



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 #: HK 786

Date & Time Received: 03/26/2024 at 17:26

Date & Time of Response: April 15, 2024 at 15:00

Entity Requesting FRF: Navajo Division of Transportation

Title of Project: N-251: Safety, Drainage & Connectivity Road Improvement Project (Revenue Replacement)

Administrative Oversight: Navajo Division of Transportation

Amount of Funding Requested: \$11,000,000.00

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:

6.1, Provision of Government Services



**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: \_\_\_\_\_  
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Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

**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: Navajo Division of Transportation (NDOT) indicate Department, Program, Office, Division, or Branch Date prepared: 3/14/2024

NN Government Unit's mailing address: Leanne Roy, Department Manager phone/email: (505) 371-8380  
P.O. Box 4620, Window Rock, Arizona 86515 website (if any): www.navajodot.org

Form prepared by: Leanne Roy, Department Manager phone/email: (505) 371-8380  
Planning - Navajo Division of Transportation Iroy@navajodot.org  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: N-251: Safety, Drainage & Connectivity Road Improvement Project (Revenue Replacment)

NN Government Unit's Director or Manager: Leanne Roy phone & email: (505) 371-8380, Iroy@navajodot.org

Division Director (if any): Tom Platero phone & email: (505) 371-8354, tplatero@navajodot.org

Branch Chief: Buu Nygren, President phone & email: presidentnygren@navajo-nsn.gov

Funding Recipient will be working with: Tom Platero, Division Director indicate Branch and/or Division on the Project and 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):  
\_\_\_\_\_  document attached

Amount of FRF requested: \$11,000,000.00 FRF funding period: March 1, 2024 - December 30, 2026  
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:

This NDOT N-251: Safety, Drainage & Connectivity Road Improvement project will deliver safety, drainage & road improvements. This project will address safety issues that occur in wet or icy road conditions from flooding. This project will provide access to employment, school, expand community services & provide logistical support in emergencies. This project will improve quality of life & transportation equity for local residents. This project directly address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation. Access to utilities & government services facilitates sustainable economic & social growth & can drastically increase the quality of healthcare provided.

document attached

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

Most rural communities on the Navajo Nation lack access to governmental services & COVID-19 impeded these operations. This road improvement project will contribute & strengthens the local direct mitigation, preparedness, response & recovery of local governmental services & local emergency situations to address the needs of communities. This project will assist in promoting public health & economic development for direct benefits to the Navajo people. This project will contribute & strengthens the general welfare of the community.

document attached



**APPENDIX A**

(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:

Based on the funding, the project end date will be December 31, 2026 with all funds being incumbered before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

document attached

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

The Navajo Division of Transportation (NDOT) Division Director will be implementing the NN ARPA Funding Act & the N-251: Safety, Drainage & Connectivity Road Improvement project.

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 Navajo Division of Transportation will be responsible for the completion of this project, no additional cost or recurring cost will be incurred by the NDOT when project is completed.

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:

Categories: Revenue Replacement: 6.1 - Provision of Government Services

Pursuant to the U.S. Treasury guidelines and objectives, this project will address the conditions that contributed to poor public health & economic outcomes during the pandemic. By concentrating in areas with limited economic opportunities & inadequate or poor housing quality, the access to resources facilitates improved health outcomes including services connecting residents with healthcare resources, public assistance & build healthier environments to support healthy living environments & communities conducive to mental & physical wellness. The exacerbation of health disparities during the pandemic & pre-existing social vulnerabilities are responsive to the public health impact of the pandemic. This project will support access to services for healthy living.

document attached

**Part 3. Additional documents.**

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

[Empty box for listing additional supporting documents]







**Part 4. Affirmation by Funding Recipient.**

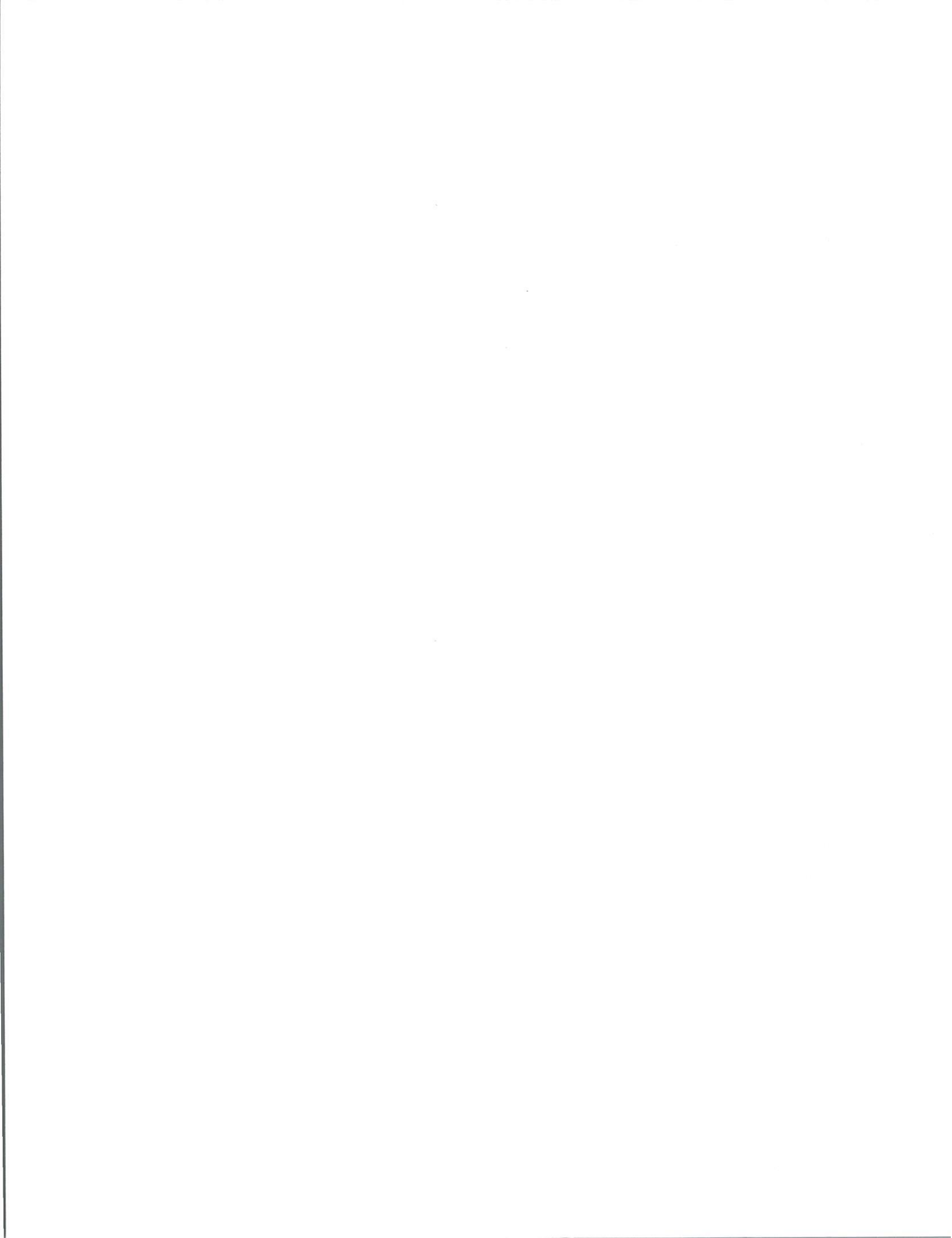
Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

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:   
signature of Branch Chief or Division Director

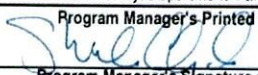
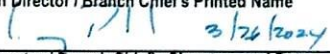
Print Name, Title, Branch or Division: Tom Platero, Division Director  
print name and indicate title or position  
Navajo Division of Transportation  
indicate Branch or Division



FY \_\_\_\_\_

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page \_\_\_ of \_\_\_  
**BUDGET FORM 1**

<b>PART I</b> Business Unit No.: <u>NEW</u> Program Title: <u>NDOT - Road N-251 (6.1 Revenue Replacement - Provision</u> Division/Branch: <u>Executive</u>			
Prepared By: <u>Leanne Roy, Department Manager</u> Phone No.: <u>(505) 371-8380</u> Email Address: <u>lroy@navajodot.org</u>			
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
NN Fiscal Recovery Funds	2/1/24 - 12/30/26	11,000,000.00	100%
<b>PART III. BUDGET SUMMARY</b>			
Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
2001 Personnel Expenses			0.00
3000 Travel Expenses			0.00
3500 Meeting Expenses			0.00
4000 Supplies			0.00
5000 Lease and Rental			0.00
5500 Communications and Utilities			0.00
6000 Repairs and Maintenance			0.00
6500 Contractual Services	6	0	500,000.00 500,000.00
7000 Special Transactions			0.00
8000 Public Assistance			0.00
9000 Capital Outlay	6	0	10,500,000.00 10,500,000.00
9500 Matching Funds			0.00
9500 Indirect Cost			0.00
<b>TOTAL</b>		\$0.00	11,000,000.00 11,000,000.00
<b>PART IV. POSITIONS AND VEHICLES</b>			
	(D)	(E)	
Total # of Positions Budgeted:	0	0	
Total # of Vehicles Budgeted:	0	0	
<b>TOTAL:</b>	\$11,000,000.00	100%	
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>			
SUBMITTED BY: <u>Leanne Roy, Department Manager</u> Program Manager's Printed Name  Program Manager's Signature and Date		APPROVED BY: <u>Tom Platero, Division Director - NDOT</u> Division Director / Branch Chief's Printed Name  3/26/2024 Division Director / Branch Chief's Signature and Date	


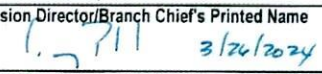




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THE NAVAJO NATION  
PROGRAM PERFORMANCE MEASURES

Page \_\_\_ of \_\_\_  
BUDGET FORM 2

<b>PART I. PROGRAM INFORMATION:</b>				
Business Unit No.:	NEW	Program Name/Title:	NDOT - Road N-251 (6.1 Revenue Replacement - Provision of Govt Services)	
<b>PART II. PROGRAM PERFORMANCE CRITERIA:</b>				
	1st QTR	2nd QTR	3rd QTR	4th QTR
	Goal	Goal	Goal	Goal
<b>1. Program Performance Measure:</b>				
Provide funds for road improvements for area residents to improve quality of life & connectivity				
Assist chapter & surrounding communities with delivery of safe roads & emergency services	1	1	1	1
<b>2. Program Performance Measure:</b>				
Complete Archeological & Biological clearances, drainage study			1	
<b>3. Program Performance Measure:</b>				
Bid Project				1
<b>4. Program Performance Measure:</b>				
Construction	1	1	1	1
<b>5. Program Performance Measure:</b>				
Project Close-Out				1
<b>PART III. CONCURRENCE/APPROVAL:</b>				
Leanne Roy, Department Manager _____ Program Manager's Printed Name  _____ Program Manager's Signature and Date	Tom Platero, Division Director - NDOT _____ Division Director/Branch Chief's Printed Name  _____ Division Director/Branch Chief's Signature and Date			



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THE NAVAJO NATION  
PROGRAM PERFORMANCE MEASURES

Page \_\_\_ of \_\_\_  
BUDGET FORM 2A

**PART I. PROGRAM INFORMATION:**

Business Unit No.: NEW

Program Name/Title: NDOT - Road N-251 (6.1 Revenue Replacement - Provision of Govt Services)

**PART II. PROGRAM PERFORMANCE CRITERIA:**

As enacted by CAP-13--13, the Navajo Nation Division of Transportation shall exclusively administer the Navajo Nation Transportation programs within the Navajo Nation, to provide an effective and efficient transportation system, to ensure the operation and improvement of the transportation system and to provide the necessary resources to accomplish the objective herein.

**PART III. CONCURRENCE/APPROVAL:**

Leanne Roy, Department Manager

\_\_\_\_\_  
Program Manager's Printed Name

  
\_\_\_\_\_  
Program Manager's Signature and Date

Tom Platero, Division Director - NDOT

\_\_\_\_\_  
Division Director/Branch Chief's Printed Name

 3/24/2024  
\_\_\_\_\_  
Division Director/Branch Chief's Signature and Date



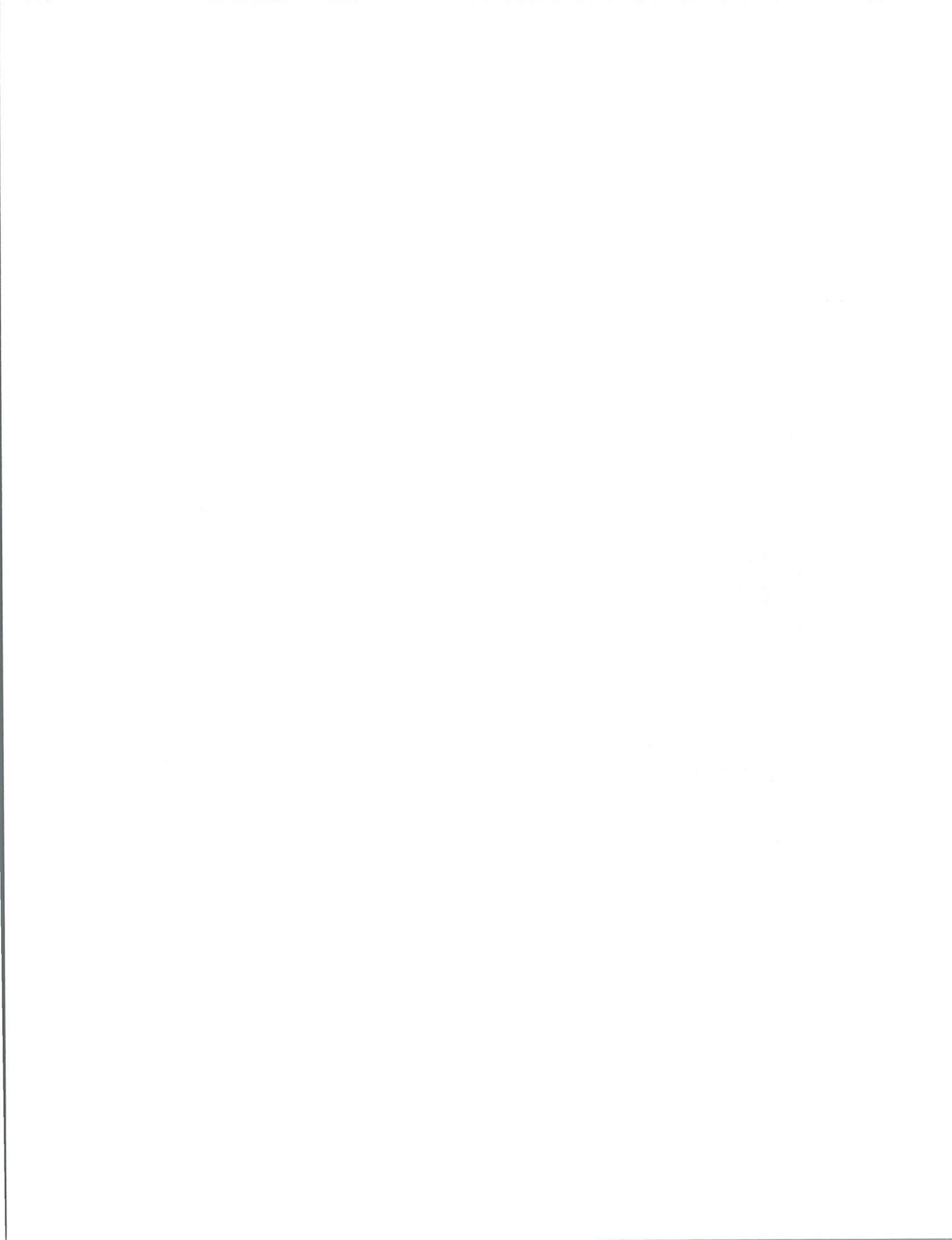


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**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page \_\_\_ of \_\_\_  
**BUDGET FORM 4**

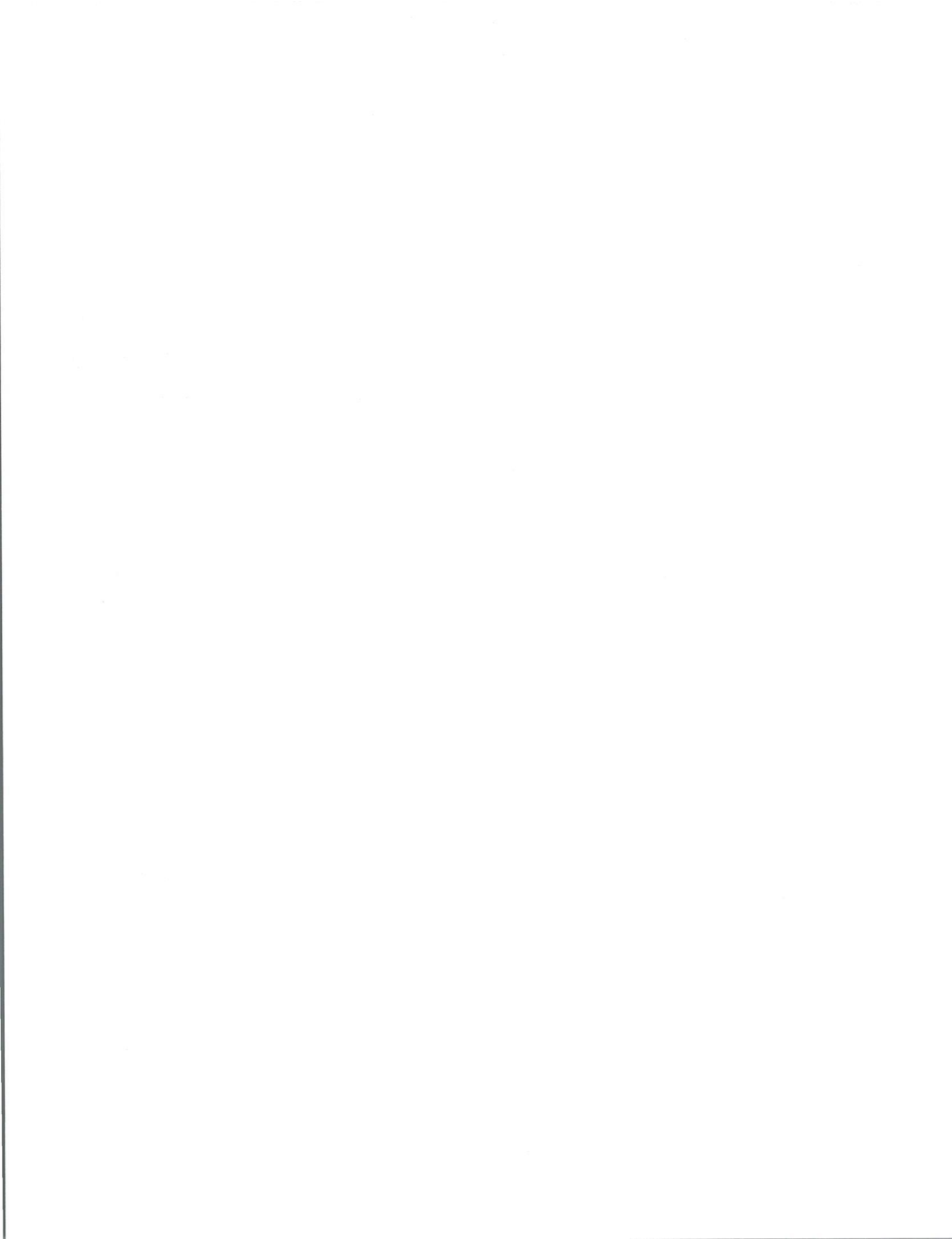
PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>NDOT - Road N-251 (6.1 Revenue Replacement - Provision of Govt Services)</u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6500 6810	Contractual Services Architecture/Design (Non-Cap) 6814 - Arch/Design (NC) - Expenses Right-of-Way & Roadway Design	300,000.00	300,000.00
6500 6830	Contractual Services Other Technical Services 6845 - Environmental Assessment/Survey Archeological & Biological clearances & Drainage Study	200,000.00	200,000.00
9000 9020	Capital Outlay Infrastructure 9024 - Roads Construction - Scope of Work: Grade, design, gravel, stabilization with possible paving or double chip seal.	10,500,000.00	10,500,000.00
<p>Revenue Replacement: Provision of Government Services - ARPA NDOT N-251: Safety, Drainage &amp; Connectivity road Improvement project. This project addresses safety issues occurring in wet or icy road conditions from flooding. This project will provide access to employment, schools, expand community services &amp; provide logistical support in emergencies. This project will improve quality of life &amp; transportation equity for local residents. This project will directly address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation. Access to utilities &amp; government services facilitates sustainable economic &amp; social growth &amp; can drastically increase the quality of healthcare recieved. This project will contribute &amp; strengthens the general welfare of the community &amp; public.</p>			
<b>TOTAL</b>		<b>11,000,000.00</b>	<b>11,000,000.00</b>



**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I. Business Unit No.:</b> <u>NEW</u> Project Title: <u>NDOT - N-251 Road Improvement Project (6.1 Revenue Replacement: Provisions of Govt. Services)</u> Project Description: <u>N-251: Safety, Drainage &amp; Connectivity road improvement project will deliver safety, drainage &amp; road improvements. This project will address safety issues that occur in wet or icy road conditions from flooding. This project will improve quality of life.</u> Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification	<b>PART II. Project Information</b> Project Type: <u>Road Improvement Project</u> Planned Start Date: <u>3/1/2024</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Leanne Roy</u>																														
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>																Expected Completion Date if project exceeds 8 FY Qtrs.														
	FY 2024								FY 2025								Date 12/31/2026														
	1st Qtr.		2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.		2nd Qtr.			3rd Qtr.			4th Qtr.			O	N	D	J	F	M			
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	
<b>Finance (Securing Funds)</b>				XX	XX																										
<b>Planning &amp; Selection</b>						XX	XX	XX																							
<b>Construction</b>									XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	xx				
<b>PART V.</b>	\$		\$			\$			\$			\$		\$			\$			PROJECT TOTAL											
Expected Quarterly Expenditures						500,000.00			500,000.00			2,000,000.00		2,000,000.00			2,000,000.00			1,000,000.00			8,000,000.00								

FOR OMB USE ONLY:    Resolution No: \_\_\_\_\_    FMIS Set Up Date: \_\_\_\_\_    Company No: \_\_\_\_\_    OMB Analyst: \_\_\_\_\_





**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I. Business Unit No.: NEW</b> Project Title: <u>NDOT - N-251 Road Improvement Project (6.1 Revenue Replacement: Provisions of Govt. Services)</u> Project Description: <u>N-251: Safety, Drainage &amp; Connectivity road improvement project will deliver safety, drainage &amp; road improvements.</u> <u>This project will address safety issues that occur in wet or icy road conditions from flooding. This project will improve quality of life.</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification													<b>PART II. Project Information</b> Project Type: <u>Road Improvement Project</u> Planned Start Date: <u>3/1/2024</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Leanne Roy</u>																	
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>																Expected Completion Date if project exceeds 8 FY Qtrs.													
	<b>FY 2026</b>												<b>FY 2027</b>								<b>Date 12/31/2026</b>									
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.											
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
Finance (Securing Funds)																														
Planning & Selection																														
Construction	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX														XX				
<b>PART V.</b>	\$			\$			\$			\$			\$		\$		\$		\$		<b>PROJECT TOTAL</b>									
Expected Quarterly Expenditures	1,000,000.00			1,000,000.00			1,000,000.00														\$3,000,000.00									

FOR OMB USE ONLY:    Resolution No: \_\_\_\_\_    FMIS Set Up Date: \_\_\_\_\_    Company No: \_\_\_\_\_    OMB Analyst: \_\_\_\_\_

