

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 61 SPACEPORTS
PART 2 NON-AEROSPACE CUSTOMER, PARTNER AND MERCHANDISE SELECTION

18.61.2.1 ISSUING AGENCY: New Mexico Spaceport Authority.
[18.61.2.1 NMAC - N, 11/15/2016]

18.61.2.2 SCOPE: This rule applies to potential non-aerospace customers, partners or merchandise providers and to the assessment and selection of non-aerospace customers, partners or merchandise by the New Mexico Spaceport Authority.
[18.61.2.2 NMAC - N, 11/15/2016]

18.61.2.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Subsection (B)(3) of Section 58-31-5 NMSA 1978, which authorizes the New Mexico Spaceport Authority to adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed.
[18.61.2.3 NMAC - N, 11/15/2016]

18.61.2.4 DURATION: Permanent.
[18.61.2.4 NMAC - N, 11/15/2016]

18.61.2.5 EFFECTIVE DATE: November 15, 2016, unless a later date is cited at the end of a section.
[18.61.2.5 NMAC - N, 11/15/2016]

18.61.2.6 OBJECTIVE: The objective of this rule is to establish a procedure and criteria for assessing and selecting non-aerospace customers, partners and merchandise that are consistent with the spaceport America’s business plan for attracting new non-aerospace customers and developing branding and co-branding partners while promoting educational involvement for the citizens of New Mexico and the general public. While spaceport America’s primary business is aerospace with a focus on space, the spaceport America business plan also provides for growing non-aerospace business to augment revenue from the emerging commercial space industry in order to become self-sustaining and contribute to economic development in the state. In order to grow non-aerospace business, particular attention must be given to selecting customers, branding and co-branding partners and merchandise that are compatible with the SPACEPORT AMERICA® brand which emphasizes innovation, inspiration and the positive future of commercial space travel. By establishing the procedures and criteria contained in this rule, the New Mexico spaceport authority seeks to define and describe its approach for determining if potential non-aerospace customers, partners or merchandise advance an appropriate brand and business strategy to grow brand equity value, preserve the integrity of the SPACEPORT AMERICA® brand and attract appropriate business opportunities to the state. As the SPACEPORT AMERICA® brand value/equity increases, it will be able to attract additional high value brands to engage with spaceport America and New Mexico across a number of diverse business segments, which translates into millions of dollars’ worth of positive earned media value and brand equity for the state and its citizens. Not only does such a strategy result in immediate revenue, it also provides positive free advertising in markets that will attract more customers.
[18.61.2.6 NMAC - N, 11/15/2016]

18.61.2.7 DEFINITIONS: As used in this rule, the following terms shall have the meanings set forth below:

A. “brand” means design, symbols, words or products that create an emotional bond with stakeholders (customers, employees, partners, competitors, press, constituents and third party opinion leaders) through a strategy that differentiates it from others in a similar product sector.

B. “brand value” or “brand equity” means the net present value of the estimated future cash flows attributable to the brand and is created through strategic investments in marketing communication and appreciates through economic growth in profit margins, market share, prestige value and critical associations (co-branding).

C. “business development agent” means the person responsible for responding to and seeking out revenue generating business opportunities in alignment with spaceport America business plan and brand commercialization strategy and reports to the director of business development.

D. “earned media value” means press, social and other media reporting related to a company or brand that is not directly generated by the company or its agents, but rather by other entities such as customers or journalists. The value is based on what it would cost to achieve the same results through paid advertising. Earned media value contributes significantly to brand value or brand equity.

E. “Spaceport America chief executive officer (“CEO”) or “NMSA executive director” means the person responsible for leading, directing and achieving the spaceport America vision, mission and business plan objectives, including protecting and managing the SPACEPORT AMERICA® brand; leading, directing and operating spaceport America and hiring spaceport America staff.

F. “New Mexico board of directors” means the seven individuals appointed by the governor under the authority of the Spaceport Development Act to strategically oversee spaceport America operations and selects the executive director.

G. “Spaceport America director of business development” means the person responsible for successfully commercializing the SPACEPORT AMERICA® brand in order to meet business development revenue targets and reports to the CEO.

H. “Spaceport America directors” means the five key staff positions at spaceport America reporting to the executive director which include the chief financial officer; general counsel; director of site operations; director of aerospace operations and director of business development.

[18.61.2.7 NMAC - N, 11/15/2016]

18.61.2.8 SPACEPORT AMERICA VISION, MISSION AND GOALS: The vision, mission and strategic goals of spaceport America shall be:

A. Vision: Spaceport America is your gateway to the new space age.

B. Mission: To preeminently serve space launch customers, and inspire and delight spaceport America visitors.

C. Strategic goals: Deliver effective and efficient service to all customers; drive local job creation and inject the economy with great demand for goods, services and skilled workforce; inspire spaceport America guests, particularly the next generation; and become self-sustaining.

[18.61.2.8 NMAC - N, 11/15/2016]

18.61.2.9 SPACEPORT AMERICA® BRAND: Spaceport America is a unique launch facility for nurturing commercial aerospace innovation and achievement, and for inspiring the next generation.

[18.61.2.9 NMAC - N, 11/15/2016]

18.61.2.10 BRAND CATEGORIES AND SELECTION GUIDELINES:

A. Every new customer, sponsor, strategic partner, commercial shoot, motion picture, event, branded merchandise item, or product launch at spaceport America that is compatible with the SPACEPORT AMERICA® brand is a form of co-branding. Thus, to be compatible, the critical factors are that the partner or customer brand possesses all of the following characteristics to the extent or degree deemed appropriate by the NMSA executive director, subject to the selection process as provided in 18.61.2.11 NMAC:

(1) have a sound business reputation;

(2) represent values that are harmonious and not in conflict with the SPACEPORT AMERICA® brand and its vision, mission and goals; and

(3) have visionary, futuristic, innovative purposes and goals which may include, but are not necessarily limited to, contributing to breakthroughs in science and technology and supportive of science, technology, engineering and mathematics (STEM) education purposes.

B. Each customer, sponsor, partner brand or co-brander wishing to conduct photo shoots, commercial videography at spaceport America or engage in other types of sponsorships shall be subject to the following requirements so as to avoid brand value dilution:

(1) have a minimum of twenty percent global or U.S. earned media value of the current earned media value of the SPACEPORT AMERICA® brand and otherwise be deemed compatible with the SPACEPORT AMERICA® brand pursuant to Subsection A of 18.61.2.10 NMAC; or

(2) further the development of the SPACEPORT AMERICA® brand even though the customer, partner brand or sponsor may not have achieved twenty percent global or U.S. earned media value of the current earned media value of the SPACEPORT AMERICA® brand and is innovative, forward leaning, respected and is otherwise deemed compatible with the SPACEPORT AMERICA® brand pursuant to Subsection A of 18.61.2.10 NMAC.

C. Motion pictures to be filmed at spaceport America shall require script approval by the New Mexico board of directors, a briefing from the film's director and a clear review of the network or film studio funding the production and commercial distribution. Spaceport America images that are recognizable in the motion picture shall be presented in a manner that contributes positively to spaceport America's core brand values.

D. Musicians and other artists seeking to perform at spaceport America should submit demo audiotapes or a portfolio so that brand reputation and compatibility can be reviewed in a meaningful way. The music or other art form presented at spaceport America or the presentation of an art form which contains recognizable images of spaceport America shall be presented in a manner that contributes positively to the spaceport America's core brand values.

E. All agreements or licenses authorizing any person or business entity to use spaceport America as an event venue shall require that the services and facilities provided at the event will at all times be:

(1) of the highest quality and standards;
(2) consistent with a family friendly environment, the educational mission of spaceport America and otherwise convey a positive image of spaceport America and the government of New Mexico;
(3) in conformity with the overall theme, concept, atmosphere and quality associated with the SPACEPORT AMERICA® brand.

F. All SPACEPORT AMERICA® branded merchandise shall be consistent with the family friendly image of spaceport America and the SPACEPORT AMERICA® brand and the educational mission of spaceport America, convey a positive image of spaceport America and the government of New Mexico and be produced in conformity with the overall theme, concept, atmosphere and quality associated with the SPACEPORT AMERICA® brand.

G. An unacceptable customer, partner brand, co-brander, sponsor or other person or entity wishing to use spaceport America facilities in a manner contemplated under this subsection would be one that is furthering the development of its own brand without enhancing the SPACEPORT AMERICA® brand, is incompatible with the SPACEPORT AMERICA® brand or possibly present a detriment to the SPACEPORT AMERICA® brand. For avoidance of doubt, photo shoots and videography strictly for private use and not for any commercial use are not subject to the requirements and guidelines of this Part.

[18.61.2.10 NMAC - N, 11/15/2016]

18.61.2.11 SELECTION PROCESS: The spaceport America director of business development reviews new written requests to use spaceport America facilities in any manner contemplated by this Part and applies the applicable selection guidelines set forth in 18.61.2.10 NMAC. The spaceport America director of business development shall then brief the spaceport America directors on each request and make a recommendation as to each request presented. The NMSA executive director shall review all requests and approve or deny each request. If the NMSA executive director denies a request, the spaceport America director of business development shall notify the requester in writing of the denial and the rationale for the denial. If within 10 business days after the requester gives written notice to the spaceport America director of business development of its desire to appeal the denial, the request will be placed on the agenda for the next NMSA board of directors meeting for consideration and the requester shall have the burden of establishing that the denial was inconsistent with the selection guidelines. The decision of the NMSA board of directors shall be final and may not be appealed, except as otherwise permitted by law.

[18.61.2.11 NMAC - N, 11/15/2016]

HISTORY OF 18.61.2 NMAC: [RESERVED]