



Office of Broadband Access and Expansion

Connect New Mexico Fund

Webinar Series

Topic: Notice of Funding Opportunity (NOFO)

January 10, 2024

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Program Summary in NOFO

• Please review the program summary for a succinct snapshot of the Connect New Mexico Fund.

A. Program Summary

This Notice of Funding Opportunity ("NOFO") formally establishes the funding availability for the Connect New Mexico Fund. The NOFO sets forth the program purpose, eligibility factors (e.g., project types, technologies, service areas, entities), allowable expenditures, performance requirements (e.g., network performance, service offerings, etc.), evaluation criteria, and post-award compliance requirements.

Summary		
Program Name	Connect New Mexico Fund	
Administrator	Office of Broadband Access and Expansion (OBAE)	
Available Funding	Size: \$70 million funding pool	
	Grant Request per Application: \$6,000,000 (maximum); \$250,000 (minimum)	
Matching Share	Matching share requirement: 25% minimum	
	Note: a) Waivers to allow for a lower match may be considered under extenuating	
	circumstances that justifiably prohibit the minimum contribution; b) The scoring rubric awards	
	additional points for contributing a greater than 25% match, and also providing a match amount	
	commensurate with the demonstrated level of financial need.	
Authorizing	House Bill 10: Established the Connect New Mexico Fund.	
	Senate Bill 377: Appropriated the \$70 million funding amount.	
	 House Bill 262: Directed OBAE to implement a grant program and cited several factors to 	
Legislation	consider during project evaluation and selection	
	• House Bill 2: Provided further guidance on the timeline for when the appropriated funds must	
	be expended.	
	Statute-Defined Purpose: Develop and expand broadband infrastructure and services and	
	support digital inclusion	
Program Purpose and Objective	Program Objective: Foster the deployment of broadband access to unserved and underserved	
	locations (residents, businesses, and community institutions) through scalable, sustainable	
	networks and financially viable business plans that serve the comprehensive community with	
	reliable, reasonably priced high-speed solutions while promoting digital inclusion.	
	Last-Mile Networks: Networks that provide direct connectivity to unserved and underserved	
	residents, businesses, and community institutions	
	Middle-Mile Networks: Networks that provide backhaul to last-mile networks serving eligible	
	project areas that lack open-access, high-capacity transport networks to aggregate and deliver	
Eligible Project	traffic to the Internet backbone	
Types	• <u>5G Wireless Networks</u> : Networks that provide 5G coverage in areas both lacking reliable signal	
	strength AND having a concentration of unserved and underserved locations	
	• Special Network Projects: Special projects that aim to support the deployment of infrastructure	
	to unserved and underserved locations. These may include: network facility replacement in	
	communities impacted by wildfires; fiber and conduit for Dig Once projects; pole replacement	
	costs; public safety networks that also support fixed broadband solutions.	
Eligible Technologies	 <u>Priority Technology:</u> Fiber-optic wireline constitutes a priority technology due to reliability, 	
	scalability, and long-term sustainability.	
	 Alternative Technologies: Fixed wireless (licensed); 5G mobile wireless offering fixed broadband 	
	non-terrestrial solutions (e.g., high altitude platform stations and satellite networks); emerging	
	commercial technologies with a track record of meeting performance standards.	
	** Note: Alternative technologies meeting the speed and latency thresholds may be considered	
	when fiber is impracticable to deploy due to geography, topography, or excessive cost barriers.	

Performance Standard	 Speed and Latency Threshold: Delivers 100 Mbps symmetrical download/upload speeds and supports low latency to enable real-time, interactive applications. Note: When impracticable to achieve this speed threshold due to geography, topography, or excessive cost barriers, a project may be funded if the network can reliably offer at least 100/20Mbps and be scalable to 100 Mbps symmetrical. 	
Eligible Locations	 Unserved and Underserved Residential and Business Locations An "unserved" household or business lacks access through wireline and fixed wireless (using licensed spectrum) that offers a reliable data rate of at least 25/3 Mbps (download/upload) An "underserved" household or business location that has access to a wireline-based or fixed wireless (using licensed spectrum) broadband connection that reliably offers at least 25/3 but less than 100/20 Mbps Community Institution Locations Lacking Symmetrical Gbps Service A community institution lacking a reliable data rate of at least symmetrical 1 Gbps 	
Relevance of Unlicensed Fixed Wireless Solutions	Potential Challenge Opportunity: A wireless Internet service provider offering reliable broadband of at least 100/20 Mbps with an advanced generation of unlicensed wireless technology, to a location otherwise deemed unserved or underserved, will have the opportunity to challenge an overlapping project and demonstrate performance standards consistent with this NOFO. Solution Opportunity: An applicant may propose an unlicensed fixed wireless solution using an advanced generation of technology with demonstrated ability to meet performance requirements and mitigate against signal interference from other wireless networks. Please note federal funding programs may still classify such locations as unserved or underserved.	
Eligible Proposed Project Areas	 Areas in which 80% of the household and business locations in the applicant's delineated Proposed Project Area (PPA) are either unserved and/or underserved. Note: Served locations may only be included if they are incidental toward targeting the unserved and/or underserved locations (e.g., must be passed by wireline to reach eligible locations). 	
Eligible Entities	 Entity Types: Local and tribal government; state agencies; public educational institutions; entities created by a joint powers agreement pursuant to the Joint Powers Agreements Act; and private entities for broadband infrastructure to provide service primarily for residential purposes Private Entity Types: Non-profit entities; for-profit entities; cooperative or mutual organizations; utilities Consortium: Collaborations among multiple eligible entities are eligible. One partner must be identified as the lead applicant. 	
Eligible Expenses	 <u>Type</u>: Application preparation, market assessment (e.g., data gathering, feasibility studies); permitting and regulatory reviews (e.g., rights of way, easement, environmental, historical and cultural assessment); network planning & design; infrastructure deployment; network facilities & equipment; long-term leases; project management; grants administration and reporting during the project period <u>Date</u>: Project expenditures are allowable after the date of signed Award Agreement and processing of a Purchase Order (estimated June 2024). Certain expenses can be incurred before the award date but <u>after</u> the NOFO publication date, including: application preparation, market feasibility assessment; and other planning expenses directly related to the project. 	
Timeline	 Current statutory authority limits payment for expenditures incurred by the end of fiscal year 2025 (June 30, 2025). OBAE is working with the Legislature to extend this deadline to fiscal year 2028 (June 30, 2028). If approved, OBAE aims to offer awardees three years for project completion. 	

Relevant Statutes

House Bill Ten

- The Connect New Mexico Act established the Connect New Mexico Fund in December 2021, per Section N.M. Stat. § 63-9K-6.
- The funding source comprises of appropriations, gifts, grants, and donations.

Senate Bill 377

 Allocated \$70 million from the general fund to plan, design, engineer, construct, purchase, and equip broadband infrastructure statewide.

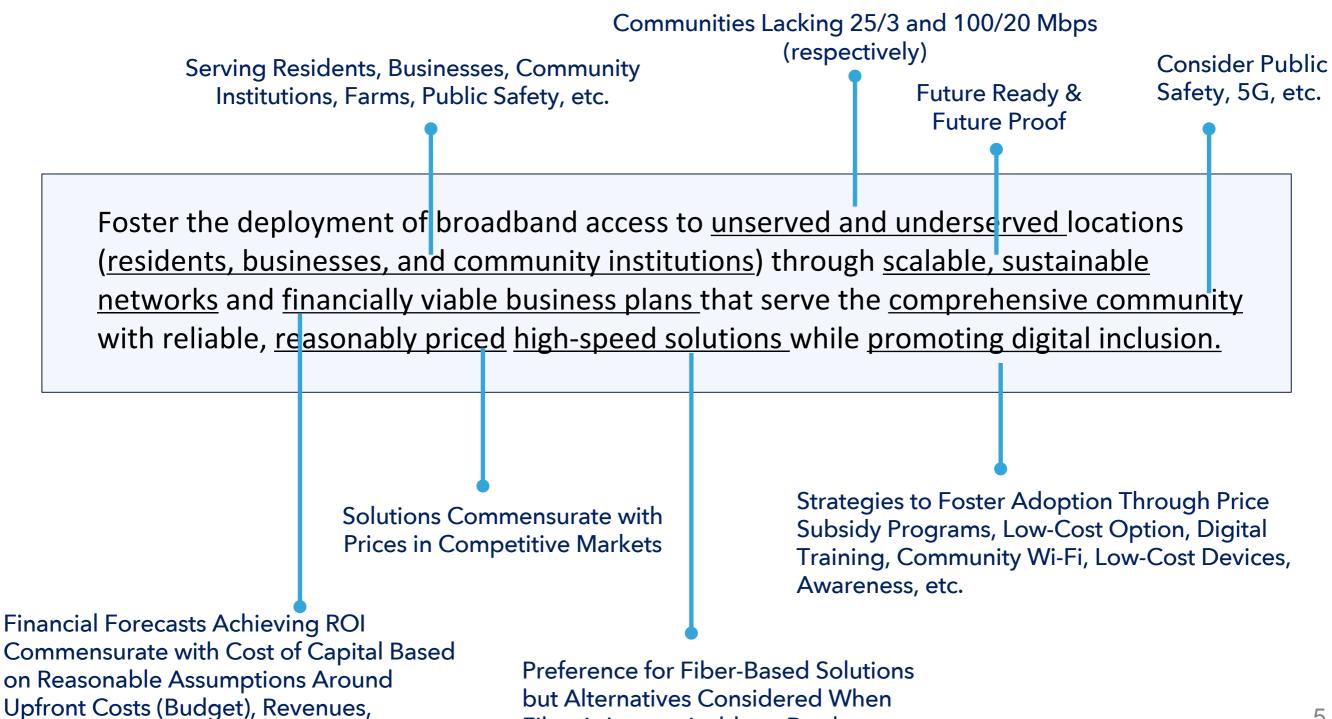
House Bill 262

- Provided further specificity regarding eligibility and evaluation factors for the Connect New Mexico Fund. (Factors are reflected in the Scoring Guide.)
- Directed the broadband office (i.e., OBAE) to implement a grant program to develop and expand broadband infrastructure and services and support digital inclusion.

Program Purpose: Broad and Multifaceted

Operating Expenses

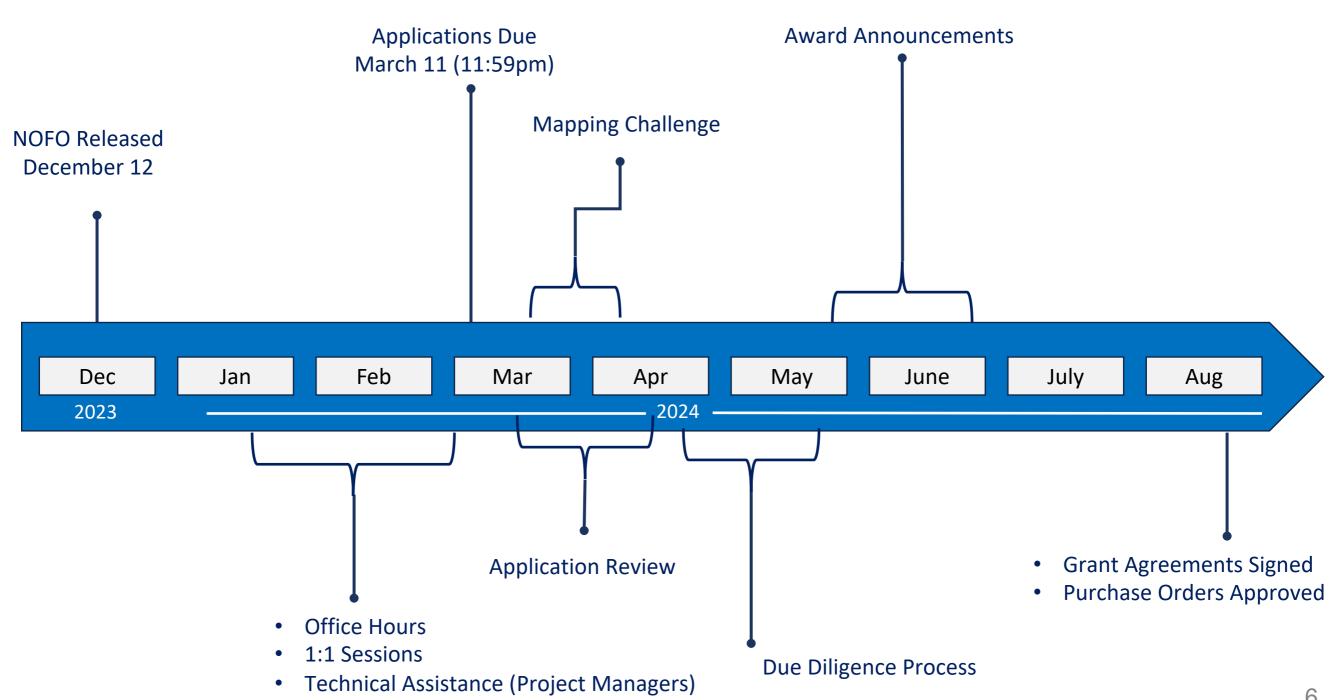
- The Connect New Mexico Fund serves a multifaceted purpose.
- The NOFO, scoring guide, application, and review process support OBAE's mission to apply a datadriven process to select those projects that best achieve several objectives.



Fiber is Impracticable to Deploy

Timeline and Key Dates

- Applications will be accepted until March 11th.
- The application review and due diligence process will run from March through May.
- OBAE aims to announce awards by June, with grant agreements signed by August-end.



Eligible Locations: Proposed Project Area and Eligible Service Area

• An Eligible Service Area involves those "Proposed Project Areas" for which 80% of the locations are unserved and/or underserved.

Proposed Project Area (PPA)

 Refers to the Applicant's <u>self-delineated</u> set of geographic boundaries for which all unserved and underserved residential and business locations, and community institutions lacking 1 Gbps, will be served by the Applicant.

> Flexibility

- Does not have to conform to census block, jurisdictional, or boundaries other than the Applicant's proposed boundaries.
- Does not have to be contiguous; may include gaps, given that adjacent households, businesses, and community institutions may already be served.

Eligible Service Area

Threshold Degree for Unserved and/or Underserved

Involves PPAs in which at least 80% of the locations within the PPA are unserved and/or underserved.

> Incidental Inclusion of Served Locations

• Served locations should only be included if they are incidental in the attempt to target the unserved and/or underserved locations (e.g., a wireline network has to bypass such units to reach the unserved and underserved location or a wireless network covers the served locations because the signal permeates to such locations).

Avoid Cherry Picking

- OBAE expects the PPA to include EVERY eligible unserved or underserved residential and business location and every
 community institution lacking symmetrical 1 Gbps in the census blocks for which the Project Area intersects.
- Otherwise, the Applicant must explain why any unserved or underserved location within a census block intersected by the Project Area is being left out. An explanation lacking strong merit may adversely impact the consideration received during the review and curing process.

Eligible Locations: Importance of the New Mexico Broadband Map

- The New Mexico Broadband Map serves as OBAE's guide to identify unserved and underserved locations.
- Its accuracy continues to improve as providers submit location-specific data to the FCC.

Overview: New Mexico Broadband Map

- Please consult the New Mexico Broadband Map to identify eligible locations and eligible community institutions.
- Link: https://nmbbmapping.org/mapping/.
- This map includes location-based data from the FCC National Broadband Map (as reported by service providers).
- The map depicts household and business locations deemed unserved or underserved, and community institutions lacking Gbps speeds.
- The Application requires the identification of all "broadband serviceable locations." (BSLs)
- The OBAE GIS Team will provide further guidance regarding how the map can be used to estimate the number of eligible service locations.
- Encourage applicants to obtain a license from CostQuest.

Other Considerations

- Including Locations Deemed Served ("should be the exception")
- An applicant may determine that a location classified as "served" should really be considered unserved or underserved.
- OBAE requires convincing data that the incumbent provider does not, or cannot, provide connectivity to consider the location "served". Examples may include:
 - Marketing data suggests the incumbent provider does not offer at least 100/20 Mbps
 - Documented proof regarding refusal to provide service
 - Network-level speed-test data

Stakeholder Feedback

- Please provide feedback to OBAE regarding any inaccuracies with the New Mexico Broadband Map.
 - Example: Locations are incorrectly deemed unserved or undeserved, but they have enforceable commitments to deploy broadband with federal or state-awarded funding.
 - Example: Locations are incorrectly deemed as "served" when, in fact, the evidence suggests the contrary.
- Stakeholders should participate in the BEAD challenge process starting in February 2024.

Eligible Locations: Overview of Challenge Process

- OBAE will publicly post the Proposed Project Areas on the Connect New Mexico Fund landing page.
- Service providers will be invited to provide evidence indicating that a grant-funded project may duplicate an existing or planned broadband network.
- OBAE will consider such challenges to ensure funding is allocated to residential and business locations
 and community institutions that meet the eligibility criteria noted in this NOFO.

Feedback Invited During Challenge Process

- Currently Served: Existing service providers that can provide evidence that the Proposed Project Area
 is currently served
- Enforceable Federal or State Commitments: Awardees and beneficiaries from another federal or state funding program that plan to deploy a broadband network and make commercial services available within a reasonable period from the NOFO issuance date
- **Planned Deployment**: Entities that have made substantiated progress in launching a network. This includes the demonstration of: a) a comprehensive business and technical plan; b) funding secured; c) a detailed budget; and d) a detailed project plan that supports the launch of commercial services within 18 months of the NOFO issuance date.
- **Tribal Coordination**: For service currently offered or planned on Tribal lands, the entity must obtain an acknowledgment from the appropriate Tribal office to confirm the claim regarding available or planned service.
- Merits of Existing Unlicensed Wireless Networks Using Advanced Technology: Fixed wireless
 providers using an advanced generation of technology over an unlicensed spectrum may provide
 data to assert they can offer a reliability speed above 100/20 Mbps.

Eligible Locations: Tribal Consent

A proposed project area (PPA) that involves a tribal area requires tribal consent.

Certification of Consent

Certification of Consent

- An applicant who proposes to provide service on Tribal lands, as identified in the Proposed Project Area, must obtain a Certification of Consent from the appropriate tribal office.
- This Tribal office should be the assigned authority to make broadband-related decisions as designated by the Tribal Government (e.g., Tribal broadband, information technology, or regulatory office). The Tribal office must also note whether the Project Area is unserved or underserved, and how that determination was made.
- The statement must be provided on Tribal letterhead or by an official email. Any applicant who fails to provide a certification of consent and confirmation of unserved (or underserved status) will be deemed incomplete.

Eligible Project Types: Network Purpose

• The network should aim to bridge the digital divide by connecting unserved and underserved locations.

Network Types

Last Mile

- Constitutes the most direct, efficient way to achieve the program's purpose.
- The last-mile network must serve eligible proposed project areas.
- Any served locations are incidentally included in the attempt to target the unserved and/or underserved locations.

Middle Mile

- Must involve an open-access network designed to interconnect with an existing or planned last-mile network that targets an eligible service area
- Must offer wholesale broadband service at rates and terms that are reasonable and non-discriminatory
- Must lease dark fiber to third parties (e.g., broadband service providers, government agencies, data centers, etc.) The lease terms must be for an operating and/or capital lease. The latter usually involves an Indefeasible Right of Usage (IRU).

5G Wireless Networks

- The Three-Year Broadband Plan highlighted the long-term objective that every major New Mexican roadway and rural community should have a strong radio frequency signal to support 5G mobile data and voice coverage from the existing mobile network operators. Therefore, 5G networks are an eligible project type.
- The 5G network must demonstrate connectivity to an area lacking a reliable mobile broadband signal AND serve an eligible proposed project area (i.e., concentrated with unserved and underserved locations.)

Special Projects

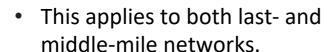
Special projects involve those that enable broadband to unserved and underserved locations. These may include: facility
replacement of broadband networks damaged due to wildfires; fiber and conduit for Dig Once projects; pole
replacement costs; and public safety wireless networks for which the facilities (e.g., towers) also foster fixed broadband
service.

Eligible Technologies

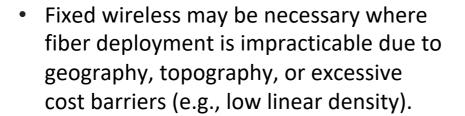
- OBAE prioritizes fiber-based solutions, as noted in the Three Year Broadband Plan.
- Alternative technologies meeting the speed and latency thresholds may be considered when fiber is impracticable to deploy due to geography, topography, or excessive cost barriers.



 OBAE prioritizes fiber-based networks, consistent with the Three-Year Broadband Plan.



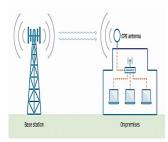
Future Ready and Future Proof



 Should leverage an advanced generation of technologies to meet performance requirements.



 5G-based mobile networks must consistently deliver at least 100/20 Mbps fixed broadband to the targeted unserved and underserved locations based on reasonable market penetration rates.





 OBAE will consider non-terrestrial solutions for highly remote communities where terrestrial networks cannot be deployed due to extraordinarily high costs or technical barriers.

Unlicensed Fixed Wireless

- Note: An applicant may propose an unlicensed fixed wireless solution using an advanced generation of technology with a demonstrated ability to meet performance requirements and avoid signal interference issues.
- The Applicant must address specific challenges in using licensed spectrum in such cases. Please note federal funding programs may still classify such locations as unserved or underserved, which may result in future overbuild of a fixed wireless network using unlicensed spectrum.

Network Performance Requirements

• The system (technology, network design, etc.) must meet the following performance requirements.

Performance Standard	Detail	
Speed	 The network must be designed to deliver service that reliably meets or exceeds 100 Mbps symmetrical download/upload. For a network that cannot meet this speed standard, the Applicant must explain why it would be impracticable to design and deploy a network that meets the 100 Mbps symmetrical threshold. These challenges may be due to geography, topography, or excessive cost barriers. At a minimum, the network must reliably meet or exceed 100/20 Mbps (download/upload) speeds. Also, the network must be eventually scalable to a minimum of 100 Mbps symmetrical as demand for greater bandwidth increases. 	
Latency	 The applicant's network must offer a latency that is sufficiently low to support real-time, interactive applications. 	
Outages	 Network must be designed with redundancy features so that outages do not exceed 48 hours during any calendar year. 	
Readiness	 A last-mile network shall provide access to broadband service to each customer who requests service within five business days. 	

Eligible Entities

A variety of entities can apply for funding from the Connect New Mexico Fund.

Eligible Entities

- Government entities: Tribal governments; local units of government (e.g., municipalities, counties, and other political subdivisions); State and local agencies; public educational institutions
- Private entities: Entities engaged in deploying broadband infrastructure to provide service primarily for residential purposes. Includes forprofit entities, non-profit entities, cooperatives, mutual organizations, and utilities***
- Joint powers agreement: Entities created by a joint powers agreement pursuant to the Joint Powers Agreements Act
- <u>Consortium</u>: Collaborations among two or more of the eligible entities are eligible. One partner must be identified as the Lead Applicant.

Other Requirements to Receive Expenditures

- √ Has a valid Federal Tax Identification Number (FEIN)
- √ Is in Good Standing with the New Mexico Secretary of State, as applicable
- ✓ Is not on the New Mexico Stop Payment list
- ✓ Pursuant to the policy of the New Mexico Office of the Comptroller, to receive grant funds from the State of New Mexico, a grantee must be considered a regarded entity by the IRS for federal income tax purposes. Disregarded entities will not be eligible to receive grant funds.

Eligible Project Expenditures

- Eligible expenses generally include those upfront costs to plan and deploy a broadband network.
- Ineligible expenses involve recurring expenses and other prohibited items as noted in the NOFO.
- Reimbursable expenses, with exceptions, must be incurred after the award date.

Eligible Expenditures

Eligible

- Application Preparation
- Market Assessment
- Permitting and Regulatory Reviews
- Network Planning and Design
- Network Infrastructure Deployment
- Network Facilities
- Personnel
- Grants Administration and Reporting (during project period)

Ineligible

- Acquisition of spectrum licenses
- Operations and maintenance costs (other than grant administration costs)
- Short-term operating leases
- Payment of interest or principal on outstanding debt instruments, or other debt service costs
- Fees or issuance costs associated with the issuance of new debt
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Expenditures related to land buildings, structures, improvements, or equipment not directly used to support the deployment of a broadband network
- Pass-through expenditures with respect to subcontractors or other third parties operating on an Awardee's behalf to the extent they are not the result of arm's length transactions or are not reflective of fair market rates.

Other Stipulations

Timing

- · Must be incurred after the award date
- Certain expenses can be incurred before the award date but after NOFO publication
 - E.g., application preparation; market assessment; and other planning expenses directly related to the project.
- Avoiding Duplication with Other Government Funded Broadband Projects
- Funds cannot be applied for costs that will be reimbursed by the other federal or state funding stream(s).

Matching Contribution

- OBAE requires a 25% minimum matching contribution. Additional points are offered for a higher percentage.
- Waivers may be accepted for extenuating circumstances.
- In-kind contributions are allowed when they are a necessary part of the project and would otherwise be required for purchase.

Importance of Match

Policy Justification

- Helps maximize the total available grant funding for the state.
- Match demonstrates "skin in the game" and makes applicants more accountable through the process e.g., network efficiency, procurement, market penetration, cost management, and overall sustainability.

Right Sizing the Match

- The match should reflect the "gap" in the business case.
- In financial terms, this may mean a negative NPV after considering the capital investment and cash flows over a 15-year period using a reasonable discount rate.

Match Waivers

- A lower match contribution may be allowed if unique, extenuating circumstances prevent the 25% contribution.
 - Business case not earning the required rate of return due to a limited revenue opportunity (e.g., few customers, low average revenue per subscriber, etc.) or uniquely high-cost structure for capital or operating expenses.
 - The project focuses on a socially disadvantaged group or community facing severe economic distress

In-Kind Contributions

- May include donated equipment, outside plant, supplies, land, capital leases, and volunteer services.
- Fee waivers or discounts for access (e.g., rights of way, pole attachments, conduits, easements, or other types of tangible or intangible property required to deploy the network)

Funding Amount: Maximum and Minimum Project Size

The funding request must be below \$6 million and above \$250K.

Project Amount per Application

Maximum Grant per Project

- The maximum grant per project is limited to \$6 million.
 - Aims to foster a diversity of awardees and geographic areas.
 - Applicants seeking greater funding may submit separate multiple applications. However, the Office of Broadband does not have to fund the other applications, even if they are contiguous.
 - The average size of the Pilot Program grant had been \$6 million. Thus, a project with the maximum award shall be at most 8.5% of the funding pool.

Minimum Grant Request

- Minimum grant request is \$250,000.
 - This amount reflects OBAE's commitment to fund impactful, scalable projects with many beneficiaries.
 - Grant awards requires considerable OBAE resources to monitor, report upon, and provide technical support. The reporting function, for example, requires the same level of time and resources. Thus, too many small projects will inefficiently spread OBAE's limited resources.

Other Key "Gating Factors"

The following stipulations apply to encourage the timely deployment of awarded projects, and serve
the public interest.

Key Stipulations

Buildout Time Requirements

- General Policy: Projects must be completed within three years after signing the Grant Agreement; extensions may be allowed under extenuating circumstances.
- <u>Current Statutory Authority</u>: Limits payment for expenditures incurred by the end of fiscal year 2025 (June 30, 2025).
 - Note: OBAE is working with the Legislature to extend this deadline to fiscal year 2028 (June 30, 2028). OBAE will provide updates on this effort on the Connect New Mexico Fund website.
 - Recommend to start preparing two project plans: 1) one-year version (key activities and outcomes by June 2025); 2) three-year version (key activities and outcomes by August 2027).

Five-Year Service Agreement

 Provide all the services and pricing stated in the application for at least five years; provision will be included in the Grant Agreement

Affordability Programs (Last Mile Projects)

- Offer at least one low-cost service option at speeds sufficient for a household with multiple users to telework and engage in remote learning simultaneously. OBAE will review the totality of services and pricing in the scoring rubric; however, a low-cost option is required per this guidance.
- An applicant must provide a signed commitment to participate in active federal programs that provide low-income consumers with subsidies for broadband service, such as the FCC's Affordable Connectivity Program (ACP).

Post-Award Requirements

- Grantees are subject to several post-award requirements.
- Please review all requirements stated in the NOFO. These requirements will also be specified
 in the Grant Agreement.

Requirements

Competitive Procurement Requirements

- Follow applicable federal and state laws and guidelines for procurement.

Tax Obligations

- Grant awards and contract payments to vendors may be subject to state or federal taxes.
- Please consult with a tax professional, and account for potential tax obligations, as part of the business case.

Network Testing

- Test and report results for speed and latency.

Project Reporting

- Periodically filed reports with OBAE regarding project status and milestones during the period of performance (e.g., permits secured, the infrastructure deployed, expenditures, network testing results) and into commercial roll-out (e.g., customer sign-ups, adoption assistance, etc.)
- Details will be issued as part of the Grant Agreement.

Worker and Contractor Hiring Guidelines

- Funded projects must comply with all relevant state,
 Tribal, and local laws and ordinances.
- Scoring framework awards additional consideration for plans to hire local and regional staff and contractors to design, plan, deploy, and operate the project
- Prioritize contractors and subcontractors without recent violations of federal and state labor and employment laws as a further measure that may minimize project disruptions and delays.
- Consider firms which can demonstrate: a) high safety and training standards, including professional certification, licensure, and/or robust in-house training; b) commitment to hiring of local workers and/or workers from historically disadvantaged communities.

Closing Remarks

- Please review the NOFO for detailed guidance.
- Submit questions to the <u>broadband@connect.nm.gov</u>
- Attend the webinars
 - Broadband Map Overview: January 11, 2024 (2:00 pm MT)
 - Scoring Guide Overview: January 12, 2024 (2:00 pm MT)
 - Application Overview: January 16, 2024 (2:00 pm MT)
- Office hours will start later this month.
- Email OBAE to schedule 1:1 sessions for guidance on the program materials.
- Reach out to your OBAE regional project manager for technical support.

Project Manager Leads by County for Technical Assistance

 Please contact the Project Manager assigned to lead <u>technical support</u> for the relevant county/counties that your project aims to target.

Jose Betancourt	Monica Riehl
Chaves	Dona Ana
Curry	Eddy
De Baca	Grant
Lea	Hidalgo
Lincoln	Luna
Roosevelt	Otero
Torrance	Sierra
Richard Govea	Eric Rodgers
Catron	Colfax
Cibola	Guadulupe
McKinley	Hardin
San Juan	Mora
Socorro	Quay
Valencia	San Miguel
	Union
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