

**APPLICATION FOR NEW MEXICO BUSINESS PREFERENCE CERTIFICATION**

**Section 1 Preference Certificate Type**

Select the type of Preference Certificate applying for (Check only one and see instructions)

- Resident Business Preference Certificate Complete sections 2, 3 and 8
- Resident Contractor Preference Certificate Complete sections 2, 4 and 8
- Resident Veteran Business Preference Certificate Complete sections 2, 3, 5, and 8
- Resident Veteran Contractor Preference Certificate Complete sections 2, 4, 5, and 8
- Native American Resident Business Preference Certificate Complete sections 2, 6 and 9
- Native American Resident Contractor Preference Certificate Complete sections 2, 6 and 9
- Native American Resident Veteran Business Preference Certificate Complete sections Sections 2, 7 and 9
- Native American Resident Veteran Contractor Preference Certificate Complete sections Sections 2, 7 and 9

**Section 2 General Information**

1. Name of Business	2. Doing Business As (DBA) if applicable
3. Mailing Address - City, State, Zip Code	
4. Physical Address - City, State, Zip Code	
5. Name of Business Owner or Officer	6. Phone Number of Business Owner or Officer
7. E-mail of Business Owner or Officer	8. Name of Business Contact
9. Phone Number of Business Contact	10. E-mail of Business Contact
11. New Mexico Business Tax Identification Number (NMBTIN)	12. FEIN/SSN

Please see page 6 for the correct mailing address for the APPLICATION AND FEE SUBMISSION

**Section 3 Resident Business and Resident Veteran Business Status Information**

**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 or does not otherwise describe the applicant's business, it may not qualify for certification.**

- 13. Existing Business**
- The business has been in existence for at least three years; **and**
  - The business is licensed to do business in New Mexico; **and**
  - The business has paid property taxes or rent on real property in New Mexico in *each* of the preceding three years; **and**
  - The business has paid at least one other tax administered by the State of New Mexico in *each* of the preceding three years.
- 14. New Business**
- The business did not exist as a business in any form and has been in existence for less than three years; **and**
  - The business is currently licensed to do business in New Mexico; **and**
  - The owner or majority of owners of the business have paid property taxes or rent on real property in New Mexico in each of the preceding three years; **and**
  - The owner or majority of owners have paid at least one other tax administered by the State of New Mexico in each of the preceding three years; **and**
  - This business has not applied for a Resident Business Certificate or Resident Contractor Certificate during the preceding three years
- 15. Relocated Business**
- The business moved at least eighty (80%) percent of its total domestic personnel from another state to New Mexico in the past five years; **and**
  - The business is licensed to do business in New Mexico; **and**
  - At least eighty (80%) percent of the total personnel of the business in the prior year were residents of New Mexico; **and**
  - 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.

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### 16. Previously Certified Business or Business Previously Eligible for Certification

- The business is licensed to do business in New Mexico; **and**
- The previous business obtained or was eligible for resident business certification; however, the business 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.

### Section 4 Resident Contractor and Resident Veteran Contractor Additional Information and Status Information

17. Name of Licensed Contractor

18. Contractor License Number

19. VIN of Vehicle Registered by Contractor with New Mexico

20. Name of Vehicle Owner

**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 or does not otherwise describe the applicant's business, it may not qualify for certification.**

### 21. Existing Contractor

- The contractor has been in existence for at least five years; **and**
- The contractor is licensed as a contractor in New Mexico; **and**
- The contractor has paid property taxes or rent on real property in New Mexico in *each* of the preceding five years; **and**
- The contractor has paid at least one other tax administered by the State of New Mexico in *each* of the preceding five years; **and**
- The contractor has paid unemployment insurance on at least three full-time New Mexico resident employees in *each* of the preceding five years **OR** the contractor has been licensed as a contractor in New Mexico for ten consecutive years.

### 22. New Contractor

- The contractor did not exist as a business in any form and has been in existence for less than five years; **and**
- The contractor is currently licensed as a contractor in New Mexico; **and**
- The owner or majority of owners of the business have paid property taxes **OR** rent on real property in New Mexico in *each* of the preceding five years; **and**
- The owner or majority of owners of the business have paid at least one other tax administered by the State of New Mexico in *each* of the preceding five years; **and**
- This contractor has not applied for a Resident Business Certificate or Resident Contractor Certificate during the preceding five years.

### 23. Relocated Contractor

- 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**
- The contractor is currently licensed as a contractor in New Mexico; **and**
- At least eighty (80%) percent of the total personnel of the business in the prior year were residents of New Mexico; **and**
- 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.

### 24. Previously Certified Contractor or Contractor Previously Eligible for Certification

- The contractor is licensed as a contractor in New Mexico; **and**
- The previous contractor obtained or 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.

### Section 5 Resident Veteran Business and Resident Veteran Contractor Annual Revenue and Documentation

**Please provide the business' previous year's annual revenues below and attach the required documents. If the required documents are attached, please place a checkmark next to the second statement below. An application submitted without the required information and documentation will be considered incomplete and will be denied. See instructions for additional information.**

### 25. Veteran Business and Veteran Contractor Statements

- The previous year's annual revenues of the resident veteran business are \$\_\_\_\_\_ ; **and**
- Attached to this application is verification by the U.S. Department of Veterans Affairs that the business is either a veteran-owned small business or a service-disabled veteran-owned small business; **OR** Attached to this application is proof that a veteran or veterans own a majority of the business and verification of either (1) veteran status as indicated by the U.S. Department of Defense DD Form 214 of release or discharge from active duty with an honorable discharge **OR** (2) service disabled-veteran status by the U.S. Department of Veterans Affairs.

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### Section 6 Native American Resident Business and Native American Resident Contractor Status Information

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 or does not otherwise describe the applicant's business, it may not qualify for certification.

#### 26. Indian Nation, Tribe, or Pueblo Owned Business

- The business is operating on lands located on an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; **and**
- At least fifty-one percent owned by an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; provided that:
  - (a) the Indian nation, tribe or pueblo receives at least a majority of the net income from the business; and (b) the management and daily operation of the business are controlled by one or more individuals who are members of a New Mexico Indian nation, tribe or pueblo.

#### 27. Indian Nation, Tribe, or Pueblo Member Owned Business

- The business is operating on lands located on an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; **and**
- At least fifty-one percent owned by one or more New Mexico residents who are members of a federally recognized Indian nation, tribe or pueblo located in whole or in part on land within New Mexico and that is established for the purpose of profit; provided that: (a) the Native American owners receive at least a majority of the net income from the business; **and** (b) the management and daily operation of the business are controlled by one or more individuals who are members of a New Mexico Indian nation, tribe or pueblo.

### Section 7 Native American Resident Veteran Business and Native American Resident Veteran Contractor Annual Revenue and Documentation

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 or does not otherwise describe the applicant's business, it may not qualify for certification. An application submitted without the required information and documentation will be considered incomplete and will be denied. See instructions for additional information.

#### 28. Indian Nation, Tribe, or Pueblo Member Owned Business

- The previous year's annual revenues of the Native American veteran business are \$\_\_\_\_\_; **and**
- The business is operating on lands located on an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; **and**
- At least fifty-one percent owned by one or more New Mexico residents who are members of a federally recognized Indian nation, tribe or pueblo located in whole or in part on land within New Mexico and that is established for the purpose of profit; provided that: (a) the Native American owners receive at least a majority of the net income from the business; **and** (b) the management and daily operation of the business are controlled by one or more individuals who are members of a New Mexico Indian nation, tribe or pueblo.
- Attached to this application is (1) verification by the U.S. Department of Veterans Affairs that the business is either a veteran-owned small business or a service-disabled veteran owned small business; (2) verification of veteran status of a majority of the owners of the business as indicated by the U.S. Department of Defense DD Form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the U.S. Department of Veterans Affairs; or (3) verification of veteran status of the contractor as indicated by the U.S. Department of Defense DD Form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the U.S. Department of Veterans Affairs.

### APPLICATION FOR NEW MEXICO BUSINESS PREFERENCE CERTIFICATION

**Section 8 Affidavit From Certified Public Accountant (CPA)**

Name of CPA (print) \_\_\_\_\_

CPA License Number, Issue Date, and State of Issuance \_\_\_\_\_

Select the type of Preference applying for (Check only one and see instructions):

- Resident Business Preference Certificate                       Resident Contractor Preference Certificate
- Resident Veteran Business Preference Certificate                       Resident Veteran Contractor Preference Certificate

I hereby swear, under oath that it is my professional opinion that the applicant meets the required criteria set forth in Section 13-1-21 and 13-1-22 NMSA 1978 for the Preference Certification type checked above and that ALL information provided and ALL checkmarked statements in the foregoing application are true and complete to the best of my knowledge.

Signature of CPA \_\_\_\_\_ Date \_\_\_\_\_

**Notary**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_  
Date

NOTARY STAMP

Notary Public Signature \_\_\_\_\_

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 \_\_\_\_\_

**Section 9 Affidavit From Applicant**

Select the type of Preference applying for (Check only one and see instructions):

- Native American Resident Business Preference Certificate                       Native American Resident Contractor Preference Certificate
- Native American Resident Veteran Business Preference Certificate
- Native American Resident Veteran Contractor Preference Certificate

I hereby swear, under oath that the applicant meets the required criteria set forth in Section 13-1-21 and 13-1-22 NMSA 1978 for the Preference Certification type checked above and that ALL information provided and ALL checkmarked statements in the foregoing application are true and complete to the best of my knowledge. 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 \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

**Notary**

Subscribed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_  
Date

NOTARY STAMP

Notary Public Signature \_\_\_\_\_

# APPLICATION FOR NEW MEXICO BUSINESS PREFERENCE CERTIFICATION

## Instructions

New Mexico businesses who wish to obtain a Resident Business Preference, Resident Contractor Preference, Resident Veteran Business Preference, Resident Veteran Contractor Preference, Native American Resident Business Preference, Native American Resident Contractor Preference, Native American Resident Veteran Business, or Native American Resident Veteran Contractor Preference (Section 13-1-21 and 13-1-22 NMSA 1978) must first apply for and obtain a certificate issued by the New Mexico Taxation and Revenue Department (Department). 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 business must submit with its bid or proposal a copy of a valid certificate.

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

The purchasing agent for a public body may verify that a certificate is issued by Department by accessing the web site <https://secure.mvd.newmexico.gov/residentcertificate/default.aspx>, or by calling (505) 231-6893.

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The Department has prescribed form TRD-31120, Application for New Mexico Business Preference Certification that must be completed on paper or electronically on TAP in order to obtain a Resident Business Preference, Resident Contractor Preference, Resident Veteran Business Preference, Resident Veteran Contractor Preference, Native American Resident Business Preference, Native American Resident Contractor Preference, Native American Resident Veteran Business, or Native American Resident Veteran Contractor Preference certificate. The required contents of the form are summarized below.

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 1 Preference Type

This section requires that the preference type the applicant is applying for be selected and also explains which additional sections need to be completed for the selected preference type.

### Section 2 General Information

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

If applicant is applying for a Resident Contractor Preference, Resident Veteran Contractor Preference, Native American Resident Contractor Preference, or Native American Resident Veteran Contractor Preference certificate the contact information must be that of the licensed contractor or the licensed contractor's authorized representative.

### Section 3 Resident Business and Resident Veteran Business Status Information

If applicant is applying for a Resident Business Preference or Resident Veteran Business certificate the Certified Public Accountant (CPA) must select the business status category that applies to the business: existing business, new business, relocated business, or previously certified business or business previously eligible for certification. The CPA must select only the business status category that pertains to the applicant and indicate which statements included in the applicable category accurately describe the business. If any statement is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.

### Section 4 Resident Contractor and Resident Veteran Contractor Additional Information and Status Information

If applicant is applying for a Resident Contractor Preference or Resident Veteran Contractor Preference certificate the additional information in this section must be provided. The (CPA) must select the business status category that applies to the business: existing business, new business, relocated business, or previously certified business or business previously eligible for certification. The CPA must select only the business status category that pertains to the applicant and indicate which statements included in the applicable category accurately describe the business. If any statement is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.

### Section 5 Resident Veteran Business and Resident Veteran Contractor Annual Revenue and Documentation

If applicant is applying for a Resident Veteran Business or Resident Veteran Contractor certificate complete Section 5 by entering the previous year's annual revenues of the business or contractor and attaching the documentation required. An application submitted without the required information and documentation will be incomplete and denied. Previous year's annual revenue can be found on federal forms 1120, 1065 or 1140.

### Section 6 Native American Resident Business and Native American Resident Contractor Status Information

If applicant is applying for a Native American Resident Business or Native American Resident Contractor certificate indicate which statements accurately describe the business. If any statement is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.

# APPLICATION FOR NEW MEXICO BUSINESS PREFERENCE CERTIFICATION

## Instructions

### Section 7

#### Native American Resident Veteran Business and Native American Resident Veteran Contractor Annual Revenue and Documentation

If applicant is applying for a Native American Resident Veteran Business or Native American Resident Veteran Contractor certificate complete Section 7 by entering the previous year's annual revenues of the business or contractor and attaching the documentation required. An application submitted without the required information and documentation will be incomplete and denied. Previous year's annual revenue can be found on federal forms 1120, 1065 or 1140.

### Section 8

#### Affidavit From Certified Public Accountant (CPA)

If applicant is applying for a Resident Business Preference, Resident Contractor Preference, Resident Veteran Business Preference, or Resident Veteran Contractor Preference certificate complete this section of the form which is a sworn statement by the CPA indicating that the statements selected in any applicable sections are accurate descriptions of the business, and that all other information provided in the application 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 business meets the required criteria for selected preference type the applicant is applying for.

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

### Section 9

#### Affidavit From Applicant

If applicant is applying for a Native American Resident Business Preference, Native American Resident Contractor Preference, Native American Resident Veteran Business Preference, or Native American Resident Veteran Contractor Preference certificate complete this section of the form which is a sworn statement by the owner of the business, officer of the business or the business' authorized representative indicating that the statements selected in any applicable sections are accurate descriptions of the business, and that all other information provided in the application is true and correct to the best of their knowledge. The affidavit also provides a sworn statement that it is the owner of the business, officer of the business or the business' authorized representative professional opinion that the business meets the required criteria for selected preference type the applicant is applying for.

### APPROVALS AND PENALTIES

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

If there is a change of ownership of more than 50%, the applicant must reapply. A business 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.

A person can not benefit from a preference from more than one business at the same time.

If an application is denied, the business has 15 days from the date of the denial to file an objection with the Department, submitting evidence to support the objection. The Department 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, the Department finds that a business provided false information to the Department in order to obtain a certificate or that a business used a certificate to obtain a preference and the business 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 the Department 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

The Department 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 veteran business. If the Department contemplates revocation, it will issue a Notice of Contemplated Action to the business. The business will be provided with an opportunity to request an administrative hearing on the matter.

### APPLICATION AND FEE SUBMISSION

You can apply for a New Mexico Business Preference Certificate, upload all required documentation, and pay the \$35 application fee online using TAP <https://tap.state.nm.us>.

You can also submit your completed application along with \$35 application fee to:

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

For questions concerning the application process please call (505) 231-6893.