



Association for the Improvement
of American Infrastructure

P3 Snapshot: **New Mexico**

SUMMARY OF P3 LEGISLATIVE STATUS:

New Mexico is not currently enabled for Public-Private Partnership procurement.

1. **Does this state have broadly enabling P3 legislation?**
P3 statutory authority is not currently enabled for transportation infrastructure, municipal facilities or environmental projects in New Mexico.
2. **Does the state allow for **Unsolicited Proposals**?**
New Mexico's current statutory authority does not address any allowance for submission and consideration of unsolicited proposals for P3s infrastructure projects.
3. **What is the state's P3 **Review Process**?**
Fair and open competitive bidding is the standard for procurement of goods and services in support of the needs of the citizens of the state of New Mexico.
4. **Does the state have a **Centralized Agency** dedicated to P3?**
There is not a currently identified a central agency or authority involved in procurement and management of P3 projects.
5. **Is this a **Home Rule state**, with limitations or opportunities for P3?**
New Mexico allows for municipalities to exercise broad governmental authority, as a Home Rule state.
6. **Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
While not related to P3 procurements, any funding covenants will stipulate compliance with MWDBE participation (i.e., Federal funding requirements). Davis-Bacon governs prevailing wage for applicable labor categories.
7. **Are P3 projects in this state eligible for other financing programs?**
State transportation projects may be eligible for TIFIA financing support, but there is no provision for private sector investment in public infrastructure. Water projects may be eligible for WIFIA financing support; but there are no comparable private investment provisions for water-related projects.
8. **What Projects or Asset Classes are eligible for P3 in this state?**
There are no provisions to enable procurements using alternative project delivery, beyond Design + Build, and so there are no P3 eligible asset classes in New Mexico.
9. **Are there Projects where the P3 procurement method has been applied?**
Design + Build is widely accepted as a procurement method. There have not been any P3 procurements for public works infrastructure in New Mexico.
10. **What is the legislative foundation for P3s in this state?**
There is no P3-enabling statutory authority in New Mexico.

D: Design | **B:** Build | **F:** Finance | **O:** Operate | **M:** Maintain