



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HKA0005

Date & Time Received: 1/30/2023 at 10:58 a.m.

Date & Time of Response: 2/24/2023 at 5:15 p.m.

Entity Requesting FRF: Office of Legislative Counsel

Title of Project: New HVAC System for Office of Legislative Counsel

Administrative Oversight: Office of the Speaker

Amount of Funding Requested: \$89,358

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
(2) Premium Pay
(3) Government Services/Lost Revenue
(4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 7.1, Administrative Expenses

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: *MRodis*

Disclaimers:

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: Legislative Branch/Office of Legislative Counsel Date prepared: 01/03/2023
indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O. Box 3390 phone/email: (928) 871-7166
Window Rock, Arizona 86515 website (if any): _____

Form prepared by: Cecelia G. Thomas, ASO phone/email: (928) 871-7166
Legislative Branch/Office of Legislative Counsel cecelia.thomas@navajo-nsn.gov
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: New H.V.A.C. System for Office of Legislative Counsel

NN Government Unit's Director or Manager: Dana L. Bobroff, Chief Legislative Counsel phone & email: (928) 871-7166/danabobroff@navajo-nsn.gov

Division Director (if any): _____ phone & email: _____

Branch Chief: Hon. Otto Tso, Speaker phone & email: (928) 871-7160

Funding Recipient will be working with: Legislative Branch/Office of the Speaker on the Project and
indicate Branch and/or Division
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):
Certified HVAC Contractor and Subcontractors document attached

Amount of FRF requested: \$89,358.00 FRF funding period: January 1, 2023 thru December 31, 2023
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

The administrative building that houses the Office of Legislative Counsel requires a complete upgrade through the installation of a new HVAC system (that needs to include two new HVAC Units and a new HVAC Duct Air-Flow System) that filters and heats and cools the air that circulates inside the building as the two (2) Carrier HVAC Units that currently serve the building are inadequate to filter and heat and cool the building. Each Unit continues to malfunction in its purpose; thus, failing to provide a safe and healthy work environment for the Office of Legislative Counsel who serve extremely vital functions (especially during times of emergency closures due to COVID-19) as the legal counsel to the Navajo Nation Council and the Legislative Branch of the Navajo Nation. document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

The Office of Legislative Counsel are required to provide legal advice and guidance to the Navajo Nation Council (and other Legislative Branch clients) beyond the normal tour-of-duty hours and during intermittent times of government office closure in response to emergencies. Therefore, the OLC needs to maintain a safe and healthy work environment for the staff who have to continue services when the government closes due to unforeseen circumstances as the OLC is always integral in helping to develop the response of the Navajo Nation to such types of emergency situations. document attached

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

2 - 4 Months for Procurement (January thru April, 2023)
4 - 6 Months for Selective Demolition/Installation of HVAC System (May thru October, 2023)
1 - 2 Months for Close Out of Project in Fall/Winter of 2023 (November thru December 2023)
Note: CPMD will oversee the Project's schedule in the contract, monitor the design, monitor the upgrade/renovation and recommend for payments.

document attached

(d) Identify who will be responsible for implementing the Program or Project:

The following individuals will be responsible for implementing the Project: 1) Cecelia G. Thomas, ASO for OLC; 2) Dana L. Bobroff, Chief Legislative Counsel for OLC; and 3) Andy Thomas, Project Manager for CPMD.

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

The Office of Legislative Counsel will be responsible for the operations and maintenance costs for the Project after completion of the Project.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

The Office of Legislative Counsel believes that this project (new HVAC system) fits under the 6.1 Government Services category of the U.S. Department of the Treasury Appendix 1 as purports to maintain a safe and healthy work environment for the OLC staff who have to continue services when the government closes due to unforeseen circumstances (i.e. World-Wide COVID-19 Pandemic, potential Declarations of Emergency imposed for the Navajo Nation, etc.)as the OLC is always integral in helping to develop the response of the Navajo Nation to such types of emergency situations.

document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):


Attachment A - Memorandum to Reviewers (dated December 28, 2022) re Justification for Complete Upgrade through the Installation of a New H.V.A.C. System for the Office of Legislative Counsel;

Attachment B - C.P.M.D. Cost Estimate for OLC Building No. 2 HVAC Upgrade Project

Attachment C - Photo of Disabled HVAC Units to OLC Building

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

NN Government Unit
Preparer: 
signature of Preparer/CONTACT PERSON

Approved by: 
signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit
for Review:  1/05/23
signature of Branch Chief or Division Director

Print Name, Title,
Branch or Division: Hon. Otto Tso, Speaker
print name and indicate title or position


Legislative Branch
indicate Branch or Division

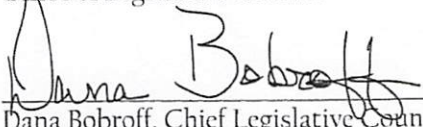
Attachment A



MEMORANDUM

TO: Reviewers of F.R.F. Requests & Expenditure Plan
for Navajo Nation Government Units

FROM: 
Cecelia G. Thomas, ASO
Office of Legislative Counsel

THRU: 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 3, 2022

SUBJECT: Justification for Complete Upgrade through the Installation of a New H.V.A.C.
System for the Office of Legislative Counsel

This memorandum serves as a written narrative to justify the need for a Complete Upgrade through the Installation of a New H.V.A.C. System for the Office of Legislative Counsel.

Need for New H.V.A.C. System. The administrative building that houses the Office of Legislative Counsel (OLC) is no longer heated and cooled by the two (2) *Carrier HVAC Units* that were installed in 2012 to serve the building. At this time, both Units (located on the west side of the building) are disabled and cannot provide heat or cool air to the building due to a myriad of mechanical issues that include some the following:

- 1) the Units need to be raised 12-inches above the ground as it now sits about 1-inch above the ground and were not intended to service as ground Units as they are categorized as roof-top Units;
- 2) the natural elements (sand, wind, water, etc.) have eroded the electrical components of each Unit (that include the electrical motherboard, the shut-off relay, the wiring within the Units, the wiring outside the Units, and the main electrical power source to the Unit) have deteriorated because each Unit sits directly atop the ground and are not protected from the elements;
- 3) the compressor fan (atop each Unit) has seized due to corrosion;
- 4) the motorized actuator to the air supply damper no longer functions; and
- 5) the metal duct system has corroded as it is now partially buried into the ground.

Therefore, the administrative building that houses the OLC requires a complete upgrade through the installation of a new HVAC system (that needs to include two new HVAC Units and a new HVAC Duct

Memo to Reviewers of F.R.F. Requests & Expenditure Plan for
Navajo Nation Government Units

RE: Justification for Complete Upgrade through the Installation of a New H.V.A.C.
System for the Office of Legislative Counsel

January 3, 2023

Page 2 of 2

Air-Flow System) that filters and heats and cools the air that circulates inside the building as the two (2) Carrier HVAC Units have been deemed inadequate to filter and heat and cool the building on a long-term basis.

Extreme Temperatures. To support this need, it is worth noting that the temperatures for the Window Rock, Navajo Nation (AZ) area have averaged between 35 degrees to 56 degrees, which often leaves the *inside temperature* of the OLC building at 44 degrees, during winter months. Further, during the summer months, the *inside temperature* of the OLC building can range between 80-85 degrees, while the outside temperature can range between 78 degrees and 101 degrees.

Safe and Healthy Work Environment. Each Unit continues to malfunction in its purpose; thus, failing to provide a safe and healthy work environment for the staff of the Office of Legislative Counsel. So, the office maintains heat by using an army of space heaters to provide heat throughout the building to keep the staff warm during winter months, and it has been imagined that the office will have to procure an alternate source to provide cool air during the summer months for the staff to remain comfortable.

Vital Governmental Functions of the Office of the Legislative Counsel. The OLC serve extremely vital governmental functions (especially during times of emergency closures due to COVID-19) as the legal counsel who houses professional individuals who possess the unique knowledge and legal experience with the Navajo Nation government and its laws that drive the legal service to the Navajo Nation Council, Standing Committees, Boards, Commissions, and the Legislative Branch. The OLC performs, on a daily basis, a myriad of work of unusual difficulty that includes the following: 1) coordinate legal advice and opinions with the Department of Justice and other attorneys that provide legal services to the Nation; 2) provide advice and counsel, including interpretation of tribal, state and federal laws and regulations; 3) perform complex legal research and analysis of laws, legal precedents and policies; 4) provide legislative branch representation in mediation and administrative hearings; 5) provide training and orientation in specific laws and their application; 6) draft, reviews and prepare proposed legislation, reports, legal documents and correspondence for the Navajo Nation Council and entities of the Legislative Branch; and 7) codifies the Navajo Nation laws, rules and regulations.

Conclusion in Support of Need. Accordingly, based on the foregoing grounds, this request for funds should be deemed as an FRF-Eligible project as it serves to provide for the Office of Legislative Counsel who are often required to provide legal advice and guidance beyond the normal tour-of-duty hours and during intermittent times of government office closure in response to emergencies. Further, the OLC needs to maintain a safe and healthy work environment for the staff who have to continue services when the government closes due to unforeseen circumstances as the OLC is always integral in helping to develop the response of the Navajo Nation to such types of emergency situations. Our office appreciates your favorable consideration of this justification, and further, approving our request for F.R.F. Funds. If you have any questions or concerns, please contact our office at (928) 871-7166. Ahéhee'.

Attachment B

**CAPITAL PROJECT MANAGEMENT DEPARTMENT
COST ESTIMATE**

Date: 12/28/2022

Project No.:

Project: Legislative Building 2 HVAC Upgrade Project

COST SUMMARY PER LOCATION 2,100 S.F. FACILITY



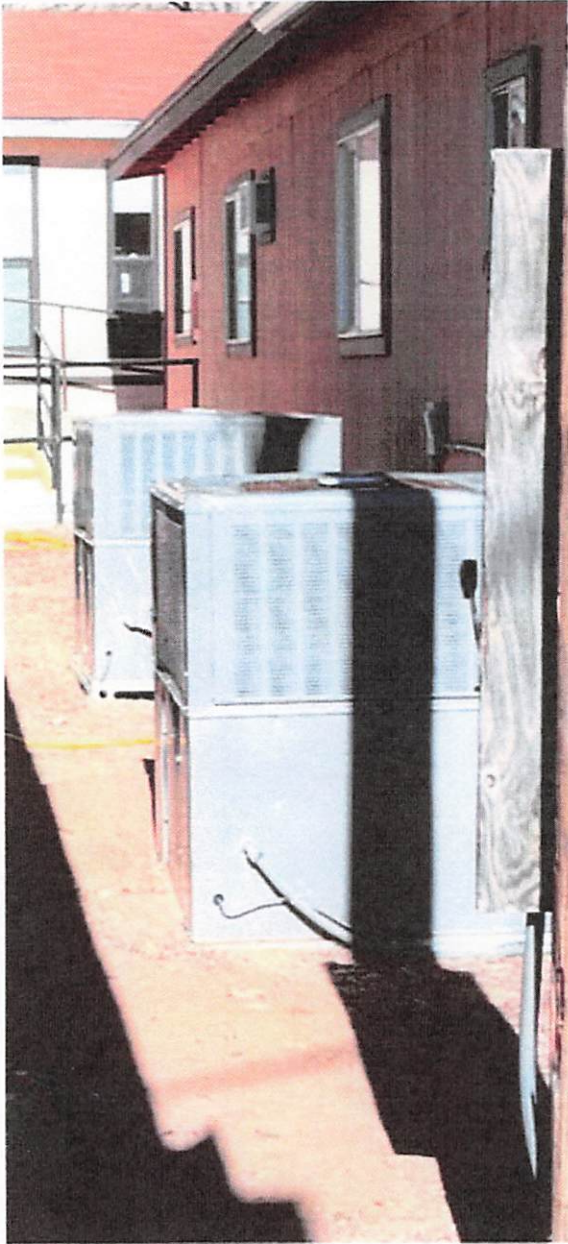
A. ESTIMATE COST - LEGISLATIVE BLDG.HVAC	Sub-Total	Total
AS-BUILT DRAWINGS		
1 HVAC Services- Two (2) Combo 1.5 tons	Included	
2 Units 230v 1ph 40,000 BTU	\$ 32,000.00	
3 Site Electrical +Connections		
4 Carpentry/Conc. Slab		
5 Existing Duct cleaning, New Duct,reseal, balance,	\$ 38,000.00	
6 4% Inflation/yr.	\$ 2,800.00	
7 NNGRT 6%		
Subtotal Estimate Services:	\$ 72,800.00	
SUBTOTAL SERVICES: NN ASC (A+B)		\$ 72,800.00
NNGRT	6%	\$ 4,368.00
TOTAL SERVICES: NN CHTR		\$ 77,168.00
B. HVAC SERVICES Exterior/Interior		
1 Upgrades		
2 Material Cost	Included	
3 Labor Cost	\$ 8,000.00	
4 Equipment	Included	
5 HVAC Utilities Allowances		
6 Removal existing Units (2)/Selected demo	Included	
7 Insurance/Bond	Included	
8 Contingency 10%	\$ 3,500.00	
NNGRT 6%	\$ 690.00	
CONSTRUCTION COST:	\$ 12,190.00	\$ 12,190.00
C Miscellaneous		
1		
2		
3		
TOTAL COST:		\$ 89,358.00
E. TOTAL PROJECT		
F. PROPOSED PROJECT ESTIMATE BY: NN-CPMD PROJECT MANAGERS		

Attachment C

Cecelia G. Thomas

Subject: **FW:**

Sent: Tuesday, December 27, 2022 4:29 PM
To: Cecelia G. Thomas <cecilia.thomas@navajo-nsn.gov>
Subject:

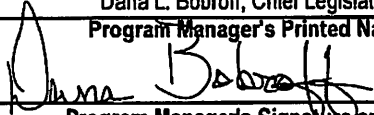



Sent from my iPhone

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Office of Legislative Counsel</u>		Division/Branch: <u>Legislative Branch</u>				
Prepared By: <u>Cecelia G. Thomas</u>		Phone No.: <u>(928) 871-7166</u>		Email Address: <u>cecilia.thomas@navajo-nsn.gov</u>				
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY				
N.N. Fiscal Recovery Fund	01/23/2023-12/31/2023	\$89,358	100%	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total	
				2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance	6	\$0	\$89,358	
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0	\$89,358	\$89,358
				PART IV. POSITIONS AND VEHICLES			(D)	(E)
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:				\$89,358	100%			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>Dana L. Bobroff, Chief Legislative Counsel</u>		APPROVED BY: <u>Hon. Speaker Otto Tso</u>						
<u>Dana Bobroff</u>		<u>1.09.23</u>		<u>[Signature]</u>				
Program Manager's Printed Name		Program Manager's Signature and Date		Division Director/Branch Chief's Printed Name				
				Division Director/Branch Chief's Signature and Date				

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>NEW</u>			Program Name/Title: <u>Office of Legislative Counsel</u>						
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
Pursuant to 2 N.N.C. 961 and 962: The Office of Legislative Counsel provides legal advice and legal representation to the Navajo Nation Council, Naabik'iyati', Standing Committee, Boards, Commissions, Sub-Committees and Task Forces of the Navajo Nation Council.									
PART III. PROGRAM PERFORMANCE CRITERIA:									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
Complete upgrade through installation of new HVAC system that filters and heats and cools the Administrative Building that houses the Office of Legislative Counsel.									
Program Performance Measure/Objective:									
The Office of Legislative Counsel needs to maintain a safe and healthy work environment for the staff who have to continue services when the government closes due to unforeseen circumstances (i.e. government closures due to COVID-19) as the OLC is always integral in helping to develop the response of the Navajo Nation to such types of emergency situations.		N/A		1		1		1	
2. Goal Statement:									
Program Performance Measure/Objective:									
3. Goal Statement:									
Program Performance Measure/Objective:									
4. Goal Statement:									
Program Performance Measure/Objective:									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
Dana L. Bobroff, Chief Legislative Counsel _____ Program Manager's Printed Name				Hon. Speaker Otto Tso _____ Division Director/Branch Chief's Printed Name					
 Program Manager's Signature and Date				 Division Director/Branch Chief's Signature and Date					
01/09/2023				01/09/23					

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Office of Legislative Counsel _____	Business Unit No.: _____ NEW _____
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	6000 REPAIRS AND MAINTENANCE Annual repair & maintenance fees for furniture, equipment and computer upgrade hardware.		\$89,358
6200	External Contractors	\$89,358	
	6230 HVAC \$89,358.00		
TOTAL		\$89,358	\$89,358

