NOTICE OF RULEMAKING

The Department of Finance and Administration has scheduled a public hearing for the proposed repeal of New Mexico Administrative Code (NMAC) rule 2.40.2, *Governing the Approval of Contracts for the Purchase of Professional Services.* The purpose of the hearing is to take public comment regarding the proposed repeal of 2.40.2 NMAC in its entirety.

Laws 2019, Chapter 153 (originating as Senate Bill 88) enacted the transition of the Contracts Review Bureau (CRB) from the Department of Finance and Administration (DFA) to the General Services Department (GSD). After that transition, the regulatory framework governing professional services contracts, formerly codified at 2.40.2 NMAC under the Department of Finance and Administration, was renumbered to 1.4.10 NMAC within the General Services Department chapter of the New Mexico Administrative Code. Because the Contracts Review Bureau and its authority to review and approve state agency professional services contracts now reside in the General Services Department under 1.4.10 NMAC, Title 1, Chapter 4, Part 10, *Governing the Approval of Contracts for the Purchase of Professional Services*, the Department of Finance and Administration no longer administers this subject matter, and 2.40.2 NMAC is obsolete. The Department therefore proposes to repeal 2.40.2 NMAC in its entirety. This is a repeal only; the professional services contract review requirements remain in effect under 1.4.10 NMAC as administered by the General Services Department, and this action changes no substantive requirement.

Notice Date: November 17, 2026
Hearing Date: December 18, 2026 at 11:00 a.m.
Adoption Date: Proposed as December 18, 2026
Effective Date: Proposed as January 13, 2027
Technical Citations: 2.40.2 NMAC

The Department is proposing the following rulemaking action as follows:

2.40.2 NMAC, *Governing the Approval of Contracts for the Purchase of Professional Services*, issued by the Department of Finance and Administration under Title 2, Chapter 40, Part 2 of the New Mexico Administrative Code, is proposed to be repealed in its entirety. Sections 2.40.2.1 through 2.40.2.16 NMAC will be repealed. The subject matter of the repealed part is now codified at 1.4.10 NMAC and administered by the General Services Department.

This proposed repeal will be contained in 2.40.2 NMAC. The register and the proposed repeal are available on the DFA website at https://www.nmdfa.state.nm.us/. If you do not have internet access, you may request a copy of the proposed register and repeal by contacting DFA's General Counsel's office at dfalegal@dfa.nm.gov.

The DFA plans to adopt this repeal on December 18, 2026.

A public hearing to receive testimony on this proposed repeal will be held on December 18, 2026, at 11:00 a.m. A hearing will be held at the New Mexico Department of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Santa Fe, NM 87501, State Budget Conference Room, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link: https://teams.microsoft.com/meet/2990108523708792?p=F65bM0GUra1zUY4MDY
Meeting ID: 299 010 852 370 879 2
Passcode: rM34X7Ls

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor's county.

Interested persons may address written comments to:
Department of Finance and Administration, Office of General Counsel
ATTN: 2.40.2 NMAC Public Comments
407 Galisteo St.
Bataan Memorial Building
Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on December 17, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at https://www.nmdfa.state.nm.us/ along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.