

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing new rule, 18.28.6 NMAC, Transportation Construction Manager General Contractor Rule.

Purpose: In 2022, the New Mexico legislature enacted the Transportation Construction Manager General Contractor Act compiled at Section 13-1-122.1 through -122.4 NMSA 1978. to provide construction manager general contractor (CMGC) as an alternative project delivery method for certain NMDOT projects. The proposed rule establishes procedures for the solicitation and award of a CMGC project delivery procurement method for certain NMDOT projects.

Summary of Full Text: The proposed rule addresses use of the CMGC project delivery method, including scope of services and procurement method. The rule also establishes the evaluation criteria, composition of the selection committee, and the process for award of CMGC contracts.

Full Text of the Proposed Rule: A copy of the full text of the proposed rule may be found on the NMDOT website at the following internet links, under the *Legal Notices* tab: <https://www.dot.nm.gov/public-legal-notice/> and under the *Public Involvement* tab: <https://www.dot.nm.gov/public-involvement/>. A copy of the proposed rule may also be requested by contacting Lauren Vigil at (505) 487-0626 or lauren.vigil@dot.nm.gov. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT will hold a public hearing with an option to participate virtually for the purpose of receiving oral and written public comment from interested parties on the proposed rule, 18.28.6 NMAC. The hearing is scheduled on October 12, 2023, from 2:00 p.m. to 3:30 p.m. at the NMDOT, General Office, Training Rooms 1 and 2, 1120 Cerrillos Road, Santa Fe, New Mexico. To participate virtually in the public hearing, a link will be provided on the NMDOT website under the *Legal Notices* and *Public Involvement* links above. You may also request a link to participate virtually by emailing Lauren Vigil at lauren.vigil@dot.nm.gov.

Written Comments: To submit written comments on or before October 12, 2023, please send to: Lauren Vigil, PO Box 1149, Room 209, Santa Fe, NM 87504-1149; Telephone (505) 487-0626; Email: lauren.vigil@dot.nm.gov Written comments will be accepted from the date this notice is published in the New Mexico Register, September 12, 2023, and until the close of the hearing scheduled in this rulemaking, October 12, 2023. If you plan to submit written comments, please make sure any documentation contains your name, phone number and email address, and please bring (3) copies of any documents to the hearing. 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 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: Lauren Vigil at (505) 487-0626 or lauren.vigil@dot.nm.gov at least ten days before the hearing.