

## **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 #:	
Date & Time Received:	
Date & Time of Response:	
Entity Requesting FRF:	
Title of Project:	
Administrative Oversight: Division of Comr	nunity Development
Amount of Funding Requested:	
Eligibility Determination:	
□ FRF eligible	
□ FRF ineligible	
□ Additional information requested	
FRF Eligibility Category:	
$\Box$ (1) Public Health and Economic Impact	□ (2) Premium Pay
$\Box$ (3) Government Services/Lost Revenue	$\Box$ (4) Water, Sewer, Broadband Infrastructure

## U.S. Department of Treasury Reporting Expenditure Category:\_\_\_\_\_

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

□ Missing Form	Expenditure Plan incomplete
□ Supporting documentation missing	$\Box$ Funds will not be obligated by
$\Box$ Project will not be completed by 12/31/2026	12/31/2024
□ Ineligible purpose	□ Incorrect Signatory
□ Submitter failed to timely submit CARES reports	□ Inconsistent with applicable NN or
□ Additional information submitted is insufficient	federal laws
to make a proper determination	
Other Comments:	

Name of DOJ Reviewer:

Signature of DOJ Reviewer: Rodgerick Begay

#### 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.

APPENDIX A

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

#### Part 1. Identification of parties.

Non-Governance Certified Chapter Tselani-Cottonwood C	Chapter Date prepared: 05/02/2023
Chapter's PO Box 1139 mailing address: Chinle, Arizona 86503	phone/email: (928) 725-3765
mailing address: Chinle, Arizona 86503	website (if any): tselani@navajochapters.org
This Form prepared by: Charlene Wallace	phone/email: (928) 725-3763
Community Service Coordinator	cwallace@nnchapters.org
Title and type of Project: Warehouse Building	CONTACT PERSON'S info
Chapter President: Thomas Gorman	phone & email: (928) 675-6660
Chapter Vice-President: Nelson Charley, Sr.	phone & email: (928) 349-0064
Chapter Secretary: Elliot Bryant	phone & email: (928) 349-2680
Chapter Treasurer: Elliot Bryant	phone & email: (928) 349-2680
Chapter Manager or CSC: Charlene Wallace	phone & email: (928) 309-9677
DCD/Chapter ASO: Robert Jumbo	phone & email: (928) 674-2320
List types of Subcontractors or Subrecipients that will be paid with FRF (if	known): BITCO Corporation
	document attached
Amount of FRF requested: 735,136.00 FRF funding period: 06	
	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 Chapter received and purchased a 2021 John Deere 672G for a primary usage of maintaining, residential roads during non and emergencies. Covid 19 has affected the community and during the emergency the chapter utilized the equipment to reach families in the remote areas. The Chapter does not have a warehouse to store the equipment and to prevent any weather damages, the Chapter is requesting on a warehouse for heavy equipment and also for storing hand sanitizers, cases of water, and cleaning supplies for community distribution. The Chapter needs to store PPE.

document attached
(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:
The equipment is used daily for community projects and request for clearing homesite for new dwellings. Equipment is also used for funerals within the community.
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

## APPENDIX A

he funding not being incumbered or released for construction to proc	eed is a challegne
ne funding not being incumbered or released for construction to proc aced by the Chapter. Bate of Completion, will be encumbered befor then.	5 12/31/26 funds
will be encumbered befor then.	
	document attached
) Identify who will be responsible for implementing the Program or Project:	
avajo Nation Division of Economic Development - Certified Navajo B	usiness Source List
) Explain who will be responsible for operations and maintenance costs for the Project once of	document attached
prospectively:	
ne Chapter will ultimentely being responsible for	the unehouse
	site wateratise:
	document attached
State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Depa	
posed Program or Project falls under, and explain the reason why:	anone of the freedoury Appendix 1 libiting the
1 Chapter and Regional Projects	
rt 3 Additional documents	document attached
ist here all additional supporting documents attached to this FRF Expenditure Plan (or indicate	N/A):
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signature of Peopared CONTACT PERSON	N/A): Intion are attached. Chapter Resolution attached FRF Expenditure Plan shall be in accordance Navajo Nation laws, regulations, and policies: ure of Chapter President (or Vice-President) Ward Chapter President (or Vice-President)
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- Page 2 of 2 -

#### FY 2023

### THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3 BUDGET FORM 1

PART I.	Business Unit No.:	NEW	Program Title:		Warehou TSELANI-COTTONWOOD CHAPTER		Division/Branch:	Community Deve	opment
Prepared By: Charlene Wallace		Phone	No.:		I Address:		e@nnchapters.org		
	FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type	(A) NNC Approved	(B)	(C) Difference or
ARPA FL	JNDS	06/5/23-12/31/26	735,136.00	100%		Code	Original Budget	Proposed Budget	Total
					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			11. 11. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
					8000 Public Assistance				
					9000 Capital Outlay	6		735,136.00	735,136.00
					9500 Matching Funds				
-					9500 Indirect Cost				
						TOTAL	\$0.00	735,136.00	735,136.00
					PART IV. POSITIONS AND VEHICLES	ninan manager	(D)	(E)	
					Total # of Positions E	Budgeted:	0	0	
		TOTAL:	\$735,136.00	100%	Total # of Vehicles E		0	0	
PART V.	I HEREBY ACKNOWLED	GE THAT THE INF	ORMATION CON	TAINED	N THIS BUDGET PACKAGE IS COMPLET	TE AND ACC	URATE.		ANA MANA MANA MANA MANA MANA MANA MANA
SUBMIT	TED BY:	lames Adakai, Progi	am Manager		APPROVED BY:	Calvin Cast	tillo, DCD Division Dire	ector	
	P	rogram Manager's	Printed Name		Divis	ion Director	/ Branch Chief's Prin		
	Prog	ram Manager's Sig	nature and Date	:3	23 Division	Director / B	ranch Chief's Signati	5:23.23 ure and Date	



### THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA



ART I. PROGRAM INFORMATION:									
Business Unit No.: New	Program Name/Title:			Tselani-	Cottonwood	Chapter \	Varehouse		
RT II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PR	ROGRAM:		_						
and the second secon									
ART III. PROGRAM PERFORMANCE CRITERIA:		1st (			QTR		QTR		QTR
1. Goal Statement:		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actua
Obtain 3-bay warehouse for Chapter equipment storage.	······								
Program Performance Measure/Objective:						_			
Prelim clearance by 8/2023 2. Goal Statement:						1			
Pre Construction Site work									
Program Performance Measure/Objective:			-						
Have pre construction completed								1	-
3. Goal Statement:									
Stoiage of equipment									
Program Performance Measure/Objective:									
Completion of project								1	
4. Goal Statement:									
Program Performance Measure/Objective:									
			1						
5. Goal Statement:									
Program Performance Measure/Objective:									
			êu He						
RT IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION H	HAS BEEN THOROUGHLY	REVIE	VED.					1,2.5	
Program Manager's Printed Name			Divisio	n Director	Branch Chi	ef's Printe	d Name		
(	5-73		10	1		5-23	3.23		
Program Manager's Signature and Date		-	Division I	Director/Br	anch Chief's		-		

FY 2023

## THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 3 BUDGET FORM 4

PART I. I	PROGRAM INFORMATION:				
	Program Name/Title:	TSELANI-COTTONWOOD CHAPTER	Varehouse Business Unit No .:	NEW	
PART II. (A)	DETAILED BUDGET:	(B)		(C)	(D)
Object Code (LOD 6)		Object Code Description and Justification	on (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
7 9050	9000 Capital Outlay Building 9052 Obtain a 3-bay warehouse to store (	Chapter equipment: Backhoe, Water Truck and Grader. Storing PPE for	community distribution.	735,136.00	735,136.00
			T	DTAL 735,136.00	735,136.00

## THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page <u>1</u> of <u>1</u> PROJECT FORM

PART I. Business Unit No.: NEW				-							an dia fikologia kada											PA	rt II.			Proje	ect In	forma	ition	
Project Title: 6.1 Chapter a Project Description Develop, o	nd Reg	gional	Projec	cts	1	sel	ani	-C	ott	onu	NOO	d	Ch	p	W	en	eh	04	s-e	_		Pro	ject Ty	pe:	Chap	oter an	d Reg	gional	Proje	cts
Project Description Develop, o	constru	uct and	d esta	blish a	a ware	house	• 6	SCI	ea	up	me	nt	- 8	sto	10	ge	- 1					Pla	nned S	tart Dat	e:				6/5/	2023
									t	1												Pla	nned E	ind Date	:	12/31	/2026	;		
Check one box:	20	Origina	al Bud	get		Budg	get Re	vision	[	Bu	dget F	Realloo	cation	Ľ	] Budg	get M	odific	ation				Pro	ject Ma	anager:	BITC	O Cor	porati	ion		
PART III.		T IV.	Us	e Fisc	al Yea	ar (FY	) Qua	rters t	o com	plete	the int	format	tion be	elow.	0 = C	Oct.; N	I = No	v.; D :	= Dec	, etc.			Controlled Supration		Ex	pected	Cor	nlotio	n Dat	o if
List Project Task separately; such						FY	2023	_										FY_	2024							oject e				
as Plan, Design, Construct, Equip or Furnish.		1st Qt	r		2nd Q	tr	T	3rd Qt	r		4th Qt	r		1st Q	,	Τ	2nd C			3rd Q	tr	T	4th C	)tr		-		31/202		
	0	N	D	J	F	M	A	M	J	Jul	A	S	0	N	D	1	F	M		M	J.	Jul	A	S S	0	N	D	J	F	M
06/05/2023 to 08/31/2023 Preliminary clearance									х	X	x															n	5	0		
08/31/2023 to 10/31/2023 Pre Construction Site Work							-					x	x																	
																		1												
08/31/2023 to 12/31/2026 Construction & Completion of Project														X	Х	X	Х	X	x	×	X	X	X	x						
PART V.		\$			\$			\$			\$			\$			\$			\$			\$			PRO	DJEC	т тот	TAL	
Expected Quarterly Expenditures							122	2,522.	00	12	2,522.	00	12	2,523.	00	12	2,523	.00	12	2,523	.00	1	22,523	.00		\$	735,1	36.00	)	

Chapter Name: Tselani-Cottonwood Chapter Chapter Email: tselani@navajochapters.org

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Chapter Manager: Charlene Wallace, CSC Chapter Phone: (928) 725-3763/65

Title	Content
Project Details	Equipment Warehouse to store Chapter Equipment
Project Description	Utilizing the ARPA funding the Chapter will obtain a three bay warehouse to store Chapter equipment. (Backhoe, Water Truck, and a Motor Grader.
Project Objective	The Chapter has obtained heavy equipment for community usage and to protect the lifespan of the equipment, they would need to properly be stored. To maintain and against preventive repairs, the Chapter is in need of a good storage of the Chapter equipment.
Project Cost	Scope of work: \$735,136.00
Impact to the Community	Storing the heavy equipment properly with expand the life of the equipment and assist the community when necessary.



#### **RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER**

TSEL-23-781

#### REQUESTING THE SUPPORT AND APPROVAL OF UTILIZING AMERICAN RESCUE PLAN ACT (A.R.P.A.) IN THE AMOUNT OF \$735,135.40 FOR BITCO CORPORATION TO **CONSTRUCT A THREE BAY WAREHOUSE 50'X80' WITH 4000 SQUARE FEET TO** PROPERLY STORE THE CHAPTER EQUIPMENT

#### WHEREAS:

- 1. Tselani-Cottonwood is governed by the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. §4021 et seq. And 26 N.N.C. S103; AND
- 2. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is governing body of the Navajo Nation and by the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over local matters that are consistent with the existing with the Navajo Nation; AND
- 3. The Navajo Nation Sihasin Fund was utilized to purchase the Motor Grader heavy equipment with the purposes of 12 N.N.C. § 2502 (A) (1) and is in the best interests of Navajo communities and the Navajo People; AND
- 4. Tselani-Cottonwood Chapter is in need of a warehouse to store and secure the assets, of the newly acquired a motor grader, backhoe and the Chapter water truck; AND
- 5. The goal of the investment is the longevity of the equipment by properly securing the equipment, avoiding the harsh weather, unnecessary repairs and extending the lifetime of the equipment.

#### NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tselani-Cottonwood Chapter requesting the support and approval of utilizing American Rescue Plan Act (A.R.P.A.) in the amount of \$735,135.40 for BITCO Corporation to construct a three bay warehouse 50'X80' with 4000 square feet to properly store the Chapter equipment. CERTIFICATION

I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that abstained on this | day of May, same was passed by a vote of 13 in favor, 0 opposed and 2023.

Motioned by Silvia Wilson

pa

Thomas Gorman, Chapter President

Elliot Bryant, Secretary/Treasurer

Seconded by Lollaine Begay

Nelson Charley, Sr/, Vice-President

Crystalyne Curley, Council Delegate



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3-Bay Warehouse Tselani-Cottonwood Chapter (3-Bay Mueller Warehouse Building)

Proposal: for emergency funding purposes

Contact: Jeremiah Bitsui (Principle) 505-768-1000 JBitsui@BitcoCorp.com

04/20/23 REVISED

## **Company Profile**

Bitco understands that the Navajo Nation is committed to constructing a high-quality building for administrative personnel that is in balance with the community and environment. BITCO is honored to have this opportunity to help the Navajo community build a facility that will function as a place to lead its people into the future. BITCO is a Certified Priority One Navajoowned S-Corporation (Navajo Incorporated) General Contractor modular contractor with more than 13+ years experience working on permanent and portable modular projects. Bitco by Priority 1 Navajo Owned Contractor, Small Business Administration is a Small Business Disadvantage as a Small Business Set- Aside in relation to socialeconomic standards. Based in downtown Albuquerque our offices are located at 317 Commercial Street NE, Albuquerque NM 87102. Our Modular Vendor is Apex Corporation which has 30 years in business as a manufacturer. The buildings will be manufactured in Texas and securely transported to each site. With dozens of modular projects providing seamless factory to site installations in remote locations is not an obstacle, and have become a strength for Bitco. Bitco will mobilize equipment, and manpower on both sites in Window Rock, Arizona and in Shiprock, New Mexico at each project site or adjacent per Navajo Department of Corrections notice to proceed. Bitco may provide conex box/trailer/ portable building (for storage & construction office), port-a-potty, project fencing, and trash bins for spoilage. Bitco's 2021 taxable revenue was in excess of \$4 million with bonding up to \$10 million aggregate and \$5 million per project. Bitco's workforce fluctuates up to 50 employees depending on contracts on hand, during the pandemic Bitco has increased its contracted administrators and labor force.

www.bitcocorp.com

### **Current Market:**

Post Pandemic like many other industries, there's a backlog with many Governments and Local Governments security new buildings & infrastructure. Furthermore macro economics related to supply chains, and greater international supply sourcing issues.

## **Per Initial Discussions:**

Immediate needs from the client include needing a new 3-Bay Warehouse to accommodate space to hold equipment and vehicles, an office space, and restroom. After initial walk-through of the site, we're including groundwork and infrastructure costs as well. This will not include site clean-up or any additional abatement unless other wise discussed with client.

#### **Immediate Option:**

The timeline for the mueller 3-bay warehouse

Per contractual obligations, security (downpayment), Bitco can start upon Notice to Proceed with utility/infrastructure installation and ground prep. The building can then deliver once the group is prepared.





## Cottonwood 3 Bay Storage Metal Building (50'x80'x25')

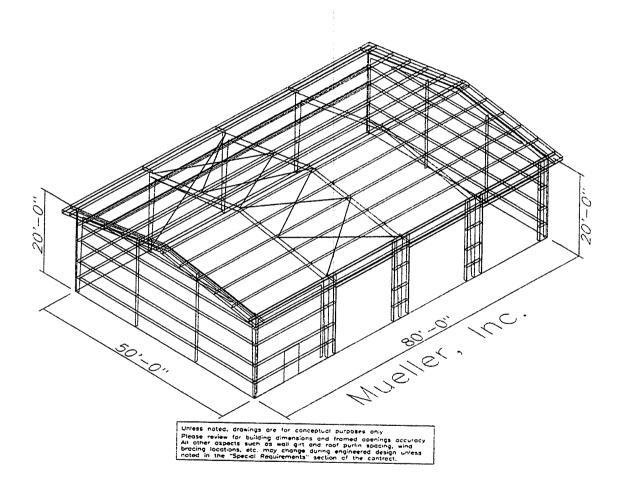
Scope of Work	Costs
Metal Buildings	\$120,000.00
50'x80' with 25' height	4.20,000.00
3 (16' garage door entrance)	
4'x7' door	
Concrete Foundation	\$106,000.00
50ft x 80ft x 16inch deep Foundation	
over excavate entire site to remove expansive soil	
Bring in 12 inches of base course under building slab	
Concrete Apron	\$41,400.00
10 foot wide 6 inch thick concrete peremiter	
12 inch base course under concrete	
Bathroom and Office Build	\$25,000.00
Drywall, 2 doors, electrical, lighting	
Extras - heating + bathroom	\$4,000.00
Toilet, faucet, ADA compliant.	
Insulation	\$50,400.00
Setup (Building Erection)	\$120,000.00
Extra work	\$1,500.00
Portajohn	\$2,000.00
On-Site Supervisor	\$14,000.00
Electric	\$48,000.00
Water	\$24,000.00
Sewer	\$24,000.00
Equipment (lift)	\$18,928.80
Geotech, Surveying	\$18,000.00
Radiant Heat (with propane or natural gas)	\$48,000.00
adiant heat throught the concrete slab	
gas powered heating unit to heat water	
Project Contingency	\$28,295.73
SUBTOTAL	\$693,524.53
NAVAJO NATION (6% tax)	\$41,611.47
TOTAL	\$735,136.00

05/16/23 REVISED

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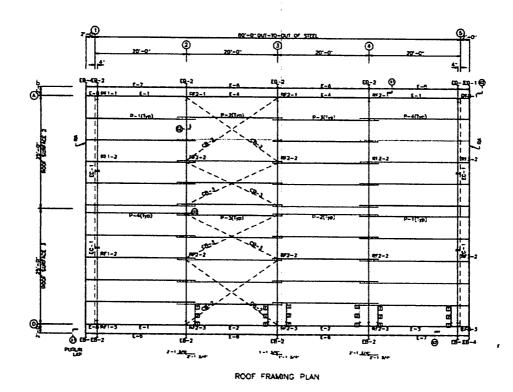
Building and Site Clarifications Tselani Cottonwood Chapter 3-Bay Warehouse & Office

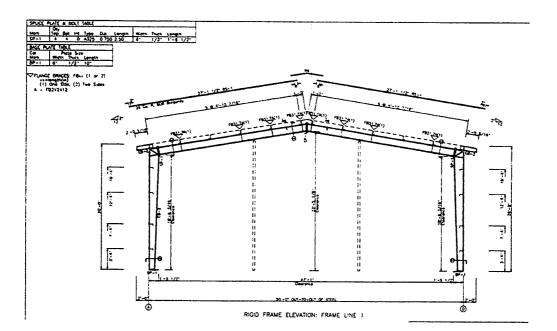
3-Bay Metal Building 50'x80' (approximately 4000 sf) Manufactured Structurally Stamped & Approved



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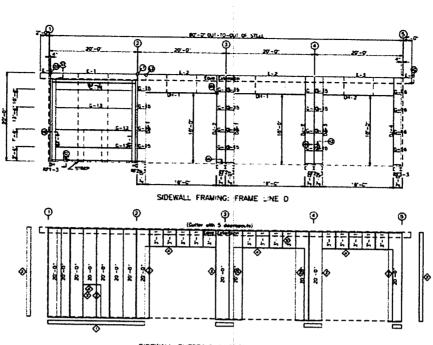
04/20/23 REVISED



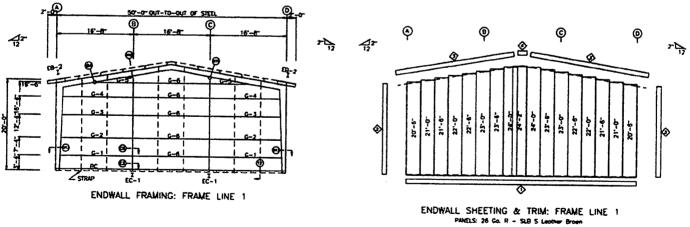


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04/20/23 REVISED



SIDEWALL SHEETING & TRIM: FRAME LINE D

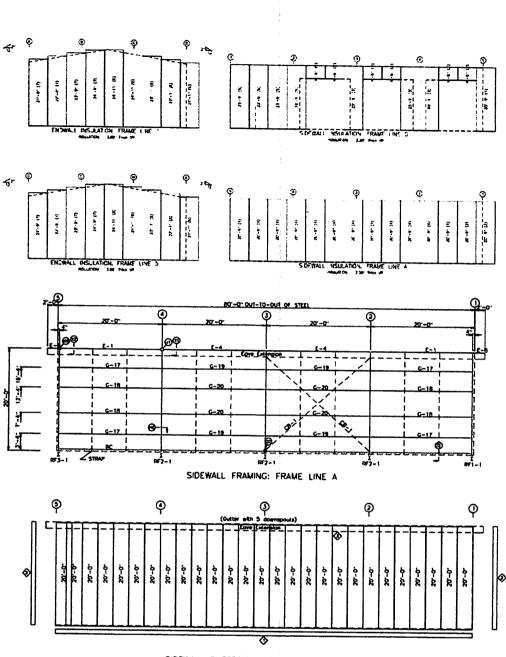


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04/20/23 REVISED

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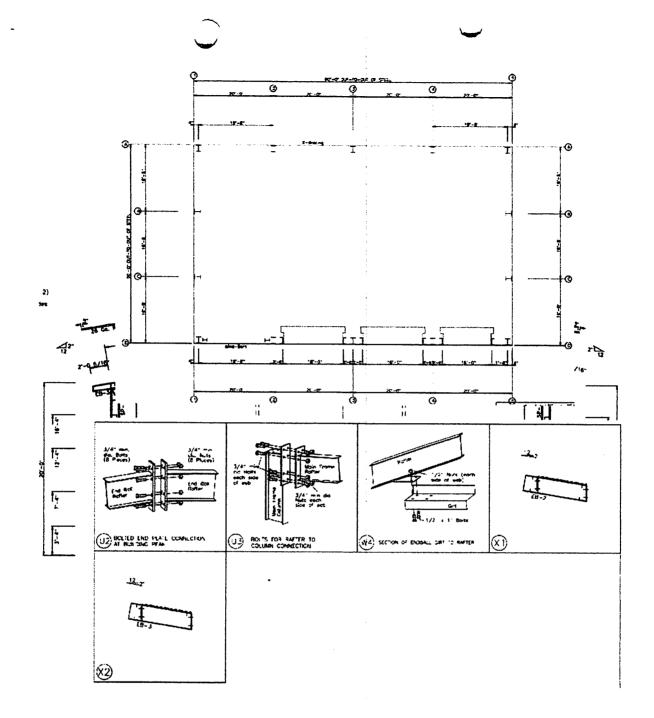
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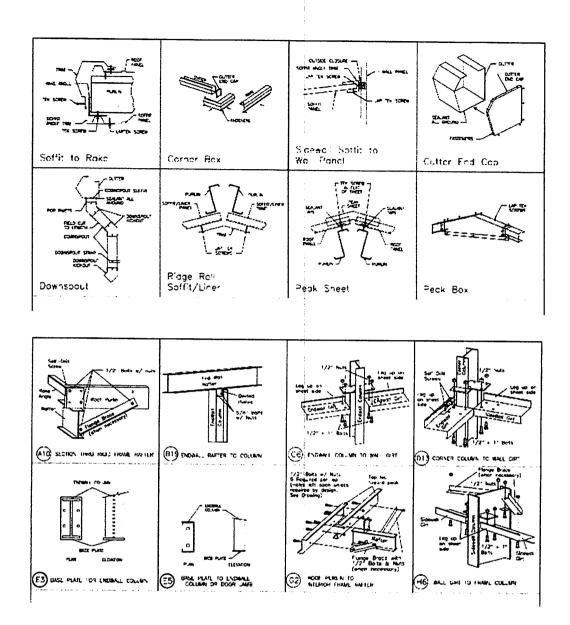
SIDEWALL SHEETING & TRIM: FRAME LINE A

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04/20/23 REVISED

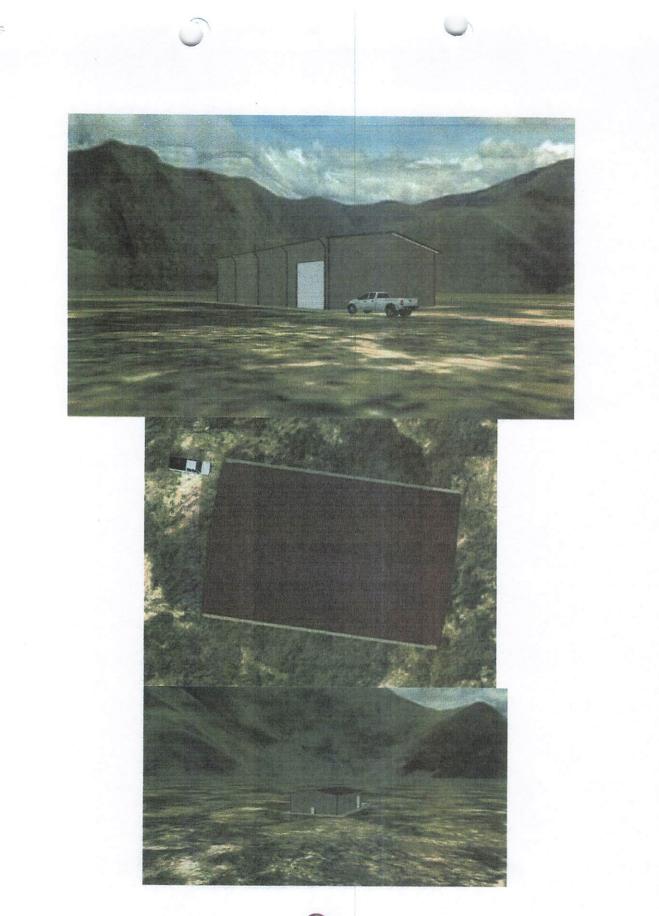






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04/20/23 REVISED





04/20/23 REVISED

## Google Maps



Map data @2021 , Map data @2021 20 ft

Measure distance Total area: 4,009.55 ft² (372.50 m²) Total distance: 260.43 ft (79.38 m)