

This is an amendment to 5.3.10 NMAC Sections 6, 7, 8, 9 and 14 effective 6/23/2026.

**5.3.10.6 OBJECTIVE:**

**A.** The objective of 5.3.10 NMAC is to assume responsibility for approving all building construction, major remodeling projects, renovations, and purchases of real property at public post-secondary educational institutions.

**B.** The purpose of 5.3.10 NMAC is to provide approval of proposed capital outlay projects for which funding is available and to be handled by the department.

[5.3.10.6 NMAC - Rp, 5.3.10.6 NMAC, 10/31/2017; A, 6/23/2026]

**5.3.10.7 DEFINITIONS:**

**A.** **“Capital outlay committee”** means the standing committee of the [~~New Mexico~~] department [~~of higher education~~] that reviews all capital projects.

**B.** **“Department”** means the New Mexico [~~department of~~] higher education department.

**C.** **“FTE enrollments”** means the total number of student credit hours divided by 30 at the undergraduate level and divided by 24 at the graduate level, on an annual basis.

**D.** **“Institutional plan”** means the plan that each university, branch campus, college and special school must have on file at the department. It is a current five-year institutional plan containing the information on capital resources which is required by the institutional planning guidelines. The required information for branches of four-year institutions may be included in the main campus institutional plan[~~;~~] but must be provided in full for each branch campus.

**E.** **“Legal description”** means the legal description of the subject property as described by the meets and bounds survey as completed and verified by a certified New Mexico land surveyor.

**F.** **“Real property”** means land and all interests in it such as buildings and fixtures.

**G.** **“Remodel”** means a significant structural change, space reconfiguration, or a complete change in the type of activity that the space accommodates.

**H.** **“Renovation”** means the renewal, replacement, or upgrading of existing facility components to extend the useful life of the building or bring it back to its original operational capacity.

[5.3.10.7 NMAC - Rp, 5.3.10.7 NMAC, 10/31/2017; A, 6/23/2026]

**5.3.10.8 PRINCIPLES AND PROCEDURES:** Following are the principles and procedures for approval of proposed capital outlay projects:

**A.** All projects submitted for department approval must have the prior approval of the institution's governing board.

**B.** Proposed projects should be consistent with the institutions long-range capital planning as presented in the institutional plan.

**C.** All projects that fall under the following categories must be submitted to the department for approval:

- (1) any purchase of real property;
- (2) any project which results in the addition of square footage, whether from construction or long-term lease of a new facility or a building addition, or purchase of portable buildings;
- (3) any proposal to issue bonds;
- (4) the approval authority for any major remodel, major renovation, alterations or site improvements is as follows, based on total project cost:

(a) For institutions with FTE enrollments of 1,500 or less:

(i) over [~~fifty thousand (\$50,000)~~] one hundred and sixty thousand (\$160,000) - staff approval;

(ii) over [~~three hundred thousand (\$300,000)~~] nine hundred sixty thousand (\$960,000) - capital outlay committee approval;

(b) For institutions with FTE enrollments over 1,500:

(i) over [~~three hundred thousand (\$300,000)~~] nine hundred fifty thousand (\$950,000) - staff approval;

(ii) over ~~five hundred thousand (\$500,000)~~ one million six hundred thousand (\$1,600,000) - capital outlay committee approval;

(iii) Exception: The New Mexico institute of mining and technology will be included with the over 1,500 FTE institutions when a particular project is entirely funded by restricted funds.

(c) In determining the total project cost, in-house labor costs and burden, along with all materials, subcontract costs, and reasonable charge for owned equipment, must be included.

(d) Projects may not be artificially segmented or phased in a manner designed to avoid review by the ~~[Department]~~ department.

(5) Any demolition of an existing building must be submitted for approval by the department staff.

[5.3.10.8 NMAC - Rp, 5.3.10.8 NMAC, 10/31/2017; A, 6/23/2026]

**5.3.10.9 INFORMATION TO BE SUBMITTED:** For construction, renovation, or site improvement projects, institutions must complete the department capital request forms and ~~[ensure that]~~ provide the following information [is provided on]:

A. need for the proposed facility or improvement and a discussion of how the project relates to the overall institutional plan;

B. if the project was included in the ~~[department]~~ department's recommendations for legislative funding, and if applicable, information outlining any departures from descriptions used in obtaining the initial recommendation;

C. a statement that the institutions board of regents or governing board has approved the project;

D. a summary of the types and sizes of facilities to be included in the project;

E. a copy of the project program;

F. ~~[completed preliminary floor plan drawings of the project, including elevations, with each space identified as to function;]~~ for new construction, major remodel or major renovation projects construction documents that are at a minimum seventy-five percent complete;

G. a plot plan indicating the site of the project;

H. the anticipated use of any facilities to be vacated when the project is completed; and

I. the projects estimated budget and source of funding.

[5.3.10.9 NMAC - Rp, 5.3.10.9 NMAC, 10/31/2017; A, 6/23/2026]

**5.3.10.14 EMERGENCY SITUATIONS:** The capital outlay committee or the department may modify or suspend any of these procedures to expedite projects which are necessary to address emergency situations.

A. Deadline dates: 30 days prior to the capital outlay committee meeting at which approval is requested.

B. Reporting Forms: Form 1 through 6 – ~~[Department of higher education]~~ department capital project request forms.

[5.3.10.14 NMAC - Rp, 5.3.10.14 NMAC, 10/31/2017; A, 6/23/2026]