New Mexico facilities that generate electricity for New Mexico retail customers, and that are not located on the customer side of an electricity meter, shall be subject to the requirements of Subsection B of Section 62-13-16 NMSA 1978 if the facilities are built as a result of competitive solicitations.

B. Subject to availability of qualified applicants, the construction of facilities that generate electricity for New Mexico retail customers shall employ apprentices from an apprenticeship program registered with NMDWS during the construction phase of a project at a minimum level as outlined in Subsection B of 62-13-16 NMSA 1978 for all persons employed for the project.

(1) A “project” for the purposes of this Section means any construction of a facility that generates electricity or transmits electricity for New Mexico retail customers.

(2) The number of apprentices required applies to each occupation or trade performing services during the project.

C. NMDWS shall be responsible for monitoring the project for the appropriate level of apprentices on the project and ensuring compliance.

(1) Upon receiving a notice to proceed for construction of such a project, the general contractor shall submit a compliance plan including an outline for how the contractor and subcontractors of any tier will meet the required number of apprentices for the project and a list of subcontractors to NMDWS within 10 days of the award. The list of subcontractors shall be updated quarterly.

(2) Once a quarter, the general contractor and all subcontractors of any tier shall provide a report to NMDWS of payroll records for all construction craft employees including name, address, employee classification, hours worked and wage and fringe benefits paid to the employee.

(3) If it is determined by NMDWS that a contractor or subcontractor is not compliant with these provisions, NMDWS shall issue a notice of non-compliance. The contractor or subcontractor shall have 10 days to become compliant.

(4) Failure of a contractor to comply with the requirement for utilizing the required apprenticeship percentage will result in a referral to the Public Regulatory Commission advising the Commission that the project is not in compliance with the provisions of the Energy Transition Act.

D. NMDWS will continue to encourage diversity among apprenticeship program participants, participation by the underrepresented in the industry associated with that apprenticeship program and participation from disadvantaged communities.

[11.2.3.28 NMAC – N, 1/1/2020]