

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Ute Mountain Ute Tribe

Lead Agency Authorized to Act on Behalf of the Beneficiary Environmental Programs Department
(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

Action Title:	Diesel Propane Delivery Truck Replacement
Beneficiary's Project ID:	UMUT-VW-2
Funding Request No.	<i>(sequential)</i> 2
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Class 7 Diesel Vehicle Replacement</u>
Action Type	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): Replacement of a Tribally-owned, diesel-powered Class 7 propane delivery truck. Current vehicle to be decommissioned is 20 years old. See the Addendum for more detailed description.	
Estimate of Anticipated NOx Reductions (5.2.3): 92.0%, See Addendum for results based on EPA DE Quantifier	
Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1): Ute Mountain Ute Tribe Controller and External Auditors annual evaluation	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See addendum	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). not applicable	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). No federal government agency has approached the Ute Mountain Ute Tribe regarding participation in the Volkswagon settlement project.	

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).
not applicable

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- | | | |
|-------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Attachment A | Funding Request and Direction. |
| <input checked="" type="checkbox"/> | Attachment B | Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4). |
| <input checked="" type="checkbox"/> | Attachment C | Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11). |
| <input checked="" type="checkbox"/> | Attachment D | Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.] |
| <input type="checkbox"/> | Attachment E | DERA Option (5.2.12). [Attach only if using DERA option.] |
| <input type="checkbox"/> | Attachment F | Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.] |

CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary Ute Mountain Ute Tribe, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: 10/16/20

Scott Clow, Environmental Programs Director

[NAME]

[TITLE]

SIGNATURE: 

Environmental Programs Department

[LEAD AGENCY]

for

Ute Mountain Ute Tribe

[BENEFICIARY]

ATTACHMENT B

PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	6/29/20
Project Sponsor Submits Proposal to Lead Agency	11/30/2020
Lead Agency Provides Written Approval of Project Sponsor's Proposal	not applicable
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	not applicable
Trustee Acknowledges Receipt of Project Certification and Funding Direction	10/27/2020
Trustee Allocates Share of Funds for Approved Project	11/12/2020
Lead Agency Directs Funding (Advance Funded Projects)	
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	not applicable
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	2/15/2021
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	2/28/2021
Project Installation(s) – Start	3/30/2021
Project Installation(s) – Complete	4/30/2021
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	-
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	not applicable
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	6/1/2021
Lead Agency Reports Project Completion	11/1/2021

PROJECT BUDGET

Period of Performance: <u>10/29/2020-11/1/2021</u>				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 163,824	\$ 163,824	\$ 0	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative ¹	\$12,972.50	\$12,972.50	\$ 0	\$
Project Totals	\$176,796.50	\$176,796.50	\$ 0	\$
Percentage	100 %	100 %	0 %	0 %

¹ Subject to Appendix D-2 15% administrative cap.

PROJECTED TRUST ALLOCATIONS:

	2017	2018	2019	2020	2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$	\$176,796.50	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$0	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$176,796.50	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$	\$	\$

Appendix D-4 Addendum for UMUT-VW-2

Enhanced Description for 5.2.2

The proposed mitigation action involves the replacement of one Class 7 vehicle- a propane truck that is now 20 years old. A critical resource to the Tribal Membership, whose homes are primarily heated with propane, each of two Tribal communities has a propane truck. Bulk propane is delivered to each community and the Tribe's Public Works Department delivers the heating fuel locally.

The vehicle to be decommissioned is a Freightliner FL70, built in 2000, VIN 1FV6HFBA1YHF07148. A twenty year old diesel vehicle is significantly less efficient than newer diesel vehicles. With this project, the tribe will reduce its carbon and greenhouse gas footprint, particularly nitrogen oxides. See information below regarding nitrogen oxide emission reductions. **A Class 7 Peterbilt 337 will be procured, to replace this vehicle.**

Vehicle procurement at the Ute Mountain Ute Tribe is undertaken through our Transportation Department, and the Director of Transportation leverages a fleet discount with most vendors. Based on pricing research, Chassis types influence local repair and warranty options for this remote area, so those considerations will affect final pricing and procurement decisions. The attached price quotes for the budget use 2 or more price comparisons, choosing the lower of two for each replacement vehicle based on relatively comparable vehicle types. Administrative costs represented below are estimates of the costs to the Transportation Department staff and the Environmental Programs staff (the Lead Agency), Grants and Contracts Staff, External Audit, and estimated travel expenses to retrieve procured vehicles. Travel expenses are based on truck dealerships in Shawnee, KS.

Budget Detail

Administrative Costs:

Personnel

Environmental Programs Director: Administration of Mitigation (Intralinks and settlement management as lead agency, correspondence, reporting, budget management, reporting to Tribal Council and Tribal Administration)

48 hours @\$33.67/hr = \$1,616.16

Tax and fringe: base x 33.82% = \$546.58

Dept. Subtotal = \$2,162.74

Transportation:

Director: Vehicle Procurement: 30 hours @ \$30/hr = \$900

Tax and fringe: base x 33.82% = \$304.38

Staff: Vehicle Retrieval and old vehicle disposal: 4 x 48 hours @\$20/hr = \$3840

Tax and fringe: base x 33.82% = \$ 1298.69

Dept. Subtotal = \$6,343.07

Grants and Contracts and Finance Depts. (Payment Approval/Accounts Receivable processing)

12 hours @ \$35/hr = **\$420.00**

Tax and fringe: base x 33.82% = **\$142.04**

Dept. Subtotal = \$562.04

Personnel Total: \$9,067.85

Travel

Based on travel to Shawnee, KS to Westmor (generated price quote)

Mileage: \$0.29/mile (tribal vehicle rate) x 1790 miles (1 vehicle roundtrip) = \$519.10

And (new truck one-way) = \$259.55

2 staff- two to retrieve vehicle

Hotel: 2 @ \$195/ night x 3 nights = \$1,170.00

Per diem: 2 @ \$57.00 x 4 days = \$456.00

Travel Total: \$2,404.65

External Audit Service Fees

6 hours @ \$250.00/ hr = \$1,500.00

Auditor Subtotal Total: =\$1,500.00

Procurement Costs

To Replace Vehicle_1FV6HFBA1YHF07148:

\$163,824 (see attached estimate below)

Vehicle Expense Estimate: \$163,824.00 (includes extended warranties)

Total Estimated Budget: \$176,796.50

Estimate of Anticipated NOx Reductions (5.2.3):

Replacement of this vehicle is anticipated to yield a 92.0% NOx reduction after our upgrades, both annually and over the lifetime of the vehicles, as reflected in this Environmental Protection Agency Diesel Emissions Quantifier we utilized to estimate these values, as detailed below:

9/25/2020

Use The Quantifier: Diesel Emissions Quantifier | National Clean Diesel | US EPA

Logged in as Scott | [logout](#) | [help](#)

Note: Your session will time out after 30 minutes of inactivity.
For best results, do not use your browser's "back" arrow.

Emission Results and Health Benefits for Project: UMUT-VW-2-2

Emission Results

Here are the combined results for all groups and upgrades entered for your project.¹

<u>Annual Results (short tons)²</u>	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.156	0.013	0.036	0.080	42.2	3,750
Amount Reduced After Upgrades	0.144	0.012	0.034	0.074	0.0	0
Percent Reduced After Upgrades	92.0%	98.2%	95.4%	92.5%	0.0%	0.0%
 <u>Lifetime Results (short tons)²</u>						
Baseline for Upgraded Vehicles/Engines	0.313	0.025	0.071	0.160	84.4	7,500
Amount Reduced After Upgrades	0.288	0.025	0.068	0.148	0.0	0
Percent Reduced After Upgrades	92.0%	98.2%	95.4%	92.5%	0.0%	0.0%
 <u>Lifetime Cost Effectiveness (\$/short ton reduced)</u>						
Capital Cost Effectiveness ⁴ (unit & labor costs only)	\$575,717	\$6,697,576	\$2,442,450	\$1,120,977	\$0	
Total Cost Effectiveness ⁴ (includes all project costs)	\$590,658	\$6,871,382	\$2,505,832	\$1,150,067	\$0	

¹ Emissions from the electrical grid are not included in the results.

² 1 short ton = 2000 lbs.

³ In gallons; fuels other than ULSD have been converted to ULSD-equivalent gallons.

⁴ Cost effectiveness estimates include only the costs which you have entered.

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

The Ute Mountain Ute Tribe will establish a webpage dedicated to the funding received from the VW Settlement Trust, which will include a link for members of the public to request additional information and documents related to the funding request and expenditure of funds. The Ute Mountain Ute Tribe will endeavor to respond to such requests within ten (10) business days and, when documents are requested, will advise the individual within that timeframe of the procedure for reviewing such documents.

The Ute Mountain Ute Tribe follows Ute Mountain Tribal Law and Policies, as supported by the Constitution and Bylaws of the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, Utah, June 6, 1940, for matters governing the publication of confidential business information and personally identifiable information, and exemptions thereto.

Attachment C
Detailed Reporting plan
Project UMUT-VW-2

The first semi-annual report will be submitted by May 12, 2021, no later than six months after the Tribe receives its first disbursement of Trust Assets. Thereafter, semi-annual reporting will be done no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30) of each year, the Tribe shall submit to the Trustee a semiannual report describing the progress implementing the Tribe's project during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date).

Attachment D
Vehicle price Quote
Project UMUT-VW-2

See Following pages.



Quote: Q-0009657

August 28, 2020

8225 Monticello Terrace
Shawnee, KS 66227
Fax:(913) 956-4050

(320) 589-2100 (800) 992-8981
www.westmor-ind.com

Prepared For:
UTE Mountain
125 Mike Walsh Rd
Towaoc, CO 81334
Contact: Scott Clow
Phone: 970-564-5432

Prepared By:
Jason Soulon
Sales Manager - Southwest Region
jason.soulon@westmor-ind.com
9139564041



BX Base Model

SALES QUOTATION

Model Name	BX Base Bobtail
Vessel Size NQT	3200 gallon, 80" diameter, NQT, Working pressure of 250 PSIG
----	Vessel constructed of lightweight steel to ASME Code and DOT MC-331
----	Vessel x-rayed, baffled and has a 16" Manway
----	Working pressure of 250 PSIG - Does not print on quote sheet
Delivery Location	Rear Delivery
Fill Location	Rear Fill with patented Ergoload® Deck
Style	Open Deck Stainless Steel
Fenders	Stainless steel bolt-on Single Axle (Westmor®)
Bumper	Rear impact bumper, DOT compliant
Bumper Cover	Stainless Steel on dropped center, 24"L (Ergoload®)
Lighting	Wired to meet FMVSS 108 with Truck-Lite LED grommet mount lighting
High Mount Tail light	High mount LED tail light bar assembly included and mounted on rear gauge rain shield
Work Light	2 LED work lights: (2) mounted on rear gauge rain shield - activated by switch in cab
Back of Cab Work Light	2 LED work lights mounted back of cab: (1) each side - activated by switch in cab
PTO / Pump Drive	Hot shift PTO, shaft drive assembly to pump and PTO indicator light in the dash
Internal Valve	3" MEC Air operated
Pump	Blackmer 3" flange mounted
Pump Stabilization	NONE
Meter & Register	2" LC MA7, LCR11 register and Epson SLIP printer: Includes; strainer, optic vapor eliminator, electronic 2-stage valve, temperature compensation
Meter Location	Roadside
Printer Stand	Aluminum console mounted in cab for printer and storage
Integrated Data Management	NONE
Meter Cover	Stainless steel box with side swing door (includes an interior light)
Hose Reel	Stainless steel liquid reel with electric rewind (2/3 HP motor)
Hose Reel Location	Curbside
Hose Reel Roller	"C" roller assembly, top wind on liquid hose reel
Hose Reel Cover	NONE
Hose	1" x 150' Liquid delivery hose rated for -50 degrees F
Nozzle	1-3/4" F. ACME Quick acting minimum loss hose end valve (Rego) with swivel
Nozzle Storage	MEC Nozzle Holster

Vapor Hose / Piping	1-1/4" ACME adapter and SS ball valve piped to roadside for FUTURE vapor reel - SHIFT METER (No hose supplied)
Remote Control System	ProControl 3: 6-Function Base Engineering system; Menu, E-Stop, PTO, Throttle, Reel-Out, Delivery
Electrical Center	Centrally located plug & play module with aluminum cover for added protection
Throttle	Electronic throttle activated when pto is engaged to lock out foot pedal and prevent engine from regenerating while pumping
Piping Material	Carbon Steel - Painted
Piping Pump Discharge	2" piping from pump with 2" SS full port valve at meter inlet
Bypass	2" Versa-Fill™ adjustable bypass, 2" valve, 2" backcheck
Piping Meter Discharge	1-1/2" Piping with flex connector and 1-1/2" SS full port valve
Tank Evacuation / Self load	2" self loading mounted curbside (return thru bypass)
Sprayfill	3" backcheck, 2" piping, 2" SS full port ball valve, 3-1/4" ACME adapter, and cap w/cable
Vapor	1-1/4" internal valve, 1-1/4" piping, 1-1/4" SS full port ball valve, and 1-3/4" ACME adapter, and cap w/cable
Brake/Safety Interlock Piping	Installed on sprayfill - safety interlock to range inhibit on Allison transmission utilizing MEC proximity sensor
Blow Off Line(s)	Installed on the sprayfill line
Relief Valve	3" Relief valve installed in top of vessel
Volume Gauge	Float gauge in rear head
Fixed Outage Gauge	Outage valve installed and set at 85%
Pressure Gauge	(1) installed in vessel and (1) installed in pump discharge piping
Thermowell	Temperature gauge installed in vessel
Drain	Liquid withdrawal valve installed in vessel drain
Tool Box Roadside	Aluminum tool box 18" x 18" x 36", single drop door (mill finish)
Tool Box Curbside	NONE
Paint	Vessel painted white with Imron Elite
Paint Meter	Paint meter to match piping (meter register is NOT painted)
Rock Guard Vessel	Rock guard sprayed on entire lower portion of vessel upto an 8" line above the top of the vessel rails, including vessel rails (500-3700)
Rock Guard Chassis Frame	NONE
Decals	DOT required labels installed
Placards	1075 Vinyl placards installed
Fire Extinguisher	20# ABC fire extinguisher with mounting bracket
Wheel Chocks	MEC chocks & MEC holder
Document Holder	DOT Shipping paper pouch: Permanently attached to drivers door (NOTE: Holes are drilled into door panel for attachment)
Mudflaps	Mudflaps to meet D.O.T. requirements
Backup Alarm	Included
Warning Triangles	Reflective kit which meets FMVSS125: Ships loose in cab
Mounting	Vessel mounted on chassis furnished by customer or purchased through Westmor® Industries
Certification	DOT MC331 Certification plates attached
Testing	Unit test pumped and meter calibrated
Option Included	Bolt-on tow hooks
Option Included	Backup Camera: Camera turns on when transmission is in reverse
Custom Option 15	Stock BT Southwest Region - 3200 Ergo

Total Price of vessel & selected Equipment:	\$82,830.00
Tank & Equipment FET:	\$0.00
Chassis Price:	\$75,600.00
Chassis FET	\$0.00
Total Investment:	\$158,430.00

Mounted on a: 2020 Peterbilt 337 - VIN 671093

**Not Including Sales Tax & Licensing
FOB Terms Shawnee, KS**

Terms Requires a 20% down payment on bobtail vessel & equipment with signed order. Balance due upon completion and payable prior to or at time of customer pick-up. Chassis payment due payable to Westmor Industries or chassis dealer upon its arrival at Westmor. Price valid for 15 days from date of proposal. Subject to change after that date.

Warranty Highlights Blueline® bobtail, material and workmanship warranted for one (1) year. New vessel warranted to be free from leaks for five (5) years. Refer to original component manufacturers individual warranty for any extended warranty on components. All warranty work will be done at a Westmor Industries location unless prior arrangements are made. It is the customers responsibility to return equipment to us for warranty repairs.

Steel Clause *** Westmor Industries price for items listed in this quote are based on steel prices and steel surcharges as of 7/9/20. The base price of steel and potential steel surcharges can be volatile, and may change without prior notice until the product is received at Westmor Industries. Westmor Industries will review the price of the steel at the time the steel is received. Westmor Industries reserves the right to pass onto the customer, any increase in the base price of steel and any steel surcharges added at the time the material is received by Westmor Industries.

BY YOUR EXECUTION OF THIS QUOTE OR ACCEPTANCE OF THE GOODS SET FORTH HEREON, PURCHASER ACKNOWLEDGES AND AGREES THAT IT HAS HAD THE OPPORTUNITY TO REVIEW THOSE TERMS AND CONDITIONS OF WESTMOR INDUSTRIES, LLC AVAILABLE ONLINE AT WESTMOR-IND.COM/TERMS, AND THE PARTIES INTEND TO BE BOUND BY SUCH TERMS AND CONDITIONS, WHICH ARE HEREBY INCORPORATED BY REFERENCE. A HARD COPY OF SUCH TERMS AND CONDITIONS WILL BE PROVIDED BY WESTMOR INDUSTRIES, LLC TO PURCHASER UPON REQUEST.

ACCEPTED BY: _____ DATE: _____

Prepared By:
Jason Soulon
Sales Manager - Southwest Region
jason.soulon@westmor-ind.com
9139564041

Scott Clow

From: Jason Soulon <jason.soulon@westmor-ind.com>
Sent: Friday, October 9, 2020 11:50 AM
To: Scott Clow
Cc: Ben Rust
Subject: Re: Extended warranties

Scott,

Here is the extended warranty for the chassis components.

1. Extend the chassis warranty to 5 years / unlimited miles
2. \$2,970 **(included in total vehicle cost)**

Have a great weekend!

Jason
Cell: [\(816\) 730-1724](tel:8167301724)

On Fri, Oct 9, 2020 at 12:37 PM Jason Soulon <jason.soulon@westmor-ind.com> wrote:
Scott,

After speaking with Ben Rust (Peterbilt salesman) I learned that they have simplified the warranty options so we don't have to look at a massive spreadsheet.

Following are the coverages that Ben would recommend. Call me when you have a few minutes and I'll conference Ben into the call so he can explain a few details.

1. Cummins Engine Coverage
 1. 6 years / 150,000 miles
 2. \$1,300 **(included in total vehicle cost)**
2. Cummins Aftertreatment Coverage
 1. 6 years / 150,000 miles
 2. \$637 **(included in total vehicle cost)**
3. Allison Transmission Coverage
 1. Standard warranty provides 3 years of coverage
 2. Extended the warranty for 2 additional years for \$487 **(included in total vehicle cost)**
4. Chassis extended coverage
 1. Ben will explain options when we talk

Best regards,

Jason Soulon
Sales Manager - Southwest Region