



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 #: HK0286

Date & Time Received: 12/7/2022 at 17:20

Date & Time of Response: 14 December, 2022; 12:22 pm

Entity Requesting FRF: Kayenta Chapter

Title of Project: 3-bay warehouse

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$1,267,200

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

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: Adjua Adjei-Danso



Signature of DOJ Reviewer: _____

Disclaimers: This Initial Eligibility Determination is based on the documents provided which we have assumed are true, correct, and complete. Should the Project or Program change in any material way after this initial determination, the requestor must seek the advice of NNDOJ. This 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: Kayenta Chapter date prepared: 09/28/22

Chapter's P.O. BOX 1088 phone/email: 928-882-1110 kayenta@navajochapters.org
mailing address: Kayenta, AZ 86033 website (if any): _____

this Form prepared by: Pearl J. Begay phone/email: 928-882-1110 kayenta@navajochapters.org

CONTACT PERSON'S name and title

CONTACT PERSON'S info

title and type of Project: Warehouse - 3 bay

Chapter President: Dalton Singer phone & email: 928-882-1110 dsinger@naataanii.org

Chapter Vice-President: Sally Chee phone & email: 928-882-1110

Chapter Secretary: Genevieve Benally phone & email: 928-882-1110, gbenally@navajochapters.org

Chapter Treasurer: Genevieve Benally phone & email: 928-882-1110, gbenally@navajochapters.org

Chapter Manager or CSC: Pearl J. Begay, Acting Manager phone & email: 928-882-1110, pearlbgay@nnchapters.org

DCD/Chapter ASO: Calvin Tsosie phone & email: 928-429-0096, cetosie@nndcd.org

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

☐ document attached

Amount of FRF requested: \$1,267,200 FRF funding period: 10/1/22 - 12/31/26
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 warehouse will be a place to secure PPE's, food bottled water, wood, coal and other valuable assets like backhoe that the Kayenta Chapter will obtain to provide burial assistance to COVID related deaths.

☐ document attached

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

The bought warehouse will offer longevity and protect the heavy equipment and PPE's from vandalism and protection from weather.

☐ 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:

Kayenta Chapter obtain 3 quotes from potential vendors for construction of new warehouse, utilizing the Procurement Process to obtain quotes to purchase a new warehouse. The proposed work consists of labor, materials and equipment in the construction of the warehouse to complete the project by 12/31/2026. ☐ document attached

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

The Kayenta Chapter & Administrative Service Center will be responsible for the implementation of the warehouse 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:

After the completion of the project it will be the responsibility of the Kayenta Chapter to maintain the operation and maintenance cost.

☐ 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. The Kayenta Chapter warehouse is in deplorable state and the condition of the current warehouse is dilapidated, the roof is leaking, the double doors have to be secured with barb wires, it's beyond repairs.

☐ document attached

Part 3. Additional documents.

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

☐ 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:

signature of Preparer/CONTACT PERSON

Approved by:

signature of Chapter President (or Vice-President)

Approved by:

signature of CSC

Approved by:

signature of Chapter Vice President

12/06/2022

Approved to submit
for Review:

signature of DCO Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page of
BUDGET FORM 1

PART I. Business Unit No.: <u>New 105001</u>		Program Title: <u>Kayenta Chapter Warehouse</u>		Division/Branch: <u>Kayenta Chapter/ASC</u>	
Prepared By: <u>Pearl J. Bgay</u>		Phone No.: <u>928-882-1110</u>		Email Address: <u>pearlbegay@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
<u>ARPA/FZF</u>	<u>1,267,200</u>	<u>10/1/20-12/31/22</u>		2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies	<u>6</u>	<u>223,500</u>	<u>223,500</u>	<u>223,500</u>
				5000 Lease and Rental				
				5500 Communications and Utilities	<u>6</u>	<u>255,000</u>	<u>255,000</u>	<u>255,000</u>
				6000 Repairs and Maintenance				
				6500 Contractual Services	<u>6</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	<u>6</u>	<u>427,500</u>	<u>427,500</u>	<u>427,500</u>
				9500 Matching Funds	<u>6</u>	<u>211,200</u>	<u>211,200</u>	<u>211,200</u>
				9500 Indirect Cost				
				TOTAL		<u>\$1,267,200.00</u>	<u>1,267,200</u> <u>-0.00</u>	<u>1,267,200</u> <u>-0</u>
				PART IV. POSITIONS AND VEHICLES				
						(D)	(E)	
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				
TOTAL:		<u>\$0.00</u>	<u>0%</u>					

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

SUBMITTED BY: <u>Pearl J. Bgay</u> Program Manager's Printed Name <u>[Signature]</u> <u>9/30/22</u> Program Manager's Signature and Date	APPROVED BY: <u>[Signature]</u> Division Director / Branch Chief's Printed Name <u>[Signature]</u> <u>12.6.22</u> Division Director / Branch Chief's Signature and Date
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FY 2023THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage ____ of ____
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.:

105001New

Program Name/Title:

Kayenta Chapter

Warehouse

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Goal Statement:

To purchase a brand new warehouse

Program Performance Measure/Objective:

To obtain 3 quotes using the Procurement Process to purchase warehouse

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

1

1

1

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.

Program Manager's Printed Name

Program Manager's Signature and Date

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

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

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Kayenta Chapter <u>Warehouse</u>	Business Unit No.: <u>405001</u> <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)
4000	Supplies: Foundation and concrete slab on grade	223,500	<u>1,267,200</u>
5500	Communication and Utilities: Estimated cost and infrastructure	255,000	
6500	Contractual Services: Plan and Design	150,000	
9000	Capital Outlay: Estimated cost for the Pre-Engineered Building Only	427,500	
9500	Matching Funds: Contingency Plans (inflation) 20%	211,200	
TOTAL		1,267,200.00	<u>1,267,200</u>



Navajo Nation Kayenta Chapter
Post Office Box 1088
Kayenta Chapter, Navajo Nation, AZ 86033
Chapter Resolution



Resolution No: KY22-123-10

Approving the Appendix A, the Navajo Nation Fiscal Recovery Funds Request Form & Expenditure Plan for Kayenta Chapter's Construction of a New Warehouse Project for the Storage of PPEs, Water, Wood, Coal and Food; and to Mitigate the COVID-19 Pandemic.

WHEREAS:

1. Pursuant to 26 N.N.C, § 3(A), the Kayenta Chapter continues as a certified chapter of the Navajo Nation Government, as listed at 11 N.N.C, part 1, § 10; AND
2. Pursuant to 26 N.N.C., § 1(B), the Kayenta Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction(s) when necessary and to make recommendation(s) to the Navajo Nation and other local agencies for appropriate action(s); AND
3. The Kayenta Chapter is requesting funding from the ARPA funding pool in the amount of \$1,267,200.00 for a 3 Bay 50' by 80', 4,000 square feet warehouse; the funds will be used for the construction of a new warehouse for the secure storage of PPEs, water, wood, coal, food and other valuable assets; and to mitigate the COVID-19 Pandemic; AND
4. The current Kayenta Chapter warehouse is beyond repair, it is in dilapidated condition, and the roof is leaking; AND
5. The Kayenta Chapter is requesting funding in the amount of \$1,267,200.00 for a 3 Bay 50' by 80', 4,000 square feet warehouse, and the warehouse will be built on Kayenta Chapter's property; AND
6. The Kayenta Chapter will advertised through the Navajo Times newspaper for an Invitation for Bid to potential vendors operating on and off the Navajo Nation, announcing a Competitive Sealed Bidding.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Chapter hereby approves the Appendix A, the Navajo Nation Fiscal Recovery Funds Request Form & Expenditure Plan for Kayenta Chapter's construction of a new warehouse project, for the requested funding amount of \$1,267,200.00 for a 3 Bay 50' by 80', 4,000 square feet warehouse; attached as Appendix "A".
2. The Kayenta Chapter Administration will be responsible for the implementation of the warehouse project, and to maintain the operation and its maintenance cost.
3. The Kayenta Chapter Administration shall initiate the Construction of the New Warehouse Project in Fiscal Year 2023, and the estimated date of completion of the Project will be before December 31, 2026.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Kayenta Chapter at a duly called meeting in KAYENTA, Navajo Nation, Arizona; at which a quorum was present and that the same was passed by a vote of 05 in favor, 00 Opposed, and 02 abstaining this 03rd day of October, 2022.

Motion: Dalton Singer

Second: Pearl Begay

Dalton Singer
Dalton Singer, President

Sally Chee
Sally Chee, Vice President

Genevieve Benally
Genevieve Benally, Secretary/Treasurer

**PRELIMINARY COST ESTIMATE FOR A PRE ENGINEERED
WAREHOUSE FOR HEAVY EQUIPMENT STORAGE.**

3 Bay 50' X 80', 4,000 Square Feet

Preliminary Cost Per Square Footage.....\$ 264.00

Plans and Design.....\$150,000.00

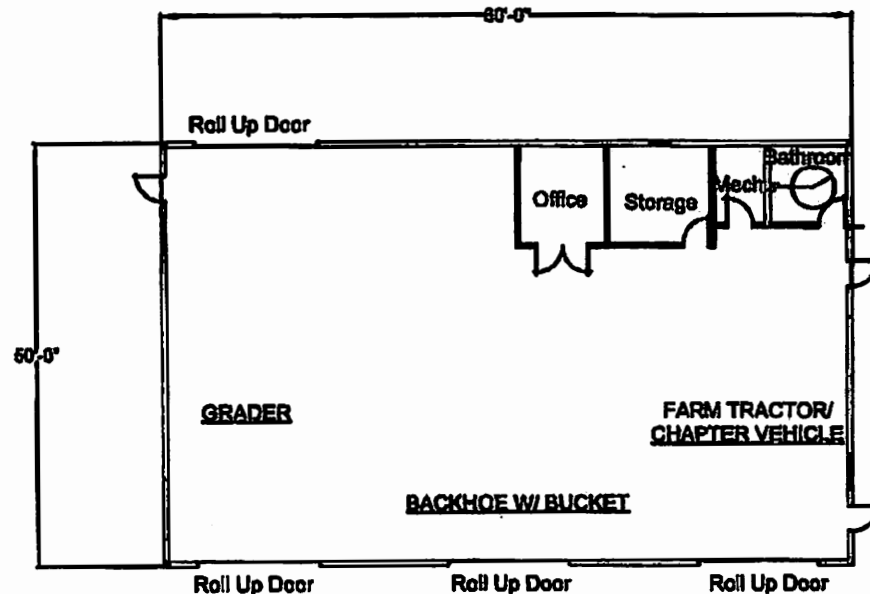
Estimated Cost for the Pre-Engineered Building only.....\$427,500.00

Estimated Cost for Utilities and Infrastructure\$255,000.00

Foundation and Concrete Slab on Grade.....\$223,500.00

TOTAL COST \$1,055,000.00

NOTE: COST MAY VARY ACCORDING TO SITE AND SOIL CONDICTIONS



3- BAYS METAL WAREHOUSE BUILDING FLOOR PLAN

STRUCTURE:

- A. Size: 80' X 50' Width 14' / 18' Height/ Three (3) Bays
- B. 6" / 8" Conc. Foundation w/ Conc. Apron
- C. Heavy Duty Steel Frame- Withstand 60 MPH
- D. Manual Roll Up Bay Doors
- E. Ceiling Heaters and Fans
- F. Wall Mounted Exhaust Fans
- G. Industrial Mounted and Sky Lights
- H. Electric Installation (Power line)- Maximum Amps allowed to Accomodate Equipment:

- Mechanical Lift
- Air Compressor
- Welding Machine

I. Adjacent Space for excess fluid staging (oil/ transmission/ gas)

J. Heavy Equipments: Motor Grader, Backhoe w/ Bucket, Farm Tractor, Chapter Vehicle, Gooseneck and Utility Trailer

JUSTIFICATION:

WATER:

There will be water or no water to the new Metal Warehouse Facility, depending on the Chapters' preferences. Safety measures are in place to prevent or aide in the safety stations will be installed according NN Risk Management and NN OSHA Requirements. In addition, restroom facilities are located in the Chapters and near the Warehouse Facility.

OPERATIONS:

Please take notice that hours of operations and heavy equipment traffic is limited to 8 am to 5 pm and only as requested by community members and Chapters. It is rare that heavy equipment is operation at its full function of 8 am to 5 pm, Monday thru Friday.

**PRELIMINARY COST ESTIMATE FOR A PRE ENGINEERED
WAREHOUSE FOR HEAVY EQUIPMENT STORAGE.**

2 Bay: 40' X 60', 2,400 Square Feet

Preliminary Cost Per Square Footage:.....\$ 383.00

Plans and Design.....\$125,000.00

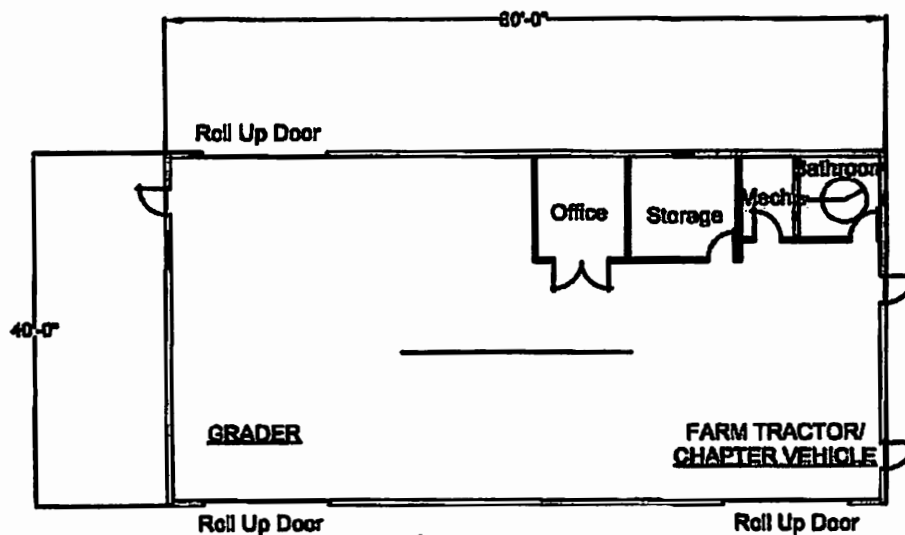
Estimated Cost for the Pre-Engineered Building only.....\$385,000.00

Estimated Cost for Utilities and Infrastructure.....\$215,000.00

Foundation and Concrete Slab on Grade\$195,300.00

TOTAL COST: \$920,300.00

NOTE: COST MAY VARY ACCORDING TO SITE AND SOIL CONDITIONS.



2- BAYS METAL WAREHOUSE BUILDING FLOOR PLAN

STRUCTURE:

- A. Size: 80' X 40' Width 14' / 18' Height/ Three (2) Bays
- B. 6" / 8" Conc. Foundation w/ Conc. Apron
- C. Heavy Duty Steel Frame- Withstand 80 MPH
- D. Manual Roll Up Bay Doors
- E. Ceiling Heaters and Fans
- F. Wall Mounted Exhaust Fans
- G. Industrial Mounted and Sky Lights
- H. Electric Installation (Power line)- Maximum Amps allowed to Accomodate Equipment:
 - Mechanical Lift
 - Air Compressor
 - Welding Machine
- I. Adjacent Space for excess fluid staging (oil/ transmission/ gas)
- J. Heavy Equipments: Motor Grader, Backhoe w/ Bucket, Farm Tractor, Chapter Vehicle, Gooze neck and Utility Trailer

JUSTIFICATION:

WATER:

There will be water or no water to the new Metal Warehouse Facility, depending on the Chapters' preferences. Safety measures are in place to prevent or aide in the safety stations will be installed according NN Risk Management and NN OSHA Requirements. In addition, restroom facilities are located in the Chapters and near the Warehouse Facility.

OPERATIONS:

Please take notice that hours of operations and heavy equipment traffic is limited to 8 am to 6 pm and only as requested by community members and Chapters. It is rare that heavy equipment is operation at its full function. Please take notice that hours of operations and heavy equipment traffic is limited to 8 am to 6 pm and only as

Kayenta Chapter Construction of New Warehouse

Table 1: Displays the **Project Cost Estimation** for a 3 Bay: 50' X 80', 4,000 sq. ft.

Preliminary Cost per Square Foot	\$316.80
Plan and Design	\$150,000.00
Estimated Cost for the Pre-Engineered Building Only	\$427,500.00
Estimated Cost for Utilities and Infrastructure	\$255,000.00
Foundation and Concrete Slab on Grade	\$223,500.00
Contingency (Inflation): 20%	\$211,200.00
Total Cost:	\$1,267,200.00

Note: *Cost May Vary According to Site and Soil Conditions.*

Image 1: Displays the location of the Kayenta Chapter's Proposed New Warehouse Construction Site. The location will be in the same place, see **red outline**, old building will be demolished and replaced.



Kayenta Chapter Construction of New Warehouse

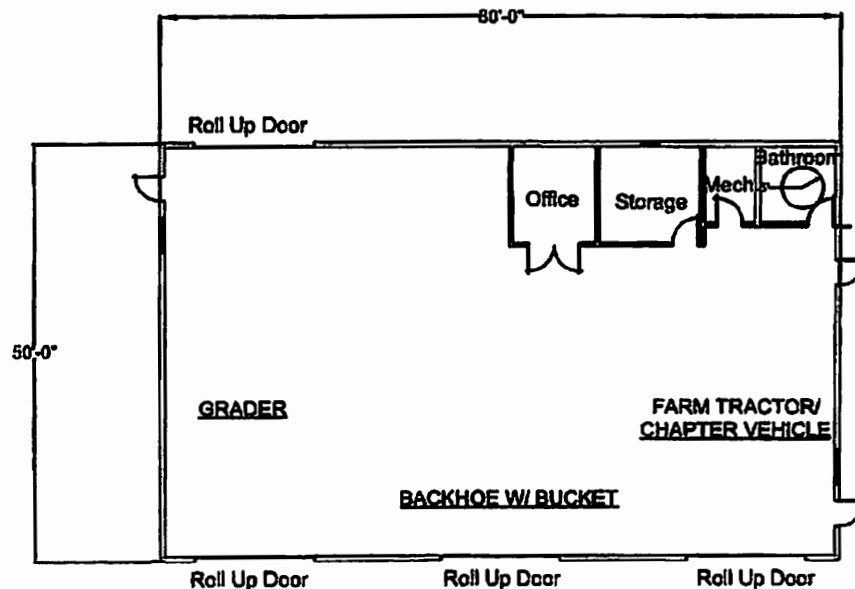
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- F. Wall Mounted Exhaust Fans
- G. Industrial Mounted and Sky Lights
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JUSTIFICATION:

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