



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 #: HK0353

Date & Time Received: 12/20/22 at 15:03

Date & Time of Response: 01/06/23 at 17:00

Entity Requesting FRF: Newcomb Chapter

Title of Project: Newcomb Chapter Buildings (Ventilation Systems)

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$150,000

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: 1.4 (Prevention in Congregate Settings)

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.

APPENDIX A

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

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Newcomb Chapter Government Date prepared: 12/11/2022

Chapter's mailing address: PO Box 7946 phone & email: 505-696-3300
Newcomb, NM 87455 website (if any): ndbenally@nnchapters.org

This Form prepared by: Norman Benally phone/email: 505-696-3400
Newcomb Chapter Manager ndbenally@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Newcomb Chapter buildings (Ventilation Systems)

Chapter President: David Randolph phone & email: 505-478-7746/dvrdsr491@outlook.com
Chapter Vice-President: Willamena Smith phone & email: 505-427-1993/willamenas7878@yahoo.com
Chapter Secretary: Donna Benally phone & email: 505-860-9428/benally_d@hotmail.com
Chapter Treasurer: Donna Benally phone & email: 505-860-9428/benally_d@hotmail.com
Chapter Manager or CSC: Norman Benally phone & email: 505-696-3400/ndbenally@nnchapters.org
DCD/Chapter ASO: Elizabeth Washborne phone & email: 505-368-1026/eliza-beth@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Not known
01/01/2023 - 12/30/2026 ☐ document attached

Amount of FRF requested: \$150,000 FRF funding period: 2023 - 2025 (3/1/2022 - 11/30/2025)
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 used to install new ventilation systems at the Chapter House and the Head Start buildings. As we have been taught through COVID, building air movement is important. Installing a new ventilation systems will minimize the spread of virus of any kind.

☐ document attached

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

In an effort to minimize or stop the spread of COVID 19, as well as, any other viruses, the Newcomb Chapter would like to have a new ventilation systems installed in the Chapter House and Head Start buildings. All individuals that enter the building will benefit from the new ventiactions systems.

☐ 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:

Dec 11, 2022 - Resolution
 Winter 2023 - NN and DOJ Review
 Spring 2023 - Seek Bids
 Summer 2023 - Contract Bid Award
 Fall 2023 to Summer 2024 - Construction
 Challenges: Review time from Navajo Nation

☐ document attached

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

Newcomb Chapter Administration and Elected Officials will be responsible for the 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:

Newcomb Chapter Administration will be responsible for the operations and maintenance costs for the project once completed.

☐ 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:

COVID-19: Aid to Impacted Industries^ 1.10

The Newcomb Chapter is seeking funds for the installing ventilation systems. The Chapter House and the Head Start buildings do not have proper ventilation systems that will keep air moving in the cold and hot seasons (the ventilation systems will have a heater and cooling systems). Making these renovations would greatly benefit community and administrative members during and after the pandemic.

☐ document attached

Part 3. Additional documents.

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

Chapter Resolution is attached.
 Scope of Work is attached.

☐ 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:

OTD 12/12/22
 signature of Preparer/CONTACT PERSON

Approved by:

David Nalaj
 signature of Chapter President (or Vice-President)

Approved by:

dy 12/12/22
 signature of Chapter Manager or CSC

Approved by:

Sonlata Ji
 signature of DCD/Chapter ASO

12/19/2022

Approved to submit
 for Review:

Lisa Jymmm. NAFRFO
 signature of DCD Director

FY 2023

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page of
BUDGET FORM 1

PART I. Business Unit No.: <u> New </u>		Program Title: <u> Newcomb Chapter - Ventilation Systems </u>		Division/Branch: <u> DCD/Executive Branch </u>	
Prepared By: <u> Norman Benally </u>		Phone No.: <u> 505-696-3400 </u>		Email Address: <u> ndbenally@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	FY23-FY25 3/1/2023-11/30/2025 01/01/2022 12/31/2026	150,000.00	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	6		150,000	150,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	150,000.00	150,000

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Vehicles Budgeted:	0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.			
SUBMITTED BY: <u> Norman Benally </u>	APPROVED BY: <u> Pearl Yellowman </u>		
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name		
<u> 12/12/22 </u>	<u> 12.16.22 </u>		
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date		

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

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>New</u>		Program Name/Title: <u>Newcomb Chapter - Ventilation Systems</u>							
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: <u>Chapter buildings become safe against virus</u>									
Program Performance Measure/Objective: <u>Hire A Constructor to construct according to scope of work</u>						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.									
Norman Benally Program Manager's Printed Name					Pearl Bellon Division Director/Branch Chief's Printed Name				
<u>12/12/22</u> Program Manager's Signature and Date					<u>12.16.22</u> Division Director/Branch Chief's Signature and Date				

FY 2023

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page ____ of ____
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Newcomb Chapter - Ventilation Systems</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)
6500	Contractor Services - Contractor to perform the scope of work for Newcomb Chapter (Ventilations Systems)		150,000
6960	Subcontractor Services	150,000	
6990	Subcontractor Services		
TOTAL		150,000	150,000



NEWCOMB CHAPTER

P.O. Box 7946 • Newcomb, NM 87455 • Telephone: 505-696-3300 • Fax: 505-696-5475

NEWCOMB CHAPTER ARPA PROJECT SCOPE OF WORK

Project Title:

Chapter House and the Head Start buildings will have a new ventilation systems installed. All constructions and upgrades must meet ADA standards.

Background Narrative:

In an effort to minimize or stop the spread of COVID 19, as well as, any other viruses, the Newcomb Chapter would like to have a new ventilation systems installed in the Chapter House and Head Start buildings. The list below is what the Chapter would introduce as a general scope of work.

Ventilation System:

- The Chapter House will be first priority to have a ventilation system installed. This ventilation system will include a heater and air conditioner with new vent pipes that leads to all rooms
- The Head Start building will be second priority to have a ventilation system installed. This ventilation system will include a heater and air conditioner with new vent pipes that lead to all rooms

Results Expected:

- No-touch fixtures will minimize the spread of any virus
- Restroom fixtures must meet ADA requirements
- The ventilation system will help in minimizing the air to stay in one place
- All tasks are done correctly and meet the required standards
- Project will be completed safely, on time, within the budget

Responsible Staff:

- Norman Benally, Newcomb Chapter Manager
- David Randolph, Newcomb Chapter President
- Rena Yazzie – Senior Citizen Center
- Charlotte Charleston – Head Start School

David Randolph Sr, President Willamena Smith, Vice President
Donna Benally Sec. /Treasurer Lawrence Gould, Grazing Representative
Rickie Nez, Council Delegate



NEWCOMB CHAPTER – NAVAJO NATION

P.O. Box # 7946, Newcomb, New Mexico 87455; Phone: 505.686-3300 Fax: 505.696.5475

FY'2023
NWCB-120521-019

Resolution of the Newcomb Chapter

APPROVING THE NEWCOMB CHAPTER AMERICAN RESCUE PLAN ACT (ARPA) PROJECTS FOR PLANNING, DESIGNING, CONSTRUCTION, PURCHASING AND INSTALLATION OF PROJECTS

WHEREAS:

1. The Newcomb Chapter is a duly certified Chapter governmental of the Navajo Nation with delegated authority to adopt ordinances and to adopt plans on matters of local concerns in the best interest of its local community membership; and
2. Pursuant to 26 N.N.C Section 1 (B) Newcomb Chapter is vested with the authority to review all matters affecting the community and make appropriate correction when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Newcomb Chapter is aware that World Health Organization (WHO) declared a public health emergency of international concern related to the outbreak of the coronavirus (COVID-19), a highly contagious and fatal respiratory virus on January 30, 2020. The U.S. Department of Health and Human Services declared a public health emergency related to COVID-19 outbreak on January 31, 2020. The WHO declared a global pandemic due to COVID-19 on March 11, 2020; and
4. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, Economic Security Act (CARES Act), Pub L. No. 116-136, 134 Stat. 281 (2020). The CARES Act, at Title V, §5001, entitled Coronavirus Relief Funds which set aside \$8 Billion in emergency aid for Tribal Governments for the COVID-19 Pandemic; and
5. In response to the pandemic, on March 11, 2021 United States President Joseph Biden sign the American Rescue Plan Act (ARPA) into law, which establish the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (Together the "Fiscal Recovery Funds" or "FRF") and provided \$362 billion for state, local and tribal governments, including \$20 billion specifically designated for tribal governments; and
6. As of November 1, 2021; the United States Treasury has allocated two million seventy-nine million four hundred sixty-one thousand four hundred sixty-four dollars (\$2,079,461,464) to the Navajo Nation under the Fiscal Recovery Funds provisions of ARPA; and
7. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds are specifically intended to:
 - a. Respond to the COVID-19 public health emergency and its negative economic impacts, including assistance to households, small businesses, and non-profits; and/or aid to impacted industries such as tourism, travel, and hospitality; and
 - b. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
 - c. Provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the COVID-19 public health emergency; and

- d. Make necessary investments in water, sewer, and/or broadband infrastructure.
8. The NAABIK'IYATI' Committee and Navajo Nation Council plans include Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Additions Projects and Hardship Assistance.
9. Pursuant to Legislation 0257-21, the Newcomb Chapter has prioritized projects for the Fiscal Recovery Funds as: (1) ADA Chapter Facilities upgrades, (2) Old Chapter House Restroom, (3) Newcomb Chapter Restrooms, (4) Chapter Facilities Ventilation Systems, (5) Install No-Touch Fixtures, (6) Electrical Upgrades and Connections, (7) Wastewater facility upgrades and installation, (8) Bathroom Additions, and (9) Upgrades or connection of Potable water.

NOW THEREFORE BE IT RESOLVED THAT:

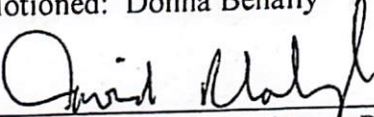
The Newcomb Chapter Membership hereby approves pursuant Legislation 0257-21; the Newcomb Chapter's American Rescue Plan Act (ARPA) Projects in the amount of \$1,467,056.67.00 for Planning, Designing, Construction, Purchasing and Installation of Projects. Projects include: ADA Chapter Facilities upgrades, (2) Old Chapter House Restroom, (3) Newcomb Chapter Restrooms, (4) Chapter Facilities Ventilation Systems, (5) Install No-Touch Fixtures, (6) Electrical Upgrades and Connections, (7) Wastewater facility upgrades and installation, (8) Bathroom Additions, and (9) Upgrades or connection of Potable water.

CERTIFICATION

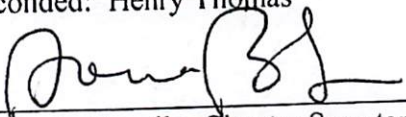
We, hereby certify that the foregoing Chapter Resolution was considered by the Newcomb Chapter membership at a duly called Chapter meeting at Newcomb, Navajo Nation (New Mexico) at which a quorum was present and hat same was passed by a vote of 09 in favor, 00 opposed, 00 abstained this 11th day of December 2022.

Motioned: Donna Benally

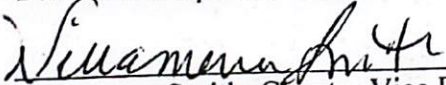
Seconded: Henry Thomas



David Randolph Sr., Chapter President



Donna L. Benally, Chapter Secretary/Treasurer



Willamena Smith, Chapter Vice President



DOCUMENT CHECKLIST TO DOJ for Governance Certified Chapters

Submit all documents according to this checklist. If all documents are not attached,
packet will be returned to division/program.

Division/Program Information:

Date Submitted: December 11, 2022
 Program/Division: CDC/Excutive Branch - Newcomb Chapter
 Contact Person: Norman Benally
 Phone: 505-696-3400 Email: ndbenally@nnchapters.org

Documents needed for processing:

- | | |
|----|--|
| XX | Appendix A - Request Form & Expenditure Plan |
| XX | Appendix B - Budget Forms (Form 1, 2, 3, 4, 5, Appendix J as needed) |
| XX | Approved Chapter Resolution supporting the project |
| XX | Required Signatures: |
- | | |
|--|----------------------------------|
| | Preparer |
| | Chapter President/Vice President |
| | Chapter Manager/CSC |
| | DCD ASC |
| | DCD Division Director |
| | NNFRFO Director |

Notes:

Newcomb Chapter Ventilations Systems Project

Reviewed by:

 NN Fiscal Recovery Fund Office

 Date

DISCLAIMER: For guidance purposes only. Additional information may be required.

Navajo Nation Fiscal Recovery Fund Office (NNFRFO)
 PO BOX 2469, Window Rock, Arizona 86515
 (928)309-5532