



Tribal Infrastructure Fund

Participant Workbook

September 2011

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Glossary of Terms



Developed by the New Mexico Indian Affairs Department & the Environment Department

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Section One

Overview

1.1 Introduction

The Tribal Infrastructure Act (TIA) was signed into law in 2005. The TIA recognizes that many tribal communities lack basic tribal infrastructure such as;

- Water Systems
- Wastewater systems
- Roads and;
- Electrical power lines

The TIA also notes that the lack of such infrastructure results in poor:

- Social conditions
- Health conditions and;
- Economic conditions

As a result, the TIA created the Tribal Infrastructure Trust Fund and the Tribal Infrastructure Project Fund.

Tribal Infrastructure Board

The Tribal Infrastructure Board is a thirteen person Board consisting of nine voting members and four non-voting members.

Voting Members

1. Secretary of the Indian Affairs Department
2. Secretary of the Department of Finance and Administration
3. Secretary of the Environment Department
4. Secretary of the Department of Health
5. Executive Director of the New Mexico Finance Department
6. Pueblo tribal representative*
7. Navajo Nation representative*
8. Mescalero Apache representative*
9. Jicarilla Apache Nation representative*

* The Tribal representatives are appointed by the Governor and must have experience with capital projects development or administration

Non-Voting Members

1. Bureau of Indian Affairs, SW Regional Office representative
2. Bureau of Indian Affairs, Navajo Regional Office representative
3. Indian Health Services, Albuquerque Area representative
4. Navajo Area Indian Health Services representative

Purpose of the Board

The purpose of the Tribal Infrastructure Board is to evaluate infrastructure project proposals and to award grants to qualified projects from monies available in the Project Fund.

Legislative Oversight

The New Mexico Interim Indian Affairs Committee has legislative oversight over the Board and the grants made by the Board.

1.2 History

In 2005, thirteen (13) projects were recommended for \$3 million funding. The following year (2006) and each subsequent year a Notice of Funding Availability of approximately \$5 million in grant funds have been distributed to Tribal communities on an annual basis.

The process requires entities to respond to a request for proposals. The Board reviews recommended infrastructure projects and subsequently grants are made to qualified projects. For the purposes of the TIA a "Tribe" means a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico or any of its governmental entities or subdivisions.

In 2006, the TIA provided for the unexpended balances of an appropriation made from the general fund to the Indian Affairs Department or to the Aging and Long-Term Services Department for projects located on lands of an Indian Nation to revert to the Tribal Infrastructure Fund.

In 2007, an amendment to the TIA provided that the legislative Interim Indian Affairs Committee should be briefed by the Board on grant proposals submitted to the Board and that the committee should review, monitor and provide assistance and advice concerning grants proposed by the Board.

Secondly, that the TIF Board should report to the Interim Indian Affairs Committee (IIAC) no later than October 1 of each year regarding the total expenditures from the project fund for the previous fiscal year, the purposes for which expenditures were made, an analysis of the progress of the projects funded and proposals for legislative action in the subsequent legislative session. In 2007 the TIF Board determined that 10% of the annual TIF distribution would be set-aside for planning grants (in amounts up to \$50,000) for tribal infrastructure projects.

In 2008, the TIA was further amended such that unexpended capital outlay appropriations made after January 1, 2007 from the general fund to the Indian Affairs Department or the Aging and Long-Term Services Department would revert to the Tribal Infrastructure Project Fund. This amendment preserves the

Section Two

Funding

2.1 Severance Bonds

Pursuant to the Laws of 2010, HB162, Severance Bonds for Tribal Infrastructure, the Tribal Infrastructure Fund will receive recurring funding in the amount equal to 5% of the Severance Tax Bonding Capacity in a given year. By January 15, 2012 the State Board of Finance will estimate the tax amount of bonding capacity and allocate 5% of this capacity to tribal infrastructure projects. Tribal infrastructure projects are defined as a qualified project under the Tribal Infrastructure Act.

As a result the TIF Board must certify to the State Board of Finance the need for issuance of bonds for tribal infrastructure projects. Subsequently, the proceeds from the sale of the bonds will be appropriated to the Tribal Infrastructure Project Fund for the purpose certified by the TIF Board to the State Board of Finance.

Any unexpended balance from proceeds shall revert to the severance tax bonding fund within six months of completion of a project. The Act created two types of funding; the Tribal Infrastructure Trust Fund or "Trust Fund" and the Tribal Infrastructure Project Fund or "Project Fund".

2.2 Tribal Infrastructure Trust Fund

The Tribal Infrastructure Trust Fund is created within the State Treasury. The Trust Fund is funded by monies appropriated by the State Legislature, donated, or otherwise accrued and the Trust Fund is to be invested by the State Investment Officer in the same manner that state land grant permanent funds are invested. Trust Fund monies are not to be expended except to make an annual distribution to the Tribal Infrastructure Project Fund.

2.3 Tribal Infrastructure Project Fund

The Tribal Infrastructure Project Fund is administered by the NM Department of Finance and Administration. The Project Fund is also created in the State Treasury and consists of distributions made from the Trust Fund and monies appropriated by the Legislature or otherwise allocated to the Project Fund, and income from investments made from the Project Fund. Annually, appropriations are made to DFA and the New Mexico Indian Affairs Department to administer the Act and to support the Tribal Infrastructure Board.

Notes

Section Three

Terms & Conditions

3.1 Performance Period

Each Tribal Infrastructure Fund project must be completed within 18 months or less of the time of award.

3.2 Matching Funds

According to the project evaluation criteria each tribal entity must be able to leverage other resources to match the TIF funds to complete the project.

3.3 Project Limitations

Tribal entities are limited to applying for one planning project, and/or one design or construction project in a funding cycle.

3.4 Regionalization Efforts

Regional planning is strongly encouraged. However, it does not preclude a community from submitting an application for an individual project.

3.5 Open Projects

Any tribal entity with an existing TIF-funded planning project that is still open in the IAD database by the application review deadline and that shows a cash balance is not eligible to apply for another project in that category.

Any tribal entity with an existing TIF-funded design or construction project that is still open in the IAD database by the application review deadline and that shows a cash balance is not eligible to apply for another project in that category.

3.6 Contracts

The project sponsor must be able to enter into one or more contracts with vendors to spend at least 5% of the bond proceeds for the project by January 21, 2013 and thereafter, will work on the project diligently to completion.

Notes

Section Four

Planning

4.1 Planning

At least ten-percent (10%) of the total available TIF allocation is set-aside for various types of tribal planning activities. These may include but are not limited to:

- Project Planning
- Preliminary Engineering Report
- Environmental Clearances
- Comprehensive Planning
- Master Planning
- Indigenous Planning
- Regionalization Planning

Planning grant allocations will be determined by the TIF Board on a case-by-case basis. There is a heightened priority for more holistic planning which increases a project's successful completion. The TIF Board strongly endorses and promotes sustainability, community resilience and self sufficiency.

Planning is a powerful way for a tribal community to work toward developing long-term sustainability devising its future, and not just react to others and outside events. Utilizing planning processes can significantly contribute to a tribal entities ability to control the community's future, overcoming piecemeal decision making by linking planning and action. It can also restore the public trust in following through on plans many citizens volunteer to put together. It can allow civil discourse on many interrelated issues during the planning process that can reduce rancor later on when proposals are made to change the physical face of the community.

4.2 Project Planning

Project planning is a process for stating how to complete a particular project within a certain timeframe, usually with defined stages, and with designated resources.

One view of project planning divides the activity into:

- Setting objectives (these should be measurable)
- Identifying deliverables
- Planning the schedule
- Making supporting plan

4.3 Preliminary Engineering Report

A Preliminary Engineering Report should clearly describe the tribal entities present situation, analyze alternatives, complete a life-cycle cost analysis and propose a specific course of action, from an engineering perspective. The level of effort required to prepare the report and the depth of analysis within the report should be proportional to the size and complexity of the proposed project. TIF projects should be modest in design, size and cost, and be constructed and operated in an environmentally responsible manner.

4.4 Environmental Clearances

Work will commence during Phase 1 on investigations into infrastructure options and the early preparations needed for environmental and native title clearances required to support any future project development. Environmental clearances cover National Environmental Policy Act (NEPA) documentation and typically include but may not be limited to: archeological, cultural resources and endangered species act compliance as well as other relevant environmental laws.

4.5 Comprehensive/Master Planning

Comprehensive/master planning is a process that determines community goals and aspirations in terms of community development. The outcome of comprehensive/master planning is a plan which dictates public policy in terms of transportation, utilities, land use, recreation, and housing.

Comprehensive/master plans typically encompass large geographical areas, a broad range of topics, and cover a long-term time horizon. Such planning activities are intended to guide growth and development of a community or region. Such planning is also based on public input, surveys, planning initiatives, existing development, physical characteristics, and social and economic conditions.

The elements typically covered under comprehensive/master planning include:

- Land Use
- Housing
- Transportation
- Infrastructure
- Hazards Mitigation
- Water
- Energy
- Economic development

Section Five

Interagency Collaboration & Cooperation

5.1 Interagency Collaboration & Cooperation

In an effort to bring about secure and sustainable infrastructure solutions in tribal communities IAD is collaborating with New Mexico Environment Department (NMED) to integrate interagency cooperation for public infrastructure funding set forth in Executive Order 050-2007. To improve efficiencies and increase the overall effectiveness of the utilization of tribal infrastructure funds IAD is also working with NMED in terms of the State-Tribal Collaboration Act (2010). As a result, IAD and NMED are ensuring a consistent approach to receiving, processing, evaluating, prioritizing and funding proposed tribal infrastructure planning, design and construction projects.

5.2 Outreach & Education

The IAD in collaboration with the NMED Community Services Group (CSG) staff will provide regional outreach and training workshops to notify and provide assistance and guidance to New Mexico Tribes, Nations, and Pueblos that:

1. Tribal Infrastructure Funds are available and;
2. That project applications are being accepted.

The CSG will also provide ongoing assistance and guidance to tribal entities about the TIF application process required along with the date that such applications are due.

A Notice of Funding Availability will be distributed to all tribal entities with the following information:

1. Introduction;
2. Summary of funding available;
3. Terms & Conditions;
4. Location and date(s) of outreach workshops;
5. Application deadline;
6. Address to submit application;
7. IAD contact person.

Notes

Section Six Application Process

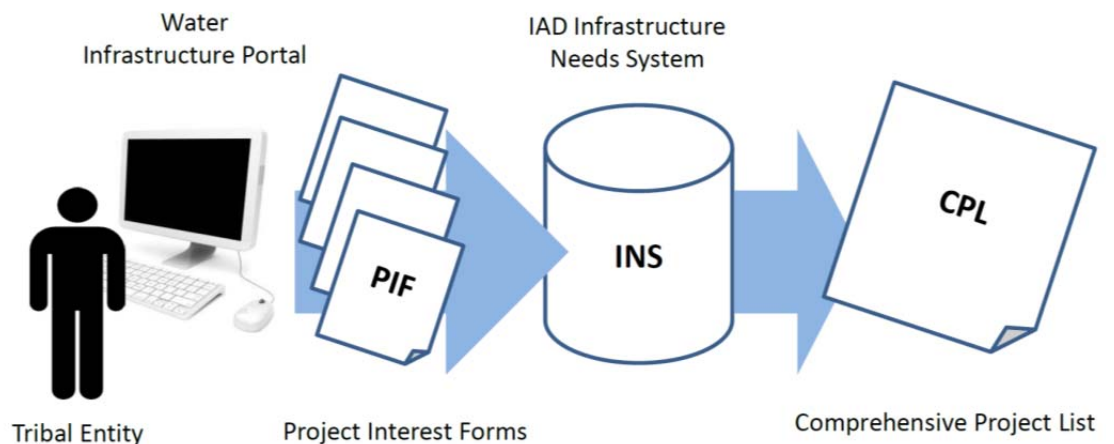
6.1 Application for Project Funds

Tribal entities eligible for funding under the TIA seeking to obtain consideration for TIF funding for infrastructure planning, design and construction projects are required to complete and submit a Project Interest Form (PIF) at the NMED Water Infrastructure Portal utilizing the simple step-by-step SWIM process.

6.2 Project Interest Form

Tribal entities seeking to obtain consideration for TIF grant monies are required to complete and submit a Project Interest Form (PIF) at the NMED Water Infrastructure Portal (WIP). Tribal entities requiring any assistance completing and/or submitting a PIF should contact the NMED Community Services Group (CSG) in connection with all aspects of the application completion and submission process.

Each complete PIF submitted by an eligible tribal entity on or before the application deadline is logged into the IAD Infrastructure Needs System (INS) and placed on a Comprehensive Project List (CPL) of applications.



6.3 Proposed Project Review

Once a PIF is logged into the INS a Confirmation Notification (CN) is generated to the applicant acknowledging receipt of the application submission. At this time, a Community Assistance Request (CAR) is also generated triggering a response from the NMED CSG to set up a Proposed Project Review (P2) with each applicant.

Utilizing the initial information provided by the applying tribal entity on the PIF the regional community services coordinator reviews with appropriate tribal representatives the nature, scope and scale of the proposed project. This so-called P2 review may be conducted with the tribal entity by the regional community services coordinator in person, by telephone, email or a combination

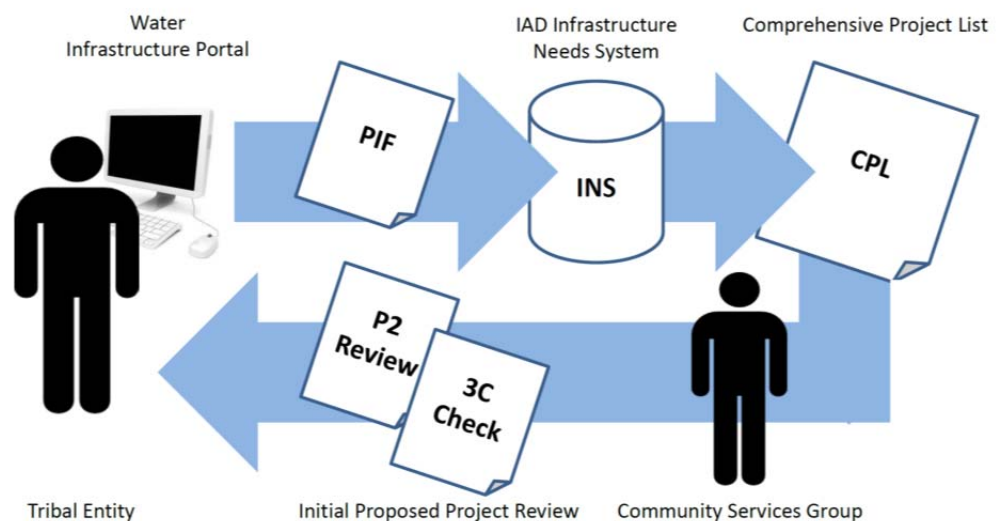
of communication methods. The primary purpose of the P2 review is to clarify and/or confirm specific project related relevant information in support of the application submitted.

6.4 Compliance, Capacity, Sustainability Check

On completion of the P2 review the CSG coordinates a so-called Compliance, Capacity, Sustainability Check (3C Check). At this stage, the CSG coordinator gathers relevant project specific information regarding regulatory and statutory compliance requirements along with the related overall capacity and long-term sustainability information from appropriate agencies.

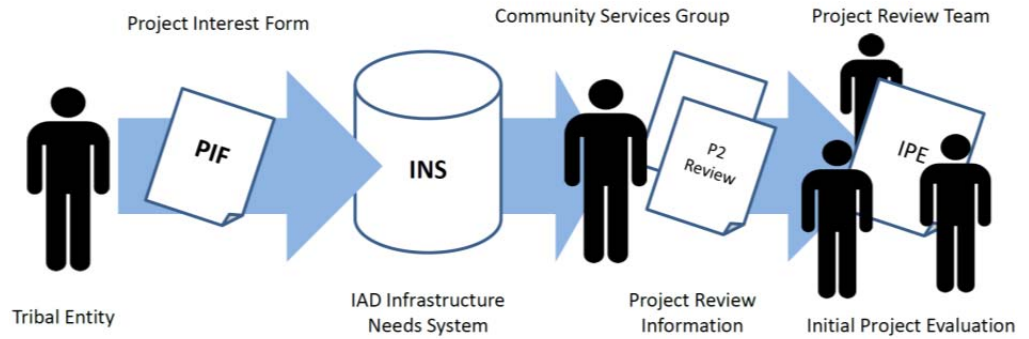
Ultimately, it is anticipated that the initial application submitted along with additional information gathered during the P2 review and 3C Check will provide the TIF Project Review Team (PRT) with an overall 360 degree project profile or “*snapshot*” of the proposed project and the tribal entities situation.

As a result, the application along with all supporting information gathered through the project review process will be made available to members of PRT when they convene to conduct an Initial Project Evaluation (IPE) considering the eligibility, viability and potential fundability of all proposed projects on the CPL.



6.5 Project Review Team

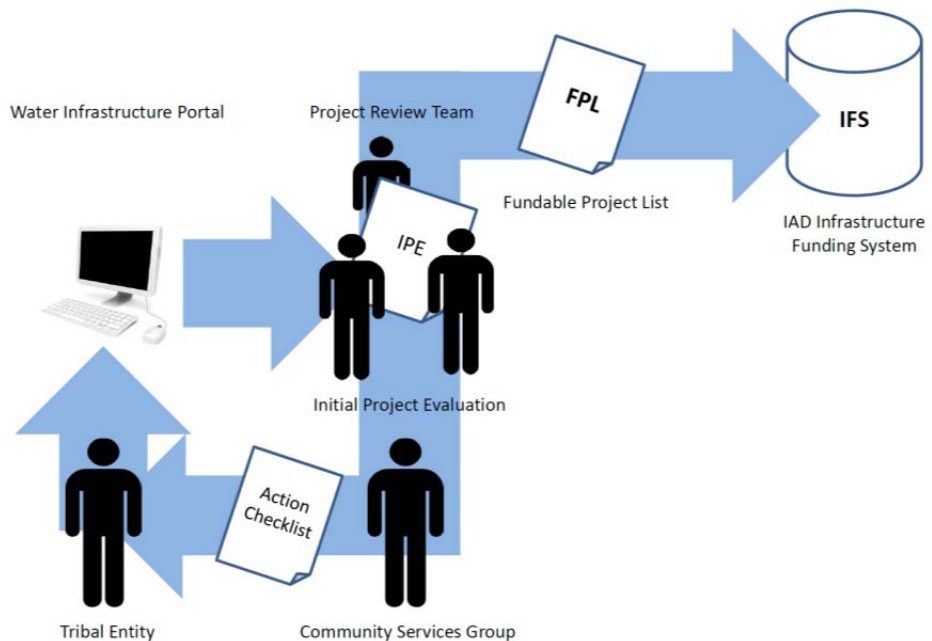
The PRT is comprised of staff designated from the various agencies represented on the Board along with appropriate infrastructure experts as may be deemed necessary by the Board. The PRT convenes, conducts and completes an initial project evaluation (IPE) of all project applications on the CPL. Such evaluation will include, to the extent applicable, an evaluation of the project’s feasibility, administrative capacity, financial position, debt management, and economic and demographic factors.



6.6 Initial Project Evaluation

During the IPE stage the PRT considers the eligibility, viability and potential fundability of each project on the CPL. Proposed projects that meet and/or exceed the TIF the project prioritization minimum fundability threshold are placed on a Fundable Project List (FPL) and logged into the IAD Infrastructure Funding System (IFS) and applicants are invited to develop a formal TIF project proposal. Proposed projects from the CPL not meeting minimum funding criteria are informed of the status of their application.

At this stage the tribal entity is referred to the CSG for further information, assistance, guidance and support relating to other possible funding sources for further consideration. The CSG works with the tribal entity to develop an Action Checklist (AC) outlining steps that the tribal entity may consider taking to either identify other funding sources and/or increase the likelihood of funding in the future by developing a more robust application for a future funding cycle.



Section Seven

Rating & Ranking

7.1 Project Prioritization Process

Under direction of the TIF Board and with oversight from the IAD Capital Outlay Unity the PRT utilizes the Project Prioritization System established during the Tier-2 Review to rate, rank and score each project on the FPL according to the following criteria and point system.

The project prioritization system is comprised of seven (7) sections. There are a possible 100 points available for each proposed project. The first section has no available points. Sections two through seven each have a range of possible points as indicated below.

Project Prioritization System

1	Contact Information	
2	Completeness of Application	0-5 points
3	Project Need	0-25 points
4	Project Description, Nature & Scope	0-15 points
5	Project Viability/Fundability	0-25 points
6	Project Readiness to Proceed	0-15 points
7	Total Project Cost & Source of Leveraged Funds	0-15 points

7.2 Rating, Ranking & Scoring

The PRT will analyze and evaluate proposed projects according to the project prioritization system and document their decisions on the rating form according to the criteria and points assigned. The IAD Capital Outlay Manager will average, rank, summarize and present the recommendations of the PRT to the TIF Board. In considering the recommendations for funding of the PRT the TIF Board shall consider the following:

1. Whether the qualifying project is important to the overall needs of the tribal community submitting the application;
2. Whether the proposed project is ready for immediate commencement;
3. Whether the applicant has the ability to secure financing from other sources.

Section 8

Meetings & Forums

8.1 Tribal Infrastructure Board Meetings

The Board meets at least twice each calendar year. All Members are expected to attend regular Board meetings. The Chair of the Board may establish the regular meeting schedule, the times and places of which may be fixed in consultation with the Department. The Board meets at the call of the Chairman to consider all timely submitted applications; should the Board determine it is necessary the Board may call additional meetings to consider applications that have been submitted. Any action to make a grant by the Board must be by majority vote of the nine voting members, as defined by §4 of the Act.

Notice of Meetings

The Board adopts a resolution at least annually setting forth its policy with respect to notice of all meetings of the Board. Notice of all meetings must follow the Open Meetings Act ("OMA" - Section 10-15-1 to 10-15-4 NMSA 1978). Notice of all regular Board meetings is to be given to all Members by electronic mail and/or U.S. Postal Service, and posted on the Department's website, at least ten (10) calendar days in advance of the meeting.

Such notice is required to state the nature, time, place and purpose of the meetings, and will be either mailed by first-class mail to each member of record, directed to the address shown upon the books of the Board, and/or by e-mail to the address of the Board Member. The failure of any Member to receive notice of an annual or special meeting of the Member does not invalidate any action that may be taken by the Members at such a meeting.

Agenda

An agenda is to be prepared by the Chair and distributed to the Members at least 24 hours in advance of each regular Board meeting. Additional items may be submitted by any Member to the Chair at any time for inclusion on the agenda in accordance with the Board's Meetings Resolution and the OMA.

Order of business at the meeting of the Members

1. Calling to order and proof of the quorum
2. Proof of notice of meeting
3. Approval of Agenda
4. Reading and/or approval of any minutes
5. Report on Tribal Infrastructure Project Status
6. Unfinished business
7. New Business
8. Other, such as questions or issues from the floor
9. Adjournment

Quorum

A majority of the voting Members of the Board then in office constitutes a quorum for the transaction of business; and the act of a majority of the voting Members is deemed the act of the Board.

Voting Procedures

The Chair may vote on all matters coming before the Board. Each Member is entitled to one vote and only one vote on each matter submitted to vote at a meeting of the Members. There shall be no proxy voting at Board Meetings.

Minutes

The draft minutes of each meeting are prepared by the Department after the meeting and distributed to all Members of the Board at least ten (10) days after the meeting of the Board.

Public Attendance

All regular and special meetings of the Board (other than meetings which are closed in accordance with the New Mexico Open Meetings Act, NMSA 1978, §§10-15-1, *et seq.*) are open to the public.

Designation of Presiding Officer

The Chair of the Board may designate a presiding officer to serve in the capacity of the Chair should the Chair be unable to attend a Board meeting or the Chair is otherwise unable to fulfill the duties of the Chair.

Public Participation

Any person wishing to make a formal presentation at a regularly scheduled meeting of the Board must notify the Chair in writing at least 72 hours prior to the time set for the meeting. Such notification must contain the person's name, address, organization represented, if any, and topic to be presented. Any such person shall be permitted to speak at such meeting for such period as the Chair or other presiding officer deems appropriate.

The Chair or other presiding officer may, in the presiding officer's discretion, recognize anyone in the audience who indicates in writing or such other manner as shall be acceptable to such presiding officer at the time of the meeting that the person wishes to speak, provided that such remarks by one person shall be limited to five minutes or such longer period as the presiding officer shall, in the presiding officer's discretion, permit.

Telephonic Appearance

Board Members may, with prior approval of the Chair, attend meetings telephonically. Should a Member desire to attend a meeting telephonically, (s) he shall contact the Department to make prior arrangements. If such arrangements are not feasible, the Member shall either seek excusal from the Chair or attend the meeting in person.

Section 9

Projects

9.1 Scope of Work

The Board, in its letter alerting the applying entity that its application for a grant has been approved, shall notify the successful entity that they should submit a Scope of Work ("SOW") demonstrating how the proposed project will be accomplished as soon as possible after notification of the award. SOWs will be processed by the IAD in the order in which they are received.

The Board has standardized the requirements for the SOW, which must be submitted to begin drafting an Agreement. The following information must be included on all SOWs:

- Name of Tribal Entity/Organization;
- Project Title;
- Background Narrative (about the project);
- Work Plan;
- Budget (Appropriated Amount);
- Performance Measures;
- Results Expected (Benefits to the Community);
- Time Frame/Milestones; and
- Responsible Staff

The SOW must be sent to the IAD's Capital Outlay Unit, where the SOW will be reviewed, prioritized and processed. The IAD's General Counsel will review the SOW to assure that it is within the legislative intent of the Act. Upon IAD approval, the SOW is incorporated into the Intergovernmental Grant Agreement ("IGA").

The IGA is forwarded to the tribal entity for signature by the tribal leader. Upon signing, the IGA is sent back to IAD, where it is signed by the IAD Cabinet Secretary resulting in a fully executed contract. Purchase documents are prepared by IAD and then forwarded to New Mexico Department of Finance and Administration. Please note this process takes an average of 30-60 days.

9.2 Significant Change in Scope of Work

Should a project sponsor request a cardinal or significant change in an agreed scope of work subsequent to the execution of an Intergovernmental Grant Agreement ("IGA") the project sponsor is required to submit written justification for why the agreed existing scope of work should be changed.

The project sponsor is required to provide:

- A rationale indicating why the existing scope of work needs to be changed
- A rationale for the newly proposed scope of work
- Information clearly indicating project costs for the newly proposed scope of work
- A Gantt chart illustrating the proposed scope of work schedule.

Any significantly changed SOW must be sent to the IAD's Capital Outlay Unit, where the new SOW will be reviewed, prioritized and processed. The IAD's General Counsel will review the revised SOW to assure that it is within the legislative intent of the Act.

If a project proposing a significant change in scope of work is within the legislative intent of the Act it will be considered by the Board. The project sponsor will be informed and may be required to attend and make-their-case at a Tribal Infrastructure Board meeting. All project sponsors requesting a significant scope of work change may each be required to give a 10 minute presentation about their proposed project to the TIF Board. The project sponsor should be prepared to respond to questions from members of the board.

The TIF Board shall consider the following:

- Whether the qualifying project is important to the overall needs of the tribal community submitting the application;
- Whether the proposed project is ready for immediate commencement;
- Whether the applicant has the ability to secure financing from other sources;

In any event, the ability of the Board to make awards of grants under the Act is contingent upon the existence of sufficient funds in the Project Fund. The Board's decision as to whether sufficient funds are available shall be accepted by the applying entity and shall be final.

9.3 Disbursement of Grants

The Tribal Infrastructure Board must safeguard State assets through the effective management and administration of grants allocated from the Project Fund.

Safeguarding will be accomplished by:

1. Recognizing and recording all transactions;
2. Assuring that resources are expended only for authorized purposes;
3. Complying with legislation, rules and regulations;
4. Establishing accountability and;
5. Ensuring that all processes are completed timely, accurately, completely, economically, efficiently, and effectively.

To safeguard assets, monies must be disbursed using only the methods and procedures authorized by state law, rules and regulations. The following guidelines are meant as guidelines. However, deviation from these procedures would be considered by DFA as poor accounting practices (see §12-6-5, NMSA 1978 which requires poor accounting practices to be reported in an agency's audit report).

All disbursements of State monies from the Project Fund shall be made through the use of one of the following:

- *Payment Vouchers/Warrants* - These documents are used for the majority of monies disbursements on a reimbursement basis only.
- *Direct Payment to Vendor* - Available for projects on a negotiated basis.

9.4 Project Expenses & Reporting

In an effort to standardize the process for Requests for Payment for grants under the Act, please follow these guidelines when preparing your documentation for submittal to the IAD staff for processing:

1. Requests for Payment must include an itemized invoice, in date sequence, for materials received and work performed. The invoice must have been accepted and paid for by the tribe/organization to the billing party (sample attached);
2. Requests for Payment must reference the Agreement number (located at the top right corner of the Agreement);
3. Supporting documentation must accompany the invoice, including a copy of the invoice from the vendor and a copy of the cancelled check made payable to the billing party (a copy of both sides of the check is required). If you are unable to provide a copy of the bank endorsement on the back side of the check, then a copy of the bank statement will suffice. Please highlight the check number and the amount of the check. If the statement is not available at the time you invoice IAD, please include the statement with the next quarterly report;
4. The invoice must be approved and signed by the tribe's project manager to certify that the documentation is complete and correct;
5. In accordance with the Agreement Section 3.B., "Payment shall be made upon receipt of a detailed, certified, invoice from the TRIBAL ENTITY/ ORGANIZATION, accompanied by a Quarterly Report, on the form provided by IAD that contains a statement of account, budget activity report, and a narrative progress report of activities." Therefore, all invoices must include the Request for Payment/Quarterly Report form. This form will provide an update to IAD on the project's status, percentage of completion, reference to performance measures addressing accomplishments during that particular billing period;
6. Invoices for projects funded can usually be processed with a one week turnaround time; and
7. The tribal entity will provide for strict accountability of all receipts, disbursements and Statement of Account/Budget Activity Report/Narrative Quarterly Progress Report of Activities. The tribal entity will preserve such records for at least three (3) years following the final expenditure under the Agreement;

Section 10

Project Oversight

10.1 Project Oversight

TIF project oversight for all planning, design and construction projects shall be provided by the IAD, Project Engineer (PE) and/or through project engineering, management and oversight services provided under contract to the IAD.

10.2 Planning Projects

The IAD, PE or agency designee will perform the following tasks relating to TIF projects in the planning phase:

1. Assist the TIF recipient with preparation and review of a request for proposal to acquire professional services for the work.
2. Review the subsequent professional service agreement with written recommendations to the IAD.
3. Conduct a scoping meeting with the TIF recipient, their consultant, the IAD, and any other identified stakeholders to determine the appropriate scope of work to be included in the preliminary engineering report (PER) before any work begins.
4. Examine the PER for the project and determine the adequacy and acceptability of the plan
5. Review the alternatives evaluation submitted to determine if:
 - a. All appropriate alternatives were considered.
 - b. Alternatives were given serious consideration;
 - c. Community was involved in selecting the preferred alternative, and
 - d. Consideration was given to alternatives that best fit the community needs in terms of ability to operate and maintain the system for the long-term
6. If requested, examine the environmental information document (EID) submitted by the TIF recipient to determine if all required information has been provided in accordance with applicable regulations
7. If requested, prepare the appropriate draft environment review documents.

Provide a written report to the IAD for each project reviewed that describes the results of the review.

10.3 Design Projects

The IAD, PE or agency designee will perform the following tasks relating to TIF projects in the design phase:

1. Examine the plans and specifications for proposed projects to determine if the constructed facilities will meet performance objectives.
2. Review plans and specifications for constructability (plans prepared so as to minimize change orders) bid ability (complete and accurate description for best pricing in the bid process), operability, and completeness.

3. Review of each project's plans and specifications will be coordinated to comply with requirements concerning plans and specifications. A summary letter will be prepared for the TIF recipient that describes all information in both the construction project plan and design and lists all deficiencies noted in planning and design of the project.

10.4 Construction Projects

The IAD PE or agency designee will perform the following tasks relating to TIF projects in the construction phase:

1. All bid tabulations, construction contracts, engineer's recommendations for award, and written recommendations to through IAD to the TIF Board will be reviewed.
2. The IAD PE or designee will make periodic visits to project construction sites, the number and frequency of which will be based on the complexity of construction activities, size of the construction project, and the amount of the TIF funding. At a minimum, there will be two visits, one interim and one final.
3. A written schedule of anticipated site visits will be determined at the preconstruction conference and provided to the IAD.
4. The IAD PE or designee will have the flexibility to adjust the schedule to accommodate the flow of the construction; any such adjustments will be communicated to the TIF Board in writing
5. The IAD PE or designee shall prepare a written report to the IAD of any construction problems noted, and provide verbal notification to the IAD of any problems requiring immediate attention.
6. The IAD PE or designee shall review change orders requested for the project, including a written opinion to the IAD as to whether the change order is reasonable and appropriate.
7. The IAD PE or designee shall meet with the construction contractor, TIF recipient, consulting engineer, and the IAD to discuss any problems noted during the periodic visits or review of change order requests.
8. The IAD PE or designee shall review payment requests to verify appropriate completion of the work and satisfactory supporting documentation with recommendation to the IAD.

10.5 Change Orders

A change order is work that is added to or deleted from the original scope of work of a TIF project. After the original scope (or contract) is formed, complete with the total amount and the specific work to be completed, a project sponsor may determine that the original plans do not best represent their definition for the finished project. Accordingly, the project sponsor may suggest an alternate approach. With this in mind, the TIF Board acknowledges that there may be several causes for change orders to be created.

These include but are not limited to:

1. The project's work was incorrectly estimated
2. The project team discovers obstacles or possible efficiencies that require them to deviate from the original plan
3. The project team are incapable of completing required deliverables within budget, and additional time, or resources must be added to the project
4. During the course of the project, additional features or options are perceived and requested

Change orders for TIF projects must describe the new work to be done (or not done in some cases), and the time required to complete this new work. Requests for change orders must be submitted to the IAD PE or agency designee and approved by the IAD.

10.6 No-Cost Extension

In 2008, the TIF Board of Directors first considered no-cost extensions for projects that were not completed in the initial 18 months allotted to complete the project. Based on this precedent, the Board will consider no-cost extensions up to not more than 6 months on a case-by-case basis. Grantees requesting a no-cost extension must submit written notification to the IAD Cabinet Secretary at least 45 days in advance of the project end date.

The written notification submitted by the project sponsor must:

1. Provide full justification for why the project will not be not completed in the allotted time
2. Provide information clearly indicating all executable project deliverables completed
3. Provide information clearly indicating project costs to date and payments made
4. Provide a specific plan of action for the completion all outstanding executable project deliverables within the 6 month extension period
5. Provide a specific budget indicating the project amount spent to execute deliverables completed
6. Provide an anticipated budget for the completion of all outstanding project deliverables
7. Provide a Gantt chart illustrating the proposed project schedule. The chart should illustrate the start and finish dates of the terminal elements and summary elements of the project. Terminal elements and summary elements comprise the work breakdown structure of the project. The chart may also show the dependency relationships between activities. The chart should also show the intended schedule status using percent-complete shadings along with anticipated completion dates.

Section Eleven

Going Green

11.1 Green Project

A green project may be one that focuses on water efficiency, energy efficiency, green infrastructure, or is environmentally innovative. This section provides specific information on the types of eligible projects that may typically be termed “green” water and/or wastewater projects.

Green Water Project

A green water project is a project that focuses on water efficiency, energy efficiency, green infrastructure or is environmentally innovative.

Water Efficiency

Water efficiency projects include the use of improved technologies and practices to deliver equal or better services with less water.

Eligible water efficiency projects may include but are not limited to:

1. Costs associated with planning and design activities for water efficiency that are reasonably expected to result in a capital project
2. Purchase of water efficient fixtures, fittings, equipment, or appliances
3. Purchase of leak detection devices and equipment
4. Purchase of water meters
5. Meter reading equipment and systems
6. Pipe, construction and installation activities that implement capital water efficiency projects
7. Costs associated with development of a water conservation plan
8. Installation of water meters or automated meter reading systems
9. Retrofit or replacement of water using fixtures, fittings, equipment or appliances (can include rebate programs)
10. Distribution system leak detection equipment
11. Replacement or rehabilitation of distribution lines

Energy Efficiency

Energy efficiency projects are those that reduce the energy consumption of eligible drinking water infrastructure projects or produce clean energy.

Eligible energy efficiency projects may include but are not limited to:

1. Clean energy projects such as wind, solar, geothermal, hydroelectric, and biogas combined heat and power systems
2. Planning and design activities for energy efficiency that are reasonably expected to result in a capital project
3. Building activities that implement capital energy efficiency projects
4. Costs associated with a utility energy audit if required as a condition of assistance
5. Energy efficient retrofits and upgrades to pumps and treatment processes

6. Leak detection equipment
7. Producing clean power for drinking water systems on site (wind, solar, hydroelectric, geothermal, biogas powered combined heat and power)
8. Replacement or rehabilitation of distribution lines

Green Infrastructure

Green Infrastructure projects include a wide array of practices at multiple scales that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater.

Green Infrastructure projects include a wide array of practices at multiple scales that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater.

On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed.

On the local scale green infrastructure consists of site-and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns. In addition to managing rainfall, these green infrastructure technologies can simultaneously provide other benefits such as helping filter air pollutants, reducing energy demands, mitigating urban heat islands, and sequestering carbon while also providing communities with aesthetic, recreational and natural resource benefits.

In the context of the TIF, green infrastructure consists of site-specific practices, such as green roofs and porous pavement at drinking water utility facilities. In addition to managing rainfall, these green infrastructure technologies can simultaneously provide other benefits such as reducing energy demands.

Eligible projects may include but are not limited to:

1. Implementation of wet weather management systems for utility buildings and parking areas which include:
 2. Incremental cost of porous pavement
 3. Bioretention
 4. Trees
 5. Green roofs, and;
 - a. Other practices that mimic natural hydrology and reduce effective imperviousness.

Environmentally Innovative

Environmentally innovative projects are those that are consistent with the underlying project eligibilities of the TIF program and that demonstrate new and/or innovative approaches to delivering service and/or managing water resources in a more sustainable way, including projects that achieve public health protection and environmental protection objectives at the least life-cycle costs.

Environmentally innovative projects may include but are not limited to:

1. Projects that enable the utility to adapt to the impacts of global climate change
2. Projects consistent with a planning framework within which project life cycle costs (including infrastructure, energy consumption and other operational costs) are minimized
3. Implementation of wet weather management systems for utility buildings and parking areas which include:
 - a. Incremental cost of porous pavement
 - b. Bioretention
 - c. Trees
 - d. Green roofs, and;
 - e. Other practices that mimic natural hydrology and reduce effective imperviousness.

Green Wastewater Projects

A green wastewater project is a project that focuses on water efficiency, energy efficiency, green infrastructure, and/or is environmentally innovative.

Water Efficiency

Water efficiency projects include the use of improved technologies and practices to deliver equal or better services with less water.

Eligible water efficiency projects may include but are not limited to:

1. Planning and design activities for water efficiency that are reasonably expected to result in a capital project.
2. Building activities that implement capital water efficiency projects
3. Development and/or implementation of a Nonpoint Source Management Plan
4. Installation of water meters
5. Retrofit or replacement of water using fixtures, fittings, equipment or appliances
6. Efficient landscape or agricultural irrigation equipment
7. Systems to recycle gray water

8. Reclamation, recycling, and reuse of existing rainwater, condensate, degraded water, stormwater, and/or wastewater streams
9. Collection system leak detection equipment
10. Development and initial distribution of public education materials

Energy Efficiency

Energy efficiency projects are those that reduce the energy consumption of eligible water quality projects or produce clean energy used by a treatment works.

Eligible energy efficiency projects may include but are not limited to:

1. Capital projects that reduce the energy consumption of eligible water quality projects or produce clean energy used by a treatment works
 - a. Clean energy includes wind, solar, geothermal, hydroelectric, and biogas combined heat and power systems
 - b. Energy efficient retrofits and upgrades to pumps and treatment processes
 - c. Leak detection equipment
 - d. Producing clean power for treatment works on site (wind, solar, hydroelectric, geothermal, biogas powered combined heat and power)
 - e. Pro-rata share of capital costs for offsite publicly owned clean energy facilities that provide power to a treatment works.

Green Infrastructure

Green Infrastructure projects include a wide array of practices at multiple scales that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater.

On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed.

On the local scale green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns. In addition to managing rainfall, these green infrastructure technologies can simultaneously provide other benefits such as helping filter air pollutants, reducing energy demands, mitigating urban heat islands, and sequestering carbon while also providing communities with aesthetic, recreational and natural resource benefits.

Eligible green wastewater infrastructure projects include but are not limited to:

1. Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal at the least life-cycle costs
2. Approaches to incorporate green infrastructure into stormwater and wastewater utility infrastructure and management
3. Green Infrastructure/Low Impact development stormwater projects
4. Wetland restoration
5. Decentralized wastewater treatment solutions to existing deficient or failing on site systems
6. Water reuse projects that reduce energy consumption, recharge aquifers and reduce water withdrawals and treatment costs
7. Development and redevelopment practices that preserve or restore site hydrologic processes through sustainable landscaping and site design
8. Projects that use water balance approaches (water budgets) at the project level that preserve site, local or regional hydrology.
9. The water quality portion of projects that demonstrate the energy savings and climate change implications of sustainable site design practices and the use of green stormwater infrastructure
10. Projects that demonstrate the differential uses of water based on the level of treatment and potential uses as a means to reducing the costs of treating all water to potable water standards
11. Projects that identify and quantify the benefits of using integrated water resources management approaches
12. Implementation of comprehensive street tree or urban forestry programs, including expansion of tree box sizes to manage additional stormwater and enhance tree health.
13. Implementation of green streets (combinations of green infrastructure practices in transportation rights-of-ways), for either new development, redevelopment or retrofits
14. Implementation of water harvesting and reuse programs or projects
15. Implementation of wet weather management systems for parking areas which include:
 - a. Incremental cost of porous pavement
 - b. Bioretention
 - c. Trees
 - d. Green roofs, and;
 - e. Other practices that mimic natural hydrology and reduce effective imperviousness at one or more scales
16. Establishment and restoration of riparian buffers, floodplains, wetlands and other natural features
17. Downspout disconnection to remove stormwater from combined sewers and storm sewers

18. Comprehensive retrofit programs designed to keep wet weather out of all types of sewer systems using green infrastructure technologies and approaches.

Environmentally Innovative

Environmentally innovative projects demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal at the least life-cycle costs, subject to environmental review results. This also includes approaches to incorporate green infrastructure into drinking water, stormwater and wastewater utility infrastructure and management.

Eligible environmentally innovative projects include but are not limited to:

1. Planning and design activities for water efficiency that are reasonably expected to result in a capital project are eligible
2. Building activities that implement capital water efficiency projects
3. Implementation of a Nonpoint Source Management Plan

11.2 Green Project Component

A green project component is one or more elements, constituents or parts of a planning, design or construction project that focuses on water efficiency, energy efficiency, green infrastructure, or is environmentally innovative.

11.3 Green Jobs

A green job may be (a) a job in business that produces goods or provides services that benefit the environment or conserve natural resources or (b) a job in which the workers' duties involve making their establishment's production processes more environmentally friendly, or use fewer natural resources.

Goods & Services

A green job that produces goods or provides services that benefits the environment or conserves natural resources. These goods and services are sold to customers, and include research and development, installation, and maintenance services that produce green goods and services.

Green goods and services fall into one or more of five groups:

1. *Energy from renewable sources.* Electricity, heat, or fuel generated from renewable sources. These energy sources include wind, biomass, geothermal, solar, ocean, hydropower, and landfill gas and municipal solid waste.

2. ***Energy efficiency.*** Products and services that improve energy efficiency. Included in this group are energy-efficient equipment, appliances, buildings, and vehicles, as well as products and services that improve the energy efficiency of buildings and the efficiency of energy storage and distribution, such as Smart Grid technologies.
3. ***Pollution reduction and removal, greenhouse gas reduction, and recycling and reuse.*** These are products and services that:
 - a. Reduce or eliminate the creation or release of pollutants or toxic compounds, or remove pollutants or hazardous waste from the environment.
 - b. Reduce greenhouse gas emissions through methods other than renewable energy generation and energy efficiency, such as electricity generated from nuclear sources.
 - c. Reduce or eliminate the creation of waste materials; collect, reuse, remanufacture, recycle, or compost waste materials or wastewater.
4. ***Natural resources conservation.*** Products and services that conserve natural resources. Included in this group are products and services related to organic agriculture and sustainable forestry; land management; soil, water, or wildlife conservation; and stormwater management.
5. ***Environmental compliance, education and training, and public awareness.*** These are products and services that:
 - a. Enforce environmental regulations.
 - b. Provide education and training related to green technologies and practices.
 - c. Increase public awareness of environmental issues.

Duties Technologies, Processes and Practices

A green job in which workers' duties involve making their establishment's production processes more environmentally friendly or use fewer natural resources are situations in which these workers research, develop, or use technologies and practices to lessen the environmental impact of their establishment, or train the establishment's workers or contractors in these technologies and practices across all industries to identify jobs related to green technologies and practices used within the establishment.

These technologies and practices fall into one or more of four groups:

1. ***Energy from renewable sources.*** Generating electricity, heat, or fuel from renewable sources primarily for use within the establishment. These energy sources include wind, biomass, geothermal, solar, ocean, hydropower, and landfill gas and municipal solid waste.
2. ***Energy efficiency.*** Using technologies and practices to improve energy efficiency within the establishment. Included in this group is cogeneration (combined heat and power).

3. *Pollution reduction and removal, greenhouse gas reduction, and recycling and reuse.* Using technologies and practices within the establishment to:
 - a. Reduce or eliminate the creation or release of pollutants or toxic compounds, or remove pollutants or hazardous waste from the environment.
 - b. Reduce greenhouse gas emissions through methods other than renewable energy generation and energy efficiency.
 - c. Reduce or eliminate the creation of waste materials; collect, reuse, remanufacture, recycle, or compost waste materials or wastewater.
4. *Natural resources conservation.* Using technologies and practices within the establishment to conserve natural resources. Included in this group are technologies and practices related to organic agriculture and sustainable forestry; land management; soil, water, or wildlife conservation; and storm-water management.

11.4 Green Buildings

Green building refers to a structure and using a process that is environmentally responsible and resource-efficient throughout a building's life-cycle from:

- Siting
- Design
- Construction
- Operation
- Maintenance
- Renovation, and
- Demolition.

This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort.

Although new technologies are constantly being developed to complement current practices in creating greener structures the common objective is that green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation

11.5 Green Energy

Green energy includes natural energetic processes that can be harnessed with little pollution.

Glossary of Terms

Application: Contact Information - Includes project title, name of Tribal entity, application date, mailing address, contact person, phone, fax number, and e-mail address.

Application: Completeness - The extent to which all questions are answered, requested information and documentation is provided, i.e. one to three most recent fiscal year audit reports, current unaudited financials, current fiscal year budget, Tribal Council Resolution, area map, site map and/or floor map.

Application Deadline - The date by which applications must be submitted as stated on the Notice of Funding Availability

Application: Project Description, Nature & Scope - This describes how the project and applicant has met program requirements. Include any additional documents that may be useful in reviewing the project (i.e. project plans, preliminary engineering report, architectural designs, feasibility studies, business plans, etc.) Include a timeline for the proposed project including phases, and start and end dates.

Application: Project Need - The applicant must describe the extent to which the project is needed, including historical information, problem statement, proposed solution. The more severe the need as documented in the application, the higher the score. Applicant must describe the number of direct beneficiaries of the project. Applicant must demonstrate how completion of the proposed project will result in specific, measurable results.

Application: Project Readiness to Proceed - The extent to which the applicant can justify that they meet project requirements of the Bureau of Indian Affairs and/or right-of-way approval.

Application: Project Viability and Fundability - The extent to which the applicant documents how the ongoing maintenance, operation, and replacement of this project will be funded. The applicant should typically provide a list of all the "public benefits" resulting from this project along with the number of direct beneficiaries of the project compared to the funds requested. This should also include information on the number of new jobs (both short term and during the life of the project) that the proposed project is expected to generate and the expected duration of such jobs.

Application: Project Total Cost & Source of Leveraged Funds - A detailed and fully explained budget and budget narrative that must be provided with the application. For business development projects, the proposal must demonstrate that the expected return on investment will provide a reasonable return within a future specified time. The applicant should explain the extent to which federal, state, tribal and other resources are being used for the proposed project. A letter from the funding agency must be provided to verify any non-TIF funding sources.

BIA - Bureau of Indian Affairs

BOD -Board of Directors

CAR - Community assistance request generated by the infrastructure needs system

Certification - The Tribal entity must certify that all applicable state and federal regulations and requirements are being complied with.

Closed Project - A TIF project that shows no cash balance on the IAD database and is closed by the application review date for the next opportunity to apply for another planning, design or construction grant.

CN - Confirmation Notification of project interest form submission generated by the infrastructure needs system

CPL - Comprehensive Project List generated by the infrastructure needs system of all TIF applications submitted

CSG - Community Services Group within the New Mexico Environment Department

CSC - Community Services Coordinator a member of the NMED Community Services Group

DFA - New Mexico Department of Finance and Administration

FPL - Fundable Project List generated at the time of the initial project evaluation by the project review team which is comprised of projects considered viable, fundable and ready to proceed.

Intergovernmental Grant Agreement - A contract between the State of New Mexico Indian Affairs Department and the tribal entity that allows the disbursement of grants from the Tribal Project Infrastructure Funds;

IAD - New Mexico Indian Affairs Department;

IFF- Infrastructure Funder's Forum convened periodically to bring together tribal entities with project needs and representatives of prospective funding agencies

IFS - Infrastructure Funding System

IHS - Indian Health Service

INS - Infrastructure Needs System

Infrastructure - This includes (i) a description and assessment of the location, type, capacity and condition of existing infrastructure, including emergency services, sewage, drainage, local utilities and other types of facilities; (ii) goals, objectives and policies for promoting the efficient provision of infrastructure, including a description of proposed levels of service; and (iii) a description and assessment of proposed facility expansion and improvements designed to support planned uses and implement infrastructure goals, objectives and policies.

NMED - New Mexico Environment Department;

New Mexico Interim Indian Affairs Committee - The legislative oversight committee that, (1) oversees the Tribal Infrastructure Board and (2) the grants made by the Board.

Open Project - A project funded with Tribal Infrastructure Funds that has existing balances and that has not been closed out by IAD.

Project - Eligible projects for TIF include (but not limited to) water and wastewater systems, roads, power lines, health/emergency facilities, and some economic development projects that address the poor social, health and economic development conditions in tribal communities.

Project Design - That part of a project that defines what is to be delivered as the solution to a problem using technology experts and tools. In construction, defining the construction requirement (including the functional relationships and technical systems to be used, such as architectural, environmental, structural, electrical, mechanical, and fire protection), producing the technical specifications and drawings, and preparing the construction cost estimate.

Project Phase - This occurs when a project is broken up into a number of specific phases, each of which is a designated group of activities resulting in the completion of specific deliverables or the meeting of project milestones.

P2 - Proposed Project Review

P3 - Project prioritization process

PIF - Project Interest Form

PRT- Project Review Team

Planning Grant - Funding made available by the TIF Board for the purpose of planning infrastructure projects.

SWIM - Sustainable Water Infrastructure Management Process

SOW - Scope of Work

Tier 2 Review - The review, evaluation, rating, ranking and scoring by the project review team of formal project proposals submitted by tribal entities on the FPL.

Tribe - A federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico,

Tribal Entity - A governmental entity or subdivision of a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico, each having the attributes of tribal or governmental sovereignty;

TIA - Tribal Infrastructure Act signed into law in 2005

TIF - Tribal Infrastructure Fund

Tribal Infrastructure Board - A thirteen person board consisting of nine voting members and four non-voting members

WIP - Water Infrastructure Portal housed at the NMED web-site

3C Check - Compliance, Capacity, Sustainability Check