



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 #: HK0397-2

Date & Time Received: 3/31/2023 at 12:25 p.m.

Date & Time of Response: 4/02/2023 at 2:35 p.m.

Entity Requesting FRF: Tse Daa K'aan Chapter

Title of Project: Tse Daa K'aan Chapter House Construction

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$1,667,057.00

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: 6.1 - Provision of Government Services

<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	

[illegible]

Signature of DOJ Reviewer: MRodis

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.

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**THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR GOVERNANCE-CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: TseDaaKaan Chapter Date prepared: 12/09/2022
 Chapter's P.O. Box 1288 phone & email: 505-368-1599
 mailing address: Shiprock New Mexico website (if any): tsedaakaan@navajochapters.org
 This Form prepared by: Robert Lapahie Jr. phone/email: 505-368-1599
Chapter President Anita Hayes, CM
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: New TseDaaKaan Chapter House Construction

Chapter President: Robert Lapahie Jr. phone & email: 505-368-1599 rlaphiejr@naataanii.org
 Chapter Vice-President: Matthew Tso phone & email: 505-368-1599 mdtso@naataanii.org
 Chapter Secretary: Laura J Benally phone & email: 505-368-1599 ljbenally@navajochapters.org
 Chapter Treasurer: _____ phone & email: _____
 Chapter Manager or CSC: Anita Hayes phone & email: 505-258-1663 ahayes@nnchapters.org
 DCD/Chapter ASO: Elizabeth Washburn phone & email: 505-368-1023 Eliza-beth@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Will apply the chapters Procurement Policy and Procedure as a LGA Certified Chapter. ☐ document attached

Amount of FRF requested: 1,667,056.67 FRF funding period: 01/01/2022 - 9/30/2026
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:

The Tsedaakaan Chapter is seeking funds to Plan, Design, Equip and Construction of a new chapterhouse for the community of Tsedaakaan which has a population of 1350. The requested funds will benefit the community membership during times of accessing the chapter house during emergency pblic meetings and a to provide wellness and health initiatives as to the Covid-19 Pandemic. The pirose will e to gather community members in addressing urgent situations that resources and protocols of an emergency by providing information to the people as a command post. ☒ document attached

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

The project will benefit the people of the Navajo Nation by providing a location for the people to come and pick up essentials, covid-19 related home testkits, mental health wellness sessions, a safe place to stay in case of an urgent situation and a place for clean water to shower and practice cleanliness as well an office to oversee the day to day building operations. ☒ document attached

(c) 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:

APPENDIX A

As a timeline the chapter is seeking to have the building completed in December of 2025 by applying the procurement policy as to a Local Governance Certified Chapter. The LGA Certified Chapter Officials and Administrative Staff have the ability to begin the project without any forecasted delays.

☐ document attached

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

Chapter Officials along with the Chapter Manager and Administration will be the responsible for the project outcome to its completion.

☐ 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 Tsedaakaan Chapter will budget into the annual appropriations, the operations and maintenance of the day to day operations of the chapter house, including administration.

☒ 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:

6.1 Provision of Government Services

This provision relates to the project request in regards that the Tsedaakaan Chapter is a sub-unit to the Navajo Nation Government.

☒ document attached

Part 3. Additional documents.

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

As per Tsedaakaan Chapter Resolution 2212-01 the Tsedaakaan Chapter has been approved, accepted and support from the Nenanezad and San Juan Chapters in the amount of \$100,000 each as a contribution to the construction of the New Tsedaakaan Chapter building.

☒ Chapter Resolution attached

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:

Chapter's
Preparer:

Mitcha Hayes
signature of Preparer/CONTACT PERSON

Approved by:

[Signature]
signature of Chapter President (or Vice-President)

Approved by:

Mitcha Hayes
signature of Chapter Manager of CSC

Approved by:

[Signature] 12/20/22
signature of DCD Chapter ASO

Approved to submit
for Review:

[Signature]
signature of DCD Director

FY 2023

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 2
BUDGET FORM 1

PART I. Business Unit No.:		<u>New</u>	Program Title:		<u>TseDaaKaan Chapter House Construction project</u>		Division/Branch:		<u>DCD</u>
Prepared By:		<u>Marlene Palmer</u>		Phone No.:	<u>505-696-5470</u>	Email Address:		<u>mpalmer@nnchapters.org</u>	

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	<u>11/23</u> 12/31/24 <u>9/30/26</u>	1,667,056.67	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	6	0	1,667,056.67	1,667,056.67
				9500 Matching Funds				
				9500 Indirect Cost				
					TOTAL	\$0.00	1,667,056.67	1,667,056.67

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	<u>—</u>	<u>—</u>
Total # of Vehicles Budgeted:	<u>—</u>	<u>—</u>

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: <u>James Adakai, Deputy Director</u> <u>Marlene Palmer</u> Program Manager's Printed Name Program Manager's Signature and Date <u>12-20-22</u>	APPROVED BY: Dr. Pearl Yellowman, Executive Director Division Director / Branch Chief's Printed Name <u>12.16.22</u> Division Director / Branch Chief's Signature and Date
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FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

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BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: New

Program Name/Title:

TseDaaKaan Chapter House Construction project

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**PART III. PROGRAM PERFORMANCE CRITERIA:**

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Goal Statement:

Provide funds for the contruction of a new multi-purpose center for the community

Program Performance Measure/Objective:

To provide and assist governmental services to community membership

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2. Goal Statement:

Program Performance Measure/Objective:

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3. Goal Statement:

Program Performance Measure/Objective:

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4. Goal Statement:

Program Performance Measure/Objective:

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5. Goal Statement:

Program Performance Measure/Objective:

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

James Adakai, DCD Deputy Director

Program Manager's Printed Name

Program Manager's Signature and Date

APPROVED BY:

Pearl Yellowman Dr. Pearl Yellowman, Executive Director
Division Director / Branch Chief's Printed Name

Pearl Yellowman 12-16-22
Division Director / Branch Chief's Signature and Date



Resolution of the Tse Daa K'âan Community Chapter



TDK 2212-01

APPROVING, ACCEPTING AND SUPPORTING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLAN (ARPA) FOR THE TSEDAAKAAN COMMUNITY CHAPTER IN THE AMOUNT OF \$1,467,056.67 MILLION THROUGH DELEGATE RICKY NEZ REGIONAL PROJECTS EXPENDITURE PLAN AND ACCEPTING SAN JUAN AND NENANEZAD CHAPTERS REGIONAL EXPENDITURE PLAN CONTRIBUTION FUND IN THE AMOUNT OF \$100,000 EACH FOR THE TSEDAAKAAN COST TO THE CONSTRUCTION OF A NEW CHAPTER HOUSE.

WHEREAS:

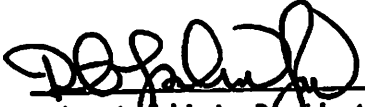

1. Pursuant to the Navajo Nation Local Governance Act (LGA), Title 26 N.N.C., Section 3 and Navajo Nation Council Resolution CAP-32-78, the TseDaaKaan Community Chapter, (Chapter) is a duly certified chapter of the Navajo Nation Government as listed at 11 N.N.C. Part 1 Section 10, and Local Governance Certified as of June 21, 2007, per TCDCJN-16-07; AND
2. Pursuant to the LGA, 26 N.N.C. Section 103, (A) and section 103(B), the chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to making decisions over local matters consistent with Navajo Nation laws and has the authority enact upon 26 N.N.C., §103 et. Seq.; AND
3. Pursuant to N.N.C. Section 4028(a), the chapter has the authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, Private, County and State Government Agencies; AND
4. On according to CJN-29-22, Naabik'Iyati' Committee and the Navajo Nation Council approved the Navajo Nation Fiscal Recovery Fund Expenditure Plan; AND
5. The action included the Chapter and Regional Projects which Delegate Nez divided 8.8 million among his 6 Regional Chapters for projects that will benefit the communities he represents; AND
6. For the TseDaaKaan Chapter there was \$1,467,056.67 million identified for the Planning, Designing, Equipping and Construction of a new TseDaaKaan Chapter facility; AND
7. The San Juan Chapter and Nenanezad Chapter identified \$100,000.00 of their allocation of \$1,467,056.67 million to contribute to TseDaaKaan Chapter construction; AND
8. The chapter is ensuring that the FRF allocation will further the response in saving lives against the Covid-19 Pandemic by allowing infrastructure to the Navajo People for a safe and wellness facility.

NOW, THEREFORE, BE IT RESOLVED:

The TseDaaKaan (Hogback) Chapter hereby Approves, Accept and Support the American Rescue Act Fund (ARPA) for the Planning, Designing, Equipping and Construction of the New TseDaaKaan Chapter Facility in the amount of \$1,667,056.67 million.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the TseDaaKaan Chapter at a duly call special chapter meeting at TseDaaKaan (Navajo Nation) New Mexico, at which a quorum of chapter membership was present and Motioned by : Michael Warren 2nd By: LaVonne Garnenez, and the same was passed by a vote of 12 , Opposed 00 , Abstained 01 on this 10th Day of December 2022.


Robert Laphie Jr., President
Matthew Tso, Vice President
Laura J. Benally, Secretary/Treasurer

**TSE'DAA'KAAN CHAPTER SERVICE CENTER PLAN
SCOPE OF WORK – F2480**

NAME OF TRIBAL ENTITY/ORGANIZATION:

Navajo Nation – Division of Community Development
Capital Projects Management Department
P.O. Box 1510
Window Rock, Arizona 86515
(928) 871-6734

PROJECT TITLE:

Tse'Daa'Kaan Chapter Service Center Plan

BACKGROUND NARRATIVE:

The Tse'Daa'Kaan community is located within San Juan County east of Shiprock, New Mexico. Tse'Daa'Kaan (Hogback Chapter) was established as a chapter in 1978. The chapter administration has completely moved out of the old chapter house in 2017, due to severe structural damage and have temporarily moved into the former Hogback Headstart facility which has been vacant for 5 years. The chapter administration staff continues to provide services to the community people daily.

SCOPE OF WORK:

The chapter is in the process of constructing a new community Chapter Service Center (Chapter House). This facility will be used for community business meetings, community activities, administrative staff offices that provides services to the community people daily. Amongst the Covid-19 Pandemic, it is imperative to begin the project planning and construction of this facility for the benefit of the community membership.

BUDGET:

2021 Appropriation by the State of New Mexico–Tse'Daa'Kaan Chapter Service Center	\$100,000.00
Total Appropriated Funding:	\$100,000.00

PERFORMANCE MEASURES:

- a. State IAD – JPA process – (November 2021)
- b. Identify State/Federal Contractor – (December 2021)
- c. Proceed with the procurement (Navajo Nation Procurement Policy) process for selected Contractor – (January 2022)
- d. Receipt and delivery of Contract – (February 2022)
- e. Receipt of Notice of Obligation (NOO) and Notice to Proceed – (April 2022)
- f. Start of Project – (May 2022)
- g. Pre-Inspection (July 2022-November 2022)
- h. Project update meeting with chapter, Contractors, and CPMD-(periodically)
- i. Initiate final Inspection and payments per JPA – (May 2023)
- j. Close out project with final Report, meeting with chapter, contractor, CPMD (July 2023)

EXPECTED RESULTS (Community Benefits):

The administrative staff and chapter officials will be able to provide services to the community people in a safe, clean new building.

TIME FRAME / MILESTONES:

Advertise for "Invitation to Bid" (ITB) for Contractor	10 days
Bid Opening/Interview/Selection of Contractor	1 day
Request for "Notice of Obligation" (NOO) for NM Appropriation	1 day
Approved Contract/Contract Number/Notice to Proceed	30 days
Final Inspection/Reports/Payments	60 days
Project Completion/Close-out	30 days
TOTAL PROJECT BID/PURCHASE TIME	4.16 Months

Responsible Staff Names & Contact Information:

James Adakai, Delegated Department Manager
Capital Projects Management Department
P.O. Box 1510
Window Rock, Arizona 86515
(928) 871-6717

Marie Begay, Contract Analysis
Capital Projects Management Department
P.O. Box 1510
Window Rock, Arizona 86515
(928) 871-6221

Anita Hayes, Chapter Manager
Tse'Daa'Kaan' Chapter (Hogback)
P. O. Box 1288
Shiprock, New Mexico 87420
(505) 368-1599

Attachment:
Exhibit B - Budget