



STATE OF NEW MEXICO

Taxation and Revenue Department



APPLICATION FOR RESIDENT CONTRACTOR CERTIFICATION

SECTION I		General Information	
Name of Licensed Contractor		Doing Business As (DBA) if applicable	
Mailing Address - City, State, Zip Code			
Physical Address - City, State, Zip Code			
Name of Business Owner or Officer	Phone Number of Business Owner or Officer	E-mail of Business Owner or Officer	
Name of Business Contact	Phone Number of Business Contact	E-mail of Business Contact	
NM(CRS) Number:	Contractor License Number	FEIN/SSN	
VIN of Vehicle Registered by Contractor with New Mexico	Name of Vehicle Owner		
SECTION II		Resident Contractor Status Information	
<p>Please choose the relevant business status category below and place a checkmark next to all statements that apply to the applicant's business under the relevant category. If any statement under the relevant category is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.</p>			
Existing Contractor			
<input type="checkbox"/> The contractor has been in existence for at least five years; and <input type="checkbox"/> The contractor is licensed as a contractor in New Mexico; and <input type="checkbox"/> The contractor has paid property taxes or rent on real property in New Mexico in <i>each</i> of the preceding five years; and <input type="checkbox"/> The contractor has paid at least one other tax administered by the State of New Mexico in <i>each</i> of the preceding five years; and <input type="checkbox"/> The contractor has paid unemployment insurance on at least three full-time New Mexico resident employees in <i>each</i> of the preceding five years or the contractor has been licensed as a contractor in New Mexico for ten consecutive years.			
New Contractor			
<input type="checkbox"/> The contractor did not exist as a business in any form and has been in existence for less than five years; and <input type="checkbox"/> The contractor is currently licensed as a contractor in New Mexico; and <input type="checkbox"/> The owner or majority of owners of the business have paid property taxes or rent on real property in New Mexico in <i>each</i> of the preceding five years; and <input type="checkbox"/> The owner or majority of owners of the business have paid at least one other tax administered by the State of New Mexico in <i>each</i> of the preceding five years; and <input type="checkbox"/> This contractor has not applied for a Resident Business Certificate or Resident Contractor Certificate during the preceding five years.			
Relocated Contractor			
<input type="checkbox"/> The contractor moved at least eighty (80%) percent of its total domestic personnel from another state to New Mexico in the past five years; and <input type="checkbox"/> The contractor is currently licensed as a contractor in New Mexico; and <input type="checkbox"/> Eighty (80%) percent or more of the total personnel of the business in the prior year were residents of New Mexico; and <input type="checkbox"/> The business has leased real property in New Mexico for ten years; or The business has purchased real property in New Mexico valued in excess of \$100,000.			

Previously Certified Contractor or a Contractor Previously Eligible for Certification

- The contractor is licensed as a contractor in New Mexico; **and**
- After January 1, 2012, but less than three years ago, the contractor obtained and was eligible for resident contractor certification. However, the contractor has since: (1) changed its name; (2) reorganized into one or more different legal entities; or (3) been purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise;

OR

After January 1, 2012, but less than three years ago, the contractor applied and was eligible for resident contractor certification. However, before the Department was able to issue certification, the business: (1) changed its name; (2) reorganized into one or more different legal entities; or (3) was purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise.

SECTION III

Affidavit

AFFIDAVIT FROM CERTIFIED PUBLIC ACCOUNTANT

STATE OF _____
COUNTY OF _____

I hereby swear, under oath that it is my professional opinion that the applicant meets the required criteria set forth in NMSA 1978, Section 13-1-22 (D) (2012) for Resident Contractor Certification and that ALL information provided and ALL checkedmarked statements in the foregoing application are true and complete to the best of my knowledge.

Name	CPA License #	State	Date
------	---------------	-------	------

Signature _____

NOTARY

Subscribed and sworn to before me this _____ day of _____, 20_____ .

Notary Public _____ My Commission Expires _____
(NOTARY SEAL)

I am authorized to sign this application on behalf of the applicant and attest to the truthfulness of the information provided herein.

Signature of Applicant	Date
------------------------	------

Send completed application along with \$35.00 to:
Taxation and Revenue Department
PO Box 5374
Santa Fe, NM 87502-5374
(505) 827-0951

APPLICATION FOR RESIDENT CONTRACTOR CERTIFICATE
INSTRUCTIONS

Beginning January 1, 2012, New Mexico contractors who wish to obtain a resident contractor preference must first apply for and obtain a resident contractor certificate issued by the New Mexico Taxation and Revenue Department (TRD). The preference may be used by the holder to obtain a bidding advantage when participating in a formal bid process or formal request for proposal process for the sale of goods or services to a New Mexico state or local public body. The contractor must submit with its bid or proposal a copy of a valid resident contractor certificate.

So long as the contractor initially meets and continues to meet the necessary requirements, the certificate is valid for three years from the date of issuance. The contractor must submit a new application if the contractor's status has changed or if there is a change in ownership of more than fifty percent.

The purchasing agent for a public body may verify that a resident veteran contractor certificate is issued by TRD by accessing the TRD web site at <https://secure.mvd.newmexico.gov/residentcertificate/default.aspx>, or by calling (505) 827-0951.

RESIDENT CONTRACTOR CERTIFICATE APPLICATION

TRD has prescribed form ASD-22240 that must be completed in order to obtain a resident contractor certificate. The required contents of the form are summarized below.

SECTION I

General Information

This section requires provision of the applicant's general business information, including basic contact information. The contact information provided must be that of the contractor or the contractor's authorized representative.

SECTION II

Resident Contractor Status Information

To complete the application, the CPA must select the contractor status category that applies to the contractor: existing contractor, new contractor, relocated contractor, or previously certified contractor or contractor previously eligible for certification. The CPA must select only the contractor status category that pertains to the applicant and indicate which statements included in the applicable category accurately describe the contractor. If any statement is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.

NOTE: When a contractor is an existing contractor, the application must indicate whether, during the previous five years, the contractor paid unemployment insurance on at least three full-time employees who are residents of New Mexico. When a contractor is a relocated contractor, the application must indicate whether at least 80% of the total personnel of the contractor in the prior year were New Mexico residents. For the purposes of this application, a New Mexico "resident" is considered to be a person who is domiciled in this state during any part of the calendar year or a person who is physically present in this state for at least 185 days during the calendar year.

SECTION III

Affidavit

This portion of the form is a sworn statement by the CPA indicating that the statements selected in Section II are accurate descriptions of the contractor, and that all other information provided in the form is true and correct to the best of the CPA's knowledge. The affidavit also provides a sworn statement that it is the CPA's professional opinion that the contractor meets the required criteria for resident veteran contractor certification.

The contractor, officer of the contractor business or the contractor's authorized representative must also sign the application, affirming that the statements made and information provided in the application are true and correct.

APPROVALS AND PENALTIES

TRD will examine the application and affidavit. If necessary, TRD may seek additional information to ensure the contractor's eligibility. If TRD determines that the contractor is eligible, it will issue a certificate to the contractor. If TRD determines that the contractor is not eligible, it will issue notification within 30 days. If such notification is not provided by the Department, the application is deemed approved.

A certificate is valid for three years from the date of issuance; provided that if there is a change of ownership of more than 50%, the applicant must reapply. A contractor must also reapply if it has changed its name, reorganized into one or more different legal entities or was purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise. In such a case, the certification of the contractor in its previous form will apply three years from the date of the previous certification, but only to the extent the contractor was eligible for certification in its previous form.

If an application is denied, the business has 15 days from the date of the denial to file an objection with TRD, submitting evidence to support the objection. TRD must review the evidence and issue a response to the objection within 15 days of the filing of the objection.

If following a hearing and an opportunity to be heard, TRD finds that a contractor provided false information to TRD in order to obtain a certificate or that a contractor used a certificate to obtain a preference and the contractor did not perform the percentage of the contract specified in the bid or proposal, the business:

1. Is not eligible to receive a certificate or preference for a period of five years from the date on which TRD became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and
2. Is subject to an administrative penalty of up to \$50,000 for each violation.

REVOCATIONS

TRD will contemplate revoking an issued certificate if information is revealed that the holder's situation has changed and/or the business does not qualify as a resident contractor. If TRD contemplates revocation, it will issue a Notice of Contemplated Action to the contractor. The contractor will be provided with an opportunity to request an administrative hearing on the matter.

APPLICATION AND FEE SUBMISSION

Submit the application along with \$35 application fee to:

New Mexico Taxation and Revenue Department
Santa Fe District Office
PO Box 5374
Santa Fe, NM 87502-5374

For questions concerning the application process please call (505) 827-0951.