



COMMUNITY PROJECT FUNDING FOR FIRE AFFECTED COUNTIES

NOTICE OF FUNDING AVAILABILITY



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INTRODUCTION AND BACKGROUND

The New Mexico Mortgage Finance Authority (MFA) is a governmental instrumentality, separate and apart from the state, created by the Mortgage Finance Authority Act, N.M. Stat. Ann. Sections 58-18-1 1978 *et seq.* (1978) for the purpose of financing affordable housing for low- and moderate-income New Mexico residents.

MFA received federal funding under the Consolidated Appropriations Act, 2023 (Public Law 117-328) (the FY2023 Act), Assistance Listing number 14.251, made available for “grants for the Economic Development Initiative (EDI) that are administered by the Department of Housing and Urban Development (HUD) Community Project Funding (CPF) program, referred to as “CPF” throughout this document. This CPF program allocation is designated for “Affordable Housing for New Mexico’s Fire Affected Counties”, which are Colfax, Lincoln, Mora, Sandoval, San Miguel and Valencia County.

The purpose of this Notice of Funding Availability (NOFA) is to invite the submittal of qualification statements from service providers in accordance with applicable guidelines set forth in this NOFA. MFA is looking for qualified, capable service providers, who are knowledgeable, skilled, and experienced in managing federal funding and can provide services to the fire affected counties in New Mexico. Service providers will be selected based on their capacity, experience, and the ability to provide program services.

AGENCY CONTACTS

MFA will be responsible for administering the CPF program for current and subsequent funding allocations which include but are not limited to fund management, reporting, and monitoring activities to ensure program compliance. The point of contact for MFA is noted below:

Stephanie Gonzales
Research and Development Manager
NM Mortgage Finance Authority
344 4th Street, Albuquerque, NM 87102
(505) 767-2287
sgonzales@housingnm.org

Questions pertaining to the NOFA and potential Applicants will be answered through the NOFA FAQ.

Questions must be submitted via the FAQ at MFA’s website <https://housingnm.org/rfps/rfps-rfq>. Select the CPF for Affordable Housing for New Mexico’s Fire Affected Counties NOFA and type in your question(s) and submit. Questions will be checked daily. MFA will make every attempt to post responses to questions within 48 business hours of submission.

The FAQ will open immediately following the release of the NOFA.

FUNDING ALLOCATION

The amount of funding available for release under this NOFA is \$2,700,000 for project activities and \$210,000 for administrative costs. The administrative costs for the program may be used for non-direct project related activities that contribute to the service providers. The NOFA will remain open as long as there are available funds.

PROGRAMMATIC REQUIREMENTS

ELIGIBLE ACTIVITIES

Funds may be used only for reasonable and customary costs that are directly attributable and traceable to the affordable housing needs listed below. Further, funds may only be used to address affordable housing needs in New Mexico's fire affected counties, which include Colfax, Lincoln, Sandoval, San Miguel, Mora, and Valencia County.

Affordable housing needs may include but are not limited to:

URGENT HOUSING RECOVERY NEEDS

- Purchase of permanent housing, including manufactured housing units or other dwellings for households currently being housed through FEMA programs or other emergency or temporary response programs.
- Transportation of those units to private land or a long-term residence (such as a commercial park) and associated site and infrastructure cost.
- Other urgent housing costs associated with the transition from emergency housing to long term housing.

LONG-TERM HOUSING RECOVERY NEEDS

- Repair or replacement of damaged wells, water tanks, pumps, and other residential water infrastructure.
- Repair or replacement of damaged residential electrical infrastructure, such as installation of electrical poles, gravel replacement and driveway grading.
- Extermination services for households experiencing animal or insect infestation, such as skunks, mice and termites.
- Drainage landscaping and retaining wall construction to prevent flooding and erosion.
- Site infrastructure work, including dirt work and foundation installation for manufactured housing.
- Repair, rehabilitation, or unit replacement, to address other housing damages.
- Other affordable housing needs for households in the fire affected counties.

ELIGIBLE APPLICANTS

Eligible Applicants include, but are not limited to, public and private non-profit organizations, for-profit organizations, governmental housing agencies, authorities, entities, or instrumentalities, regional housing authorities, tribal governments or housing agencies, developers, builders, corporations, limited liability companies, partnerships, joint ventures, syndicates, associations, or other entities that can assume contractual liability and legal responsibility through execution of a performance agreement and/or other written agreements with MFA. Individual homeowners are not eligible for the Community Project Funding: Affordable Housing for New Mexico's Fire Affected Counties.

ELIGIBLE BENEFICIARIES

To be eligible to receive CPF funding, the beneficiary household must be located in Colfax, Lincoln, Sandoval, San Miguel, Mora, and Valencia County and have been impacted by fire in 2022. The beneficiary household must have an annual household income at or below 150% of area median income (AMI) adjusted for family size as determined

by the HUD and calculated pursuant to the HUD Part 5 (Section 8) guidelines. The incomes of all household members over 18 years of age are needed to determine income eligibility.

The income limits to be used to determine eligibility shall be those established by HUD and published annually. See the following HUD website:

https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_NM_2022.pdf

Successful applicants must verify that program beneficiaries have been impacted by 2022 wildfires using the self certification form provided by MFA..

ENVIRONMENTAL REVIEW

All projects are subject to requirements under the National Environmental Policy Act (NEPA), HUD's NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, and all appropriate federal environmental and historic preservation laws, regulations, and Executive Orders. Accordingly, all projects are subject to an environmental review and must receive appropriate clearance prior to any fund's expenditure, including soft costs and lead-based paint costs. MFA is the responsible entity for all projects being performed by for-profit and non-profit organizations and tribal housing authorities. Local governments and tribal entities (not tribal housing authorities) are their own responsible entity and are required to perform their own environmental reviews which need to be included in all reservation requests. Local governments and tribal entities must submit their Request for Release of Funds to MFA for approval (not to HUD). MFA will issue the Authority to Use Grant Funds.

PROJECT FUNDING AND REIMBURSEMENT

All funding is administered on a reimbursement basis. Service Providers must request funds by using MFA's Request for Reimbursement form. All costs must meet the allowability criteria of 2 CFR 200.403.

Interim funding is subject to the following:

- The submission of field inspection report including photos;
- Copies of contractor payment request and/or material receipts; and
- If invoicing for project management as a soft cost, submission of employee timesheets.

Invoices will not be paid until all required documents are received and approved by MFA.

The final funding of each project is subject to the following as applicable:

- The submission of a completion report;
- The submission of a copy of the certificate of occupancy and/or final inspection from the proper code enforcement agency signed by the homeowner;
- The submission of the release of liens certification from the contractor(s);
- The submission of the original recorded Loan and Restrictive Covenants Agreement or Tribal Land Loan Agreement, (if applicable);
- Copy of bid documents and advertisement;
- Copy of executed construction contract with scope of work attached as an exhibit;
- Copies of lead-based paint risk assessment, notification certification(s), and clearance (if applicable);
- Environmental Review checklist and documents; and

- Completed file document checklist.

Final invoices will be paid when all close-out documents are received and approved by MFA.

INCURRED EXPENSES

MFA shall not be responsible for any expenses incurred by an Applicant in applying for a CPF award. All costs incurred by an Applicant in the preparation, transmittal or presentation of any application or material submitted in response to this NOFA will be borne solely by the Applicant.

ADMINISTRATIVE EXPENSES

The administrative costs for the program may be used for non-direct project related activities that contribute to the service providers CPF program. The indirect cost rules under 2 CFR Part 200, subpart E apply. The Performance Agreement will detail the indirect cost rate. All direct project-related activities such as the wages for the project manager or administrative assistant must be charged as soft costs and not to the administrative fees. The administrative costs and soft costs cannot be passed on to the homeowner. The NOFA will remain open as long as there are available funds. MFA will provide notice of additional funding allocations to the program through MFA's website.

REPORTING

At a minimum, MFA will require awarded Applicants report on beneficiary data on households served and the activities completed for each household served.

OTHER FEDERAL REQUIREMENTS

Service providers must meet Conflict of Interest Requirements as well as any other federal and state requirements applicable to the CPF program including those listed in the FY2023 Economic Development Initiative Community Project Funding Grant Guide published on May 23, 2023, including:

- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2FR Part 200.
- Environmental Review Requirements (24 CFR Part 50 or Part 58)
- Section 3 of the Housing and Urban Development Act of 1968 found at 24 CFR Part 75 apply to all grant recipients that are awarded \$200,000 or more for projects involving housing construction, rehabilitation, or other public construction. CPF grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR §75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) (42 U.S.C. §§ 4601 et seq.), and the government-wide regulations issued by the Federal Highway Administration at 49 CFR Part 24.
- Generally applicable HUD and CPD requirements in 24 CFR Part 5, subpart A, including all applicable fair housing, and civil rights requirements. Grants to Tribes and TDHEs are subject to the nondiscrimination requirements in 24 CFR 1000.12 in lieu of the nondiscrimination requirements in 24 CFR 5.105(a).
- HUD's regulations at 24 CFR §5.109 concerning equal participation of faith-based organizations in HUD programs and activities.

- The System for Award Management (SAM) and Universal Identifier Requirements under 2 CFR Part 25 apply.
- Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA).
- The governmentwide debarment and suspension regulations in 2 CFR Part 180 apply as incorporated and supplemented by HUD's implementing regulations in 2 CFR Part 2424.
- Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR Part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award.
- Lead Disclosure; and Lead Safe Housing (24 CFR part 35), and EPA's lead- based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)

APPLICATION SUBMISSION

APPLICATION FORMAT AND INSTRUCTIONS TO APPLICANTS

Applicant's service provider proposal submissions must be complete and include all information requested in the NOFA. All exhibits identified in this NOFA are included in the application checklists. Application checklists include but are not limited to the exhibits, documentation, schedules, audits, certifications, and disclosures.

Staff may contact applicants for clarification of the information provided. In the event of a tie score, staff will recommend approval based on need and what is best for achieving program objectives. MFA will enter into a Performance Agreement with the applicant(s) whose applications are deemed to be most advantageous to achieving the goals of the CPF program.

Applicants must complete and submit the service provider application form (Exhibit A) with all required documents included in the service provider application checklist. Under the provisions of this open NOFA, MFA staff will evaluate the application using the Minimum Qualifications and Requirements, and service provider evaluation and scoring criteria listed in this NOFA. Upon approval, MFA and the service provider will enter into a Performance Agreement. Upon execution of the Performance Agreement, project applications can be submitted for project awards.

IRREGULARITIES IN APPLICATIONS

MFA may waive technical irregularities in the application of any Applicant selected for an award which do not alter the price, quality or quantity of the services offered.

RESPONSIBILITY OF APPLICANTS

If an Applicant who otherwise would have been awarded funds is found not to be a responsible Applicant, a determination setting forth the basis of the finding, shall be prepared and the Applicant disqualified from receiving the award.

A responsible Applicant means an Applicant who submits an application that conforms in all material respects to the requirements of this NOFA and who has furnished, when required, information and data to support the application. MFA in its sole discretion, shall determine and otherwise verify Applicant's ability to make satisfactory delivery of the services described in this NOFA.

APPLICATION CONFIDENTIALITY

MFA will not disclose the contents of any application or discuss the contents of any application with an Applicant or potential Applicant. The contents of any application will not be disclosed to Applicants competing for funding at the

same time under this NOFA. After awards have been made, and notice given to Applicant(s), all applications shall be made available and open to the public for review pursuant to the MFA Inspection of Public Records policy and procedure.

APPLICATION REVIEW INFORMATION

EVALUATION OF APPLICANTS AND DOCUMENTATION

MFA staff will evaluate service provider applications using the Minimum Qualifications and Requirements, and service provider evaluation and scoring criteria as described in the following sections. MFA will follow its own policies and procedures and delegations of authority to obtain the necessary award approvals.

Upon approval, MFA and the service provider will enter into a Performance Agreement with the term to be determined by MFA based on service provider capacity and other factors.

The Performance Agreement will include provisions for adequate security against the loss of CPF program funds if a successful Applicant abandons or otherwise fails to complete a project and further will include remedies and default provisions in the event of the unsatisfactory performance by the successful Applicant.

SERVICE PROVIDER EVALUATION CRITERIA

MINIMUM QUALIFICATIONS AND REQUIREMENTS

The following criteria must be met by all Applicants to be considered an approved service provider to receive Community Project Funding: Affordable Housing for New Mexico's Fire Affected Counties funding. Applications from Applicants that do not meet the Minimum Qualifications and Requirements will be rejected.

- Applicant must be organized under state, local, or tribal laws and can provide proof of such organization and that Applicant is in good standing, as applicable;
- Applicants must have a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles or has a fiscal agent familiar with affordable housing programs and projects or in lieu of an audit, an independent CPA's review of financial statements, signed by the reviewer.
- Applicants may not have any significant financial audit findings, and no significant outstanding or unresolved monitoring findings from any governmental entity, or from MFA, or otherwise; or if it has any such findings, it has a certified letter from the governmental entity, MFA, or otherwise stating that the findings are in the process of being resolved.
- Applicant may not have been suspended, debarred, or otherwise restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct.
- Applicant may not have defaulted on any obligation covered by a surety or performance bond.
- Applicant must have maintain acceptable General Liability Insurance and work with qualified and licensed and bonded contractors.

Non-profit applicants must also provide proof of the following:

- 501(c)(3) tax status;
- Having no part of its net earnings inuring to the benefit of any member, founder, contributor or individual; and

- Compliance with the Charitable Solicitations Act, NMSA 1978, §57-22-1 et seq. and with the filing requirements by the New Mexico Attorney General’s Office under that Act.

APPLICANT SCORING CRITERIA

In addition to demonstrating fulfillment of the Minimum Qualifications and Requirements, Applicants must score a minimum of 75 of the total points possible.

CRITERIA		MAXIMUM SCORE
FINANCIAL STRENGTH		25
EXTERNAL AUDIT		
Independent audit or audited financial statements must be for the most recently completed fiscal year not ending earlier than 2022. Audit materials must include management’s response to any findings and corrective action to clear the finding or provide details on the current status of a finding.		
Unresolved findings	0	15
Independent Audit with management letter and auditor-cleared findings	10	
Independent Audit with zero findings	15	
FINANCIAL MANAGEMENT		
<ul style="list-style-type: none"> • Provide the policy for the Applicant’s system of internal controls for fiscal management as documented in a policies and procedures manual approved by the Applicant’s Board of Directors/Owner. • Provide by-laws requiring Board of Director’s/Owners fiscal oversight. 		
Strength of internal control policy		5
Board of Director by-laws showing fiscal oversight		5
EXPERIENCE		25
Number of Combined Years Experience with Construction/Rehabilitation Projects		10
Less than 15 years	5	
15 to 24 years	7	
25 plus	10	

Number of Combined Years Experience with Affordable Housing Programs		10
Less than 15 years	5	
15 to 24 years	7	
25 plus	10	
Number of Combined Years Experience with Federal Grant Programs		5
Less than 15 years	3	
15 to 24 years	5	
IMPLEMENTATION PLAN		25
Provide a summary of how the service provider will implement CPF program that includes the following elements: a description of eligible activities to be provided, a listed of counties and jurisdictions that will be served, beneficiary outreach and intake process, contractor procurement, quality assurance plan, schedule of completion.		
Description of eligible activities to be provided and counties/jurisdictions that will be served		5
Beneficiary outreach and intake process		5
Contractor procurement		5
Quality assurance plan		5
Schedule of completion		5

AWARD NOTICE

MFA shall provide electronic notice (e-mail) of project award(s) to successful Applicants within fifteen days of the MFA Board approval of the award. The award shall be contingent upon signing final award documents. The notification will be delivered to the contact person indicated on the application. This process also applies to denial notification.

PROTESTS

Any Applicant who is aggrieved in connection with this NOFA or the notification of preliminary selection to this NOFA may protest to MFA. A protest must be based on an allegation of a failure to adhere to the evaluation process as designated in the NOFA, including MFA’s evaluation of proposals.

The protest must be delivered to MFA via e-mail to sgonzales@housing.org within five business days after the preliminary notice of award. Protests received after the deadline will not be considered. Upon the timely filing of a

protest, MFA shall give notice of the protest to all Applicants who appear to have a substantial and reasonable prospect of being affected by the outcome of the protest. The Applicants receiving notice may file responses to the protest within five business days of notice of protest. The protest and responses to the protest shall be reviewed by the MFA Policy Committee, the Policy Committee shall make a final determination. The protest is then heard by the applicable Board Committee. The Board Committee's recommendation is then taken to the full Board for approval. MFA will issue a notice of determination relating to the protest within a reasonable period of time after submission of the protest. The determination by MFA shall be final.

No appeal of the determination shall be allowed. Applicants or their representatives shall not communicate with members of MFA's Board of Directors, or any MFA staff member regarding any application under consideration, except when specifically permitted to present testimony to the Board. An application will be deemed ineligible if the Applicant or any person or entity acting on behalf of the Applicant attempts to influence members of the MFA Board of Directors or MFA staff during any portion of the NOFA review process or does not follow the prescribed application and protest process.

FUNDING TERMS AND CONDITIONS

All awards will be subject to the availability of funds, applicable laws, and funding source regulations for the CPF program. MFA will allocate only the minimum amount of funds that it determines to be necessary for the financial feasibility of a project and its viability.

This NOFA will remain open as long as there are funds available. Service providers will be able to request additional funding when their initial award is at least 80% expended and when it is determined by MFA that they have satisfactorily completed assigned projects.

CODE OF CONDUCT

Applicants, including members of the Applicant's board, shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services related to this application. The Applicant shall always conduct itself in a manner consistent with the MFA's Third-Party Code of Conduct. A copy of the MFA Third Party Code of Conduct is posted on the MFA website for review at https://housingnm.org/uploads/documents/Third_Party_Code_of_Conduct.pdf . Upon request by MFA, Applicant shall disclose information that MFA may reasonably request relating to conflicts or potential conflicts of interest.

EXHIBIT A: APPLICATION

MFA staff may contact Applicants for clarification of the information provided in the application process.

APPLICANT INFORMATION

Entity Type:

- Non-Profit Organization
- For-Profit Organization
- Governmental Housing Agency or Authority
- Governmental Entity
- Governmental Instrumentality
- Regional Housing Authority
- Public Housing Authority
- Tribal Government
- Tribal Housing Agency or Housing Authority
- Other

Applicant _____ Application Date _____

Federal Tax ID _____ UEI # _____

Address _____

City _____ State _____ Zip _____

Contact Person _____ Title _____

E-Mail _____ Phone _____ Fax _____

Applicant's Website _____

AWARD REQUEST

<i>Indicate the award request:</i>	
Project Activity Funding	
Administrative Funding (May not exceed 7.8% of Project Activity Funding)	
Total	

MINIMUM QUALIFICATIONS

Check all applicable statements:

- Applicant is organized under state, local, or tribal laws and can provide proof of such organization and that Applicant is in good standing, as applicable.

Applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles or has a fiscal agent familiar with affordable housing programs and projects or in lieu of an audit, an independent CPA's review of financial statements, signed by the reviewer.

Applicant has no significant financial audit findings, and no significant outstanding or unresolved monitoring findings from any governmental entity, or from MFA, or otherwise; or if it has any such findings, it has a certified letter from the governmental entity, MFA, or otherwise stating that the findings are in the process of being resolved.

Applicant has not been suspended, debarred, or otherwise restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct.

Applicant has not defaulted on any obligation covered by a surety or performance bond.

Applicant maintains acceptable General Liability Insurance and works with qualified and licensed and bonded contractors.

ADDITIONAL QUALIFICATION FOR NON-PROFIT APPLICANTS:

Applicant evidences 501(c)(3) tax status;

Applicant evidences that no part of its net earnings inuring to the benefit of any member, founder, contributor or individual; and

Applicant is in compliance with the Charitable Solicitations Act, NMSA 1978, §57-22-1 et seq. and with the filing requirements by the New Mexico Attorney General's Office under that Act.

SCORING CRITERIA

The following criteria must be met by all Applicants to be considered an approved Service Provider to receive HOME Rehabilitation Program funding. To assist MFA in the scoring process, applicants must provide all requested documents listed in the Scoring Criteria section. Applicants must score a **minimum of 50 points** of the total points possible.

FINANCIAL STRENGTH – 25 Possible Points

External Audit – 15 Possible Points

Based on the applicant's most recent independent Certified Public Accountant (CPA)'s auditor's report (audit) conducted in accordance with Government Auditing Standards (GAS) or a recent MFA approved audit letter, which of the following applies to the applicant:

Unresolved findings (0 possible points)

Independent Audit with management letter and auditor-cleared findings (10 possible points)

Independent Audit with zero findings (15 possible points)

Financial Management – 10 Possible Points

Based on the policy for the applicant's system of internal controls for fiscal management as documented in a policies and procedure manual approved by the applicant's Board of Directors/Owner, does the applicant have the following:

- Internal control policy
- Board of Director by-laws showing fiscal oversight

EXPERIENCE – 25 Possible Points

<i>Provide a summary that includes number of combined years’ experience with Construction/Rehabilitation projects (10 possible points).</i>
<i>Provide a summary that includes number of combined years’ experience with affordable housing programs (10 Possible Points)</i>
<i>Provide a summary that includes number of combined years’ experience with federal grant programs (5 Possible Points)</i>

IMPLEMENTATION PLAN – 25 Possible Points

<i>Describe the eligible activities to be provided and counties/jurisdictions that will be served (5 possible points).</i>
<i>Provide a summary of beneficiary outreach and intake process (5 possible points).</i>
<i>Provide a summary of the procurement process for potential contractors (5 possible points).</i>
<i>Provide a quality assurance plan that thoroughly describes how Applicant will ensure the highest level of service (5 possible points).</i>
<i>Provide a schedule of completion (5 possible points).</i>

REQUIRED DOCUMENT CHECKLIST

Check all documents provide with the application:

DOCUMENTS REQUIRED FROM ALL APPLICANTS

- Proof organization is formed under state, local, or tribal laws
- Current Business License
- Organization mission statement
- “Good Standing” Certification from SAM.gov
- Copy of the most recent independent Certified Public Accountant (CPA)’s auditor’s report (audit) conducted in accordance with Government Auditing Standards (GAS) or a recent MFA approved audit letter
- Applicant’s Board of Directors or governing body information
- Accounting Practices Certification

The policy for the Applicant's system of internal controls for fiscal management as documented in a policies and procedures manual approved by the Applicant's Board of Directors/Owner.

By-laws requiring Board of Director's/Owners fiscal oversight.

ADDITIONAL DOCUMENTS REQUIRED FROM NON-PROFIT APPLICANTS

A 501 (c)(3) or (4) Certificate from the IRS

Articles of incorporation or charter that evidence that no part of the non-profit's net earnings inures to the benefit of any member, founder, contributor, or individual

Proof of current registration as a charitable organization with the New Mexico Attorney General's Office for fiscal year ending in 2022 or proof of exemption therefrom (must include all pages of registration form)