**New Mexico Volkswagen Trust Settlement Program**

 **Frequently Asked Questions**

1. **Please verify that the following are included within the heavy-duty on-road eligible mitigation projects:**
* **Class 8 Local freight trucks and port drayage trucks (eligible large trucks);**
* **Class 4-8 School bus, shuttle bus, or transit bus (eligible buses); and**
* **Class 4-7 Local freight trucks (medium trucks).**

*These vehicles are considered eligible mitigation actions as outlined in Appendix D-2 of the Final Trust document, which can be found at:* [*Final Trust*](https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2018-05/Final%20Filed%20Dkt%2051-1%20%20State%20Beneficiary%20Trust%20Agreement_0.pdf#page=51).

1. **Can the parts from scrapped vehicles be salvaged?**

*Yes, once the vehicle has been disabled and the disabling is documented by an agent of the NMED, the owners may do whatever they want with the vehicle, including salvaging parts from the scrapped vehicles and selling the vehicles for scrap.*

1. **Do forklifts at locations other than ports qualify for funding?**

*Yes, forklifts at locations other than ports qualify for VW Settlement funds.*

1. **Do eligible vehicles that are currently using an alternative fuel, such as CNG or propane, and that are proposed to be replaced with an alternative fuel vehicle qualify for the VW Settlement funds?**

*Yes, a vehicle that is currently using propane or CNG will qualify for VW settlement funding.*

1. **Can a federal government-owned fleet participate in the VW Settlement funding program? Federally-owned vehicles are not registered in New Mexico.**

*Yes. These vehicles should be based in and operated primarily within New Mexico.*

1. **Do activity school buses qualify as Eligible Mitigation Actions?**

*Yes, activity school buses qualify as Eligible Mitigation Actions.*

1. **Do private fleets need to follow the state procurement code and get three bids for replacement/new vehicles?**

*Private entities are specifically exempted from following the State’s Procurement Code and may indicate “N/A” in response to this question. However, private entities should obtain three quotes and use the lowest quote unless it can be justified why the lowest quote was not used. In the event that three vendors that make or sell the goods are not available, justification will be required. Questions regarding the State Procurement Code may be directed towards Robert Cardon at* *robert.cardon2@state.nm.us* *or 505.476.4306.*

1. **The NMED is requiring a pre-application meeting. Is there a listing where we can find scheduled pre-application meetings for the pre-application meetings?**

*Pre-application meetings will be scheduled on an individual basis and may be conducted in person or by telephone.*

1. **What are the funding amounts per vehicle?**

*The funding amounts are specified in appendix D-2 of the* [*Final Trust*](https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2018-05/Final%20Filed%20Dkt%2051-1%20%20State%20Beneficiary%20Trust%20Agreement_0.pdf#page=51) *document.*

1. **Does the initial round of funding for heavy-duty on-road and limited off-road diesel emission reduction include airport ground support equipment?**

*Yes, the initial round of funding includes airport ground support equipment.*

1. **It is stated in the application that the replacement vehicle must be registered in the State of New Mexico. Will the NMED accept an International Registration Plan (IRP) in place of a state registration?**

*Yes, if the applicant demonstrates that the vehicles will be based and operate primarily within in New Mexico.*

1. **Must the vehicle proposed for replacement be running?**

*Yes, the old vehicle must be operational at the time of the award.*

1. **Is there a time limit to complete projects?**

*The NMED did not set a time limit for the completion of projects, although the application does require a summary of the anticipated time of completion. The NMED understands that it may be difficult for a vendor to commit to a specific delivery date. The project as proposed must be completed in a reasonable amount of time.*

1. **Are there options beyond ”scrappage” as listed in Appendix D-2 of the Final Trust Document for disabling the vehicle(s)?**

*No, the NMED cannot deviate from the requirements of the* [*Final Trust*](https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2018-05/Final%20Filed%20Dkt%2051-1%20%20State%20Beneficiary%20Trust%20Agreement_0.pdf)*. See the definition for “Scrapped” in Appendix D-2 of the Final Trust Document. What happens after scrappage occurs, however, is up to the owner of the vehicle(s).*

1. **There are other documents and reporting procedures found in the Final Trust document, Appendices D-3 through D-5. Will the recipient of an award be required to submit those documents for reimbursement?**

*No, documents found in Appendices D-3 through D-5 are only for the lead agency, NMED.*

1. **If a public or private entity receives an award, can the terms be renegotiated by either the NMED or the awardee?**

*No, the terms of the award are based on the application submitted by the awardee.*

1. **Due to the present price fluctuation in materials, if a vehicle is delivered and there is a cost increase due to materials, can this cost be negotiated with the NMED?**

*No, any cost increase over the amount agreed upon in the application will have to be covered by the awardee.*

1. **If our project is selected, what additional information will be necessary to provide to the NMED?**

*If your project is selected, you will be asked to provide additional information regarding proposed cost estimates, detailed budgets, projected timelines, and compliance with any applicable state procurement or contracting requirement. This information will be required for the Trust to review whether the project meets all requirements of the Settlement.*

 *Refer to Subparts 5.2.4, 5.2.5, 5.2.6, 5.2.11, and 5.2.13 of the Settlement Agreement. This information is required to be addressed in the request for funding that will be submitted to the Trustee for approval.*

1. **Can we submit a proposal that would replace vehicles owned by our company with new, leased vehicles?**

No, NMED will not fund projects where the replacement vehicles are leased, and not purchased.