

# **Colonias Infrastructure Fund**

## **2019 Application Overview and Frequently Asked Questions**

The New Mexico Finance Authority (“NMFA”) administers the Colonias Infrastructure Fund (“CIF”) application process on behalf of the Colonias Infrastructure Board (“CIB”). The [CIB Project Selection and Management Policies](#) provide additional information for the application system. For the 2019 Application Cycle, the NMFA will adhere to the following application process:

- **Notice of Intent due via email to [Colonias@NMFA.net](mailto:Colonias@NMFA.net) on November 1, 2018**, which provides information to determine interest in funding and to create credentials for the on-line application.
  
- **Application due January 17, 2019**. Online application and attachments must be submitted by 3:00 pm MST.

Upon submission, NMFA staff will review the Application for completeness and eligibility. Complete applications submitted by qualified entities for qualified projects will be distributed to designated reviewers on the CIB’s Project Management Team. The Team will review applications using CIB-approved evaluation criteria. Applicants whose applications are determined ineligible or incomplete will be notified in writing that the applications will not be moving forward. All Applicants are required to provide additional information directly to regulatory agencies that will certify compliance with all relevant regulations, as well as provide evidence of project readiness.

Applicants submitting eligible and complete applications will be invited to make a brief presentation before the Colonias Infrastructure Board at its meeting currently scheduled on March 20-21, 2019.

The following Frequently Asked Questions are provided to help Applicants better understand the application process:

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**Questions? Please contact a Colonias Infrastructure Board Administrator  
by email to [Colonias@nmfa.net](mailto:Colonias@nmfa.net)  
or by telephone (505) 984-1454; Toll Free 1-877-ASK-NMFA**

## **I. Colonias Infrastructure Board Overview**

**Q: What is the Colonias Infrastructure Board?**

**A:** The Colonias Infrastructure Board is comprised of a diverse 12-member board (seven voting members and five non-voting, advisory members) that recommends projects for funding, pursuant to the [Colonias Infrastructure Act, Section 6-30-1 through 6-30-8, NMSA 1978](#).

**Q: What types of projects are eligible for funding?**

**A:** As defined in the Colonias Infrastructure Act, a “qualified project” is a capital outlay project that is primarily intended to develop colonias infrastructure and may include:

1. Water system;
2. Wastewater system;
3. Solid waste disposal facilities;
4. Flood and drainage control;
5. Road infrastructure; or
6. Housing infrastructure.

**Q: What defines a Colonia?**

**A:** As used in the Colonias Infrastructure Act:

colonia means a rural community with a population of twenty-five thousand or less located within one hundred fifty miles of the United States-Mexico border that:

(1) has been designated as a colonia by the municipality or county in which it is located because of a:

- (a) lack of potable water supply;
- (b) lack of adequate sewage systems; or
- (c) lack of decent, safe and sanitary housing;

(2) has been in existence as a colonia prior to November 1990; and

(3) has submitted appropriate documentation to the board to substantiate the conditions of this subsection, including documentation that supports the designation of the municipality or county.

NMSA 1978, §6-30-3(C).

**Q: Who is eligible to apply for funding?**

**A:** Eligible entities under the Colonias Infrastructure Act, include (1) counties, (2) municipalities, or (3) other entities recognized as a political subdivision of the state.

**Q: What kind of funding is available?**

**A:** CIF awards are comprised of a grant and loan. Each funding package will contain a loan component equal to 10% of the awarded amount, with the remainder delivered as a grant.

**Q: How is the loan structured? What is the interest rate?**

**A:** The CIF award loan component is interest-free. As provided in Section 2.2 of the [CIB Project Selection and Management Policy](#), “the loan will be structured as a two-year construction loan whereby the borrower will be charged an administrative fee based upon the amounts drawn and then converted to an interest-free loan for a term that is not greater than the useful life of the project, and in any event not to exceed 30 years.” Loan payments are due on June 1 of each year. Refer to Section 2.2 Financial Assistance Awards for further information.

**Q: Is a local match required?**

**A:** Yes. Each funding package requires a local match component equal to at least 10% of the awarded amount.

**Q: What can be used as a match?**

**A:** The match is defined as a “hard” and/or “soft” match:

1. “hard” match is actual dollars expended on the proposed project, other than CIF funds, for the specified scope of work. The “hard” match may be provided in the form of:
  - a. non-Colonias Infrastructure fund loans;
  - b. non-severance tax bond appropriation/awards;
  - c. local cash contributions;
  - d. private donations; or
  - e. Federal funds.
2. “soft” match is labor and/or equipment donated for the scope of work on the proposed project at fair market rates as determined locally within the state.

**Q: What if we don’t have a match?**

**A:** The Applicant may choose to take on an additional loan in lieu of the match component. Loans undertaken in lieu of a match will not count as additional leveraging for the application under the CIF criteria.

**II. Important Dates**

October 10-November 1, 2018	Notice of Intent
December 5, 2018	2019 Application cycle opens
January 17, 2019	2019 Application cycle closes by 3:00 pm MST
January 21-February 6, 2019	Application Evaluations (legal, application review)
February 19, 2019	Compliance deadline; Waiver Requests Due
March 20-21, 2019	CIB Meeting for Project Presentations
April 30, 2019	CIB Funding Recommendations to NMFA
May 23, 2019	NMFA Meeting, Final approval of CIF awards

**Q: [Will these dates change?](#)**

**A:** These dates are subject to change if the CIB is unable to achieve a quorum, or if some unanticipated event causes a change to the schedule. The NMFA will notify all applicants of any changes to the date and will post notice of the change on its website.

### **III. Application Process**

**Q: [How do we apply for funding?](#)**

**A:** 2019 CIF applications must be completed and submitted on-line through NMFA's EnABLE™ system (<https://www.gotoenable.com/NMFAEnable/login.aspx>). The application deadline for submittal is January 17, 2019 3:00 pm MST. Required documents for the application must be included in the application submission.

**Q: [What is new for the 2019 Application Cycle?](#)**

**A:** The Colonias Board continues its efforts to address any possible disconnects and provide further clarification to the CIB Policies. For the 2019 cycle, Asset Management Plans ("AMP") were further defined so that applicants are given four years to complete an AMP.

**Q: [What is a "Super User"?](#)**

**A:** Through the NOI, the Applicant assigns a Primary Contact to be designated in the system as the Local Administrator/Super User. The Super User is authorized to submit applications on behalf of the Applicant.

**Q: [Who can set up other users to assist and access the on-line applications?](#)**

**A:** The Super User can enroll other internal users (must be employees or members only) to enter application data. Only one Super User may be created for each Applicant. The Applicant must use the NOI to authorize NMFA to create Technical Assistant users for any consultants, engineers, etc. There is no limit to the number of Technical Assistant users.

**Q: [Application Limitations: Can our entity apply for more than one project? Is there a maximum amount we can apply for?](#)**

**A:** There is no limit to the number of applications a qualified entity may submit, nor is there a maximum amount of funding that can be requested. However, under its current policies, the CIB may not award more than 15% of the annual available funds to any one project. The annual amount is determined each spring, but the net available funds for the 2019 cycle are anticipated to be approximately \$9 million. Therefore, the 15% cap for the 2019 cycle is approximately \$1.35 million.

**Q: [Must we submit a new application if the project wasn't awarded in the previous application cycle?](#)**

**A:** Yes. Applications must be submitted each year regardless of whether or not a project received funding in a previous application cycle.

**Q: [How long is the application process?](#)**

**A:** The 2019 Application process can take up to a year, from application submission to funding determination, and concluding with securing of the funds. The process is designed to allow applications to be reviewed and prioritized, and to ensure compliance with regulatory agencies.

**Q: [Who reviews the applications?](#)**

**A:** The applications are reviewed by NMFA staff including its legal team, and the CIB Project Management Team, a multi-agency team. The legal review will ensure that Applicants and projects are eligible under the Colonias Infrastructure Act. Eligible applications are reviewed by regulatory agencies for compliance. The Project Management Team is an interdisciplinary team tasked with reviewing the technical, managerial, and financial aspects of the project and the Applicant in accordance with the CIB established criteria, and further guided by the CIB Project Selection and Management Policies (“Policies”).

**Q: [What happens if our application does not pass the Legal Review?](#)**

**A:** If a project or Applicant is deemed ineligible, the Applicant will be notified in writing of the determination and the application will not proceed any further in the 2019 Application Cycle.

**Q: [What does the Application criteria measure?](#)**

**A:** The established criteria used to evaluate the applications are:

- Project Urgency 30%
- Project Readiness 20%
- Leveraging of Funds 10%
- Regionalization 10%
- Cost/Benefit 10%
- Long Term Community Benefit 10%
- Long-Term Sustainability, Maintenance and Operations 10%

**Q: [Where do we find a copy of the CIB Project Selection and Management Policy?](#)**

**A:** Follow this link [Colonias Infrastructure Board Project Selection and Management Policy](#) to download the policy the from the NMFA website, or email [Colonias@nmfa.net](mailto:Colonias@nmfa.net) to request an electronic version.

**Q: [How is funding determined?](#)**

**A:** The CIB recommends funding to the NMFA Board of Directors after the projects:

- have passed regulatory compliance benchmarks, and
- have been prioritized by the CIB Project Review Committee, with recommendations by the Project Management Team.

Funding is provided in the form of a loan and grant award. The terms and structure of the funding is determined by the NMFA Board of Directors.

**Q: If an Applicant applies for funding through the Water Trust Board (WTB), can they also apply for funding through the Colonias Infrastructure Fund?**

**A:** Yes. There are no restrictions on applying for other funding sources to fund a project. As a reminder, the WTB funding can be used as leveraging for the CIF application scoring purposes, but **cannot be used as a match** as defined in Policy.

## **IV. Regulatory Compliance**

**Q: Is policy and regulatory compliance necessary for all applications?**

**A:** Yes, compliance with relevant regulations and the CIB Policies is necessary to determine whether projects qualify for financial assistance.

**Q: What regulatory compliance is required?**

**A:** Regulatory Compliance requirements for **all** projects:

- Water Rights (if applicable)
- Conservation plans (if applicable)
- State Audit Rule
- State Budget Rule
- Debt Compliance

In addition to the above requirements, the project types have specific compliance requirements as follows:

- Water System projects:
  - Safe Drinking Water Act
  - New Mexico Water Regulations
  - Sanitary Project Act
  - Certified Operator
- Wastewater Projects:
  - All New Mexico Environment Department regulatory requirements
  - EPA regulatory requirements
- Road, Flood control and Solid Waste Projects:
  - Compliance with applicable state and federal regulators

**Q: What happens if our application is not compliant with policy and/or regulatory requirements?**

**A:** Applications that are deemed non-compliant with applicable policy and/or regulatory requirements will have until February 19, 2019 to come into good standing with the policy and/or regulatory agencies. Applicants unable to meet the compliance deadline must submit a waiver request to NMFA by February 19, 2019 to continue the application process.

**Q: What will happen if we have previously awarded CIF projects still open?**

**A:** Per the Project Continuation Policy (Section 1.3), applicants that have received prior CIF funding must certify completion of all projects prior to approval of a new award for funding unless:

- The new project will cure a condition consider Urgent per policy;
- The remaining sum of any older award(s) is less than 50% of the awarded total for all awards from prior years;
- The applicant has the operational capacity to oversee the development of the additional project without impairing either the existing or new project; or
- As otherwise determined by the CIB.

**Q: What defines a previous award being “open”?**

**A:** Awarded projects that have remaining balances and have not submitted final and certificate of completion documents are considered “open”.

**Q: How do we seek a waiver on any policy item, including a regulatory deficiency?**

**A:** Applicants seeking waivers should submit a request on their letterhead clearly describing the policy or regulatory waivers sought and justification for the request. The letter is due to NMFA by February 19, 2019. All waiver requests received will be reviewed by the CIB Project Review Committee, which will make a recommendation to the Colonias Board for final consideration and determination at the March 20, 2019 CIB meeting.

**Q: Does the Colonias Infrastructure funding require compliance with Governor Martinez’s Executive Order 2013-006?**

**A:** Yes, compliance with the Executive Order is determined at the time of the funding recommendation. The CIB does not have the ability to grant waivers from the Executive Order.

## **V. Project Readiness**

**Q: What evidence is required for project readiness?**

**A:** Some of the items that will be reviewed are:

- Approved plans/specification documents
- Other funding secured, and all permits, licenses and authorization in place
- Easements and ROW secured
- Regulatory Compliance
- Compliance with CIB policy
- Evidence of existing debt

**Q: Is there a deadline for project readiness to be met?**

**A:** Yes, project readiness must be met at time of submission of Application.

**Q: [What happens if we do not have the readiness documents \(right of way easements, permits/licenses, planning documents, etc.\)?](#)**

**A:** The Applicant must demonstrate that the proposed project can move forward according to a clear and reasonable timeline. This includes identifying when the readiness documents will be completed. Additional documentation and information may be required.

## **VI. Submittal of Application**

**Q: [How is the application submitted?](#)**

**A:** The application and all required attachments must be completed and submitted through the EnABLE™ system at <https://www.gotoenable.com/NMFAEnable/login.aspx>, by 3:00 pm MST on January 17, 2019.

**Q: [What are the required attachments and how do we submit them?](#)**

**A:** Attachments that are required or that may be applicable to the proposed project will be identified within the application and require Applicant to upload the documents where indicated.

**Q: [How do I complete the application forms Application Certification, Budget spreadsheet, and Permits/License spreadsheet?](#)**

**A:** Click on the appropriate attachment to download, complete the form, and then upload the document(s) to the indicated area within the application. Upload the budget and permits/license documents **in their original form**, do not PDF these forms. Be sure to upload a *signed* Application Certification form.

**Q: [How will I know if my application has been submitted and received?](#)**

**A:** When the application is complete, the Super User must click the “Submit” icon. Only the Super User can “submit” the application. If there are any missing items (e.g., questions not answered, required documents not uploaded), a list of missing information will appear. Once the completed application is submitted, the application status will change from “Started” to “Submitted”.

**Q: [Is the 2019 Application different from the 2018 application?](#)**

**A:** No, questions asked in the 2018 application will be asked in the 2019 application.

**Q: [If the project consists of more than one project type \(e.g., Water Infrastructure and Wastewater Infrastructure\), do I need to complete two separate applications?](#)**

**A:** Your application will be evaluated using only one set of criteria. As a result, you must determine which aspect of the project is the primary purpose of the project. For example, if your project involves the treatment and storage of water, you must decide whether treatment is the primary purpose of the project or if it is secondary. If both elements of the projects carry equal weight, then you must separate your project into two separate applications and file them separately. In that instance, it is possible that only one of the projects will be funded.

**Q: [In prior years, the application was filed on-line. Is it the same for 2019?](#)**

**A:** As in the 2018 Application Cycle, the 2019 Application will be submitted through the [EnABLE online system](#). CIB funding applications may only be submitted via EnABLE.

Applicants must first submit a Notice of Intent (“NOI”) form to [Colonias@nmfa.net](mailto:Colonias@nmfa.net), which serves as i) notification of the Applicant’s desire to apply for CIB funding for the 2019 cycle, and ii) the initial step of the enrollment process to access the NMFA’s online application and account system, EnABLE, to apply for CIB funding.

Enrollment involves completing the NOI and identifying the individual who will be the Primary Contact for submitting the application. The Primary Contact, upon completion of the enrollment process, will be empowered to create additional users (employees or members of the entity) for the EnABLE application system who will have access to the Applicant’s EnABLE account. Access for Consultants must be requested through the NOI, or by email to [Colonias@nmfa.net](mailto:Colonias@nmfa.net).

**Q: [How does the Primary Contact create additional users for employees or board members?](#)**

**A:** After logging in to the EnABLE website, the Primary Contact selects the menu options “**User Maint.**” You will see list of users that exist for your entity. If the person you want to add is not listed, click “+ **add new**”. Enter the employee or board member’s email address as the Username and assign a Password. Fields with a red asterisk (\*) are required. Be sure to check the “**Active**” box.

When all user information has been entered and the **Active** box checked, click **Confirm**. On the next screen, click “**Associate Roles**”, select “**External Client with Application Access**”, and then **Confirm**.

**Do not add an engineer, consultant, or anyone who is not directly associated with the entity as an employee or board member.** If you have any questions or issues, please contact CIB staff at [Colonias@nmfa.net](mailto:Colonias@nmfa.net).

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**Quick Links:**

- [NMFA Website - Colonias Infrastructure Board Information](#)
- [CIB Project Selection and Management Policy](#)
- [Colonias Infrastructure Act](#)
- [EnABLE Online Application System](#)