



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 #: HK0355

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

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

Entity Requesting FRF: Newcomb Chapter

Title of Project: Bathroom renovations to Newcomb Chapter buildings (no touch fixtures and ventilation systems)

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$100,000.00

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: 1.4 Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)

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 | |

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 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: Bathroom renovations to Newcomb Chapter buildings (no touch fixtures and 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 - 12/31/2026 document attached

Amount of FRF requested: \$100,000 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 construct a ladies and men restrooms. This building has one one restroom that is shared by both sexes. Having two restrooms will allow for be safer and will provide a place for cleanng and using the facility. No touch fixtures will be installed in the ladies and men restrooms. The renovation will also include construction to comply with ADA Standards.

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 construct two restrooms with no-touch restroom fixtures. The construction will meet ADA standards to accomodate the handicap community members. The upgrades will benefit the adminstration and community members with or without disabilities.

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 restroom construction and to comply with ADA Standards. Installing a no-touch fixtures will greatly minimize viruses to be passed on. Making these renovations would greatly benefit community members 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:

[Signature] 12/12/22
signature of Preparer/CONTACT PERSON

Approved by:

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

Approved by:

[Signature] 12/12/22
signature of Chapter Manager or CSC

Approved by:

[Signature] 12/19/2022
signature of DCD/Chapter ASO

Approved to submit for Review:

[Signature] NUPRECO
signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: New Program Title: Old Newcomb Chapter House - Restroom Construction Division/Branch: DCD/Executive Branch
Prepared By: Norman Benally Phone No.: 505-696-3400 Email Address: ndbenally@nnchapters.org

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	100,000.00	100%	2001 Personnel Expenses				
	3/1/2023-11/30/2025			3000 Travel Expenses				
	01/01/2022 - 12/31/2026			3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	6		100,000	100,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	100,000.00	100,000
TOTAL:								
		\$100,000.00	100%	PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	

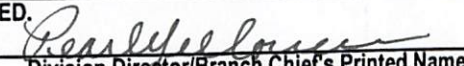
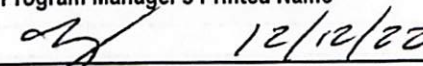
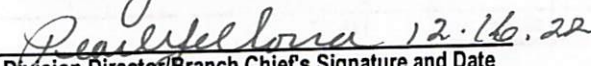
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Norman Benally
Program Manager's Printed Name
[Signature] 12/12/22
Program Manager's Signature and Date

APPROVED BY: [Signature]
Division Director / Branch Chief's Printed Name
[Signature] 12-16-22
Division Director / Branch Chief's Signature and Date

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THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

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

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FY 2023

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:				
Program Name/Title:		Old Newcomb Chapter House - Restroom Construction		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)	
6500	Contractor Services - Contractor to perform the scope of work for Newcomb Chapter (Restroom Construction)		100,000	
6960	Subcontractor Services	100,000		
TOTAL		100,000	100,000	

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NEWCOMB CHAPTER ARPA PROJECT SCOPE OF WORK

Project Title:

Male and female restrooms will be constructed in the Old Chapter House building. The constructed restrooms will have no-touch restroom fixtures. All constructions and upgrades must meet ADA standards.

Background Narrative:

This building has one restroom, this restroom is shared by the women and men. Restrooms are an important resource to wash hands that is shared in an effort to minimize or stop the spread of COVID 19, as well as, any other viruses, the Newcomb Chapter would like to renovate and upgrade their building facilities with no-touch restroom fixtures and new ventilation systems. The Chapter buildings will have their restroom sinks and kitchen sinks replaced to ensure any possible embedded viruses are eliminated. The renovations and upgrades will meet ADA standards for all buildings. The list below is what the Chapter would introduce as a general scope of work.

Work Plan:

Old Chapter House Building:

- Install restrooms
 - Men's Restroom:
 - Install one hand washing sink
 - Install one no-touch toilet
 - Install one no-touch hand dispenser for soap
 - Install one no-touch hand dryer
 - Ladies Restroom:
 - Install one no-touch hand washing sink
 - Install one no-touch toilet
 - Install one no-touch hand dispenser for soap
 - Install one no-touch hand dryer

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

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

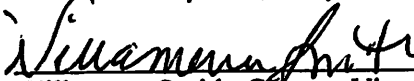
Seconded: Henry Thomas



David Randolph Sr., Chapter President



Donna L. Benally, Chapter Secretary/Treasurer



Willamena Smith, Chapter Vice President