



**NEW MEXICO AUTOMOBILE THEFT  
PREVENTION AUTHORITY**

**GRANT MANAGERS GUIDANCE MANUAL**

**OFFICE OF SUPERINTENDENT INSURANCE**

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## **I. Introduction**

The New Mexico Automobile Theft Prevention Authority (NMATPA) was established by the New Mexico Legislature in 2018. NMATPA's mission is to deter and reduce vehicle theft and insurance fraud through a statewide cooperative effort of generating funds to support law enforcement, prosecution, and public awareness through a partnership between industry and state government.

NMATPA was created under the supervision of the New Mexico Office of the Superintendent of Insurance (OSI), but the programs and funds are administered by the NMATPA Board. The NMATPA manages the grant programs and facilitates meetings and administrative processes for the NMATPA Board. The Superintendent of Insurance has designated an OSI prosecuting attorney supervisor as the executive director of NMATPA.

A nine-member board of directors oversees NMATPA. The directors include the Superintendent, who appoints four representatives from four different authorized motor vehicle insurance companies, two representatives from different law enforcement agencies, and a representative from the public. The director of the administrative office of the district attorneys or the director's designee is also a member of the board.

Board members serve six-year terms, and no appointed member shall serve more than two terms. If a member fails to complete their terms, the member shall be replaced as soon as practicable by the Superintendent. Board members serve without compensation.

NMATPA is statutorily required to solicit, review and approve applications for grants to improve and support automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes. NMATPA must give priority to applications representing multi-jurisdictional programs, and, when practicable, must award grants to law enforcement agencies.

The NMATPA may seek and receive grant funding from federal, state or local governments or private philanthropic organizations to defray the costs of operating automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes. Law enforcement agencies may apply for grants to assist in improving and supporting automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes through statewide planning and coordination.

On or before November 1 of every year, NMATPA is required to report to the appropriate interim legislative committee on the implementation of the programs that have received grants. The interim committee report must include the number and geographic jurisdiction of law enforcement agencies that received grants under the authority and the amount and duration of the grants; the change in the number of automobile thefts in areas of the state, and recommendations for legislative changes to assist in the prevention, enforcement, and prosecution of automobile-theft-related criminal activities.

Also by November 1 of every year, NMATPA must make a financial report to the Legislative Finance Committee.

The NMOSI is in the process of adopting rules governing the NMATPA grant-making process. The NMATPA statute is attached to this manual as Appendix A. See generally, Section 59A-16C-17 NMSA 1978 and proposed rule 13.22.2 NMAC, BOARD AND GRANT ADMINISTRATION.

## **II. This Manual**

This Grant Manager's Guidance Manual is designed as a primary resource for participants in the NMATPA grantmaking process and for the public. This annual describes grant funding principles, the application process, and grant administration and oversight. Additional forms and leaflets will be provided by the NMATPA upon request.

### **A. Purpose of this Manual**

The purpose of this manual is to provide guidance to grant applicants, recipients and sub-recipients about compliance with the procedures and policies of the NMATPA. This manual briefly explains the purpose of NMATPA grants, how to apply for funding and, upon award, requirements and conditions of a NMATPA grant project.

This manual is not intended to be an all-encompassing statement of responsibilities. It is intended to identify basic information and requirements most relevant to the grant recipient. In case of any conflict between the criteria listed in this manual and the rule, the rule shall prevail.

### **B. Applicability of this Manual**

This manual is provided to all NMATPA grant applicants upon request. The content of this manual applies to:

- NMATPA grant program applications and awards;
- Grant recipients and sub-recipients;
- Grant-supported activities;
- Management of grant funds and program income; and
- Accountability for program income.

### **C. Notice of Possible Changes**

This manual is updated periodically to reflect changes in applicable federal or state law as well as NMATPA policy. The official manual is the version that is posted in on the OSI web site. Policy and procedure changes will be posted on the NMATPA website at as they occur. NMATPA staff will attempt to notify potential grant applicants of changes.

However, grant applicants and recipients should periodically check the website to ensure they are up to date on policies and procedures applicable to their grants.

## **D. Applicable Statutes and Rules**

The main statute that pertains to the NMATPA is set forth in New Mexico Statutes Annotated (NMSA) 1978 as Chapter 59A, Article 16C. The following sections of that statute are particularly pertinent:

- 59A-16C-4 NMSA 1978, Superintendent's Duties;
- 59A-16C-5 NMSA 1978, Superintendent's Authority; and
- 59A-16C-17 NMSA 1978 - Automobile Theft Prevention Authority; Created; Board; Powers; Duties.

The main OSI rule that pertains to the NMATPA will be promulgated by OSI and will be published within the New Mexico Administrative Code (NMAC). Its working title is 13.22.2 – BOARD AND GRANT ADMINISTRATION.

## **E. Glossary**

As used in this manual, the following terms are defined as indicated below.

**“Applicant”** means a potential grant recipient that has submitted an application for NMATPA grant.

**“Award period”** means the period of time beginning with the date a grant begins and ending with the date the grant ends.

**“Award”** means a grant of funding that has been approved by the NMATPA Board.

**“Board”** means the nine-member board of directors that oversees the NMATPA.

**“Executive director”** means a supervising prosecuting attorney designated by the Superintendent of Insurance to oversee the day-to-day operations of the NMATPA.

**“Grant recipient”** means a non-private organization such as a law enforcement agency, municipality, county or multi-jurisdictional program that has been awarded a NMATPA grant.

**“NMATPA”** means the New Mexico Automobile Theft Prevention Authority in the Office of Superintendent of Insurance.

**“OSI”** means the Office of Superintendent of Insurance.

**“Superintendent”** means the Superintendent of Insurance.

**“Term of Grant”** means award period.

### **III. Grant Funding Principles**

The purpose of NMATPA grant funding is to support local and state projects, undertaken at the recipient's initiative, to reduce motor vehicle theft in the State of New Mexico. Financial assistance provided through the grant program is intended to address motor vehicle theft issues in the areas of prevention, enforcement, prosecution, public awareness and education, and technology and equipment. These areas of need are the focus for which grant funding is intended, and for what, when and how funds may be expended.

#### **A. General Criteria for Grant Funding**

Significant emphasis is placed on grant proposals that include applications representing multi-jurisdictional programs. Receipt of grant funding includes conditions and responsibilities. Previous receipt of grant funds does not guarantee future funding.

##### **1. General Preference Criteria**

Grants are awarded based on a variety of criteria, including but not limited to:

- a) Emphasis on geographic areas where motor vehicle theft is a significant problem;
- b) Proposed methods of reducing motor vehicle theft;
- c) Success of proposed activities;
- d) Past performance;
- e) Previous grant procedure compliance;
- f) Grant recipient's matching financial contribution to funding activities; and
- g) Multi-jurisdictional participation in grant-funded activities.

Law enforcement agencies that apply for NMATPA grants must ensure that stolen motor vehicle information is entered in the database of stolen vehicle information operated and maintained by the New Mexico Department of Public Safety.

##### **2. Specific Examples of Potential Grant Funding**

Under its statutory duty to combat vehicle theft in the State of New Mexico, the NMATPA Board will consider applications for grants for the enforcement or prosecution of automobile theft crimes. The Board will give priority to applications representing multi-jurisdictional programs. Programs may include, but are not limited to:

- a) Multi-agency law enforcement and National Insurance Crime Bureau (NICB) task force programs using proactive investigative methods to reduce the incidents of motor vehicle theft and related crimes and to increase apprehension of motor vehicle thieves and persons who attempt to defraud insurance companies in order to:

- i. Direct proactive investigative, enforcement, and prosecution efforts toward the reduction of motor vehicle thefts,
  - ii. Increase recoveries of stolen motor vehicles, including farm and construction equipment, and/or
  - iii. Increase the arrests of perpetrators.
- b) Programs that engage in crime prevention efforts, activities, and public awareness campaigns that are intended to reduce the public's victimization by motor vehicle theft, fraud, and related crimes;
- c) Programs that provide or develop specialized training for motor vehicle theft investigations personnel, including but not limited to law enforcement personnel, title and registration clerks, Motor Vehicle Division (MVD) clerks, and port-of-entry officials, to enhance knowledge, skills, procedures, and systems to detect, prevent, and combat motor vehicle theft, fraud, and related crimes;
- d) Programs to provide for the support of prosecutors who have the specific mission and expertise to provide legal guidance and prosecutorial continuity to complex criminal cases arising from the activities of a multi-agency law enforcement program; and
- e) Programs to prevent future criminal behavior by first-time offenders who have been charged, convicted, or adjudicated for motor vehicle theft.

## **B. Non-Substitution of Funding**

NMATPA is not allowed to require, as a condition of a grant award, that an agency or political subdivision provide other funding to operate an automobile theft prevention program or a program for the enforcement or prosecution of automobile theft crimes.

However, monies expended from the New Mexico Auto Theft Prevention Account should not be used to substitute for other monies that are available for vehicle theft prevention.

At a minimum, each recipient shall declare, as part of its application, that no NMATPA funds will be used to replace State or local funds that would have been available in the absence of grant funds. Such declaration shall be on a NMATPA form titled "Declaration of Non-Substitution of Funding."

## **C. Receipt of Grant Funding Is Not an Entitlement**

The NMATPA has a responsibility to ensure that grant funding is distributed to provide the most effective outcomes for the State of New Mexico. Funding is limited by programmatic and fiscal restrictions, and it is intended for specific purposes.



## **IV. Application Process**

### **A. Step 1: Grant Announcement**

Consistent with § 59A-16C-17 NMSA 1978, the Board will direct the NMATPA to provide solicitation and announcement of available grant funding opportunities for New Mexico vehicle theft prevention, enforcement, prosecution, or offender rehabilitation. The announcement will also be posted on the NMATPA website under the general heading of “GRANTS.”

The NMATPA will facilitate training to interested applicants prior to launching the application, review, and award phases of the NMATPA grant process.

### **B. Step 2: Grant Application Workshop**

As the NMATPA Grant process may vary from other state and/or federal grant programs, the NMATPA offers a workshop for those interested or otherwise desiring to submit a NMATPA grant application. This workshop provides attendees with an understanding of the purpose, intent, limitations, and processes involved with submitting a NMATPA Grant Application. The Workshop is facilitated in an informal meeting session where NMATPA staff are available to answer questions and provide feedback to prospective or continuing applicants. Although this Workshop is not required for submission of a NMATPA Grant Application, it is highly recommended, as details are provided for unique processes and application requirements that may vary from other state or federal grant requests.

### **C. Step 3: Grant Application Opening/Closing**

The NMATPA Board will approve a timeline for submission of NMATPA Grant Applications. This timeline includes an availability, from opening to closing, for when an application may be submitted.

### **D. Step 4: Office Initial Review – Questions and Responses**

Upon receiving the NMATPA Grant Application, the NMATPA will review the application and may request clarification for written responses regarding the programmatic performance or budgetary requests. The written responses from the NMATPA Grant Applicant will be included with the initial Grant Application for review by the NMATPA Board.

NMATPA staff will conduct a preliminary review of all applications for compliance with the Basic Evaluation Criteria set out below. The NMATPA executive director will then review the grant applications in compliance with the applicable documents, forms, and guidelines set forth in the applicable rules and this manual. The executive director may, in his or her discretion, provide a ranked list to the NMATPA board. The executive director

will recommend to the Board for further review all grant proposals he or she finds to meet the criteria set forth in the applicable rules and this manual.

### **1. Basic Evaluation Criteria**

All grant applications must satisfy the following minimum conditions:

- a) Applicants must be public agencies within the State of New Mexico;
- b) Applications must include all applicable documents, forms and guidelines adopted by the NMATPA;
- c) Applications must include performance measures;
- d) Applications must include the names, titles, addresses, and telephone numbers of the authorized official, project director, and financial officer; and
- e) Applications must be submitted by the announced deadline.

The executive director may disqualify an application if:

- a) The applicant is not eligible to apply; or
- b) The applicant does not respond to a request for supplemental information.

### **2. Additional Conditions for Equipment Grants**

Applications for grants that include procurement of equipment are subject to the following additional minimum conditions:

- a) A statement justifying the need for the equipment and expectations for the reduction of motor vehicle theft in the recipient's jurisdiction must be included with the proposal;
- b) Statement that the applicant will comply with their governing body's procurement requirements (specifically regarding bid requirements for equipment of a certain value);
- c) If equipment is valued over \$ 5,000, the NMATPA will require the recipient to record and report performance data and impact on vehicle theft in its jurisdiction for three years from the date of purchase; and
- d) The recipient will own the equipment awarded through the grant and, as a condition of the grant award, must accept responsibility for maintaining the equipment and ensuring that it is used for the stated purposes.

### **3. Delivery of Applications**

All grant applications must be mailed or delivered to:

**Grant Program Manager  
New Mexico Auto Theft Prevention Authority  
6200 Uptown Blvd. NE #400, Albuquerque, NM 87110**

At the discretion of the executive director, applications may also be emailed to an address to be designated by NMATPA.

## **E. Step 5: Board Review of the Application**

The NMATPA board will review and take action on each application that the executive director has recommended for board review. The Board may award a grant, award a grant with modifications, or reject a grant application. All grant award decisions by the Authority are final. The Board will support and use established application procedures, requirements, guiding principles, evaluation criteria and procedures for reviewing, evaluating and awarding grants. All applications will be reviewed pursuant to § 59A-16C-17 NMSA 1978 and will apply the guiding principles set out in this manual. The Board will assess each application and apply these Criteria-Based Evaluation methodologies to determine the best value for the use of NMATPA funds.

Applicants are expected to:

- 1) Comply with the dates and deadlines outlined in the Grant Schedule;
- 2) Have an understanding of the NMATPA Board's awarding considerations using the Award Level Estimates, Guiding Principles, and Criteria-Based Evaluation Elements;
- 3) Submit the application using the authorized NMATPA Grant Application in the portable document format (pdf);
- 4) Use terminologies in the grant application consistent with NMATPA Definitions;
- 5) In the event of an award, conform with all applicable Reporting Requirements, and
- 6) Demonstrate the value of the requested funds upon the education, prevention, enforcement, training, and/or prosecution regarding auto theft and any foreseeable reduction to auto theft within the designated project area.

Additional information on the NMATPA Board, the NMATPA, insurance fee collections and resources may be found on the OSI website, at: <https://www.osi.state.nm.us/>.

**Important Note:** The NMATPA Board may request clarification from the Applicant on questions, concerns, or issues regarding technical, budgetary, or conceptual aspects of the application. The NMATPA Board may ask the Applicant to provide additional documentation, respond to questions or attend an interview with the Board. In such cases, continued funding consideration by the Board will require the Applicant to provide timely responses to all Board requests. The Board may table a grant application for further consideration or to obtain additional information. The Board may reconsider a grant denial if the initial denial was solely due to a lack of available funding.

## **F. Step 6: Board Award Recommendation for Each Application**

The NMATPA Board will convene to consider all NMATPA Applications, considering responses, interviews or provided documentation requested by the Board during Step 5. The Board may reconsider the Application using the Guiding Principles, and Criteria-Based Evaluation methodologies, and determine award-level funding recommendations. NMATPA will provide each applicant with written notice of the NMATPA Board's determination for award recommendation.

## **G. Step 7: Applicant Award Acceptance and Final Application**

Upon acceptance of the NMATPA Board's Award Recommendation, the Applicant may be required to revise the initial Application to meet programmatic conditions and awarded funding limitations. As the Final Application will be used in the State Grant Agreement, it is important that the programmatic goals, objectives, conditions, and budget are properly reflected.

## **H. Step 8: Grant Agreement**

The NMATPA Office will generate and send a State Grant Agreement that includes a copy of the Grant Application to the prospective Grantee. The Grant Agreement will not become effective until it has been executed by all Signatory Authorities, including the Grant Applicant's Signatory Authority and all required State Signatory Authorities.

# **V. Grant Administration**

Grants shall be administered in accordance with all applicable federal, state and local laws, rules, regulations, policies, or guidelines; and policies, procedures, terms, conditions, standards, or stipulations of grant agreements defined by NMATPA.

## **A. Term of Grant**

All grant awards will be for the term specified in the grant announcement. Grant award terms are based on the New Mexico state fiscal year.

## **B. Grant Execution**

Consistent with the provisions of the Grant Agreement, the Grant Project may begin. Grant execution requires the awarded grant project to comply with the provisions of the Grant Agreement, including special conditions.

## **C. Grant Monitoring**

During the progress of the Grant Project, the NMATPA Office will provide programmatic and fiscal monitoring of the grant project. This will include quarterly project director meetings, desk reviews and on-site monitoring. The NMATPA Office will maintain

administrative oversight for financial reimbursement requests, programmatic reporting, narrative reporting, statistical reporting, inventory and other reporting/programmatic standards required under the specific conditions of the Grant Agreement. See also, Grant Oversight.

#### **D. Financial Reports and Reimbursements**

All grantees must, at a minimum, submit financial reports on a quarterly basis, within 40 days from the end of the quarter and within 30 days from the end of the project year. All financial reports must be submitted using the approved NMATPA Financial Payment Request Form. This form may be obtained from the NMATPA Office. Quarterly financial reporting shall adhere to the below deadlines. If a grantee wishes to submit monthly financial reports, these must be submitted within 40 days at the end of the month except June,\* which is 30 days from the end of the project year (see table, below). However, whichever process the grantee chooses (monthly reporting or quarterly reporting) must be consistent throughout the grant period.

Quarter	Reporting Period	Due Date
1	July, August, September	November 10
2	October, November, December	February 9
3	January, February, March	May 9
4	*April, May, June (see text, above)	July 30

At the end of the grant period, unexpended funds awarded to a recipient shall revert to the appropriate account. Funds for which NMATPA has not received a reimbursement request by the end of the grant period will also revert to the appropriate account unless NMATPA receives a timely request for a grant extension.

All financial backup documentation must be submitted to the NMATPA office until such time as the NMATPA Office determines the backup is no longer required for submission. Regardless of whether or not the backup documentation is submitted to the NMATPA Office, the grantee must keep all backup documentation on all submitted financial reports for five years.

#### **E. Obligation of Grant Funds**

Grant funds shall not be obligated prior to the effective date or after the end date of the grant period. Obligations must be related to goods or services provided and used for approved motor vehicle theft reduction and prevention purposes. All goods and services must be received by the end date of the grant to qualify for reimbursement.

Every item or service procured, in order to be allowable under a NMATPA grant, must be tied to the purpose of the grant as awarded and must be both necessary and reasonable for the grant program.

## **F. Program Income**

Program income is revenue generated by grant-supported activities, such as seminar/conference fees, or partial fees for service. Such income is subject to the same fiscal and programmatic controls as grant funds. Program income is considered to be the property of the generating grant-supported activity, and must be dedicated to that activity, at least to the extent that the activity is supported by NMATPA funding. Program income must be documented and reported to NMATPA in required financial reports.

## **G. Permitted Expenditures**

Expenditures are for grant purposes only and shall be:

- 1) Only those necessary for proper and efficient administration of the project;
- 2) Only those allowable under the principles and standards of the NMATPA;
- 3) Allowable under applicable state and federal laws, rules, regulations, policies, and guidelines;
- 4) Incurred on or after the first day of the award period and on or before the end date of the award period; and
- 5) Adequately supported by source documentation.

By accepting a NMATPA grant, the recipient agrees to use the approved purchasing practices and bid procedures required by the applicable governmental unit, community, agency, or organization for expenditures involving project activity. The recipient agrees to maintain accounting records following Generally Accepted Accounting Principles (GAAP) for the expenditure of grant funds. The recipient also agrees to maintain all documentation for all expenses incurred for a five-year period following the final payment for the project.

## **H. Property Management and Inventory**

Program assets must remain dedicated to the grant-supported activity for which they were procured. Items considered to be Equipment include:

- 1) Capital assets other than land, buildings and infrastructure costing \$5,000 or more; and
- 2) Small items with a value of less than \$5,000 and with a life expectancy exceeding one year.

All items considered equipment, whether acquired in part or in whole with grant funds, are subject to the following controls:

- 1) Property records must be maintained and must include:
  - a) Description;
  - b) Serial number or other identification number;
  - c) Source (procurement or acquisition source);
  - d) Identification of title holder;
  - e) Acquisition date;
  - f) Cost (including identification and percentage of the item's cost by fund source, such as individual grant awards, individual awards matching funds, other specific fund sources;
  - g) Location;
  - h) Use and condition; and
  - i) Disposal data, including date, disposal method, and realized value or assessed fair market value if not sold.
- 2) A control system must exist to ensure adequate safeguards to prevent:
  - a) Loss;
  - b) Damage; and
  - c) Theft.

Any loss, damage, or theft must be investigated immediately by the grant recipient, and the appropriate property records shall be annotated with the essential information and findings. Property and inventory records are subject to monitoring and audit review, and shall be maintained at the project level in addition to such other location as the grant recipient organizational policies require.

## **I. Suspension**

In lieu of, or as a corrective action phase prior to, termination, NMATPA may suspend reimbursement of grant funds to a recipient, and suspension shall immediately halt all processing of grant funds to that recipient. Potential causes for suspension include, but are not limited to:

- 1) Failure to comply with reporting requirements; or
- 2) Non-compliance with the terms and conditions of a grant award.

Suspension may also be imposed as an interim measure if termination is being considered. When non-compliance with reporting procedures is the stated cause of fund suspension, bringing reporting requirements up to date in compliance with the reporting schedule will be sufficient to reinstate fund reimbursement.

During a suspension, the grant recipient may not obligate grant funds. Continued obligation of funds is contingent on the suspension cause being resolved timely, either prior to the due date of reports or by other announced date.

Notice of suspension is accomplished when NMATPA sends an e-mail to any individual identified on the grant recipient's Signature Authorization Form. If the cause of the

suspension is not promptly resolved, written notice will be provided with seven (7) working days of the initial notice.

## **J. Termination**

NMATPA may terminate any grant award for failure to comply with any of the following:

- 1) Applicable state and federal laws, rules, regulations, policies, or guidelines;
- 2) Terms, conditions, standards, or stipulations of grant agreements including reporting; or
- 3) Terms, conditions, standards, or stipulations of any other grant awarded to the recipient.

Termination is the early closure of a grant award, and may be effective either immediately upon notice, or upon a specified date (usually not later than the end of the next complete month). Termination of a grant must be based on finding(s) that:

- 1) A grant recipient has acted illegally or has failed to comply with grant procedures and policies;
- 2) Deficient condition(s) make it unlikely that the major objectives of the grant will be accomplished;
- 3) Deficient condition(s) cannot be corrected within a period of time determined to be acceptable by the New Mexico Auto Theft Prevention Authority;
- 4) Failure to respond to audit or monitoring findings by the required date; or
- 5) A recipient has failed to act in good faith.

Termination will be accompanied or preceded by a notice that the grant recipient's funds have been suspended pending termination. The NMATPA will notify recipients of the conditions and findings constituting grounds for termination. Effective on the date that grant funds are suspended pending termination or the date of the termination, whichever is earlier, obligation of funds by the grant recipient is no longer authorized and funds may not be expended by the grant recipient, nor reimbursed by the NMATPA.

Unexpended funds awarded to a recipient shall, upon termination of a grant, revert to the appropriate account. If a grant award to a recipient has been terminated, NMATPA may deem that recipient ineligible for future grant awards.

## **VI. Grant Oversight**

By accepting a NMATPA grant, the recipient automatically agrees to allow the NMATPA staff and any of NMATPA's duly authorized representative access, for purposes of inspection, audit, and examination, to any books, documents, papers, records, equipment and personnel of the recipient or sub-recipients that are related to the grant project. Grant recipients shall supply to the NMATPA a copy of any annual state or local audit reports conducted during the award period.



The NMATPA may conduct periodic financial audits of the grant to ensure that the grant funds have been spent in accordance with the grant contract and applicable NMATPA policies. The NMATPA may conduct periodic program reviews of the project to determine adherence to the stated project scope and to review progress of the project toward meeting the stated goals and objectives.

#### **A. Purpose of Grant Oversight**

The main purpose of grant oversight is to assist grantees in meeting all applicable rules and requirements for both the State and NMATPA. Grant monitoring is one tool to improve project success on all levels. There are several types of monitoring that NMATPA may conduct on any grant project, including managerial project evaluations, desk audits, financial audits, program performance audits, and inventory audits. NMATPA will provide notice and information to grant projects when conducting monitoring activities.

#### **B. Grant Master File**

An agency that has received NMATPA funds (a “grantee”) must create and keep a master file for each NMATPA grant for each year. This file must contain a copy of the contract, all backup documentation, important email correspondence, copies of contract(s) with vendor(s), inventory form(s), copies of financial/cash requests, programmatic reports, presentations, grant modifications and/or monitoring reports.

#### **C. Contracts, Interagency Agreements & Memoranda of Understanding**

Contractual services and cooperative agreements require the grantee to submit a copy of the contract/agreement to the NMATPA Office in which the grantee engages. This copy will be placed in the NMATPA master grant file. The backup documentation (i.e., invoices) must be submitted to NMATPA before any payments will be approved.

#### **D. Grant Inventory**

##### **1. Ownership of NMATPA-Funded Equipment**

Capital equipment becomes the property of the recipient agency and remains in possession of the original agency so long as it continues to be used for auto theft prevention activities as approved by the NMATPA.

##### **2. Required Inventories**

NMATPA requires all capital equipment purchased with NMATPA funds be placed into an inventory. A capital equipment item is defined as a single item purchase with a value of \$5,000 or more.

### **3. Grant Inventory Form**

Grantees possessing capitalized equipment must complete a NMATPA Grant Inventory Form on or before August 1st, thirty days after the beginning of the grant period. Any new capital equipment purchased under the conditions of this grant project shall be added to the NMATPA Grant Inventory Certification Form and submitted to the NMATPA Office within thirty (30) days of the equipment being received.

### **4. Required Condition of Equipment**

Capital equipment must be retained in inventory for a five (5) year period or when the value of the equipment has depreciated to less than \$5,000, whichever comes first. Conditions that warrant removal from inventory require the grantee to complete a NMATPA Grant Equipment Inventory Removal Certification Form within thirty (30) days when any of the following conditions occurs:

- a) Equipment is in operational condition but not in use;
- b) Equipment has depreciated to a value less than \$5,000;
- c) Equipment is retained by the agency in auto theft prevention activities;
- d) Equipment was transferred to another NMATPA grantee;
- e) Equipment was traded in or sold to offset the cost of replacement equipment;
- f) Equipment was returned to NMATPA;
- g) Equipment has been lost;
- h) Equipment has been stolen; or
- i) Equipment has been damaged.

## **VII. Narrative Reports and Publications**

All grantees must submit both semi-annual and annual narrative reports. These reports must address all requirements of Subsections (A) through (D) immediately below. Subsection (E), Publications, is not required unless a particular grant requires it.

### **A. Goals and Objectives**

The Narrative Report must include how the project is meeting the stated goals and objectives included in the approved award.

### **B. Narration**

The Narrative Report must include a summation of how the program has performed during the reporting period. In other words, this report should be one that is used to justify or otherwise discuss the lessons learned, successes and challenges of the funded program. The NMATPA Office intends to use these narrative reports to update, advocate and brief the

NMATPA Board, legislative inquiries about NMATPA programs, and advise the general public about the use of NMATPA funds.

Reporting Period	Months Reported	Due Date
Semi-Annual	July - December	January 30
Annual	January - June	July 30

### **C. Financial Status**

The Narrative Report must include an overview of how the program has performed regarding the financial funding and capabilities in expending the awarded funds.

### **D. Progress and Financial Reports**

Progress and financial reports shall be submitted as requested by NMATPA and as required by the grant contract.

Semi-annual financial and progress reports are due no later than 30 days following the end of December and June of each year. Failure to submit any required reports prior to specified due dates may result in suspension of grant funds. Failure to submit reports after being notified that they are past due may result in suspension of funds and termination of the grant.

Progress reports must follow the format specified by the NMATPA.

### **E. Publications**

Grant recipients are encouraged to make the results and accomplishments of their activities available to other agencies and the public. All printed materials funded by grant awards should credit the NMATPA should be credited as a funding source. However, responsibility for the direction of the project or program activity should not be ascribed to the NMATPA. All applicable rights to publish content such as trademarks and copyrights must be cleared in advance.

A draft of any proposed printed materials funded by grant awards shall be forwarded to the NMATPA for review and approval at least 10 working days in advance of the anticipated printing date.

## **VIII. Changes to Grants**

### **A. Grant Modifications**

Any changes to a grant, including changes to budget, officials, or scope of work, must be requested using an approved NMATPA Modification Request Form. Dependent upon the scope and magnitude of the modification request, the grantee may be required to route

generated modification documents such as an Option Letter, Change in Funding Letter, Contact Amendment, or Authorized Official Signatures.

To facilitate the approval process of a request for modification, please contact the NMATPA Office for the appropriate forms and procedures.

## **B. Grant Extensions**

Prior to the end of the grant period, a recipient may submit to the NMATPA executive director a written request for a grant extension. Extension requests must be submitted no later than 30 days prior to the closing date. Extensions will be considered for time only and not for additional funding. The NMATPA Board may extend a grant period as circumstances may require.

## **IX. Equal Opportunity**

Every grant recipient must agree to comply with all applicable state and local laws and rules regarding equal opportunity, including but not limited to the Human Rights Act, Chapter 28, Article 1 NMSA 1978 (1969, as amended to date), to participate in and benefit from all programs, activities, services, and employment without regard to race, color, religion, national origin, age, sex, sexual orientation or handicap.

The recipient must agree to include in all recruiting materials, promotional materials, and advertisements that all applicants will receive equal consideration for employment and that all programs, activities, and services will be provided equally without regard to race, color, religion, national origin, age, sex, sexual orientation or handicap.

The recipient must agree to post, in a conspicuous place, notices setting forth the law on equal opportunity in employment and public accommodations.

## APPENDIX A: NMAPA STATUTES

NMSA 1978, § 59A-16C-4 – Superintendent's duties (1998, amended 2018).

The superintendent shall:

- A. initiate inquiries and conduct investigations when the superintendent has reason to believe that insurance fraud may have been or is being committed;
- B. respond to notifications or complaints of suspected insurance fraud generated by state and local police or other law enforcement authorities and governmental units, including the federal government and any other person;
- C. review notices and reports of insurance fraud submitted by authorized insurers, their employees, agents or producers or by public adjusters and select those incidents of alleged fraud that, in the superintendent's judgment, require further investigation and conduct the investigations;
- D. conduct independent investigations and examinations of insurance transactions and alleged insurance fraud, conduct studies to determine the extent of insurance fraud, deceit or intentional misrepresentation of any kind in the insurance process and publish information and reports on the office of superintendent of insurance's examinations and studies;
- E. report incidents of alleged insurance fraud supported by investigations and examinations to the appropriate district attorney and any other appropriate law enforcement, administrative, regulatory or licensing agency and assemble evidence, prepare charges and otherwise assist any prosecutorial authority having jurisdiction over insurance fraud enforcement;
- F. assist any official or agency of this state, any other state or the federal government that requests assistance in investigating insurance fraud;
- G. maintain records and information in order to produce an annual report of the superintendent's activities undertaken in connection with carrying out the provisions of the Insurance Fraud Act;
- H. conduct, in cooperation with the attorney general and the department of public safety, public outreach and awareness programs on the costs of insurance fraud to the public and how members of the public can assist themselves, the superintendent and law enforcement officials in preventing and prosecuting insurance fraud; and
- I. assign staff and maintain the automobile theft prevention authority.

NMSA 1978, § 59A-16C-5 – Superintendent’s authority (1998, amended 2018).

The superintendent may:

- A. select and contract with investigative personnel and prosecutors to discharge the superintendent's duties pursuant to the provisions of the Insurance Fraud Act;
- B. conduct statewide investigations and prosecutions related to automobile theft;
- C. coordinate with law enforcement agencies to investigate and with the attorney general and district attorneys to prosecute cases involving stolen vehicles and insurance fraud; and
- D. promulgate rules relating to the creation and operation of the automobile theft prevention authority.

NMSA 1978, § 59A-16C-17 – Automobile theft prevention authority; created; board; powers; duties (2018).

A. The "automobile theft prevention authority" is created in the office of superintendent of insurance. The automobile theft prevention authority shall be governed by a board of directors. The board shall consist of nine members as follows:

- (1) the superintendent;
- (2) the director of the administrative office of the district attorneys or the director's designee; and
- (3) seven members appointed by the superintendent as follows:
  - (a) four representatives from different insurance companies who are authorized by the office of superintendent of insurance to issue motor vehicle insurance policies in New Mexico;
  - (b) two representatives from different law enforcement agencies; and
  - (c) a representative from the public.

B. Prior to August 1, 2018, the appointing authorities shall appoint all initial members of the board. Board members shall serve six-year terms; except that of the initial members representing insurance companies appointed to the board, the superintendent shall select one member whose initial term is four years and one member whose initial term is two years; and of the initial members representing law enforcement agencies appointed to the board, the superintendent shall select one member whose initial term is two years. The initial public member shall serve an initial term of four years.

- C. No appointed member shall serve more than two terms. If a member fails to complete the member's term, the member shall be replaced as soon as practicable by the original appointing authority.
- D. Board members shall serve without compensation.
- E. The authority shall solicit, review and approve applications for grants to improve and support automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes. The authority shall give priority to applications representing multi-jurisdictional programs. Each application, at a minimum, shall describe the type of theft prevention, enforcement or prosecution program to be implemented.
- F. In selecting grant recipients, when practicable, the authority shall award grants to law enforcement agencies.
- G. The authority shall not require as a condition of the award of a grant that an agency or political subdivision provide other funding to operate an automobile theft prevention program or a program for the enforcement or prosecution of automobile theft crimes.
- H. On or before December 1 of every year, a law enforcement agency that received a grant pursuant to this section in the previous twelve months shall submit a report to the authority concerning the implementation of the program funded through the grant.
- I. On or before November 1 of every year, the authority shall report to the appropriate interim legislative committee on the implementation of the programs receiving grants pursuant to this section. The report to the committee shall include:
- (1) the number and geographic jurisdiction of law enforcement agencies that received grants under the authority and the amount and duration of the grants;
  - (2) the change in the number of automobile thefts in areas of the state; and
  - (3) recommendations for legislative changes to assist in the prevention, enforcement and prosecution of automobile-theft-related criminal activities.
- J. On or before November 1 of every year, the authority shall report to the legislative finance committee on the finances of the authority.
- K. The authority may seek and receive grant funding from federal, state or local governments or private philanthropic organizations to defray the costs of operating automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes.
- L. A law enforcement agency may apply for grants to assist in improving and supporting automobile theft prevention programs or programs for the enforcement or prosecution of automobile theft crimes through statewide planning and coordination.