

## NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing to repeal and replace 18.27.5 NMAC, Contractor Prequalification Rule.

Approval of the initial rulemaking action for the proposed new rule was granted to NMDOT by the New Mexico State Transportation Commission on January 16, 2020 pursuant to Sections 9-5-1, 67-3-8 and 67-3-11, NMSA 1978. The legal authority authorizing this rulemaking is Section 67-3-78, NMSA 1978.

**Summary of Full Text:** The Contractor Prequalification Rule was first promulgated in 2015. The operation of the rule rewards good contractor performance and encourages lesser quality contractor performance to improve.

**Purpose:** The purposes for this proposed repeal and replacement of the rule are to clarify the scoring method, to clarify the definition of “project” and to rework the appeals procedure. Revisions are necessary to address these issues and to fine tune the rule to better accomplish the intended purpose of the program.

**Full Text of the Proposed Rule:** A copy of the full text of the proposed new rule 18.27.5 NMAC may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. To obtain a printed copy of the proposed amended rule, contact Merishawn Griego at (505)216-8831 or MerishawnC.Griego@state.nm.us. A reasonable fee may be charged for printed copies.

**Rulemaking Hearing:** NMDOT will hold one statewide virtual public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed repeal and replacement of 18.27.5 NMAC. This hearing will be held in conformance with the Governor’s directives regarding gatherings and social distancing. The hearing is scheduled on Thursday, April 22, 2021 from 1:00 p.m. to 3:00 p.m. To participate in this hearing:

**Join Zoom Meeting:**

<https://dot-state-nm-us.zoom.us/j/92340195327?pwd=MTJMcVRnYzhBK0VZQmlZWUFmZURsdz09>

Meeting ID: 923 4019 5327

Passcode: 080753

One tap mobile

12532158782,,92340195327#,,, \*080753# US (Tacoma)

13462487799,,92340195327#,,, \*080753# US (Houston)

**Dial by your location:**

1 253 215 8782 US (Tacoma)

1 346 248 7799 US (Houston)

1 669 900 6833 US (San Jose)

1 301 715 8592 US (Washington DC)

1 312 626 6799 US (Chicago)

1 929 436 2866 US (New York)

833 548 0282 US Toll-free

877 853 5257 US Toll-free

888 475 4499 US Toll-free

833 548 0276 US Toll-free

Meeting ID: 923 4019 5327

Passcode: 080753

Find your local number: <https://dot-state-nm-us.zoom.us/u/aeIf2T4RQi>

**Written Comments:** To submit written comments on or before the date of hearing, please send to: Merishawn Griego at New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504 or submit via email to MerishawnC.Griego@state.nm.us. Written comments will be accepted from the date this notice is published

in the New Mexico Register, March 23, 2021 and until the close of the final hearing scheduled in this rulemaking, April 22, 2021. If you plan to submit written comments, argument or data, please make sure any documentation contains your name, phone number and email address. If submitting written comments by email, please indicate the rule number in the subject line. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted. All written comments will be posted on the department's website within three days of receipt.

**Accommodations:** Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact Mershawn Griego at (505)216-8831 or [MershawnC.Griego@state.nm.us](mailto:MershawnC.Griego@state.nm.us) at least ten days before the hearing.