

APPENDIX D-4

Beneficiary Eligible Mitigation Action Certification



Central New Mexico Community College Marketplace Project

NM-VW-20-09

**BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION**

Beneficiary State of New Mexico

Lead Agency Authorized to Act on Behalf of the Beneficiary New Mexico Environment Department

*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	Central New Mexico Community College Marketplace Project
<b>Beneficiary’s Project ID:</b>	NM-VW-20-09
<b>Funding Request No.</b>	<i>(sequential)</i> 007
<b>Request Type: (select one or more)</b>	<input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Other (specify): Click or tap here to enter text.
<b>Payment to be made to: (select one or more)</b>	<input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Other (specify): CNM
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

<b>Eligible Mitigation Action</b> <input checked="" type="checkbox"/> Appendix D-2 item (specify): Eligible Mitigation Action 9. Light Duty Zero Emission Vehicle Supply Equipment
<b>Action Type</b> <input type="checkbox"/> Item 10 – DERA Option (5.2.12) (specify and attach DERA Proposal)
<b>Explanation of how funding request fits into Beneficiary’s Mitigation Plan (5.2.1):</b> The Beneficiary Mitigation Plan’s overarching goal is to protect New Mexico’s environment and the health of our citizens. The Trust allows the State the opportunity to offset (mitigate) the impact of excess nitrogen oxide (NO <sub>x</sub> ) emissions associated with the affected vehicles registered within New Mexico. The reduction of NO <sub>x</sub> from mobile sources achieves the intended use of Trust funds by preventing the deterioration of air quality, ensuring the health and safety of the inhabitants of the state, and promoting visibility improvement within New Mexico. Implementation of diesel NO <sub>x</sub> reduction projects using Trust funds will have immediate and long-lasting benefits. The proposed project will reduce emissions of NO <sub>x</sub> , focusing on the most cost-effective vehicles that maximize emission reductions.
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b> Central New Mexico Community College (CNM) is a public 2-year college in Albuquerque. The project consists of partially funding the purchase and installation of two Level II EV Charging Stations located at the CNM Marketplace, which is a new 19,700 GSF building, which includes: A Bookstore; a second-floor exterior deck; convenience store / Grab ‘n Go; and a Starbucks. The complex also includes a multipurpose space for CNM/community events. The installation of this light-duty zero emission vehicle (LDZEV) infrastructure will help expand New Mexico’s electric vehicle charging infrastructure and promote the use of electric vehicles.
<b>Estimate of Anticipated NO<sub>x</sub> Reductions (5.2.3):</b> N/A
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b> The New Mexico Environment Department Administrative Services Division is the governmental entity responsible for reviewing and auditing expenditures of EMA funds to ensure compliance.

**Describe how the Beneficiary will make documentation publicly available (5.2.7.2):**

The New Mexico Environment Department has created a public website, <https://www.env.nm.gov/vw-settlement/> for information relating to the Trust, the VW Partial Consent Trust Decrees, New Mexico's Beneficiary Mitigation Plan, and project implementation information. To provide transparency and accountability, the NMED will post information on its website.

**Describe any cost share requirement to be placed on each NO<sub>x</sub> source proposed to be mitigated (5.2.8):**

The total project cost is Forty-Three Thousand, Three Hundred Twenty-Four dollars and Seven cents (\$43,324.07). Trust funding will provide the requested Nineteen Thousand, Nine Hundred and Ten dollars (\$19,910), approximately 46% of the final total project cost for the purchase and installation of the charging equipment. The remaining Twenty-Three Thousand, Four Hundred Fourteen dollars and Seven cents (\$23,414.07) constitutes CNM's cost share.

**Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9):**

On February 27, 2018, NMED sent notice to the U.S. Department of the Interior and the U.S. Department of Agriculture using the contact information provided in subparagraph 4.2.8.

**If applicable, describe how the mitigation action will mitigate the impacts of NO<sub>x</sub> emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10):**

Trust funds have afforded the State the opportunity to advance environmental justice goals. New Mexico's Draft Mitigation Plan expresses a commitment to prioritizing projects that benefit those communities most impacted by poor air quality. Minorities and those living below the poverty level historically have borne a disproportionate share of air pollution, including air pollution emissions associated with on-road vehicles. The service area for this project is within the City of Albuquerque, Bernalillo County. Bernalillo County is currently within 95% of the National Ambient Air Quality Standard for ozone. Within 5 miles of the CNM Marketplace, the estimated minority population is 67% and 52% of the population are considered low income. The completion of this project is an essential step towards reducing regional air pollution levels, improving human health and addressing environmental inequality.

**ATTACHMENTS**

**(CHECK BOX IF ATTACHED)**

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation
- Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.26).
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- Attachment F Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13).

**CERTIFICATIONS**

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary the State of New Mexico, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

**DATED: 2/24/2021**

Elizabeth Kuehn Digitally signed by Elizabeth Kuehn  
Date: 2021.02.26 09:54:00 -07'00'

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**[NAME]** Elizabeth Bisbey-Kuehn  
**[TITLE]** Chief, Air Quality Bureau

**New Mexico Environment Department**  
**[LEAD AGENCY]**  
For

State of New Mexico  
**[BENEFICIARY]**

**ATTACHMENT A**

**FUNDING REQUEST AND DIRECTION**

*(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)*

Pursuant to the authority granted to the New Mexico Environment Department to act on behalf of the State of New Mexico under the Mitigation Trust, the New Mexico Environment Department directs the Trustee to make the following payments from its Subaccount No. 122969-017 To the following payees, for the amounts specified on the dates specified below.

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**LEAD AGENCY INFORMATION**

Beneficiary Name:	State of New Mexico	Lead Agency Contact Person	Kerwin Singleton
Lead Agency Name:	New Mexico Environment Department	Lead Agency Email Address:	<a href="mailto:kerwin.singleton@state.nm.us">kerwin.singleton@state.nm.us</a>
Lead Agency Address:	1190 Saint Francis Drive, PO Box 5469, Santa Fe, NM 87502-5469	Lead Agency Fax:	505-476-4375
Lead Agency Phone:	505-476-4350	Lead Agency TIN:	██████████

*Contact Information entered above may be correspond to Lead Agency or any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency.*

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**MITIGATION ACTION INFORMATION**

<b>Action Title:</b>	<b>Beneficiary's Project ID:</b>	<b>Funding Request No:</b>
Central New Mexico Community College Marketplace Project	NM-VW-20-09	007

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**PAYMENTS REQUESTED**

<b>Amount</b>	<b>Requested Date</b>	<b>Payee</b>	<b>Request Type</b>
\$19,910	2/24/21	CNM	Reimbursement

**PAYEE CONTACT AND WIRE INFORMATION**

**PAYEE CONTACT INFORMATION**

Action Title:	Central New Mexico Community College Marketplace Project	Beneficiary Project ID:	NM-VW-20-09
Payee Name:	Central New Mexico Community College	Payee Contact Person:	Misty Ortiz
Payee Address:	525 Buena Vista Drive Albuquerque, NM 87106-4096	Payee Email Address:	Mortiz188@cnm.edu
Payee Phone:	(505) 224-4000	Payee Fax:	
Payee TIN:	[REDACTED]		

Payment Amount	Requested Date	Request Type
\$19,910	2/24/21	Reimbursement

**WIRE INFORMATION**

Receiving Bank Name:	Wells Fargo Bank		
Receiving Bank Branch:	Click or tap here to enter text.		
Receiving Bank Address:			
Bank Swift ID:	N/A	Bank ABA Number (Sort Code, BLZ)	[REDACTED]
Amount of Wire:	\$19,910		
Message to Payee:	NMED VW Trust – CNM		
Instructions to Receiving Bank:	Click or tap here to enter text.		
For Credit to:	[REDACTED]		
Other Special Instructions:	Click or tap here to enter text.		

Elizabeth  
Kuehn

Digitally signed by Elizabeth  
Kuehn  
Date: 2021.02.26 09:58:16  
-07'00'

Elizabeth Bisbey-Kuehn  
Chief, Air Quality Bureau

**ATTACHMENT B**  
**PROJECT MANAGEMENT PLAN**  
**PROJECT SCHEDULE AND MILESTONES**

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	7/15/2019
Pre-application meetings with applicants	7/15/2019 through 1/9/2020
Project Sponsor Submits Proposal to Lead Agency	1/9/2020
Lead Agency Provides Written Approval of Project Sponsor's Proposal	6/11/2020
Project agreements signed.	9/3/2020
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	7/12/2019
Trustee Acknowledges Receipt of Project Certification and Funding Direction	Q1 2021
Trustee Allocates Share of State Funds for Approved Project	Q1 2021
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	Q1 2021
Project Sponsor Enters into Contracts, Purchase Orders, etc. – Start	9/3/2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. – Complete	2/22/2021
Project Installations(s) – Start	9/3/2020
Project Installations(s) – Complete	11/23/2020
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	2/22/2021
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	Q1 2021
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	Q1 2021
Lead Agency Reports Project Completion	Q1 2021

**PROJECT BUDGET**

Period of Performance: 7.1.2020-6.30.2021				
Budget Category	Total Approved Budget	Share of Total Budget Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$43,324.07	\$19,910	\$23,414.07	\$0
2. Contractor Support	\$0	\$0	\$0	\$0
3. Subrecipient Support	\$0	\$0	\$0	\$0
4. Administrative <sup>1</sup>	\$0	\$0	\$0	\$0
<b>Project Totals</b>	<b>\$43,324.07</b>	<b>\$19,910</b>	<b>\$23,414.07</b>	<b>\$0</b>
<b>Percentage</b>	<b>100%</b>	<b>46%</b>	<b>54%</b>	<b>0%</b>

<sup>1</sup>Subject to Appendix D-2 15% administrative cap.

**ATTACHMENT C**  
**DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION**  
**ACTION IMPLEMENTATION**

The New Mexico Environment Department (NMED), as the lead agency for the State of New Mexico for implementing the Volkswagen Environmental Mitigation Settlement Plan, has established a webpage for the Settlement and mitigations actions, [www.env.nm.gov/vw-settlement/](http://www.env.nm.gov/vw-settlement/). NMED will post documents and links as required under Paragraph 7 of Appendix D-3 Certification for Beneficiary Status form. The NMED is subject to the *Open Meetings Act*, which provides the statutory guidelines for conducting public meetings and the *Inspection of Public Records Act*, which is a New Mexico state law that provides the public and media access to public information.

For the initial round of funding, NMED solicited, through a competitive process, public and private entities for funding opportunities. Projects were selected through a scored application using an identified scoring criterion. The records of selected projects will be posted and made available on the NMED VW Settlement webpage. The public website was created specifically to provide information related to the Trust, the VW Partial Consent Decrees, and accountability. The NMED will post timely updates on the following:

- General information on the Trust and Consent Decrees
- The State's final Beneficiary Plan
- All public records supporting funding requests the NMED submits to the Trust
- All public records supporting all expenditures of the Trust Fund
- NMED contact information

After the initial round of funding, NMED will periodically evaluate the implementation of the State's Beneficiary Mitigation Plan (BMP) and associated Eligible Mitigation Actions and will determine whether any revisions to the BMP and funding levels need to be reevaluated. If revisions to the BMP are warranted, NMED will seek public input on BMP revisions with a minimum of a 30 – day public comment period.

In addition, the State will also comply with the reporting obligations listed in the Environmental Mitigation Trust Agreement for State Beneficiaries in Subparagraph 5.3.



**ATTACHMENT D**  
**DETAILED COST ESTIMATE FROM SELECTED OR POTENTIAL VENDORS**  
**FOR EACH PROPOSED EXPENDITURE EXCEEDING \$25,000 (5.2.6)**

See attached invoice from PPC Solar

February 9, 2021

Kerwin Singleton  
525 Camino De Los Marquez  
Suite 1  
Santa Fe, NM 87505  
[Kerwin.singleton@state.nm.us](mailto:Kerwin.singleton@state.nm.us)

RE: Reimbursement request under Central New Mexico Community College Marketplace Project # NM-VW-20-09 Project Agreement

Dear Mr. Singleton:

Pursuant to Article 9 of the above-referenced agreement, Central New Mexico Community College (CNMCC) hereby submits its request for reimbursement for its actual allowable costs incurred in completing the work described in the project scope. Per Article 1 to the agreement NMED authorizes reimbursement of 53% but not to exceed \$19,910 to CNMCC. CNMCC has completed the project, and I have attached invoices and photos of proof of the project's completion. The final total CNM paid is 43,324.07. CNM is requesting reimbursement of \$19,910. This is the max allowed under the agreement and is 46% (below the 53% max) of the project costs. Please advise if NM ED requires any further documentation to support this request and we will arrange to provide the requested support.

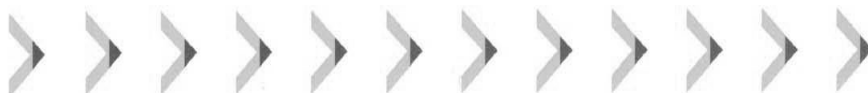
Thank you,

Respectfully,



Wanda Helms  
Comptroller – Fiscal Operations  
(505)224-3457  
[whelms@cnm.edu](mailto:whelms@cnm.edu)

encl: Photos of completed project, Invoices from Brycom Corporation and PPC Solar







EV  
CHARGING  
ONLY

-chargepoint+



-chargepoint+



**CNM**  
RESERVED  
CHARGING  
STATION  
2 HR LIMIT

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# APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF \_\_\_\_\_ PAGES

**TO OWNER:**  
 Central New Mexico Community College  
 901 Buena Vista SE  
 Albuquerque, NM 87106

**PROJECT:**  
 Contract# 19-1-1242-CMAR-3001 RFP # P-420  
 CMAR, Catering & Brewing Facility and CNM Marketplace

**FROM CONTRACTOR:**  
 Brycon Corporation  
 134 Rio Rancho Blvd.  
 Rio Rancho, NM 87124

**CONTRACTOR FOR: CNM Marketplace**

**APPLICATION NO:** 1

**Distribution to:**  
 OWNER  
 ARCHITECT  
 CONTRACTOR  
 OWNERS REP.

**PERIOD TO:** 11/01/2020 - 11/30/2020

**PROJECT NOS:** Brycon 19-711

**CONTRACT DATE:** 06/04/2019

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	22,673.07
2. Net change by Change Orders	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	22,673.07
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	22,673.07

5. RETAINAGE:

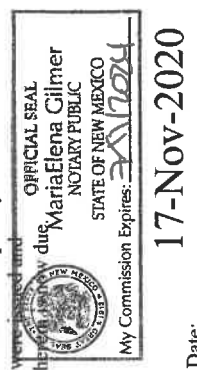
a. 0 % of Completed Work (Column D + E on G703) \$ 0.00

b.      % of Stored Material (Column F on G703) \$     

Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 0.00

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	0.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	0.00
8. CURRENT PAYMENT DUE	\$	22,673.07
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	\$0.00



**CONTRACTOR:** Brycon Corporation

By: *[Signature]* Date: November 17, 2020

State of: New Mexico County of: Bernalillo  
 Subscribed and sworn to before me this 17 day of NOVEMBER  
 Notary Public: *[Signature]*  
 My Commission expires: November 17, 2020

## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 22,673.07

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

By: *[Signature]* Date: November 23, 2020

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 02 OF 02 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 1

APPLICATION DATE: 11/17/2020

PERIOD TO: 11/01/2020-11/30/2020

PO# P0196385

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)	H BALANCE TO FINISH (C - G)	I RETAINAGE 0.00%
			FROM PREVIOUS APPLICATION (D + E)							
	ASI-021: EV Charging Stations	\$21,017.91	\$0.00	\$21,017.91			\$21,017.91	100.00%	\$0.00	\$0.00
	<b>SUBTOTAL</b>	\$21,017.91	\$0.00	\$21,017.91			\$21,017.91	100.00%	\$0.00	\$0.00
	NMGRT = 7.875%	\$1,655.16	\$0.00	\$1,655.16			\$1,655.16	100.00%	\$0.00	\$0.00
	<b>PAGE TWO TOTALS</b>	\$22,673.07	\$0.00	\$22,673.07			\$22,673.07	100.00%	\$0.00	\$0.00
	7.875%									

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity





245 Paseo Del Canon East  
Taos, NM 87571

Phone: 575-737-5896 Fax: 575-758-3024  
E-Mail: info@ppcsolar.com Web: www.ppcsolar.com

# Invoice

Date	Invoice #
11/25/2020	10123

Bill To
Central New Mexico Community College Greg Van Wart 525 Buena Vista SE Albuquerque, NM 87106

Ship To
940 University SE Albuquerque, NM 87106

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30	CM	11/25/2020			EV Charging Station

Quantity	Item Code	Description	Price Each	Amount
		P.O. P0196276		
2	CT4021-GW1	Dual Output Gateway North America, Bollard Unit- 208/240v @ 30A with Cord Management	7,210.00	14,420.00
2	CT4001-CCM	CT4000 Bollard Concrete Mounting Kit. Bolts: 5/8-11x9" F1554 Grade 55 hot-dipped galvanized threaded bolts - 3 ea. Nuts: 5/8 - Heavy Galvanized HexNuts (DH Rated) - 12 ea. Washers: Galvanized Washers (ASTM F436) - 9 ea. Plastic Template - 1 ea.	95.00	190.00
4	CPCLD-COMM...	1 yr Prepaid Commercial Cloud Plan. Includes Secure Network Connection, On-going Station Software updates, Station Inventory, 24x7 Driver Support, Host Support, Session Data and Analytics, Fleet Vehicle Management and Integration, Fleet Access Control, Valet Dashboard, Powe Management (Circuit, Panel, Site Sharing), Scheduled Charging , Drier Access Control, Pricing and Automatic Funds Collection, Waitlist, Videos (on supported hardware).	280.00	1,120.00T
2	CPSUPPORT-A...	Initial Station Activation & Configuration Service includes activation of cloud services and configuration of radio groups, custom groups, connections, access control, visibility control, pricing, reports and alerts. One time initial service per station.	0.00	0.00T
2	CT4000-ASSU...	1 prepaid year of ChargePoint Assure.	740.00	1,480.00T
1	LABOR - New	EV STATION System Installation	2,700.00	2,700.00T
2	FREIGHT	FREIGHT	150.00	300.00T
		Subtotal		20,210.00
		Sales Tax	7.875%	441.00

PLEASE REMIT PAYMENTS TO:  
Paradise Power Company, Inc.  
245 Paseo Del Canon East, Taos, NM 87571

<b>Total</b>	\$20,651.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$20,651.00