

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 #:	
Date & Time Received:	
Date & Time of Response:	
Entity Requesting FRF:	
Title of Project:	
Administrative Oversight:	
Amount of Funding Requested:	
Eligibility Determination:	
□ FRF eligible	
□ FRF ineligible	
□ Additional information requested	
FRF Eligibility Category:	
\Box (1) Public Health and Economic Impact	□ (2) Premium Pay
\Box (3) Government Services/Lost Revenue	\Box (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category:

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

□ Missing Form	Expenditure Plan incomplete
□ Supporting documentation missing	\Box Funds will not be obligated by
\Box Project will not be completed by 12/31/2026	12/31/2024
□ Ineligible purpose	□ Incorrect Signatory
□ Submitter failed to timely submit CARES reports	\Box Inconsistent with applicable NN or
□ Additional information submitted is insufficient	federal laws
to make a proper determination	
Other Comments:	
Name of DOJ Reviewer:	

Signature of DOJ Reviewer: LOPENZO CUPLEY	wer: lorenzo Curley
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Disclaimers:

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is 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

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:			Da	ate prepared:	8.29.22
Chanter's P.O. Box 438	phon	email: aal			g 505.960.9702
mailing address: Fruitland, NM 87416	•	e (if any):			
This Form prepared by: Arthur Bavaro	pl	none/email:			@nnchapters.org
Arthur Bavaro, Community Services Coordinator CONTACT PERSON'S name and title			aabava	aro@nncha contact pers	
Title and type of Project <u>5001pment</u> Purch	nse				
Chapter President: Norman Begaye	phone & email	505.960).9702		
	ohone & email:				
	ohone & email:				
	ohone & email				
	phone & email				
	Dhone & email:				
List types of Subcontractors or Subrecipients that will be paid with FRF (if kno				eavy Equip	ment Dealer
					ocument attached
Amount of FRF requested: 483,642. FRF funding period: Sept	tember 01,	2022 - D	ecembe	er 31, 2026)
	indi	cata Project sta	rting and end	ing/deadline date	
Part 2. Expenditure Plan details.					
(a) Describe the Program(s) and/or Project(s) to be funded, including how th and what COVID-related needs will be addressed:	e funds will be	used, for w	hat purpos	es, the locatio	n(s) to be served

Purchase John Deere 50G Hydraulic Mini Excavator and John Deere 672G Motor Grader. Funds to purchase equipment for digging wastewater infrastructure and for other related projects. To help community farmers maintain and clean irrigation canals for crop harvest. To mitigate COVID-19 sanitary conditions for community members.

document attached

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

The project will ensure that community farmers will be able to continue their farming lifestyle to provide nutritious food for the community. This project will also help ensure lack of sanitation conditions are improved by providing sanitation facilities.

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:
Upon receipt of funding and purchase order for equipment the chapter will proceed with transport and
delivery services. This project is projected to take approximately 2 months. Administrative procedures
with the funding source. Also vendor equipment inventory availability may cause a delay.
☐ document attached
(d) Identify who will be responsible for implementing the Program or Project:
Nenahnezad Chapter administration and chapter officials.
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 chapter administration will be responsible for day to day operation and maintenance. Both, the chapter administration and the chapter officials will ensure that funds are budgeted for the equipment repair and maintenance on an annual cycle.
□ 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 for government services. To facilitate and mitigate all COVID-19 negative impact on the community, To ensure the community is brought back into traditional farming activities and other spiritual rituals that were provided through local government services by the Nenahnezad Chapter.
☐ document attached
Part 3. Additional documents.
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):
Request for Direct Payment to vendor, W-9 Request for Taxpayer Identification Number and
Certification. Chapter Resolution with community approval and support.
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. Cy7(-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:
(la fra fra)
Chapter's Approved by: Approved by: Signature of Chapter President for Vice President
Approved by: Approved by:
Siduarina di Con

Approved to submit for Review:

signature of DCD Director

FY-23

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

APPENDIX B **BUDGET FORM 1**

PART I. Business Unit No.:	NEW	Program Title:		NNFRFNenahnezad Chapter		Division/Branch:	vivision of Community	Developmer				
Prepared By: Arth	ur Bavaro	Phone	No.:	505-960-9702 Emai	505-960-9702 Email Address:		aabavaro@nnchapters.org					
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type	(A) NNC Approved	(B)	(C) Difference or Total				
Special Revenue	8/31/22	483,642	100%	2001 Personnel Expenses	Code	Original Budget	Proposed Budget	Total				
				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								
				8000 Public Assistance								
				9000 Capital Outlay	6		483,642	483,642				
				9500 Matching Funds								
				9500 Indirect Cost			\$483,642					
					TOTAL	(483,642.44	483,642				
				PART IV. POSITIONS AND VEHICLES	3	(D)	(E)					
				Total # of Positions	Budgeted:		0					
	TOTAL:	\$483,642	100%	Total # of Vehicles	Budgeted:	0	0					
PART V. I HEREBY ACKNOWLED SUBMITTED BY:AVDN(IN THIS BUDGET PACKAGE IS COMPLE APPROVED BY: Arbin Divi	Nite		רטיע rinted Name	_				
Prog	Branch Chief's Sign	ature and Date										

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THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

APPENDIX B BUDGET FORM 2

PART I. PROGRAM INFORMATION:									
Business Unit No.: 10809# New Program Name/Title:	:		N	VFRFNenah	nezad Cha	pter			
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:						_	_		
Purpose of the equipment purchase is to clear roads and ditches to provide EMS vehicles access to community members									
affected by covid or other health related issues that require EMS s	services	-							
PART III. PROGRAM PERFORMANCE CRITERIA:	1st	QTR	2nd	QTR	3rc	I QTR	4th	QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	
1. Goal Statement:									
To purchase 2022 Motor Grader	-								
Program Performance Measure/Objective:									
Purchase (1) 2022 Motor Grader to Mitigate COVID-19 in the community							1		
2. Goal Statement:									
To purchase 2023 Mini Excavator	_							1.8	
Program Performance Measure/Objective:									
Purchase (1) 2023 Mini Excavator to Mitigate COVID-19 in the community							1		
3. Goal Statement:									
	_								
Program Performance Measure/Objective:									
4. Goal Statement:									
	-								
Program Performance Measure/Objective:	·					1			
5. Goal Statement:									
	_			/	\frown				
Program Performance Measure/Objective:									
				/					
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUG	GHLY REVI		A A . K	1. 11 0					
Jaron Manly, Dept. Manager Program Manager's Printed Name		Divisi	on Directo	Branch Ch	ief's Printe	d Name	-		
		511151			/				
10-3-0-2-3	Division Director/Branch Chief's Signature and Date								
Program Manager's Signature and Date		Division	Directof/B	ancienter	s Signatu	re anu Dale			

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

APPENDIX B BUDGET FORM 4

	ROGRAM INFORMATION: Program Name/Title:	NNFRFNenahnezad Chapter	Business Unit No.:	NEW	
PART II. (A)	DETAILED BUDGET:	(B)	breez-monocontrast on the state of the second s	(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)
9140	Equipment- 2022 Motor Grader			391,952	
9140	Equipment- 2023 Mini Excavator			91,690	483,642
			TOTA	- 483,642	483,64

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THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page 01____ of __01___ PROJECT FORM

PART I. Business Unit No.:	VEL	N																				PAR	T II.			Proje	ect Inf	iorma	tion	
Project Title: 4-Rivers Equip	oment													-								Proje	ect Typ	e:	Equi	oment	Purch	nase		
Project Description Purchase I	Excava	ator an	nd Min	i-Grad	der																	Plan	ned Sta	art Date	: 9	11	22		1	
																								d Date:				12/	31/1	26
Check one box:	20	origina	Budg	get		Budg	et Re	vision	C	Bud	lget R	ealloc	ation		Budg	et Mo	dificati	ion				Proje	ect Mar	ager:	Arthu	Ir Bav				
PART III.	PAR	t IV.	Use	Fisc	al Yea	r (FY)	Quar	ters to	o com	olete t	he info	ormat	ion be	low. () = 00	ct.; N	= Nov.	; D =	Dec.,	etc.					Ev	nocto	d Com	aplotic	n Dal	o if
List Project Task separately; such						FY 2	2023												FY								excee			
as Plan, Design, Construct, Equip or Furnish.		1st Qtr			2nd QI	r		Brd Qt	r		th Qt	r		ist Qt		2	nd Qtr			3rd Qt			4th Qt	r		Data	12/	131/	26	
	0	N	D	J	F	M	A	M	J	Jul	A	s	0	N	D	J	F	M	A	M	J	Jul	A	s	0	N	D	J		M
Purchase equipment									xx																					
Equipment Delivery											xx																			
																							1							
																			112											
																								02						
					5																									
PART V.	L	\$			\$			\$			\$		—	\$			\$			\$			\$				ROJEC		TAL	
Expected Quarterly Expenditures								2,642	_		0.00														<u> </u>		\$483,	,642.		
FOR OMB USE ONLY: Resolution	on No:					F		33,6 iet Up	A2 Date:						Co	ompar	ny No:						OMB	Analyst	:					

Depart	W-9 Detober 2018) ment of the Treasury Revenue Service	Þ		Request for tion Numbe	r and Certifi			Give Form to the requester. Do not send to the IRS.
	•	•	tax return). Name is ret	quired on this line; do n	ot leave this line blank.			
	4RIVERS HO							
			y name, if different from	apove				
	4RIVERS EQ	UIPMENT, L	LC					
on page 3.	Check appropriation following seven to the single-memory seven to	4 Exemptions (codes apply only t certain entities, not individuals; se instructions on page 3):						
Print or type. Specific instructions on page	Umited liabilit Note: Check (LLC if the LLC another LLC t is disregarded	Exempt payee code (if any) Exemption from FATCA reporting code (if any)						
뜅	Cother (see ins		(Applies to eccounts methistics cutsto the U.S.)					
ğ	S Address (number		or suite no.) See Instri	ctions.		Requester's name e	nd address	(cptional)
88		NTORY CIR	CLE SUITE 110					
g	8 City, state, and Z	1P code	· _			1		
	GREELEY, C	:O 80634						
	7 List account num	ber(a) here (optic	onal)			<u> </u>		
Par	Taxpa	yer Identific	cation Number	(TIN)				
			The TIN provided m				curity numb	207
reside	nt alien, sole prop s, it is your employ	rietor, or disreg	ds is generally your a garded entity, see th on number (EIN). If ye	e instructions for Pa	rt I, later. For other]-[-

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- 1. The number shown on this form is my correct texpayer identification number (or I am waiting for a number to be issued to me); and
- 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- 3. I am a U.S. citizen or other U.S. person (defined below); and
- 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withhelding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or ebandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TiN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	loal

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer Identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (TIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

Form 1099-INT (interest earned or paid)

 Form 1099-DiV (dividends, including those from stocks or mutual funds)

 Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)

Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)

8 4

- · Form 1099-S (proceeds from real estate transactions)
- · Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- . Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. parson (including a resident alian), to provide your correct TIN.

If you do not raturn Form W-9 to the requester with a TiN, you might be subject to beckup withholding. See What is backup withholding, later.

Dato > 03.03.2023

Employer Identification number

1 2 5 0 1

2 2

NAVAJO NATION CERTIFICATION Regarding Debarment, Suspension, and Contracting Eligibility

- 1. Applicant entity acknowledges that to the best of its knowledge that the Applicant entity, either in its present form or in any identifiable capacity, has not, in accordance with 12 N.N.C. § 361:
 - A. Been convicted of the commission of criminal offenses incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of any such contract or subcontract;
 - B. Been convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating a lack of business integrity or honesty, which currently, seriously, and directly affect responsibility as a Navajo Nation contractor;
 - C. Been convicted under antitrust statutes arising out of the submission of bids or proposals;
 - D. Violated contract provisions, including:
 - i. Deliberate failure, without good cause, to perform in accordance with the contract specifications or within the time limit provided in the contract,
 - ii. A recent record of failure to perform or of unsatisfactory performance with the terms of any contract, or
 - iii. Any other cause so serious and compelling as to affect responsibility as a Navajo Nation contractor, including debarment by another governmental entity.
- 2. Applicant acknowledges that if the Navajo Nation determines that the executed Certification provided herein is untrue or not wholly accurate, it shall be grounds for the Navajo Nation to terminate the contract and pursue other legal remedies, at the Navajo Nation's discretion.
- 3. Applicant certifies to the best of its knowledge that it is eligible to do business with the

Navajo Nation, in its present form or in any other identifiable capacity, pursuant to 12 N.N.C. § 1501 and 5 N.N.C. § 301. Applicant also acknowledges that per 12 N.N.C. § 1505, it will not be eligible to contract with the Navajo Nation if deemed ineligible by the appropriate department or entity of the Navajo Nation which receives the Applicant's request for consideration for a business opportunity.

4Rivers Equipment, LLC Applicant Address King Road Faching tun, pro

Applicant Address

Name of individual signing on Applicant's behalf (print)

Administrative Assistant Title of individual signing on Applicant's behalf

Signature of individual signing on Applicant's behalf

03.03.2033

Date



Albuquerque NM ° Cheyenne WY ° Calorado Springs CO ° El Passo TX ° Farmington KM ° Fort Collins CO Frederick CO ° Greelay CO ° Hobbs NM ° Holly CO ° Lamar CO ° Pueblo CO ° Rocky Ford CO ° Strasburg CO www.4RiversEquipment.com

Ouotation

 To: NN Nenahnezad Chapter
 Date: 3.31.2023

 Po Box 438
 FOB: Farmington

 Fruitland NM. 87416
 Delivery Date: 30-120days ARO

 Attention: Mr. President Norman C. Begaye & Mr. CSC. Arthur Bavaro (Quotation Void after 30 Days)

1 each New 2022 John Deere 672G All Wheel (6WD) Motor Grader Equipped With: 9.0L Engine (548 cu. in.) displacement (240 VHP) Final Tier 4 Emissions, 200 Amp Alternator, Antler Rack Controls (traditional), Steering Wheel, Hydraulic Pump Disconnect, *JD Link Ultimate Life Time service*, 14'x 24"x 7/8" MB (6"CEX 5/8"), Single Input w/Slip Clutch Gearbox, 14.0-24 16PR Bias Tires with 3pc Rims, EH Low Cab with Open Front and Side Windows, Auto Shift Plus Transmission 8FWD 8REV Gears, Transmission solenoid valve guard, Low Cab with Open Windows, Premium Heated Air Suspension Seat with Arm Rests, Front Push Block, Rear Ripper/Scarifier Combo w/9Extra SCFR Shanks and 5-rippers shanks w/teeth, Deluxe Lighting Package 18 Halogen with LED Brake and Tail, Converter 10/15Amp 24v To 12v, Heated Mirrors External, Lower Front Intermittent Wiper/Washer, Radio AM/FM/WB Blue Tooth, Rear Camera, Rear Retractable Sunshade, Pedal Decelerator, LH Beacon Strobe for safety, Fire Extinguisher, SMV Sign, Engine Coolant Heater, 9L 14" Air Cleaner, Adjusting Rotary Ejector Pre-cleaner, Severe Duty Fuel filter/lines, ether Aid less canister, Right Side engine Compartment light, Plus All Other Standard Equipment.

NN Nenahnezad Chapter Price using NN Governmental Discounts:	\$358,700.00
Navajo Nation Tax 6%	<u>\$21,522.00</u>
Grand Total with discounts and added NN Taxes:	\$380,222.00
<u>Optional:</u> Machine Care Plan: 5Yr./ 2000 Hours Machine Care Plan w/tax:	\$11,730.41

(This covers all maintenance intervals up to 2000 hours for 5-years. Filters, oils, parts Environmental fees, labor, travel time, mileage and NN Taxes. Locked in price. (inflation proof) Grand total with Machine Care Option added: \$391,952.41



Albuquerque NM * Cheyenne WY * Colorado Springs CO * El Paso TX * Farmington NM * Port Calilias CO Frederick CO * Greeley CO * Hobbs NM * Holly CO * Lamer CO * Pueblo CO * Rocky Ford CO * Strasburg CO www.ARtversEquipment.com

Quotation

To: NN Nenahnezad Chapter Date: 3.31.2023 Po Box 438 FOB: Farmington Fruitland NM. 87416 Delivery Date: 60-90 Day ARO Attention: Mr. President Norman C. Begaye & Mr. CSC. Arthur Bavaro (Quotation Void after 30 Days)

1 Each New 2023 John Deere 50G Hydraulic Mini Excavator Equipped With: Full Cab with Heat and A/C, Cloth Suspension Seat, 16" Wide Rubber Tracks, SAE/DEERE Pattern Control Switch, Manual Quick Coupler, Hydraulic Thumb, Boom Swing, Proportional Auxiliary Hydraulics, Heavy Duty 12" & 18" Buckets, Work Lights, 2 Speed Travel, Angle Backfill Blade w/bolt on cutting edge, PA30B Auger Drive and mount with 6 & 18" HD bits, 13,795.00 Lb. Machine, 5'7" Long Arm for a 12'7" Dig Depth, Plus All Standard Equipment.

NN Nenahnezad Chapter price with Navajo Nation Gov. Discounts: \$86,500.00

Note:

We can deliver to chapter for same price but a 6% NN tax will apply:	<u>\$5,190.00</u>
Total if delivered to the chapter house.	\$91,690.00

Warranty:

2-Years or 2000 Hours of Full Machine Factory Warranty, Plus an Additional 36-Months or 3000 Hours whichever occurs First of the Comprehensive (Full Machine) Extended Warranty, FOB 4 Rivers Facility.

Operator Training:

Free of charge for training on operation and maintenance of the machine at time of delivery.

By: David Valdez

Accepted By: Norman C. Begaye

Order Accepted By: 4 Rivers Equipment, LLC.



Albuquerque NM * Cheyenne WY * Colorado Springs CO * El Paso TX * Farmingum NM * Fort Collins CO Frederick CO * Greeley CO * Hobbs NM * Holly CD * Lamar CO * Pueblo CO * Rocky Ford CO * Strasburg CO www.ARIversEquipmenLocan

Machine Warranty:

12-Months Full Machine Factory Warranty, plus an additional 72-Months/4000 hours whichever occurs first of Powertrain plus Hydraulics extended warranty. FOB a 4Rivers Equipment Facility.

Operator Training:

Free of charge for training on operation and maintenance of the machine at time of delivery.

By: David Valdez

Accepted By:

Order Accepted By: 4 Rivers Equipment, LLC.