

Capital Appropriations Bond Questionnaire

Appropriation ID: G2685

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G2685 - Department of Finance and Administration - Dept Code:A22G2685 - Class Code:G2685

With current disruptions in the municipal bond market, the State Board of Finance (the 'Board') has determined it will divide the planned June long-term Severance Tax Bond issuance into two separate sales, one in June and one in September. The two sales combined will be sufficient to fund all appropriated capital projects that are ready to receive funding. The funding of capital projects will be divided up roughly equally between the two sales.

The Board is seeking your input on whether your entity would be willing and/or able to wait for project funding for an additional two months, until September, 2022. This will allow Board staff to determine which capital projects are in critical need of immediate funding and which will be able to wait until September. Please note that if your entity is willing to wait and entity's project(s) has/have been deemed ready for funding, those projects may be funded through the September sale instead of the June sale.

NOTE!

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

Do not use special characters and stay within the character limits. Otherwise your responses may not be saved.

You must click 'Save' to submit your form. Exit the form and reenter to verify your answers have been saved.

Is your entity willing to wait for funding for this project until the September 2022 sale? Yes

If your entity is NOT willing to wait for funding for this project, please describe the necessity for immediate funding and/or inability to defer funding until September 2022.

(e.g., has already started and must be completed, project is for public safety, project will lose other funding if it waits, contractor pricing will expire)

Project Manager Information

Name	David Flores
Title	Deputy Director
Phone	5057685353
E-mail	dflores@cabq.gov

By submitting this questionnaire, I confirm that I am an authorized officer who has knowledge of the representations contained within this questionnaire. I also hereby certify that the information provided is true and correct.

I Confirm

Project	
Governmental Unit	
Appropriation ID	G2685
Appropriation Year	2022
Appropriation Amount	\$325,000
Chapter/Section	53 /
Appropriation Title	ALB INDOOR ARENA IMPROVE
Appropriation Language	to plan, design, construct, purchase, equip and install improvements to an indoor arena, including an artificial field and dasher setup, in Albuquerque in Bernalillo county;
Fund Code	SEVERANCE TAX BONDS
Appropriation Amount in Previous Sale	\$0
Amount of Appropriation Remaining	\$325,000
ICIP Project ID	
Executive Order 2013-006 Compliant?	
1 Funding Request and Public Benefit	
(For number fields, enter digits only -- no \$ or commas)	
1.a	What is the total amount of bond proceeds requested (must be equal to or less than the appropriation remaining)? 325000
1.b	If not requesting the full appropriation amount, explain. (150 character maximum)
<p style="color: blue;">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. If funding a phase or portion of a larger project, only detail what the appropriation will fund; you will summarize the larger project in the next question. Do not 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. (400 character limit) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Albuquerque Indoor Arena will require design of a building from foundations, to frame and exterior, to roof and utilities. Arena design also would consist of seating, storage, restrooms, and other rooms to support sporting events and hospitality. </div>
1.d	Are the bond proceeds funding an entire project or just a portion or phase of a larger project? Entire
<p style="color: blue;">IF FUNDING AN ENTIRE PROJECT: Skip to Question 1.f.</p> <p style="color: blue;">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. (200 character limit) construct indoor arena
<p style="color: blue;">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 benefit the general public OR fulfill a governmental function OR allow general access and use to the public?	Yes	▼		
1.g	Will proceeds be used to purchase equipment or software?	No	▼		
	IF NO: Skip to Question 1.j.				
	IF YES, BEFORE YOU ANSWER THE NEXT QUESTION--Standard is defined as vehicle or equipment manufacturer warranties or other warranties or agreements that are purchased as part of the equipment purchase.				
1.h	IF YES: Will a separate extended warranty, maintenance, or support service agreement, that is not standard, be purchased?	Choose Yes or No	▼		
	IF NO: Skip to Question 1.j.				
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 to receiving the bond proceeds?	No	▼		
1.k	Will any portion of the proceeds be used to refinance, retire, or repay any prior debt obligation?	No	▼		
2	Sufficient Funding				
	REFER TO YOUR ANSWER TO QUESTION 1.d 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?	Yes	▼		
	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?	No	▼		
	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 (enter digits only - no \$ or commas)	Amount Secured? Y/N	Expended to Date (enter digits only - no \$ or commas)	Date Received or Will Receive
			Choose Yes or No ▼	0	
			Choose Yes or No ▼	0	
			Choose Yes or No ▼	0	
			Choose Yes or No ▼	0	
2.d	Are the proceeds being requested replacing another funding source? (e.g., operating budget, other bond proceeds)	No	▼		
	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?	Yes	▼		
	IF NO: Skip to Question 2.k.				
	IF YES: Complete the following Questions 2.g through 2.j, and continue to Question 2.k.				

2.g	What was the year of the bond sale?	2020
2.h	Were any of the proceeds unspent as of March 8, 2022?	Yes
	IF NO: Skip to Question 2.k.	
	IF YES: Complete the following Questions 2.g through 2.j, and continue to Question 2.k.	
2.i	How much of the proceeds, if any, were unspent as of March 8, 2022? (Answer '\$0' if no unspent proceeds.)	1031280
2.j	When do you expect (month and year) to spend the remaining unspent proceeds?	122023
2.k	CONFIRM that you will continue to monitor changes to the intended use or disposition of the real property or equipment financed with the proceeds for the entire time the bonds are outstanding.	I Confirm
2.l	CONFIRM that you will immediately inform the State Board of Finance if there is a change in use or disposition.	I Confirm
3	Project Readiness, Priority, Spend-Down of Proceeds, and Contingencies	
	Projects must meet certain readiness and spend-down criteria in order to be included in this sale. 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. You MUST have a high degree of confidence in the readiness of the project.	
3.a	Has the project already begun or has the purchase of real property or equipment already occurred?	No
	BEFORE YOU ANSWER THE NEXT QUESTION--If you expect to start the project upon receipt of the funds, the start date should not be prior to July 2022. Bonds will be sold in June 2022, and grant agreements will be issued following the sale.	
3.b	IF NO: When will it begin (month and year)? Now skip to Question 3.e.	12/2022
	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 31, 2022, to expend at least 5% of the proceeds?	Yes
3.f	IF YES: Will work on the project proceed diligently to completion?	Yes
3.g	IF NO: Explain why you won't be able to encumber at least 5% by this date.	
3.h	Will at least 85% of the proceeds be expended by June 30, 2025?	Yes
3.i	Are there any contingencies specified in the legislative appropriation?	No
	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)	No

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. If agreements are not drafted and available for review by the time the questionnaire is submitted, funding will be delayed.	
4.a	Who owns the property or equipment?	City of Albuquerque
4.b	Confirm the owner is a governmental entity (i.e., not a private or nonprofit entity or the federal government).	I Confirm <input type="button" value="v"/>
4.c	Will any other entity (besides the owner) operate, use, service, or manage the real property or equipment being funded?	No <input type="button" value="v"/>
	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 Type <input type="button" value="v"/>
	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 Role <input type="button" value="v"/>
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 Role <input type="button" value="v"/>
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 Yes or No <input type="button" value="v"/>
4.k	IF YES: Explain what will the payments cover.	
4.l	Do agreements between the owner and the organization exist that govern the organization's operation/use?	Choose Yes or No <input type="button" value="v"/>
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	<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 <u>within 5 days</u> of submitting this questionnaire. (This includes service or management agreements with a 3rd party to operation/manage any portion of the project/equipment.)</p> <p>Email all agreements to: BOF.Administrator@state.nm.us.</p> <p>Include the project number at the beginning of the file name (e.g., 'A2651_Management_Agreement.pdf') and in the email subject line.</p>	Not Confirmed ▾
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 appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:	
	(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;	
	(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and	
	(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2026.	
	Upon expiration of the periods specified in the legislation, all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection. If you believe that as of the reversion date there are unpaid costs and expense covered by binding written obligations to third parties, you must notify the State Board of Finance <u>no later than ten (10) days</u> after the scheduled reversion date. You will only have <u>three (3) months</u> to pay those unpaid third-party costs and expenses.	
	Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this 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 appropriation after reserving for unpaid costs and expenses subject to a binding written agreement with a third party. 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 project not being funded in this sale. Failure to satisfy any conditions imposed on a 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.	I Confirm ▾

Authorized Officer	
Name:	Christina Sandoval
Title:	CIP Manager
Phone:	15057685370
E-mail:	cmsandoval@cabq.gov
6 Additional Notes & Comments	
<p>STOP: This section is reserved for notes and comments in response to emails from Board of Finance or DFA staff asking questions about the project or this questionnaire. Please leave blank unless and until you are responding to questions.</p>	
6.a	Notes and comments in response to emails:
<input type="button" value="Save Changes"/>	

STATUS INFORMATION FROM BOARD OF FINANCE AND COUNSEL	
Board of Finance Staff	
Tax Issue	<input type="checkbox"/> BOF Staff - check if potential tax issue.
Possible Anti-donation	<input type="checkbox"/> BOF Staff - check if potential anti-donation.
Status	Ready <input type="button" value="v"/>
Status Notes: (500 characters maximum)	
Bond Counsel	
Tax Issue	<input type="checkbox"/> Bond Counsel - check if potential tax issue.
Possible Anti-donation	<input type="checkbox"/> Bond Counsel - check if potential anti-donation.
Status	Ready <input type="button" value="v"/>
Status Notes: (500 characters maximum)	
Tax Counsel	
Taxable?	<input type="checkbox"/> Tax Counsel - check if taxable.
Status	<input type="button" value="v"/>
Status Notes: (500 characters maximum)	
Board Counsel	

Anti-donation Status:	<input type="text" value="v"/>
Condition(s): (200 characters maximum)	<input type="text"/>
Status Notes: (500 characters maximum)	<input type="text"/>