



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 #: HK0585

Date & Time Received: 06/20/23 at 15:45

Date & Time of Response: 7/4/23 at 7:33

Entity Requesting FRF: Teec Nos Pos Chapter

Title of Project: Backhoe

Administrative Oversight: DCD

Amount of Funding Requested: \$204,163.57

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

- | | |
|--|---|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input checked="" type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (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	

Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit

Disclaimers:

An NNDNJ Initial Eligibility Determination is based on the documents provided, which NNDNJ 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 NNDNJ. 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: Teec Nos Pos Chapter Date prepared: 5/4/2023
Chapter's P.O. Box 1019 phone/email: (480) 708-5850
mailing address: Teec Nos Pos, AZ 86514 website (if any): Teecnospos@nnchapters.org
This Form prepared by: Calvin Tsosie, SPPS phone/email: (928) 429-0096
cetsosie@nndcd.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Backhoe

Chapter President: Kenny Victor phone & email: 435.383.7218 kvictor@naataanii.org
Chapter Vice-President: Verma Francisco phone & email: 505.258.5715 vfrancisco@naataanii.org
Chapter Secretary: Daron Yellowhorse phone & email: 505.686.2679 dyellowhorse@navajochapters.org
Chapter Treasurer: Daron Yellowhorse phone & email: 505.686.2679 dyellowhorse@navajochapters.org
Chapter Manager or CSC: Lucinda Tomchee, CSC phone & email: 480.708.8657 ltomchee@nnchapters.org
DCD/Chapter ASO: Sarah Harrison phone & email: 928.489.8199 sharrison@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Unknown
☐ document attached

Amount of FRF requested: \$204,163.57 FRF funding period: 8/1/2023 - 8/30/2024
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 funds will be applied towards purchasing a new backhoe for burial assistance for COVID-19 related deaths. The Backhoe will be used to unload food and water, PPE from semi truck and stored in the Warehouse.

☐ document attached

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

The Backhoe to provide burial assistance of COVID related deaths and to unload PPE, food, water, and other supplies and materials. The Chapter does not have a backhoe and the immediate benefit is for families to contact the Chapter for burial digging and backfill at not cost to community members.

☐ 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, 2023:

July 1, 2023 to August 30, 2024 - Purchase backhoe.

☐ document attached

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

The Teec Nos Pos Chapter and the Kayenta ASC will be responsible for purchasing the Backhoe and getting proper insurance through NN Risk Management.

☐ 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:

Upon the purchase of the Backhoe, the Teec Nos Pos Chapter will be responsible for the operation and preventive maintenance costs of the heavy equipment using the Navajo Nation Funds.

☐ 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:

8.1 Provision of Government Services. The Backhoe to provide burial assistance of COVID related deaths and to unload PPE, food, water, and other supplies and materials. The Chapter does not have a backhoe and the immediate benefit is for families to contact the Chapter for burial digging and backfill at not cost to community members.

☐ document attached

Part 3. Additional documents.

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

1. Approving Chapter Resolution No. TNPCH-05-15-2023-R-74
2. Cost Estimates (2 Pages)

☐ Chapter Resolution attached

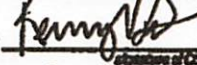
Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FFR 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:

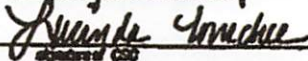
Chapter's
Preparer:


signature of Chapter Preparer

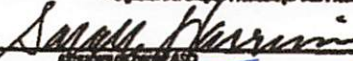
Approved by:


signature of Chapter President (or Vice President)

Approved by:


signature of Chapter ASC

Approved by:


signature of Chapter ASC

Approved to submit
for Review:


signature of DCD Director

2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Backhoe for Teec Nos Pos Chapter</u>		Division/Branch: <u>DCD/ASC</u>	
Prepared By: <u>Lucinda Tomchee, CSC</u>		Phone No.: <u>(480) 708-8657</u>		Email Address: <u>ltomchee@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
FRF FUNDS	<u>8/1/23 - 8/30/24</u>	204,163.57	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	<u>6</u>	<u>—</u>	204,163.57	204,163.57
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL:				TOTAL		<u>—</u>	204,163.57	<u>204,163.57</u>

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>James Adakai, Deputy Director</u>		APPROVED BY: <u>Calvin Castillo, Executive Director</u>	
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name	
<u>5-25-23</u> Program Manager's Signature and Date		<u>5/25/23</u> Division Director / Branch Chief's Signature and Date	

FY 2023THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title:

Backhoe for Teec Nos Pos Chapter

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:

To purchase a new Backhoe

Program Performance Measure/Objective:

To be used for COVID-19 burial assistance and unloading PPEs, & other supplies.

				1			
--	--	--	--	---	--	--	--

2. Goal Statement:

Program Performance Measure/Objective:

--	--	--	--	--	--	--	--

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.

James Adakai, Deputy Director

Program Manager's Printed Name


Program Manager's Signature and Date

Calvin Castillo, Executive Director

Division Director/Branch Chief's Printed Name


Division Director/Branch Chief's Signature and Date

FY 2023

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:				
Program Name/Title:		Backhoe for Teec Nos Pos Chapter		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)	
	5500 Communications and Utilities			
7000	Special Transaction:	204,163.57	204,163.57	
TOTAL		204,163.57	204,163.57	

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

Page 1 of 1
PROJECT FORM

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Teec Nos Pos - Backhoe</u> Project Description <u>The Chapter will be purchasing a Backhoe</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														PART II. Project Information Project Type: <u>Purchase Motorgrader</u> Planned Start Date: <u>1-Aug-23</u> Planned End Date: <u>30-Aug-24</u> Project Manager: <u>Lucinda Tomchee</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; font-size: 8px;"> <thead> <tr> <th colspan="12">FY <u>2023</u></th> <th colspan="12">FY <u>2024</u></th> <th colspan="6">Expected Completion Date if project exceeds 8 FY Qtrs.</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> <th colspan="6">Date</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> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><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> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>X</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> </tr> <tr> <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>X</td><td>X</td><td>X</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <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>X</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td colspan="12"></td> <td colspan="12"></td> <td colspan="6" style="text-align: center;">PROJECT TOTAL</td> </tr> <tr> <td colspan="12" style="text-align: center;">\$</td> <td colspan="12" style="text-align: center;">\$</td> <td colspan="6" style="text-align: center;">\$</td> </tr> <tr> <td colspan="12" style="text-align: center;">Expected Quarterly Expenditures</td> <td colspan="12" style="text-align: center;">204,63.57</td> <td colspan="6" style="text-align: center;">204,63.57</td> </tr> </tbody> </table>																								FY <u>2023</u>												FY <u>2024</u>												Expected Completion Date if project exceeds 8 FY Qtrs.						1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date						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																													X	X	X																																		X	X	X																														X																																PROJECT TOTAL						\$												\$												\$						Expected Quarterly Expenditures												204,63.57												204,63.57					
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FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



PO BOX 106 TEEC NOS POS
HIGHWAY 160 BIA SCHOOL ROAD #5114
TELEPHONE (928) 656 - 3662

NAVAJO NATION, ARIZONA 86514
CHAPTER GOVERNMENT BUILDING
FAX (928) 656 - 3661

RESOLUTION OF TEEC NOS POS CHAPTER

TNPCH-05-15-2023-R-74

SUPPORTING AND APPROVING THE APPENDIX A, THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST FORM AND EXPENDITURE PLAN FOR TEEC NOS POS CHAPTER TO PURCHASE A NEW BACKHOE IN THE AMOUNT OF \$204,163.57 FOR EMERGENCY BURIAL ASSISTANCE FOR COVID-19 RELATED DEATHS, TO UNLOAD AND LOAD PPE'S, WATER, COAL, AND FOOD FROM SEMI AND CARGO TRUCKS TO MITIGATE COVID-19 PANDEMIC.

WHEREAS:

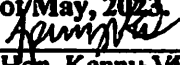
1. Pursuant to 26 N.N.C., Section 3 (A) the Teec Nos Pos Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10 and
2. Pursuant to 26 N.N.C., Section 1 (B) Teec Nos Pos Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other Local agencies for appropriate actions; and
3. The Teec Nos Pos Chapter is requesting funding from the ARPA funding in the amount of \$204,163.57 to purchase a new backhoe; the backhoe will be used for Covid-19 related deaths for its Chapter membership and to unload load and load PPE's, Water, Food, Coal and Heavy Equipment; and
4. The backhoe is to serve Utah and Arizona residents of Teec Nos Pos Chapter to address COVID-19 death-related, health and safety issues to improve the standard of living to all residents, with an emphasis on the mitigating the spread of COVID-19 of the community; and
5. The Teec Nos Pos Chapter affirms the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations and policies.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Teec Nos Pos Chapter hereby supports and approve the Appendix A, the Navajo Nation Fiscal Recovery Funds request form and Expenditure Pan for Teec Nos Pos Chapter to purchase a new backhoe in the amount of \$204,163.57 for emergency burial assistance for COVID-19 related deaths, to unload and load PPE's, Water, Wood, Coal, and Food from semi and cargo trucks to mitigate COVID-19 Pandemic..

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Teec Nos Pos Chapter at a duly called meeting in Teec Nos Pos, Navajo Nation, Arizona at which a quorum of chapter members was present. Resolution was **Motioned by: Jack Jim** and **Seconded by: Arlene Ayze** that the same was passed by a vote of **20-in favor, 00 opposed and 04 abstained** on this 15th day of May, 2023.


Hon. Kenny Victor, Chapter President


Hon. Verma Francisco, Chapter Vice-President


Hon. Daron Yellowhorse, Secretary/Treasurer


Hon. Curtis Yantio, Council Delegate

CHAPTER OFFICIALS

Kenny Victor
PRESIDENT

Verma Francisco
VICE PRESIDENT

Daron Yellowhorse
SECRETARY/TREASURER

Robert Redhouse
GRAZING OFFICIAL

Curtis Yantio
COUNCIL DELEGATE

ADMINISTRATION

Lucinda Tomchee
CHAPTER SERVICE COORDINATOR



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
5500 East Penstock Avenue
Flagstaff AZ, 86004

Phone: (928) 526-0639 - Fax: (928) 526-2498

Proposal for:
TEEC NOS POS CHAPTER
PO BOX 106
TEEC NOS POS, AZ, 86514
APACHE

Investment Proposal Date: 5/4/2023
Pricing Valid Until: 5/18/2023
Deal Number: 1656927
Customer Account#: 3225004
Sales Professional: Buzz Ivceek
Phone: (928) 526-0639
Fax: (928) 526-2498
Email: Blvicek@rdoequipment.com

Comments

320P Price: \$158,782.62 plus 6% Navajo tax, includes 60/5000 Warranty
5000 hour Preventative Maintenance Contract: \$35,855.00 Non-Taxable
Navajo Nation 6% tax: \$9,526.95
Total Selling Price including 6% Navajo tax: \$204,163.57

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2023 JOHN DEERE 320P	\$138,777.62
			Freight in FACTORY FREIGHT	\$6,500.00
			Freight Out DELIVERY	\$2,880.00
			Prep / Reconditioning PRE-DELIVERY	\$3,300.00
			Other PREVENTATIVE MAINTENANCE 60/5000	\$34,855.00
			Warranty -John Deere Comprehensive-60 Months, 5000 Hours,Deductible: 200, Exp Date: 1/3/2028	\$8,325.00
			Item Subtotal:	\$194,637.62
			Equipment Subtotal:	\$194,637.62

Purchase Order Totals

Balance: \$194,637.62
AZ STATE TAX: \$10,899.71
AZ COUNTY TAX: \$2,530.29
AZ CITY TAX: \$4,439.68
Sales Tax Total: \$17,869.68
Sub Total: \$212,507.30
Cash with Order: \$0.00
Balance Due: \$212,507.30

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2023 JOHN DEERE 320P	17C0T 320 P-tier Backhoe Loader 0202 United States 0351 Translated Text Labels 0259 English 1003 Cab 8109 Sun Visor 8146 Left Side Console Storage with Cup Holders 8183 Radio, Bosch Premium Package 8207 Seat, Cloth Air-Suspension 183E JDLink™ 3009 Autoshift Transmission - Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential 4006 John Deere PowerTech™ EWL 4.5L (276 cu. in.) Engine Meets Final Tier 4 and Stage IV Emissions 5245 Galaxy 19.5L-24 12PR Rear & 12.5/80-18 10PR Front 6154 Dual Maintenance Free Batteries With Disconnect, Jump Post, and Engine Block Heater 6752 Extendible Dipperstick 6577 1250 lb. (567 kg.) Front Counterweight 7002 Auxiliary Hydraulics with One & Two Way Flow (Hammer & Thumb/Swinger) 7028 Pilot Controls, Two Lever, with Pattern Selection 7041 Loader Coupler, Three-Function Hydraulics, Single Lever 8125 Heavy-Duty Backhoe Bucket Cylinder 7808 24 in. (610 mm.) Wide, Severe-Duty, 7.5 cu. ft. (0.21 cu. m.) Bucket 7712 New Series Multi-Brand Quick Coupler - 42 in. Thumb Ready 7860 92 in. (2.34 m.) Wide, 1.31 cu. yd. (1.0 cu. m.) Long-Lip Coupler Bucket 8027 Thumb - 42 in. 4 Tine 8115 MFWD Driveshaft Guard AT308139 Forks, Pallet (2) 60 in.(1.52m) with 60 in. (1.52m) Coupler Fork Carriage AT437700 BKH Pin-on Bucket 18 in (457 mm) Severe Duty 5.1 Cu. Ft. (0.14 Cu. M.)