

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing to amend Rule 18.27.5 NMAC, Contractor Prequalification Rule.

Purpose: Pursuant to an agreement between NMDOT and the Federal Highway Administration, and New Mexico State Transportation Commission Policy 4, dated November 21, 2024, NMDOT Contractor Prequalification Rule shall be reviewed by the appropriate Department division or other organization unit every five years. The review found that 18.27.5 NMAC should be purposed as an amended Rule, and approval of the initial rulemaking action for the rule was granted to NMDOT by the New Mexico State Transportation Commission on August 27, 2026, pursuant to NMSA 1978, Section 67-3-11.

Summary of Full Text: Rule 18.27.5 NMAC applies to NMDOT construction projects and to all contractors and subcontractors seeking or anticipating the performance of work within project limits. The Rule establishes policies and procedures for a determination of responsibility through a contractor prequalification system that directly rewards good performers and encourages poor performers to improve.

Full Text of the Proposed Rule: A copy of the full text of the amended rule may be found on the NMDOT website for 30 days prior to the public hearing scheduled in this rulemaking, October 30, 2026, under the following tabs:

Legal Notices - <https://www.dot.nm.gov/public-legal-notice>, and

Public Notices - <https://www.dot.nm.gov/public-involvement>.

A copy of the proposed rule may also be requested by contacting Tisha Clark by phone: (505) 490-1175 or by email: Tisha.Clark@dot.nm.gov. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT will hold a public hearing for the purpose of receiving oral and written public comments from interested parties on the proposed amended Rule, 18.27.5 NMAC. The hearing is scheduled for Friday, October 30, 2026, from 10:00 a.m. to 12:00 p.m. at the NMDOT, General Office, Training Rooms 1 and 2, 1120 Cerrillos Road, Santa Fe, NM 87504-1149. Any further information regarding the public hearing may be provided on the NMDOT website under the following tabs:

Legal Notices - <https://www.dot.nm.gov/public-legal-notice>, and

Public Notices - <https://www.dot.nm.gov/public-involvement>.

Written Comments: To submit written comments on or before October 30, 2026, please send to Tisha Clark, New Mexico Department of Transportation, 750 N. Solano Dr., Las Cruces, NM, 88001, Phone: (505) 490-1175; Email: Tisha.Clark@dot.nm.gov. Written comments will be accepted from the date this notice is published in the New Mexico Register, September 22, 2026, until the close of the hearing scheduled in this rulemaking, October 30, 2026. If you plan to submit written comments, please make sure any documentation contains your name, phone number and email, and if you plan to submit written comments at the hearing, please bring three copies of any documents to the hearing. If submitting written comments by email, please indicate the rule 18.27.5 NMAC 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 NMDOT'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 may contact: Tisha Clark by phone: (505) 490-1175 or by email: Tisha.Clark@dot.nm.gov at least ten days before the hearing.