

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

ABBREVIATED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2012

GRANTEE State of New Mexico

EIN: 1-856000570-A5

ADDRESS P. O. Box 2348, Pollon Plaza

2009 S. Pacheco St.

Santa Fe, NM 87504-2348

NAME OF LIHEAP COORDINATOR Nicole Taylor

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LAST DETAILED MODEL PLAN FILED: FY 2010

PLEASE CHECK ONE: TRIBE STATE INSULAR AREA

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, D.C. 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075, Expiration Date: 04/30/2014

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)
Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The State of New Mexico agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year and not transferred pursuant to section 2604(f) for use under another block grant; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15)* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Territories with annual allotments of \$200,000 or less and Indian tribes/tribal organizations are not subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: Sidonia Squinn

Title: Secretary, Human Services Department

Date: 8/23/11

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

Modified LIHEAP FY 2011 Application

Please list all changes made from your most recent detailed plan.

<u>Page</u>	<u>Subject</u>	<u>Modification</u>
7	Percentage of funds for components	See attached

Please specify whether you are using calendar year 2011 poverty level **or** FY 2012 median income estimates in determining eligibility:

2011 poverty level 150 %

OR

FY 2012 median income _____ %

Please describe how you obtained public participation in the development of your 2011 plan. (For States, please also provide information on your public hearings.):

Date Carryover and Reallotment Report submitted: August 1, 2011

Submit Continuation Pages as Necessary

statutory references

2605(a)

2605(b)(1) → Please check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

(use of funds)	<u>Dates of Operation</u>
<u> X </u> heating assistance	<u>October 1 – August 31</u>
<u> </u> cooling assistance	<u> </u>
<u> X </u> crisis assistance	<u>October 1 – August 31</u>
<u> X </u> weatherization assistance	<u>year around</u>

2605(c)(1)(C) → Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)	<u> 54 </u> % heating assistance
	<u> </u> % cooling assistance
	<u> 21 </u> % crisis assistance
2605(k)(1)	<u> 15 </u> % weatherization assistance
	<u> </u> % carryover to the following fiscal year
2605(b)(9)	<u> 10 </u> % administrative and planning costs
2605(b)(16)	<u> </u> % services to reduce home energy needs including needs assessment (assurance 16)
	<u> </u> % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).
	<u> 100% </u> TOTAL

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: X
- * One of the requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.


(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Signature

Secretary

Title

New Mexico Human Services Department

Organization



State of New Mexico

Susana Martinez
Governor

May 18, 2011

Sidonie Squier
Secretary
New Mexico Human Services Department
P O Box 2348
Santa Fe, New Mexico 87504-2348

Dear Secretary Squier,

I hereby delegate to you, as Cabinet Secretary, Sidonie Squier of the Human Services Department, grantee for the Low Income Home Energy Assistance Program (LIHEAP), the authority to sign the Assurances, Certifications and Reports for this program, as required by the US Department of Health and Human Services. This authority shall be delegated to you for the length of time you are in the position of Cabinet Secretary for the NM Human Services Department

Sincerely,

A handwritten signature in black ink that reads "SMartinez".

Susana Martinez
Governor

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

statewide

Check if there are workplaces on file that are not identified here.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--
Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under

48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is

providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--
Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.



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Notice of Public Hearing This Human Services Register requests public comments on the annual LIHEAP State Plan. Each year, the LIHEAP State Plan is submitted to the Federal administering agency, the Department of Health and Human Services (DHHS). The LIHEAP State Plan will be amended to reflect the administration of the LIHEAP program in Federal Fiscal Year (FFY) 2012 and to make any adjustments to the LIHEAP Federal poverty guidelines (FPG) as required by federal statute. The Department proposes to administer LIHEAP in FFY 2012 with any federally mandated changes to the Federal Poverty guidelines (FPG). The current LIHEAP State Plan can be viewed on the HSD website at <http://www.hsd.state.nm.us/isd/ISDPlans.html>. Any changes in Federal Poverty Guidelines that are proposed in policy will be incorporated into the FFY 2012 LIHEAP State Plan. The current regulations can be viewed on the internet at http://www.nmcpr.state.nm.us/nmac/_title08/T08C150.htm. Individuals wishing to request a copy of the current and proposed rule changes and/or the current and the proposed LIHEAP State Plan should contact the Income Support Division, Work and Family Support Bureau, P O Box 12740, Albuquerque, New Mexico 87195-2495, or by calling 1-888-523-0051. The Department proposes to implement these regulations effective October 1, 2011. A public hearing to receive testimony on these proposed regulations will be held September 6, 2011 at 10:00 AM. The hearing will be held in the Law Library at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, NM 57505. Parking accessible to persons with physical impairments is available. If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program, or service, please contact the NM Human Services Department toll free at 1-800-432- 6217 or through the Relay New Mexico system, toll free at 1-800- 659-8331. The Department requests at least ten-day advance notice to provide requested alternative formats and special accommodations. Interested persons may address written or recorded comments to: Sidonie Squier, Secretary State of New Mexico Human Services Department P.O. Box 2348 Santa Fe, New Mexico 87504-2348 Interested parties may also address comments by electronic mail to: loretta.williams@state.nm.us These comments must be received no later than 5:00 P.M., on September 6, 2011. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Publication of these proposed regulations in Human Services Department Register Volume 34 Number 26 approved on July



15, 2011 by: Sidonie Squier, Secretary Human Services Department NM
 LIHEAP Proposed Income/Points Guide FFY 2012 October 2011 -
 September 2012 Household Eligibility ID Heating or Cooling Expense
 Reside in New Mexico US Citizenship or Qualified Immigrant Social
 Security Number Income no more than 150% of poverty Income
 Eligibility - 150% of Poverty Household Size Monthly Annual 1 \$1362
 \$16,335 2 \$1839 \$22,065 3 \$2317 \$27,795 4 \$2794 \$33,525 5 \$3272 \$39,255
 6 \$3749 \$44,985 7 \$4227 \$50,715 8 \$4704 \$56,445 Each + \$ 478 \$ 5,730
 Benefit Points A - Energy Highest Energy Bill divided by Income 16% or
 greater 3 Points 11% - 15% 2 Points 6% - 10% 1 Point 5% < 0 Points
 Propane additional 2 Points Energy Standard Allowance \$160 (FFY 2011)
 (to be determined for FFY 2012) B - Income HH Size 3 Points 2 Points 1 \$
 908 \$1362 2 \$1226 \$1839 3 \$1545 \$2317 4 \$1863 \$2794 5 \$2181 \$3272 6
 \$2500 \$3749 7 \$2818 \$4227 8 \$3136 \$4704 Each \$319 \$ 478 C -
 Vulnerable Members Age 5 or younger 2 Points Age 60 or older 2 Points
 Disabled 2 Points Point Values - \$16 per point Points HH Benefit Amount
 2 \$32 3 \$48 4 \$64 5 \$80 6 \$96 7 \$112 8 \$128 9 \$144 10 \$160 11 \$176 12 \$192
 13 \$208 14 \$224 Journal: July 27, 2011

Published on July 31, 2011



State of New Mexico Human Services Department **Human Services Register**



I. DEPARTMENT NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT ANNUAL STATE PLAN PUBLIC COMMENTS, ANNUAL ADJUSTMENTS TO FEDERAL POVERTY GUIDELINES

III. PROGRAM AFFECTED LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

IV. ACTION PROPOSED REGULATIONS

V. BACKGROUND SUMMARY

This Human Services Register requests public comments on the annual LIHEAP State Plan. Each year, the LIHEAP State Plan is submitted to the Federal administering agency, the Department of Health and Human Services (DHHS). The LIHEAP State Plan will be amended to reflect the administration of the LIHEAP program in Federal Fiscal Year (FFY) 2012 and to make any adjustments to the LIHEAP Federal poverty guidelines (FPG) as required by federal statute.

VI. PROPOSED REGULATIONS

The Department proposes to administer LIHEAP in FFY 2012 with any federally mandated changes to the Federal Poverty guidelines (FPG).

The current LIHEAP State Plan can be viewed on the HSD website at <http://www.hsd.state.nm.us/isd/ISDPlans.html>.

Any changes in Federal Poverty Guidelines that are proposed in policy will be incorporated into the FFY 2012 LIHEAP State Plan.

The current regulations can be viewed on the internet at http://www.nmcpr.state.nm.us/nmac/_title08/T08C150.htm.

Individuals wishing to request a copy of the current and proposed rule changes and/or the current and the proposed LIHEAP State Plan should contact the Income Support Division, Work and Family Support Bureau, P O Box 12740, Albuquerque, New Mexico 87195-2495, or by calling 1-888-523-0051.

VII. EFFECTIVE DATE

The Department proposes to implement these regulations effective October 1, 2011.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed regulations will be held September 6, 2011 at 10:00 AM. The hearing will be held in the Law Library at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, NM 57505. Parking accessible to persons with physical impairments is available.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program, or service, please contact the NM Human Services Department toll free at 1-800-432-6217 or through the Relay New Mexico system, toll free at 1-800-659-8331. The Department requests at least ten-day advance notice to provide requested alternative formats and special accommodations.

IX. ADDRESS

Interested persons may address written or recorded comments to:

Sidonie Squier, Secretary
State of New Mexico
Human Services Department
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Interested parties may also address comments by electronic mail to:
loretta.williams@state.nm.us

These comments must be received no later than 5:00 P.M., on September 6, 2011. Written and recorded comments will be given the same consideration as oral comments made at the public hearing.

X. PUBLICATION

Publication of these proposed regulations approved on 7/15/11 by:



Sidonie Squier, Secretary
Human Services Department

NM LIHEAP Proposed Income/Points Guide FFY 2012

October 2011 - September 2012

Household Eligibility

- Heating or Cooling Expense
- Reside in New Mexico
- US Citizenship or Qualified Immigrant
- ID
- Social Security Number
- Income no more than 150% of Poverty

Income Eligibility - 150% of Poverty

Household Size	Monthly	Annual
1	\$ 1,362	\$ 16,335
2	\$ 1,839	\$ 22,065
3	\$ 2,317	\$ 27,795
4	\$ 2,794	\$ 33,525
5	\$ 3,272	\$ 39,255
6	\$ 3,749	\$ 44,985
7	\$ 4,227	\$ 50,715
8	\$ 4,704	\$ 56,445
Each +	\$ 478	\$ 5,730

Benefit Points

A - Energy

Highest Energy Bill divided by income

16% or greater	-----	3 Points
11% - 15%	-----	2 Points
6% - 10%	-----	1 Point
5% <	-----	0 Points
Propane additional		2 Points
Energy Standard Allowance \$160 (FFY 2011)		
(to be determined for FFY 2012)		

B - Income

HH Size	3 Points	2 Points
1	\$ 908	\$ 1,362
2	\$ 1,226	\$ 1,839
3	\$ 1,545	\$ 2,317
4	\$ 1,863	\$ 2,794
5	\$ 2,181	\$ 3,272
6	\$ 2,500	\$ 3,749
7	\$ 2,818	\$ 4,227
8	\$ 3,136	\$ 4,704
Each +	\$ 319	\$ 478

C - Vulnerable Members

Age 5 or younger	-----	2 Points
Age 60 or older	-----	2 Points
Disabled	-----	2 Points

Point Values - \$16 per point		
Points	HH Benefit Amount	
2	\$	32
3	\$	48
4	\$	64
5	\$	80
6	\$	96
7	\$	112
8	\$	128
9	\$	144
10	\$	160
11	\$	176
12	\$	192
13	\$	208
14	\$	224

SAMPLE PROGRAM INTEGRITY ASSESSMENT SUPPLEMENT TEMPLATE
 Low Income Home Energy Assistance Program (LIHEAP)

ABSTRACT:

HHS is requiring further detail from Grantees on their FY2012 plans for preventing and detecting fraud, abuse, and improper payments. HHS is also requiring that Grantees highlight and describe all elements of this FY2012 plan which represent improvements or changes to the Grantees' FY2011 plan for preventing and detecting fraud, abuse and improper payment prevention.

Instructions: *Please provide full descriptions of the Grantee's plans and strategy for each area, and attach/reference excerpts from relevant policy documents for each question/column. Responses must explicitly explain whether any changes are planned for the new FY.*

State, Tribe or Territory (and grant official):	New Mexico		Date/Fiscal Year: FFY 2012
RECENT AUDIT FINDINGS			
Describe any audit findings of material weaknesses and reportable conditions, questioned costs and other findings cited in FY2011 or the prior three years, in annual audits, Grantee monitoring assessments, Inspector General reviews, or other Government Agency reviews of LIHEAP agency finances.	Please describe whether the cited audit findings or relevant operations have been resolved or corrected. If not, please describe the plan and timeline for doing so in FY2012.	If there is no plan in place, please explain why not.	Necessary outcomes from these systems and strategies
FFY 2009 <ul style="list-style-type: none"> no findings FFY 2010 <ul style="list-style-type: none"> HSD Office of Inspector General completed an internal review of LIHEAP - see ATTACHMENT 1 (20 pages) FFY 2011 <ul style="list-style-type: none"> Not selected for audit 	As documented in the final audit report, the audit findings are being addressed. See ATTACHMENT 1 for specific responses. The corrective action process is ongoing to assure that new staff receive training. A documentation project is being developed to add notations to the case record in the LIHEAP computer system where a duplicate address exists. The documentation should be	NA	<i>The timely and thorough resolution of weaknesses or reportable conditions as revealed by the audit.</i>

added to all cases by the end of August 2011. The documentation in the eligibility system will alert eligibility staff to determine if the case record needs to show:

- an apartment identification
- documentation that separate buildings are on the property
- new renter/owner documentation, or
- some applicants are not eligible due to household composition

Eligibility staff will be required to confirm household composition when the notation is found on any case.

COMPLIANCE MONITORING			
Describe the Grantee's FY 2011 strategies that will continue in FY 2012 for monitoring compliance with State and Federal LIHEAP policies and procedures by the Grantee and local administering agencies.	Please highlight any strategies for compliance monitoring from your plan which will be newly implemented as of FY 2012.	If you don't have a firm compliance monitoring system in place for FY 2011, please describe how the State is verifying that LIHEAP policy and procedures are being followed.	Necessary outcomes from these systems and strategies
<p>All policy changes are reviewed by the HSD Office of General Counsel attorneys for compliance with federal and New Mexico policy.</p> <p>LIHEAP line supervisors review a sample of cases each month to assure that all eligibility areas have been verified and the benefit is accurate. The reviews are submitted to a share drive monitored by the Quality Improvement section.</p> <p>ATTACHMENT 2 (2 pages) review form and instructions that have been used since 2008.</p> <p>An additional program manager has been assigned to do a sub-sample reviews of LIHEAP cases.</p>	<p>An additional training component is in development that will highlight the verification and documentation requirements that must found in case records when cases are reviewed.</p>	<p>NA</p>	<p><i>A sound methodology, with a schedule for regular monitoring and a more effective monitoring tool to gather information.</i></p>

FRAUD REPORTING MECHANISMS			
<p>For FY 2011 activities continuing in FY 2012, please describe all (a) mechanisms available to the public for reporting cases of suspected LIHEAP fraud, waste or abuse [These may include telephone hotlines, websites, email addresses, etc.]; (b) strategies for advertising these resources.</p>	<p>Please highlight any tools or mechanisms from your plan which will be newly implemented in FY 2012, and the timeline for that implementation.</p>	<p>If you don't have any tools or mechanisms available to the public to prevent fraud or improper payments, please describe your plan for involving all citizens and stakeholders involved with your program in detecting fraud.</p>	<p>Necessary outcomes of these strategies and systems</p>
<p>The New Mexico Human Services Department website is http://www.hsd.state.nm.us/. On the first page is a Report Fraud Link. Clicking on the button takes the user to the Office of Inspector General page. This page includes both an email address and telephone numbers to report fraud and/or abuse. Mailed or dropped off written referrals are also considered for investigation.</p> <p>All HSD Office of Inspector General Investigation Bureau business cards have contact information (fraud hot line and email address) which can be used to report fraud. All Income Support Division (ISD) Offices have posters that advertise how to report fraud as well as ISD staff which provide fraud reporting resources.</p> <p>HHS ACF has a Fraud Alert Hotline</p>	<p>NA</p>	<p>NA</p>	<p><i>Clear lines of communication for citizens, grantees, clients, and employees to use in pointing out potential cases of fraud or improper payments to State administrators.</i></p>

VERIFYING APPLICANT IDENTITIES			
Describe all FY 2011 Grantee policies continuing in FY2012 for how identities of applicants and household members are verified.	Please highlight any policy or strategy from your plan which will be newly implemented in FY 2012.	If you don't have a system in place for verifying applicant's identities, please explain why and how the Grantee is ensuring that only authentic and eligible applicants are receiving benefits.	Necessary outcomes from these systems and strategies
<p>HSD requires that the identity of an applicant be verified for all programs administered by the Department. See below for the specific policy:</p> <p><i>LIHEAP New Mexico Administrative Code (NMAC) Section 8.150.500.8 NEED DETERMINATION:</i></p> <p><i>B. Documentation: The household must provide proof that they meet the qualifications of the LIHEAP program. Current documents used in other public assistance programs may be used for LIHEAP application processes, unless questionable.</i></p> <p><i>(1) proof of identity for the applicant using any of the following documentation:</i></p> <ul style="list-style-type: none"> <i>(a) birth certificates(s); or</i> <i>(b) baptism certificate; or</i> <i>(c) hospital or birth record; or</i> <i>(d) divorce papers; or</i> <i>(e) alien registration card; or</i> <i>(f) immigration & naturalization service (INS) records; or</i> <i>(g) U. S. passport; or</i> <i>(h) Indian census records; or</i> <i>(i) family bible; or</i> <i>(j) school or day care records; or;</i> <i>(k) government records; or</i> <i>(l) social security records; or</i> <i>(m) social service records; or</i> <i>(n) insurance policy; or</i> <i>(o) court records; or</i> <i>(p) church records; or</i> <i>(q) voter registration card; or</i> <i>(r) letter from doctor, religious official or school official, or</i> 	<p>HSD is contracting with a private company to develop a new computer system. LIHEAP is currently in a standalone computer system. The new system will include LIHEAP and will include the latest technology regarding verification of many eligibility factors. The RFP process has been completed and the contract is in the signature process.</p>	<p>NA</p>	<p><i>Income and energy supplier data that allow program benefits to be provided to eligible individuals.</i></p>

*someone else who knows the applicant; or
(s) applicant sworn statement.*

Title 8 Chapter 100 Part 130 New Mexico Administrative Code - GENERAL OPERATING POLICIES - ELIGIBILITY AND VERIFICATION STANDARDS

These standards apply to all programs administered by HSD and include LIHEAP. See ATTACHMENT 3 (18 pages).

8.100.130.9 METHODS OF VERIFICATION: - Details how all verification to determine eligibility and benefit level is obtained. See ATTACHMENT 3 (pages 6-7)

when determining eligibility for any HSD program including LIHEAP. See ATTACHMENT 4 (15 pages) and ATTACHMENT 5 (2 menu screen prints).

Another application available to HSD staff is BENDEX which can verify if the numbers in a SSN has been issued by SSA and if a client receives SSI. See ATTACHMENT 5 (2 pages).

Code of Conduct policy is signed by all staff regarding State Information Technology Resources. See ATTACHEMENT 6 (2 pages) Guidance/tutorials related to email security and confidentiality are issued by HSD Information Technology Division. See ATTACHMENT 7 (2 pages).

SOCIAL SECURITY NUMBER REQUESTS			
Describe the Grantee's FY 2012 policy in regards to requiring Social Security Numbers from applicants and/or household members applying for LIHEAP benefits.	Please describe whether the State's policy for requiring or not requiring Social Security numbers is new as of FY2012, or remaining the same.	If the Grantee is not requiring Social Security Numbers of LIHEAP applicants and/or household members, please explain what supplementary measures are being employed to prevent fraud.	Necessary outcomes from these systems and strategies
<p>LIHEAP applicants must provide a Social Security Number as part of the application process. The LIHEAP computer system has a check to determine if the number series has been issued by SSA or is being used by another applicant/recipient. See below for specific policy.</p> <p><i>LIHEAP New Mexico Administrative Code (NMAC) Section 8.150.500.8 NEED DETERMINATION: To be eligible for LIHEAP benefits households must do the following:</i></p> <p><i>B. Documentation: The household must provide proof that they meet the qualifications of the LIHEAP program. Current documents used in other public assistance programs may be used for LIHEAP application processes, unless questionable.</i></p> <p>(3) social security numbers for all household members. A social security card is required if the number has not been issued by the social security administration or is being used by another person in the ISD databases.</p> <p>HSD has an online application called SVES WTPQ which is used as a Request-and-Response with SSA for Social Security Number Identity verification, Title II information, Title XVI verification and 40 Qualifying Quarters summary information. HSD staff use this facility & information</p>	<p>Social Security Numbers continue to be required for FFY 2012.</p> <p>The computer system is updated as needed with the most current SSN edit rules in place to match the other computer system used by HSD.</p> <p>LIHEAP is a part of the agreement between HSD and the Social Security Administration. A new interface process is being developed and is scheduled to be implemented in 2012.</p> <p>All HSD ISD staff and some contractors receive IEVES training.</p>	<p>NA</p>	<p><i>All valid household members are reported for correct benefit determination.</i></p>

CROSS-CHECKING SOCIAL SECURITY NUMBERS AGAINST GOVERNMENT SYSTEMS/DATABASES			
Describe if and how the Grantee used existing government systems and databases to verify applicant or household member identities in FY 2011 and continuing in FY 2012. (Social Security Administration Enumeration Verification System, prisoner databases, Government death records, etc.)	Please highlight which, if any, policies or strategies for using existing government databases will be newly implemented in FY 2012.	If the Grantee won't be cross checking Social Security Numbers and ID information with existing government databases, please describe how the Grantee will supplement this fraud prevention strategy.	Necessary outcomes from these systems and strategies
<p><i>LIHEAP New Mexico Administrative Code (NMAC) Section 8.150.500.8 NEED DETERMINATION: To be eligible for LIHEAP benefits households must do the following:</i></p> <p><i>B. Documentation: The household must provide proof that they meet the qualifications of the LIHEAP program. Current documents used in other public assistance programs may be used for LIHEAP application processes, unless questionable.</i></p> <p><i>(3) social security numbers for all household members. A social security card is required if the number has not been issued by the social security administration or is being used by another person in the ISD data bases;</i></p> <p>The primary computer system (ISD2) used by the department includes access to Prisoner Verification (Menu selection X). Staff determining eligibility can access the information in this data base to check on LIHEAP applicants.</p>	<p>HSD is contracting with a private company to develop a new computer system. LIHEAP is currently in a standalone computer system. The new system will include LIHEAP and will include the latest technology regarding verification of many eligibility factors. The RFP process has been completed and the contract is in the signature process. LIHEAP computer processes have been in a standalone system but will be integrated with other eligibility programs in the new system. The new system will have the capability of:</p> <ul style="list-style-type: none"> • generating ad hoc reports • system case reviews based on rules and create alerts • generating alerts when duplicate addresses are used in separate cases <p>HSD currently has a variety of reports that can be reviewed and mined to identify:</p> <ul style="list-style-type: none"> ○ duplicate addresses ○ large benefit amounts ○ inconsistent information ○ unusually activities by vendors <p>Staff in central office and at the local office level regularly review the reports.</p>	<p>NA</p>	<p><i>Use of all available database systems to make sound eligibility determination.</i></p>

VERIFYING APPLICANT INCOME			
Describe how the Grantee or designee used State Directories of new hires or similar systems to confirm income eligibility in FY 2011 and continuing in FY 2012.	Please highlight any policies or strategies for using new hire directories which will be newly implemented in FY 2012.	If the Grantee won't be using new hire directories to verify applicant and household member incomes how will the Grantee be verifying the that information?	Necessary outcomes from these systems and strategies
<p>The primary computer system (ISD2) used by the department includes access to Prisoner Verification (Menu selection X) and New Hires (Menu selection Y). Staff who determine eligibility can access the information in these data bases to check on LIHEAP applicants. See ATTACHMENT 8 (3 menu screen prints).</p> <p>Child Support Enforcement is a Division of HSD. Access to child support payment histories is available to eligibility staff.</p> <p>Workforce Solutions Department works in cooperation with HSD. An interface with unemployment information is available to eligibility staff.</p> <p>The New Mexico Human Services Department contracts with The Work Number to provide verification of employment and wages.</p>	<p>HSD is contracting with a private company to develop a new computer system. LIHEAP is currently in a standalone computer system. The new system will include LIHEAP and will include the latest technology regarding verification of many eligibility factors. The RFP process has been completed and the contract is in the signature process. LIHEAP computer processes have been in a standalone system but will be integrated with other eligibility programs in the new system. The new system will have the capability of:</p> <ul style="list-style-type: none"> • generating ad hoc reports • system case reviews based on rules and create alerts • generating alerts when duplicate addresses are used in separate cases 	<p>NA</p>	<p><i>Effective income determination achieved through coordination across program lines.</i></p>

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PRIVACY-PROTECTION AND CONFIDENTIALITY

Describe the financial and operating controls in place in FY 2011 that will continue in FY 2012 to protect client information against improper use or disclosure.	Please highlight any controls or strategies from your plan which will be newly implemented as of FY 2012.	If you don't have relevant physical or operational controls in place to ensure the security and confidentiality of private information disclosed by applicants, please explain why.	Necessary outcomes from these systems and strategies
<p>HSD policy regarding privacy and confidentiality is provided in training and re-emphasized by supervisory staff.</p> <p>HSD's security policy allows update and/or inquiry access to the LIHEAP system only after security forms have been completed and appropriate approvals and review have been completed.</p> <p>Information provided to LIHEAP participating vendors does not include SSNs. In addition, only vendor account information is provided to the vendors: account name (not client name), account number, and residential address</p> <p>Applications in the intake offices are required to be in a locked area or cabinet to protect the confidentiality of client information.</p> <p>HSD email policy prohibits the inclusion of any client level information from being included in an email. Vendors may receive verification and pay reports by mail, fax or secure server.</p> <p>The central LIHEAP office is located in a secure space with entry by cipher</p>	<p>HSD is contracting with a private company to develop a new computer system. LIHEAP is currently in a standalone computer system. The new system will include LIHEAP and will include the latest technology regarding verification of many eligibility factors. The RFP process has been completed and the contract is in the signature process. LIHEAP computer processes have been in a standalone system but will be integrated with other eligibility programs in the new system. The new system will have the capability of:</p> <ul style="list-style-type: none"> • generating ad hoc reports • system case reviews based on rules and create alerts • generating alerts when duplicate addresses are used in separate cases. 	<p>NA</p>	<p><i>Clear and secure methods that maintain confidentiality and safeguard the private information of applicants.</i></p>

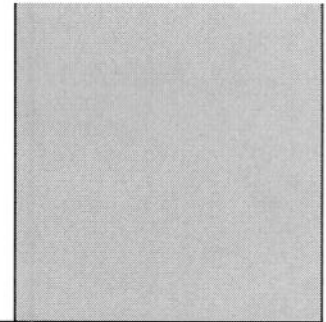
locks or escorted admittance.

** please provide full descriptions of the State's plans and strategy in this area, and attach/reference excerpts from relevant policy documents*

LIHEAP BENEFITS POLICY

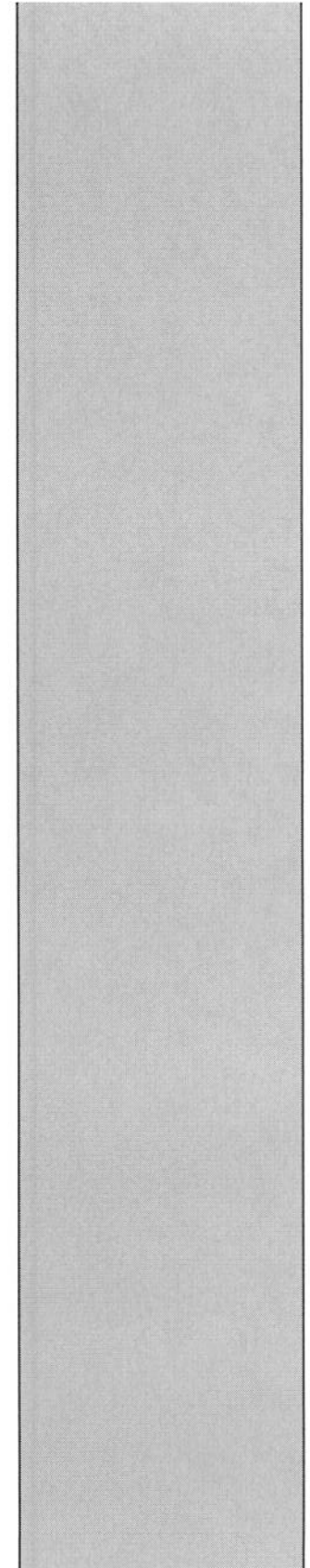
<p>Describe FY 2011 Grantee policies continuing in FY 2012 for protecting against fraud when making payments, or providing benefits to energy vendors on behalf of clients.</p>	<p>Please highlight any fraud prevention efforts relating to making payments or providing benefits which will be newly implemented in FY 2012.</p>	<p>If the Grantee doesn't have policy in place to protect against improper payments when making payments or providing benefits on behalf of clients, what supplementary steps is the Grantee taking to ensure program integrity.</p>	<p>Necessary outcomes from these systems and strategies</p>
<p>The LIHEAP computer system has an edit that prevents the entry of SSNs already in the system, SSNs not issued by SSA and account numbers already entered in the system for any vendor.</p> <p>Approximately 5% of benefits are sent directly to eligible households. Those payments include households who cut their own firewood, whose utilities are included in their rent and whose selected vendor is not a participating LIHEAP vendor. A report detailing these households is compiled and available to supervisory staff each month. Many offices in New Mexico administer services to rural areas and small towns. Supervisory staff who live in the small communities know the residents of their community and use this report to identify potential errors or fraud.</p> <p>Notices are sent to eligible households when payments have been made advising the eligible household about the calculation of benefit and how the benefit was issued. In cases where the benefit was sent to a vendor on</p>	<p>A documentation project is planned to add notations to cases with duplicate addresses. The documentation should be added by the end of August 2011. The documentation in the eligibility system will alert eligibility staff to determine if the case record needs to show:</p> <ul style="list-style-type: none"> • an apartment identification • separate buildings notation • new renter/owner documentation, or • some applicants are not eligible due to household composition <p>Eligibility staff will be required to confirm household composition when the notation is found on any case.</p>	<p>NA</p>	<p><i>Authorized energy vendors are receiving payments on behalf of LIHEAP eligible clients.</i></p>

behalf of the household, the notice includes the vendor's name and the account number where the benefit is being credited. The notice also includes contact information in case there are questions.



PROCEDURES FOR UNREGULATED ENERGY VENDORS			
Describe the Grantee's FY 2011 procedures continuing in FY 2012 for averting fraud and improper payments when dealing with bulk fuel dealers of heating oil, propane, wood and other un-regulated energy utilities.	Please highlight any strategies policy in this area which will be newly implemented in FY 2012.	If you don't have a firm plan for averting fraud when dealing with unregulated energy vendors, please describe how the Grantee is ensuring program integrity.	Necessary outcomes from these systems and strategies
<p>LIHEAP vendors must complete a packet of information which includes a W-9 and a participation agreement. The vendor's information is submitted to the State of New Mexico Department of Finance where the vendor is entered into SHARE, the State of New Mexico's accounting system. LIHEAP staff monitor reports being sent to participating vendors and flag unusual activities such as duplicate addresses and/or names.</p> <p>The HSD internal audit conducted in FFY 2010 (attached) included a verification of all vendors. The audit did not identify any concerns about the authenticity of any energy vendor currently participating in the program.</p> <p>Vendors also verify account information before payments are made and indicate to LIHEAP staff when a payment has already been made on the account. The case is then researched prior to the benefit being issued.</p> <p>The Public Regulation Commission promulgated rules for the conduct of business for bulk fuel vendors in New Mexico. See ATTACHMENT 9 (11 pages). HSD worked with the PRC in the development of the rule. The PRC Consumer Relations Division (CRD) accepts calls from bulk fuel customers and seeks to resolve billing and service complaints.</p>	<p>A new vendor agreement is in the approval process. Complete vendor review will be completed in conjunction with the new agreement. All vendors will be required to complete a new agreement. The process is anticipated to be completed by all vendors by December of 2011.</p>	<p>NA</p>	<p><i>Participating vendors are thoroughly researched and inspected before benefits are issued.</i></p>

The PRC documents and tracks the calls concerning bulk fuel vendors. HSD's relationship with the PRC fosters communication between the two agencies. HSD refers clients to the CRD. HSD believes that the rule promulgation and the CRD tracking promotes proper business practices and will help in identifying fraudulent practices with LIHEAP and customer payments.



VERIFYING THE AUTHENTICITY OF ENERGY VENDORS			
Describe Grantee FY 2011 policies continuing in FY 2012 for verifying the authenticity of energy vendors being paid under LIHEAP, as part of the Grantee's procedure for averting fraud.	Please highlight any policies for verifying vendor authenticity which will be newly implemented in FY 2012.	If you don't have a system in place for verifying vendor authenticity, please describe how the Grantee can ensure that funds are being distributed through valid intermediaries?	Necessary outcomes from these systems and strategies
<p>The HSD internal audit conducted in FFY 2010 (attached) included a verification of all vendors. The audit did not identify any concerns about the authenticity of any energy vendor currently participating in the program.</p> <p>All vendors are entered into the State of New Mexico's accounting system. IRS verifies the accuracy of the vendors' W9 information.</p>		NA	<p><i>An effective process that effectively confirms the existence of entities receiving federal funds.</i></p>

TRAINING AND TECHNICAL ASSISTANCE			
<p>In regards to fraud prevention, please describe elements of your FY 2011 plan continuing in FY 2012 for training and providing technical assistance to (a) employees, (b) non-governmental staff involved in the eligibility process, (c) clients, and (d) energy vendors.</p>	<p>Please highlight specific elements of your training regimen and technical assistance resources from your plan which will represent newly implemented in FY 2012.</p>	<p>If you don't have a system in place for anti-fraud training or technical assistance for employees, clients or energy vendors, please describe your strategy for ensuring all employees understand what is expected of them and what tactics they are permitted to employ.</p>	<p>Necessary outcomes from these systems and strategies</p>
<p>A new LIHEAP training was developed in FFY 2011. All employees who determine eligibility are required to attend the newly developed training.</p>	<p>A training supplement for supervisors will be developed and provided to all supervisors.</p> <p>HSD is contracting with a private company to develop a new computer system. LIHEAP is currently in a standalone computer system. The new system will include LIHEAP and will include the latest technology regarding verification of many eligibility factors. The RFP process has been completed and the contract is in the signature process. The system development will include additional verification processes not available or possible in the current eligibility system.</p>	<p>NA</p>	<p><i>The timely and thorough resolution of weaknesses or reportable conditions as revealed by the audit.</i></p>

AUDITS OF LOCAL ADMINISTERING AGENCIES			
Please describe the annual audit requirements in place for local administering agencies in FY 2011 that will continue into FY 2012.	Please describe new policies or strategies to be implemented in FY 2012.	If you don't have specific audit requirements for local administering agencies, please explain how the Grantee will ensure that LIHEAP funds are properly audited under the Single Audit Act requirements.	Necessary outcomes from these systems and strategies
HSD does not use or plan to use local administering agencies.	NA	NA	<i>Reduce improper payments, maintain local agency integrity, and benefits awarded to eligible households.</i>

Additional Information

Please attach further information that describes the Grantee's Program Integrity Policies, including supporting documentation from program manuals, including pages/sections from established LIHEAP policies and procedures.