

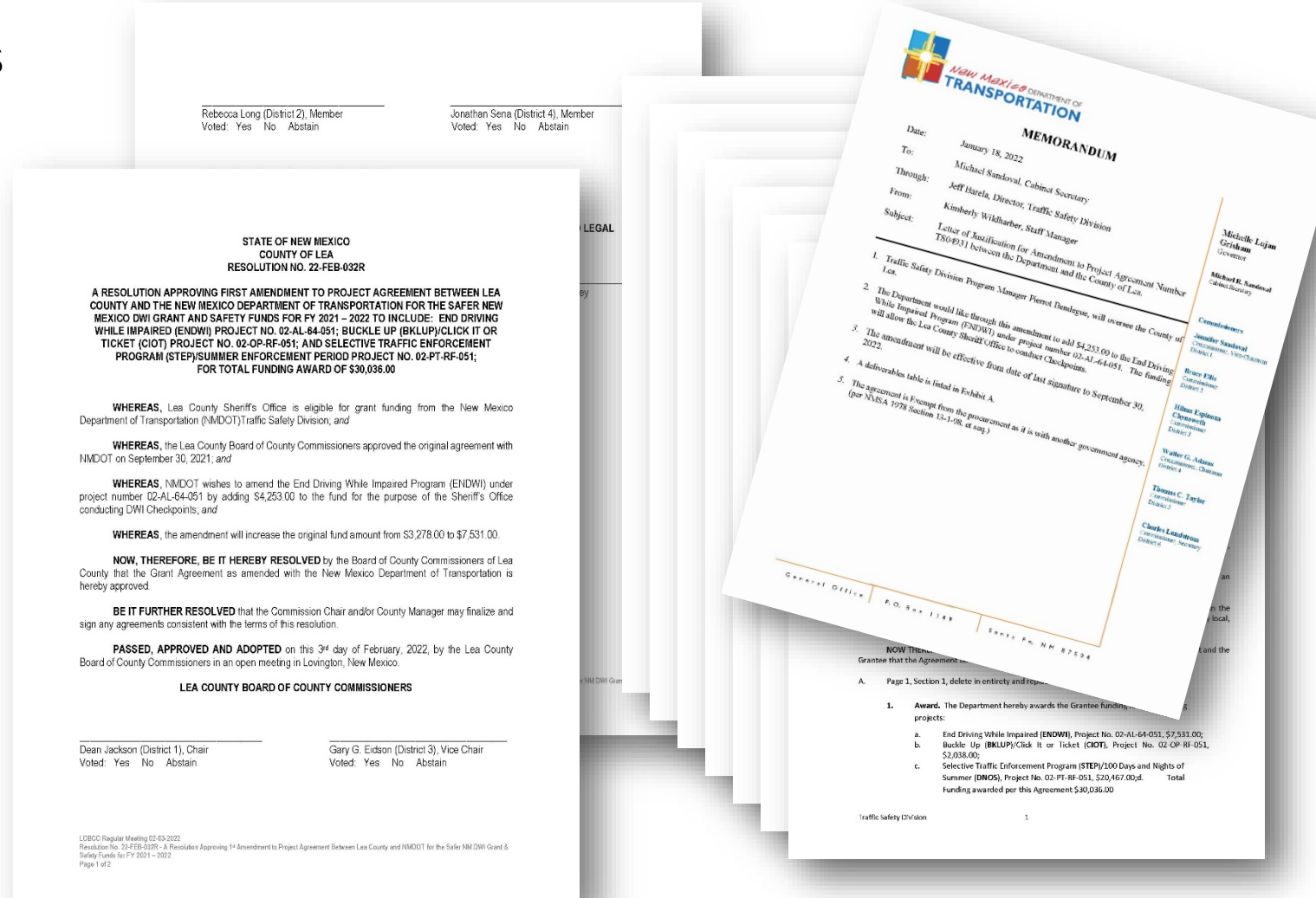


Consideration of Lea County Resolution No. 22-FEB-030R Approving First Amendment to Project Agreement between Lea County and the New Mexico Department of Transportation for the Safer New Mexico DWI Grant and Safety Funds for FY 2021 – 2022 to Include: End Driving While Impaired (ENDWI) Project No. 02-AL-64-051; Buckle Up (BKLUP)/Click It or Ticket (CIOT) Project No. 02-OP-RF-051; and Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project No. 02-PT-RF-051; for Total Funding Award of \$30,036.00

SAFER NEW MEXICO DWI GRANT AND SAFETY FUNDS FOR FY 2021 – 2022

- End Driving While Impaired (ENDWI)
Project No. 02-AL-64-051
Original Award \$3,278.00
Additional Award \$4,253.00
Total ENDWI Award \$7,531.00
- Buckle Up (BKLUP) / Click It or Ticket (CIOT)
Project No. 02-OP-RF-051
Original Award \$2,038.00
- Selective Traffic Enforcement Program (STEP)
Project No. 02-PT-RF-051
Original Award \$20,467.00

Original Total funding of all three projects: \$25,783.00
Amended Total Funding: \$30,036.00





**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, February 3, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: **Monday, January 24, 2022**

County Manager Approval mgallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 01/24/2022	SUBMITTED BY Name, Title, Dept: Michael Walker, Undersheriff, Sheriff's Office
SUBJECT: New Mexico Department of Transportation - SAFER Grant Amendment	ATTACHMENT(S): SAFER NM Grant and Resolution
NO. OF ORIGINALS FOR SIGNATURE: 1 - Signature on Agreement 2 - Signature on Resolution	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER: 401-00-1495	FISCAL BUDGET YEAR: 2022

STRATEGIC PLAN Implementation of 5 Year Strategic Plan:
The grant satisfies the goal of the County Commission's strategic plan concerning Section 3.5 Safety under performance measures:
#2 - Alcohol related crashes: decrease from year to year
#7 - Vehicular fatalities change from year to year

SUMMARY:
Request consideration and approval of the Amendment to Project Agreement Number TS04931 for the New Mexico Department of Transportation SAFER NM award for End Driving While Impaired (ENDWI). NMDOT wishes to add \$4,253.00 to the ENDWI project number 02-AL-64-051 that was approved by the Board on September 30, 2021 to allow the Sheriff's Office to conduct DWI Checkpoints. The total funding for the project number would change to \$7,531.00. Funding will be effective for Fiscal Year 2022. Upon approval, a signature of grant agreement is required by the Lea County Commission Chairman and the Lea County Attorney to complete the application, award, and filing process.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____ If checked, how many: _____	See Additional Summary Attached <input type="checkbox"/>
SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature Department Director, Etc. Michael Walker <small>Digitally signed by Michael Walker Date: 2022.01.24 10:52:54 -07'00'</small>
FINANCE REVIEW Fiscal Impact/Cost: The financial impact to Lea County will be additional grant funding of \$4,253 to conduct DWI checkpoints in Lea County.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.01.24 13:23:22 -07'00'</small>
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda

Item No. <u>0402</u>		
RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN		
Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-FEB-032R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-FEB-032R

A RESOLUTION APPROVING FIRST AMENDMENT TO PROJECT AGREEMENT BETWEEN LEA COUNTY AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE SAFER NEW MEXICO DWI GRANT AND SAFETY FUNDS FOR FY 2021 – 2022 TO INCLUDE: END DRIVING WHILE IMPAIRED (ENDWI) PROJECT NO. 02-AL-64-051; BUCKLE UP (BKLUP)/CLICK IT OR TICKET (CIOT) PROJECT NO. 02-OP-RF-051; AND SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)/SUMMER ENFORCEMENT PERIOD PROJECT NO. 02-PT-RF-051;
FOR TOTAL FUNDING AWARD OF \$30,036.00

WHEREAS, Lea County Sheriff's Office is eligible for grant funding from the New Mexico Department of Transportation (NMDOT) Traffic Safety Division; *and*

WHEREAS, the Lea County Board of County Commissioners approved the original agreement with NMDOT on September 30, 2021; *and*

WHEREAS, NMDOT wishes to amend the End Driving While Impaired Program (ENDWI) under project number 02-AL-64-051 by adding \$4,253.00 to the fund for the purpose of the Sheriff's Office conducting DWI Checkpoints; *and*

WHEREAS, the amendment will increase the original fund amount from \$3,278.00 to \$7,531.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the Grant Agreement as amended with the New Mexico Department of Transportation is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED, APPROVED AND ADOPTED on this 3rd day of February, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By:

Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney

CONTRACT NUMBER: TS04931/1

GRANTEE DUNS NUMBER: 010485308

VENDOR NUMBER: 0000054388

**FIRST AMENDMENT TO
PROJECT AGREEMENT BETWEEN
THE NEW MEXICO DEPARTMENT OF TRANSPORTATION
AND
COUNTY OF LEA**

This First Amendment to Grant Agreement (Contract Number TS04931) is made and entered into this _____ day of _____, 2021, by and between the New Mexico Department of Transportation (the “**Department**”) and the County of Lea (the “**Grantee**”).

RECITALS

WHEREAS, the Department and the Grantee entered into Contract No. TS04931, on October 7, 2021, (the “Agreement”);

WHEREAS, SECTION SIXTEEN, of the Agreement allows the parties to amend the Agreement by an instrument in writing;

WHEREAS, the grantee has requested additional funding under for the ENDWI program in the amount of \$4,253.00 to conduct ENDWI checkpoints in specific locations identified in data compiled by local, state or federal government agencies and the Grantee’s Operational Plan.

NOW THEREFORE, to realize the purposes set forth herein, it is agreed by the Department and the Grantee that the Agreement be amended as follows:

A. Page 1, Section 1, delete in entirety and replace with the following:

1. **Award.** The Department hereby awards the Grantee funding for the following projects:
 - a. End Driving While Impaired (**ENDWI**), Project No. 02-AL-64-051, \$7,531.00;
 - b. Buckle Up (**BKLUP**)/Click It or Ticket (**CIOT**), Project No. 02-OP-RF-051, \$2,038.00;
 - c. Selective Traffic Enforcement Program (**STEP**)/100 Days and Nights of Summer (**DNOS**), Project No. 02-PT-RF-051, \$20,467.00;d. Total Funding awarded per this Agreement \$30,036.00

- B. Page 6, Exhibit A, delete in its entirety and replace with the following:

Exhibit A: Scope of Work, Training, Reimbursement and Reporting

END DRIVING WHILE IMPAIRED (ENDWI) Project Number: 02-AL-64-051

1. **Scope of Work.** The Grantee shall conduct sobriety checkpoints (SCs) and DWI directed enforcement patrols (DDEPs) as negotiated between the Department and the Grantee, in high crash locations identified in data compiled by local, state or federal government agencies and included the Grantee's Operational Plan. The Department encourages the Grantee to accompany SCs and DDEPs with public information, media and educational activities. SCs must be scheduled to be staffed by at least six (6) officers and must last at least five (5) hours. If for any reason, the SC is not staffed with the minimum number of officers or was not conducted for the minimum number of hours, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for SCs based on the justification. DDEPs must deploy officers in high crash locations consistent with the enforcement plan. If for any reason, the DDEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DDEPs based on the justification. The Grantee is encourage to schedule SCs and DDEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, and National DWI Mobilizations as identified below.

2. **Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

"Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.

"Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

"Winter Superblitz Period" means November 19, 2021 to January 1, 2022.

"St. Patrick's Day Mini Superblitz Period" means March 11 to March 19, 2022.

"Cinco de Mayo May Mini Superblitz Period" means May 1 to May 7, 2022.

"Fourth of July Mini Superblitz Period" means July 1 to July 8, 2022.

"National DWI Mobilization Period" means August 17 to September 5, 2022.

3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.
4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the SCs and DDEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2022. If the final claim is submitted after October 31, 2022, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
 - a. pay, including overtime, for officers conducting traffic safety DWI enforcement in areas consistent with the enforcement plan;
 - b. pay, including overtime, for officers attendance at administrative license revocation hearings and court hearings directly related to DWI arrests made while participating in the ENDWI program;
 - c. overtime costs for officers or civilian employees to dispatch or process paperwork directly related to the SCs and DDEPs conducted during the claim month. The Grantee can only claim up to 10 percent of the total monthly claim amount; and
 - d. in state travel and related expenses for officers to attend DWI related training approved by the Department in advance, and shall be reimbursed in accordance with the Regulation Governing the New Mexico Per Diem and Mileage Act, 2.42.2 NMAC.
5. **Reporting.** *The Grantee must submit activity reports by the 20th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be 23 U.S.C. § 164 and the Catalog of Federal Domestic Assistance (CFDA) number to be 20.608. However, both funding source and CFDA number are subject to change at the Department's

discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$7,531.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$7,531.00

7. **Goals.** The Department's performance goals for the state are as follows: Alcohol-impaired fatalities rose by 14.2 percent in 2019 from 2018, and projected data indicate a continued rise in these fatalities into 2022. The State has determined to set the five-year average projection of 130.5 as the 2022 target. The State's ENDWI and the National Drive Sober or Get Pulled Over enforcement and media continue to focus on reducing drunk driving, particularly in urban areas that have higher incidents of alcohol-involved crashes, fatalities and injuries, and among high-risk groups including pedestrians and young male drivers
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

All other obligations set forth in the original Agreement shall remain in full force and effective unless expressly amended or modified by this First Amendment.

The remainder of this page is left intentionally blank.

In Witness Whereof, each party is signing this First Amendment on the date stated opposite that party's signature. This First Amendment is effective as of the date of the last party to sign it on the signature page below.

DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____


COUNTY OF LEA

By: _____

Date: _____

Title: _____

Approved as to form and legal sufficiency.

By:  _____
Assistant General Counsel
Department of Transportation

Date: 12/28/2021

Approved as to form and legal sufficiency.

By: _____

Date: _____

Title: _____

New Mexico Traffic Safety Division Project Information Sheet

Contract Number:	TS04931/1				
Government Unit:	COUNTY OF LEA				
Contract term:	(10/07/2021 – 09/30/2022)				
Vendor Number:	0000054388			Address ID:	
Grantee Contact Info					
Project Director and Title:		Chief Deputy Chan Kim			
Phone:	575-396-3611		E-mail:	ckim@leacounty.net	
Agency Name:		Lea County Sheriff's Department			
Address:		1417 South Commercial			
City, State ZIP:		Lovington, NM 88260			
TSD Contact Info					
Program Manager:		Pierrot Bendegue		Phone:	505-629-3762
TSD Finance:		Tommy Campos		Phone:	505-795-2321
Budget Breakdown					
Funding	Project Number	Amount	Fund	Department Code	PO Number
ENDWI	02-AL-64-051	\$7,531.00	10010	5000000000	
Total		\$7,531.00			
PO Entered by TSD Finance:				Date:	
PO Approved by Contracts:				Date:	
Comments:					



MEMORANDUM

Date: January 18, 2022

To: Michael Sandoval, Cabinet Secretary

Through: Jeff Barela, Director, Traffic Safety Division

From: Kimberly Wildharber, Staff Manager

Subject: Letter of Justification for Amendment to Project Agreement Number TS04931 between the Department and the County of Lea.

**Michelle Lujan
Grisham**
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

**Hilma Espinoza
Chynoweth**
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

1. Traffic Safety Division Program Manager Pierrot Bendegue, will oversee the County of Lea.
2. The Department would like through this amendment to add \$4,253.00 to the End Driving While Impaired Program (ENDWI) under project number 02-AL-64-051. The funding will allow the Lea County Sheriff Office to conduct Checkpoints.
3. The amendment will be effective from date of last signature to September 30, 2022.
4. A deliverables table is listed in Exhibit A.
5. The agreement is Exempt from the procurement as it is with another government agency, (per NMSA 1978 Section 13-1-98, et seq.)

Office of General Counsel Contract Brief Form

Date: [December 28, 2021](#)
Location: [Traffic Safety Division](#)
Phone: [505-629-3762](#)
Contractor: [Lea County Sheriff's Office](#)
Project No.: [02-AL-64-051](#)

From: [Pierrot Bendegue](#)

Agency: [NMDOT](#)

NEW CONTRACT

- ☐ Copy of RFP, if applicable
- ☐ Copy of approved sole source justification
- ☐ Copy of approved small purchase justification
- ☐ Copy of Contract Brief signed by Contract Administration

AMENDMENT TO EXISTING CONTRACT

- ☐ Scope of Work
- ☒ Additional Compensation
- ☐ Time extension

Note: For amendments please attach a copy of the original agreement, any previous amendments, and a copy of the RFP. (If applicable)

X EXEMPT FROM PROCUREMENT PROCESS (university: other educational institutions; other state agency, bureau; local public bodies).

The Office of General Counsel's policy for turnaround time is ten (10) working days. Please indicate below if there are extenuating circumstances, which require immediate review of this agreement.

Attorney Review Comments

The attached agreement is being returned for revisions or corrections. Please call at (505) 827-5431 if you have any questions.

☐ Please make corrections on pages ☐

☒ [JN](#) I have signed the agreement with the understanding that you will make the corrections indicated on the agreement submitted for review or discussed with you.

☐ Please make corrections on pages and return the marked copy to the receptionist for further review and approval.

Other Comments:

[Reviewed for legal sufficiency and signed.](#)