

# Southeast Regional Transportation Planning Organization (SERTPO)

## Minutes of the SERTPO Committee Meeting

January 31, 2024 – 10:00 am

Ruidoso Convention Center

### MEMBERS PRESENT:

*Member (or Alternate) listed in Alphabetical Order*

Autrey, Deborah	City of Texico
Ball, Crystal	City of Lovington
Brito, Candy	City of Eunice
Bunch, Clint	City of Clovis
Burns, Jason	Eddy County
Fulkrod, Brian	Village of Melrose
Garwood, Mark (Trustee)	Village of Tularosa
Henry, Anthony	City of Hobbs
Honeycutt, Jeff	Lincoln County
Jarvis, Joe	City of Ruidoso Downs
Kennedy, Kevin	Village of Capitan
Little, Christopher	Mescalero Apache Tribe
MacCornack, James	City of Roswell
McVey, Jo	City of Portales
Moyer, Brent	De Baca County
Myrick, Van	City of Jal
Porter, Tom	Otero County
Rael, Stella	City of Alamogordo
Ramos, Justin	City of Carlsbad
Sallee, Debra	Town of Lake Arthur
Sanchez, Daniel	Roosevelt County
Serna, Samantha	Village of Ruidoso
Vega, Vyanca	Village of Cloudcroft
West, Joe	Chaves County

### MEMBERS ABSENT:

Burkett, Mickey (Mayor)	Village of Dora
Gallegos, Louie (Mayor)	Village of Fort Sumner
Garcia, Roman (Mayor)	Town of Vaughn
Hemphill, Bob (Mayor)	Town of Carrizozo
Jennings, Dan (Councilor)	Town of Hagerman
Kalisek, Joe (Councilor)	Town of Tatum
King, Kris (Mayor)	Village of Causey
Leatherwood, Dusty (Commissioner)	Curry County
Needham, Corey	Lea County
Onsurez, Jackie (Councilor)	Village of Loving
Powell, Justin	Town of Dexter
Sales, Rudy	Village of Hope
Schell, Jimmy (Mayor)	Village of Grady
Seely, Sam (Mayor)	Village of Corona
Summers, Kim	Town of Elida
Valverde, Summer	City of Artesia
Whitecotton, Toni	Village of Floyd

**COG/NMDOT STAFF PRESENT:**

Arnett, Manon	NMDOT – Roswell
Burr, Mary Ann	Southeastern New Mexico Economic Development District (SNMEDD)
Coslin, Libby	NMDOT – Roswell
Goebel, Branden	Eastern Plains Council of Governments (EPCOG)
Soule, Vincent	Eastern Plains Council of Governments (EPCOG)
Sherman, Valerie	NMDOT – Las Cruces
Surina, Julie	Eastern Plains Council of Governments (EPCOG)

**GUESTS PRESENT:**

Archer, Hazer	Eddy County (Alternate)
Autrey, Oran	City of Texico
Benavides, Brian	City of Portales
Campbell, Lisa	Stantec
Cummins, Shannon	City of Eunice
Davalos, Minerva (Mayor)	Village of Capitan
Duran, Mingo	City of Portales (Alternate)
Groesbeck, Lauren	Village of Cloudcroft
Hall, Wesley	Stantec
Jimenez, Pablo	Otero County
Lucero, Amanda	De Baca County
Palomino, Alex	Chaves County
Paulk, Gene	Stantec
Ruvalcaba, Imelda	City of Eunice (Alternate)
West, Tammy	Westt, LLC

**CALL TO ORDER / QUORUM (11)**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**

Chairman Jason Burns called the meeting to order at 10:00 a.m. With twenty-four members present, a quorum was established. Members/guests participated with the Pledge of Allegiance. Introductions were held.

**APPROVAL OF AGENDA**

Kevin Kennedy made a motion to approve the agenda, as presented. Joe West seconded the motion. A call for votes was taken and with there being no objections, the motion passed by unanimous vote.

**APPROVAL OF MINUTES**

Chairman Burns asked members if there were any questions or comments regarding the minutes from the November 30, 2023 meeting held in Portales. With there being no comments, Samantha Serna made a motion to approve the November 30, 2023 minutes as presented. Crystal Ball seconded the motion. A call for votes was taken, and the motion passed unanimously.

**PRESENTATION: Use of Price Agreements**

Tammy West, Public Procurement Educator

Ms. West explained to members that her purpose was to discuss the use of price agreements and how they can help entities make purchasing quicker and all-around easier. Ms. West spoke to her background, serving as public consultant for governments statewide in procurement. Although retiring, she made herself available for procurement assistance and spoke to how she can be contacted.

Ms. West provided background on procurement, starting with the New Mexico Procurement Code. The sections of the law were both listed and displayed for members via PowerPoint. The Procurement Code is applicable to all public agencies in New Mexico, even quasi-government agencies. If an entity spends public funds, or is given government funds to spend, the Code is applicable. The Code applies to every expenditure, by state agencies or local public bodies—anyone who is spending public dollars. It applies to tangible personal property, services, and construction. In public procurement, professional services are different than services, and they are subject to different requirements. If the local government is hiring or contracting for professional services, they are subject to different thresholds/requirements. And, this applies to grants, state allocations and federal funds.

If receiving federal or grant funds, the funding document itself, the agreement that allocates the funding to the agency, may have specific requirements written into it. Ms. West explained that it is important to have someone in the organization (e.g., purchasing person, grants person) who needs to be aware of any restrictions or requirements specific to agreements. The caution is that the agreement may state that the agency cannot use an existing price agreement, which occurs often with federal contracts. If the agreement contains such language, the agency will have to utilize an Invitation for Bid or Request for Proposals (RFP). If the agreement does not have restrictive language, the agency should consider the use of price agreements.

Clarification was made that if the agency is buying land or buildings (or selling), it is not covered in the Procurement Code. Real property is covered in Chapter 47 of the statute. Exemptions from the Code were mentioned, one of which was procurement by a state agency/local public body from a state agency/local public body (i.e., doing business with each other). Another exemption applies to municipalities who have adopted home rule charters and have their own regulations.

The presenter displayed and discussed the definition of a price agreement. It was also stressed how purchase orders, a binding contract document, must be issued prior to acquiring the items or services. The steps involved in establishing a price agreement were covered, to include the formal invitation for bid, award to the lowest responsive bidder and term of the agreement. All statewide price agreements, issued by State Purchasing, are available for use by all public agencies in the state. Other governmental entities may or may not have the language included in the invitations for bid that states that anybody else can use it. The key point is that if the agreement that is being relied on does not state the required language somewhere in the agreement, contract, or initial Invitation for Bid or RFP that was used, it cannot be used legally and could cause an audit finding. While it may be permissible in other states, NM State Purchasing and Procurement considers *piggybacking* the use of a contract that does not have the required language and is not authorized by law. Ms. West referenced/discussed the statute that allows the utilization of pricing agreements; provided guidance on quantities; and discussed the need for including the statewide pricing agreement on the purchase order.

Ms. West spoke about the benefits of utilizing pricing agreements, which makes purchasing easy and saves time. She continued to discuss bulk buying power/pricing, to include state agencies' requirements to use pricing agreements. Vendors and products are vetted (e.g., materials for NMDOT pricing agreements), and she encouraged local vendors to participate in statewide pricing agreements. The weblinks for price agreements was provided for State Purchasing, NM Department of Transportation and Cooperative Education Services (CES). Ms. West also spoke to national procurement groups and other governmental entities and provided

examples. She emphasized that state/contracting agencies must utilize established price agreements while it is an option for local public bodies/other agencies.

Documentation was discussed. The purchasing person may download the entire pricing agreement and keep it for three years. The price agreement number must be referenced on all purchase orders. Due to the size of the pricing agreements, Ms. West reviewed the shortened backup documentation for purchase orders. A copy of a Statewide Price Agreement was displayed, and particular attention was paid to the shipping section information (i.e., the language reading “*local public bodies allowed by law*”), the price agreement number and term. A copy of an “Agency Specific” Price Agreement for NMDOT and its various locations was reviewed. Following some background, Ms. West offered that an individual within NMDOT has stated that beginning in February, NMDOT is going to begin including *local public bodies* in their price agreements. She cautioned that it may not be in all price agreements, and a local government needs to ensure the price agreement has the required language.

Ms. West responded to member questions and proceeded to discuss a State Purchasing Division memorandum that addressed the use of piggybacking. She also referenced two NMDOT Price Agreements that currently contain the required language. Links for accessing pricing agreements were provided, and Ms. West recommended searching by vendor, if known. Group discussion included that maintenance TPF project awards are encouraged to utilize pricing agreements, to get the monies spent. Eddy County spoke about their pricing agreements and their success. Ms. West responded to an inquiry regarding municipalities using an RFP for services. She recommended, in addition to the inclusion of the proper language expanded use, the signing of a participating agreement, like the methods used by CES or ACES. Ms. West provided her contact information, for any questions.

#### **ACTION ITEMS**

##### **A. FY2025 Transportation Project Fund (TPF) Application Timeline Approval**

The Chair asked members if they have reviewed the Timeline and have any comments. There have not been any changes to the process. Chairman Burns informed members that he has been visiting with Santa Fe, and the TPF funding is expected to be the same amount of funding as last year. Ms. Burr added that she has communicated with the Project Oversight Division Director Sean Sandoval. The Call has been submitted for signature and should be released shortly. A member inquired about the Bootcamp training. Discussion was held on the number attending, the venue and last year’s training. Chairman Burns informed all that the training is open to everyone. Regarding the timeline, Ms. Burr explained those dates that will be updated upon the release of the Call, however key dates will remain the same. Chairman Burns emphasized key dates being when PFFs are due (March 7<sup>th</sup>); when applications are due (April 25<sup>th</sup>); and SERTPO meeting date for rating applications (May 16<sup>th</sup>). The SERTPO meeting will be in person, and it is planned to be attended by the District 2 Engineer and District 2 Commissioner.

A motion was made by Clint Bunch to approve the TPF Timeline, and the motion was seconded by Kevin Kennedy. A call for votes was taken and with there being no objections, the motion passed unanimously.

##### **B. Resolution No. 24-001 Approving Public Meeting Notice Requirements**

The Chair discussed the purpose of the resolution and requested any questions or comments. With there being no comments, Brent Moyer made a motion to approve Resolution No. 24-001. The motion was seconded by Joe West. A call for votes taken and with there being no objections, the motion passed unanimously.

## **INFORMATIONAL ITEMS**

### **SERTPO Program Managers Update**

Mary Ann Burr spoke to the Recreational Trails Program (RTP) Call for Projects. A date of January 11, 2024 was previously set for the submission of Project Feasibility Forms (PFFs). She reported that no PFFs were received by either Council of Governments. Ms. Burr informed members that she has been working on the annual mailing for member confirmations, and it has prompted some changes. For Lea County, Benjamin Henderson, Road Superintendent, is the new Alternate. Lake Arthur has a new Alternate, Debra Sallee, Town Clerk. Mark Garwood, Councilor, is the new Representative for Tularosa, and Manuel Brusuelas, Councilor, is the new Alternate (Tularosa). Joe Kalisek, Councilor, is the new Representative for Tatum, and Jimmy Atkinson, Councilor, is the new Alternate (Tatum).

The 2024 New Mexico Transcon Conference is being held April 17-19, 2024 in Las Cruces. Registration should be available online beginning February 20, 2024. Transportation Day is being held at the Legislature on February 8, 2024. Vincent Soule, EPCOG, offered the information that the RAISE grant application cycle is still open. The information has been emailed to members, but COG staff can get the information to members as needed.

Julie Surina, EPCOG, welcomed their new members. Debra Autrey, Mayor, is the new Representative for Texico, and the new Alternate, is Connie S. Harrison. For Fort Sumner, Brent Moyer is Representative, and Alternate is William West. For Portales, Jo McVey is Representative and Alternate is Placido (Mingo) Duran. Vincent Soule, EPCOG, introduced their new Grant Specialist, Branden Goebel.

### **Local Project Updates / NMDOT Updates**

Manon Arnett, District 2, announced that the Call for Projects for LGRF was released recently. Applications are due March 15, 2024. She added that there will be LGRF training on February 16, 2024, as part of the Bootcamp training. Further, there is training in April for Local Public Agency (LPA) federal programs. She mentioned that if an entity wishes to participate in federal programs such as Recreational Trails Program or Congestion Mitigation and Air Quality Program (CMAQ), the entity will have to be certified.

### **Local Government Comments / Issues**

Chairman Burns spoke to the legislative session. There is a big push from the southeast for more spending on infrastructure and roads. Additional monies are being sought for NMDOT's budget so roads may be completed. The Transportation Committee is working towards that, with partnerships, to get more funding on the ground with the monies available. The Transportation Project Fund (TPF) bill is in, and if it fails this year, the longer session next year will allow for more discussion on the pros of the bill.

Regarding TPF, the Chairman expressed that he hopes everyone has started working on project(s) and have identified their project(s). He is looking forward to another good turnout this year, going through the process one more year. He mentioned that SERTPO is getting recognition from all levels from NMDOT and around the state. Attendance on this date is great, and meetings will continue to be rotated around the region. The Chair expressed appreciation for the Village of Ruidoso's hosting of the meeting facility.

Southeast Regional Transportation Planning Organization (SERTPO)  
Minutes of January 31, 2024 Meeting

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**NEXT MEETING DATE/ADJOURNMENT**

The next meeting date proposed was for Thursday, March 21, 2024 in Artesia, New Mexico. Joe West made a motion for adjournment. Motion was seconded by Jeff Honeycutt. A call for votes was taken. With there being no objections, the motion passed by unanimous vote at 11:03 a.m.

**APPROVED BY:**

  
\_\_\_\_\_  
SERTPO Committee Chair/Vice Chair

3-21-24  
\_\_\_\_\_  
Date

**ATTESTED BY:**

  
\_\_\_\_\_  
SERTPO Program Manager

3-21-24  
\_\_\_\_\_  
Date