

City of Albuquerque Capital Outlay Initial Request Form

This application packet is required if your organization intends to pursue capital outlay funding from the 2022 New Mexico State Legislature involving the City of Albuquerque (City) as the fiscal agent.

If the City of Albuquerque accepts your application, your organization will need to complete a legislative capital outlay request form that is due at the beginning of the 2022 legislative session.

(<https://www.nmlegis.gov/CapitalOutlayWeb/>).

Please note: The New Mexico Constitution “anti-donation” clause (Article IX, Section 14) prohibits governments from donating to private parties with limited exceptions. If this application is not exempt, your organization may be required to provide services in exchange for capital outlay funds and the City may retain ownership of any assets purchased. To read this legislation, [click here](#).

Complete this packet and submit it by December 30, 2021 by 5:00pm MST to:

Shawn Maden, Department of Municipal Development, City of Albuquerque

P.O. Box 1293, One Civic Plaza NW, Room 7057 Albuquerque, NM 87103

or by email: smaden@cabq.gov. Please use Subject Line: 2022-1 FA (your org name)

Basic Information

Organization Name: _____

Address: _____

City/State/Zip: _____

Primary Contact Name & Title: _____

Phone Number: _____ E-mail: _____

Mission/Purpose/Service Provided: _____

Clientele Served: _____

Does the Organization have a current Contract/Agreement(s) with City of Albuquerque? Yes No

If you have answered yes, attach a copy of the executed agreement for submittal.

Note that no funds will be disbursed until Organization has a valid City Contract/Agreement.

Does the City of Albuquerque own the property the funds are requested for? Yes No

Per State Law, Capital funds cannot be used on/in/for any facility not owned by the City of Albuquerque.

(Very rare exceptions exist for artwork or loaned/rented exhibits, email smaden@cabq.gov if you believe these exceptions apply)

Does this request meet the Anti-Donation Clause for Capital Funds? Yes No Unsure

For information regarding this clause, [click here](#).

Does this capital project qualify for an exception to the New Mexico Constitution “anti-donation” clause (Article IX, Section 14)? Yes No

Please note that the City does not decide whether your exception qualifies, only DFA may do so.

If you answered yes, describe the exception: _____

If you answered no, fill out the Department of Family and Community Services 2022 State Capital Outlay Initial Request Form on Page 7.

Name (please print)	Title	Organization
Signature	Date Submitted	

City Department sponsoring your Organization’s project:

For COA use ONLY:

Department Director Approval for Fiscal Agency request:

Signature **Date**

Has the organization received State of New Mexico Capital Outlay from any of the last three Legislative Sessions (FY 2019, 2020 and/or 2021?) Yes No

If you have answered yes, please use the Previous Capital Outlay Identification Form (p4) to complete the required information and attach to this project information form for submittal. Please identify if the capital outlay was a re-appropriation of an earlier grant.

Project Information Form

2022 Capital Outlay Request

For information regarding Legislative Language, [click here](#).

Amount: \$ _____

Project Description and Purpose (legislative language request): _____

Does capital project have a master plan or cost estimate? Yes No

**For Critical Information regarding the Fiscal Agent and
Capital Outlay Request Process, see page 6**

Please attach all supporting documentation

Organization's Leadership Signature: _____

Date: _____

For COA Use Only

Department/Division to manage DFA Grant/Project:

Department/Division Project Manager:

Revised or new agreement needed: _____

COA ICIP Project No. (Project must be included on the COA ICIP): _____

Previous Capital Outlay Identification Form

Please use this Capital Outlay Identification Form to identify all previous Capital Outlay funding requests that have been signed into law by the Governor AND are still in process of being expended or approved. Please do not include any information on projects that are completed. This form must accompany the 2022 State Capital Outlay Request form being submitted to the City of Albuquerque for consideration.

Capital Outlay Item and Fiscal Year of Appropriation	Capital Outlay Value	Has approval by State of NM been received to start the purchase/project implementation? If yes, fill out the next two columns. If no, explain reason and still complete the last column.	Expiration Date of Appropriation	Amount expended to date
<i>EX: E2402 – Explora STEM Phase 2</i>	<i>895,000</i>	<i>No, nonprofit is required to meet conditions as set by DFA/Attorney General’s Office prior to receiving approval for funds to be dispersed to City.</i>	<i>6/30/2023</i>	<i>150,000</i>

I understand that this form must be submitted with all other required forms for the City of Albuquerque’s review process of my organization’s request for 2022 New Mexico State Legislative Session - State Capital Outlay funds to be administered by City of Albuquerque where the City will act as the fiscal agent in anticipation of full reimbursement by the State of New Mexico.

PRINT: Name and Title and Organization

Signature **Date Submitted**

Previous Contract Agreement Form

Please use this previous Contract Agreement Form to identify all current contract/agreement(s) your organization has with the City of Albuquerque. This form must accompany the 2022 State Capital Outlay Request form being submitted to The City of Albuquerque for consideration. Types of agreements/contracts: Services in Lieu of Rent; FY X State Capital Outlay Agreement; Social Services Grant Agreement; Neighborhood Grant Agreement; Facility Use Agreement, Program Services Agreement, etc.)

Contract/Agreement Title	Contract/Agreement Value	Expiration Date
<i>EX: Social Service Grant for FY 2021 to provide services to homeless youth.</i>	\$10,000	6/30/2023

I understand that this form must be submitted with all other required forms for The City of Albuquerque review process of my organization’s request for 2022 New Mexico State Legislative Session - State Capital Outlay funds to be administered by the City of Albuquerque where the City will act as the fiscal agent in anticipation of full reimbursement by the State of New Mexico.

PRINT: Name and Title and Organization

Signature **Date Submitted**

Critical Information:

Even if the bill passes permitting your Organization to receive Capital funding, those funds WILL NOT be released until DFA ensures the project meets State Law.

City Fiscal Agent approval DOES NOT mean that the project is guaranteed, or even necessarily likely, to clear DFA. It is ONLY permission to utilize the City to request such funds. Likewise, being permitted State Capital funding through passage of the funding bill does not obligate the City or its Departments to form a Use Agreement/Contract with your Organization to meet DFA requirements in any way.

Your project MUST follow the purchasing rules, including Vendor choice, of the Department with which you have, or are seeking, a Use Agreement/Contract. *Each Department has their own Purchasing rules!* For more information, speak with your Department Contact. Remember that the City, not the Organization, makes ALL purchases with the Capital Outlay funds!

Using Capital funds for anything outside of the language in the final bill, as signed by the Governor, is a violation of State Law. Note that the scope language of your project MAY change between your entry online and the final bill with neither your approval nor notification.

Your Organization is responsible for understanding the scope the funds may be utilized for, as well as determining and fulfilling all DFA requirements for approval.

Department Purchasing Information Links:

Family & Community Services:

Family and Community Services must comply with the *FCS Social Services Contract Procurement Rules* when procuring for social services, regardless of funding sources. Social service agreements are contractually bound to adhere to the *Administrative Requirements for Contracts Awarded Under the City of Albuquerque*. Family and Community Services may request documents in support of the *Administrative Requirements for Contracts Awarded Under the City of Albuquerque* at the time of contracting. These rules, regulations and documents can be found at <https://www.cabq.gov/family/partner-resources/administrative-requirements>

Department of Arts & Culture:

Contact the Department.

Senior Affairs Department:

Contact the Department.



Nonprofit Organization
State Capital Outlay Request Application Packet
2022 Legislative Session
Required by City of Albuquerque

**City of Albuquerque Department of Family and Community Services
2022 State Capital Outlay Initial Request Form**

For any State Capital Outlay project that does not qualify for an exception to the New Mexico Constitution “anti-donation” clause (Article IX, Section 14):

Any and all items procured with State Capital Outlay funds belong to the fiscal sponsor, even after the expiration of the Use Agreement/Contract. Building renovation/improvement funds may only be used for a building owned by the fiscal sponsor.

The legislative scope of the project proposed for the spending bill “legislative language” defines the items/project/locations the State Capital Outlay may legally be used for. For State Capital Outlay projects sponsored by the City, the City must require a Use Agreement/Contract reflecting the Scope of Services an organization will perform in exchange for use of the items. Items must be purchased by the City.

All State Capital Outlay projects sponsored by the City of Albuquerque Department of Family and Community must be used in furtherance of the Scope of Services in the Use Agreement. The Scope of Services in the Use Agreement is the description of the services the organization will provide for the City in return for use of the equipment/facilities purchased with State Capital Outlay funds. The legislative scope of the project as defined by the spending bill “legislative language” is NOT the Scope of Services in the Use Agreement/Contract with the City. It’s important that the legislative scope of the project and the Scope of Services are related.

Describe services proposed to be offered in exchange for use of State Capital Outlay items should the Department of Family and Community Services agree to sponsor this project:

This description is only an initial recommendation for a Use Agreement Scope of Services should the State Capital Outlay project be legislated.

Complete this form and submit it by January 28, 2022 by 5:00pm MST to:
Shawn Maden, Department of Municipal Development, City of Albuquerque
P.O. Box 1293, One Civic Plaza NW, Room 7057 Albuquerque, NM 87103
or by email: smaden@cabq.gov.

Name (please print)

Title

Organization

Signature

Date Submitted