



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0332

Date & Time Received: 12/19/22 17:14

Date & Time of Response: 12/22/22 17:00

Entity Requesting FRF: Blue Gap/Tachee Chapter

Title of Project: Cellular Service Tower - Provision of Gov't Services

Administrative Oversight: Broadband

Amount of Funding Requested: \$750,000.00

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: 1.14 Other Public Health 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: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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 NON-GOVERNANCE CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: BLUE GAP/TACHEE CHAPTER Date prepared: 10/18/22

Chapter's mailing address: POST OFFICE BOX 4497 phone/email: (928) 349-0507

BLUE GAP, ARIZONA 86520 website (if any): tachee@navajochapters.org

This Form prepared by: BETTY ASKIE phone/email: bvaskie@navajochapters.org

CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Cellular Service Tower - PROVISION OF GOV'T SERVICES

Chapter President: Marcus Tulley phone & email: mtulley@naataanii.org (480) 226-0293

Chapter Vice-President: Marcinda Lameman phone & email: mlameman@yahoo.com (928) 679-5843

Chapter Secretary: Betty V. Askie phone & email: bvaskie@navajochapters.org (928) 313-4347

Chapter Treasurer: Betty V. Askie phone & email: bvaskie@navajochapters.org (928) 313-4347

Chapter Manager or CSC: Vacant phone & email: (928) 349-0507

DCD/Chapter ASO: Edgerton Gene, Sr. Prog/Proj Sp phone & email: (928) 674-2251 egene@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): project will be advertised

Amount of FRF requested: \$750,000 FRF funding period: October 2022 to December 2026 ☒ document attached

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 project objective is to contract and install a cellular service tower adjacent to the Burntcorn Community Building to improve wireless communication to all infrastructure readily available to the proposed site. This project will provide logistical support and assist in mitigating, preparing, responding to, and recovering from emergency situations through improved communications for medical personnel and access to broadband services for students and community members. The project will also address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation by enabling an immediate response from medical service units and providing internet service accessibility for students to continue their education. ☐ document attached

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

The Burntcorn Valley community lacks reliable cellular services for emergency situations and for students to access educational services remotely. A cellular tower will improve communication and strengthen local direct services with responders mitigating, preparing, and responding to cases of COVID-19, and contributing to the overall recovery from future outbreaks. ☐ 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

Program(s) or Project(s) by December 31, 2026:

Project will immediately be advertised for bids when funds become available and completed within 8 months after project is awarded to a certified contractor. Budget forms will be adjusted to conform with the project award and schedule. Monthly project progress meetings will be held to ensure completion within the established timeline.

☐ document attached

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

The Chapter administration staff will be tasked with ensuring procurement procedures are followed and monitoring project progress. Staff will collaborate with the contractor to ensure timelines are followed and that all work activities are in compliance with established agreement terms and conditions.

☐ 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 selected cellular service provider will be responsible for the maintenance and upkeep of the cellular tower facility once it's completed, including routine maintenance services.

☐ 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 Government Services

Pursuant to the established guidelines and funding objectives, will enable staff to address and provide improved direct services for community members seeking COVID-19 related services which are now being rendered out of the chapter house. Currently, the Burntcorn community does not have reliable cellular for emergency purposes or reach medical health immediately. Without adequate facilities, community members are limited in receiving efficient and quality services, leaving community members to endure hardship. A new cellular tower will improve communication and immediate services in event of emergency. This will also provide improved internet services for students to continue their education, obtain essential information, share resources, assist and advocate for community members in need of housing, transportation, health, and other related services.

☐ document attached

Part 3. Additional documents.

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

Chapter Resolution BGCH22-11-004

☐ 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:

Betty Oskee
signature of Preparer/CONTACT PERSON

Approved by:

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

Approved by:

[Signature]
signature of CSC

Approved by:

[Signature]
signature of Chapter ASO

Approved to submit
for Review:

Lisa Jymn. NAFRFO
signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 4
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u> 105001		Program Title: <u>Blue Gap/Tachee Chapter Cell Tower</u> Office of Management and Budget		Division/Branch: <u>Executive</u>	
Prepared By: <u>Betty V. Askie</u>		Phone No.: <u>(928) 313-4347</u>		Email Address: <u>bvaskie@navajochapters.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>10/1/22-10/31/22</u>	750,000.00	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	<u>6</u>	<u>0</u>	749,500	<u>749,500</u>
				7000 Special Transactions	<u>6</u>	<u>0</u>	500	<u>500</u>
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL:				TOTAL		\$0.00	750,000.00	0

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:			
Total # of Vehicles Budgeted:			

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

SUBMITTED BY: <u>Betty V. Askie, Chapter Secretary</u> Program Manager's Printed Name <u>Betty Askie-12/06/22</u> Program Manager's Signature and Date	APPROVED BY: <u>Dr. Pearl Yellowman, Division Director</u> Division Director / Branch Chief's Printed Name <u>[Signature] 12-7-22</u> Division Director / Branch Chief's Signature and Date
---	--

Sonlatsa Jim 12.6.22
 Sonlatsa Jim-Martin, Department Manager II

FY 2023THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage 2 of 4
BUDGET FORM 2

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>New</u>			Program Name/Title: <u>Blue Gap/Tachee Chapter</u>			<u>Cell tower</u>			
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
The Navajo Nation Chapters Plan of Operation is referenced in Title 26 of the Navajo Nation Codes.									
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 funding for community cellular tower for Burntcorn community									
Program Performance Measure/Objective:									
Assist community with governmental and emergency services		1		1		1		1	
2. Goal Statement:									
Conduct 8 progress meeting with selected contractor									
Program Performance Measure/Objective:									
Conduct 2 construction progress meetings per quarter		2		2		2		2	
3. Goal Statement:									
Program Performance Measure/Objective:									
4. Goal Statement:									
Program Performance Measure/Objective:									
5. Goal Statement:									
Program Performance Measure/Objective:									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
<u>Betty Askie</u> Program Manager's Printed Name					<u>Dr. Pearl Yellowman, Division Director</u> Division Director/Branch Chief's Printed Name				
<u>Betty Askie - 12/06/22</u> Program Manager's Signature and Date					<u>[Signature] 12-7-22</u> Division Director/Branch Chief's Signature and Date				

Sonlatsa Jim - 12-6-22

FY 2023THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 4
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Blue gap/Tachee Chapter</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)
	Revenue Replacement: Provision of Government Services-ARPA Chapter Administration Project. The Blue Gap/Tachee Chapter administration project will consist of working installing a cellular tower for the Buntcorn Valley community to improve communication and internet services for the residents and students. Project will work with selected cellular service company to identify most suitable site. Project will also benefit and address the high outbreak of COVID-19, on the Navajo nation and serve as logistical assist in mitigating, preparing, responding and recovery from emergency situation and ensuring improving direct services.		
7000	Special Transactions	500	500
7440	Print Advertisement Advertise project per NN Procurement Laws		
9000	Capital Outlay	749,500	749,500
9052	Buildings Construct and complete 30x40 administration building		
TOTAL		750,000	750,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

Page 4 of 4
PROJECT FORM

PART I. Business Unit No.: <u>New</u> Project Title: <u>Blue Gap/Tachee Chapter-Cellular Tower Construction (6.1 Revenue Replacement: Provision of Gov't. Services)</u> Project Description: <u>Project will consist of constructing cellular tower to improve emergency response and internet capabilities for community of Bumcom</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input checked="" type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification															PART II. Project Information Project Type: <u>Chapter Cellular Tower Const.</u> Planned Start Date: <u>Dec-22</u> Planned End Date: <u>Dec-26</u> Project Manager: <u>Jonas Begay/Chapter Vpresident</u>																																																																																																																																																																																																																																																																																																																																																																																																						
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.		PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc. <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="12">FY 2023</th> <th colspan="12">FY 2024</th> <th colspan="4" rowspan="2">Expected Completion Date if project exceeds 8 FY Qtrs. Date December 31, 2026</th> </tr> <tr> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> </tr> <tr> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th><th>J</th><th>F</th><th>M</th> </tr> <tr> <td></td><td>X</td><td>X</td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28">Finance (Securing funds)</td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28">Planning and Design</td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28">Contracting Procurement Process</td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28">Contract Completed</td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28">Construction/Completion</td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28"> PART V. Expected Quarterly Expenditures </td> <td></td><td></td><td></td> </tr> <tr> <td colspan="28"> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="4">PROJECT TOTAL</th> </tr> <tr> <td colspan="3"></td> <td colspan="3">500.00</td> <td colspan="3">250,000.00</td> <td colspan="3">450,000.00</td> <td colspan="3"></td> <td colspan="3"></td> <td colspan="3">49,500.00</td> <td colspan="4">\$750,000.00</td> </tr> </table> </td> </tr> </table>																												FY 2023												FY 2024												Expected Completion Date if project exceeds 8 FY Qtrs. Date December 31, 2026				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		X	X																												Finance (Securing funds)																															Planning and Design																															Contracting Procurement Process																															Contract Completed																															Construction/Completion																															PART V. Expected Quarterly Expenditures																															<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="3">\$</th> <th colspan="4">PROJECT TOTAL</th> </tr> <tr> <td colspan="3"></td> <td colspan="3">500.00</td> <td colspan="3">250,000.00</td> <td colspan="3">450,000.00</td> <td colspan="3"></td> <td colspan="3"></td> <td colspan="3">49,500.00</td> <td colspan="4">\$750,000.00</td> </tr> </table>																												\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL							500.00			250,000.00			450,000.00									49,500.00			\$750,000.00			
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FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



KEE ALLEN BEGAY, JR., COUNCIL DELEGATE
COORDINATOR

VACANT COMMUNITY SERVICES

BGCH: 22-11-004

RESOLUTION OF RESOLUTION BLUE GAP/TACHEE CHAPTER

THE BLUE GAP/TACHEE CHAPTER APPROVES AND SUBMITS THE BURNTCORN VALLEY CELLULAR TOWER CONSTRUCTION AND SERVICE PROJECT IN THE AMOUNT OF \$750,000 FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING PURSUANT TO CJN-29-22.

WHEREAS:

1. The Blue Gap/Tachee Chapter is a recognize certified chapter organization of the Navajo Nation in pursuant to the authority of the Navajo Nation Local Governance Act, and the Resolution of the Navajo Nation Council 1997, and the PL 98-638 the Self Determination of 1973; AND
2. The Local Community Chapter is responsible for the community goals and the objectives in Meeting their needs with detail planning and developments, and its progress for the local Chapter people and families, it serves; AND
3. The Blue Gap/Tachee Chapter was devastated by the effects of COVID-19 including health, loss life of family members, employment, housing insecurity and other impacts that continues to disrupt daily way of life; AND
4. The Blue Gap/Tachee Chapter supports the approval of Legislation CJN-29-22 to mitigate and preventing the spread of COVID-19 by containment of the disease through improvement health and living conditions; AND
5. The Blue Gap/Tachee Chapter approves the submittal of the Burntcorn Valley Cellular Tower construction and service project in the amount of \$750,000 to help mitigate and provide direct community services in containing the spread of COVID-19; and improve cellular services to the community; AND
6. The Blue Gap/Tachee Chapter building lacks reliable cellular service to the Burntcorn Valley community for emergency medical services to COVID-19 related illnesses and important school notification.



KEE ALLEN BEGAY, JR., COUNCIL DELEGATE
COORDINATOR

VACANT COMMUNITY SERVICES

NOW THEREFORE BE IT RESOLVED THAT:

1. The Blue Gap/Tachee Chapter requests approval of \$750,000 from ARPA funding to construct a cellular tower to improve cellular service for the Burntcorn Valley community members. Community members have been without reliable cellular and broadband service for the COVID-19 related illnesses and students in school.
2. The Blue Gap/Tachee Chapter wishes to improve cellular and broadband services to the community for emergencies and schooling. The cellular tower site has been identified next to an existing chapter community building and have available electrical service source.
3. The Blue Gap/Tachee Chapter requests Kee Allen Begay, Jr., Council Delegate and his assistant Ms. Estelle Benally monitor projects until project are completed.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Blue Gap/Tachee Chapter at a duly called meeting Blue Gap/Tachee, Navajo Nation, Arizona which quorum was Present that same was passed by vote of: 13 in favor, 00 opposed, and 03 abstained on this 4th day of November, 2022.

MOTIONED BY: Evelyn Etsitty

SECONDED BY: Jimmie Dougi

Marcus Tulley
Marcus Tulley, President

M. Lawrence
Vacant, Vice President

Betty Askie
Betty Askie, Secretary/Treasurer

Franklin Tsosie
Franklin Tsosie, Grazing Official

Kee Allen Begay, Jr., Council Delegate