



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 #: HK0833

Date & Time Received: 05/16/24 at 12:00

Date & Time of Response: June 4, 2024 at 10 am.

Entity Requesting FRF: Kayenta Chapter

Title of Project: Kayenta Chapter House Renovation

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$326,000.00

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: _____

2.22 (Strong Healthy Communities: Neighborhood Features that Promote Health and Safety)

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: Please note we have modified the expenditure code from the requested 6.1 (Provision of Government Services) to 2.22 (Strong Healthy Communities) to align with similar previously approved projects.

Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: *lorenzo Curley*

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.

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

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Kayenta Chapter Date prepared: 03/22/24
Chapter's P.O. BOX 1088 phone & email: 928-697-5520, kayenta@navajochapters.org
mailing address: Kayenta, AZ 86033 website (if any): kayenta@navajochapters.org
This Form prepared by: Pearl J. Begay phone/email: 928-697-5520, kayenta@navajochapters.org

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Kayenta Chapter House Renovation

Chapter President: Dalton Singer phone & email: 928-697-5520, dsinger@naataanil.org
Chapter Vice-President: Sally Chee phone & email: 928-697-5520, schee@naataanil.org
Chapter Secretary: Genevieve Benally phone & email: 928-697-5520, kchsectreas@gmail.com
Chapter Treasurer: Genevieve Benally phone & email: 928-697-5520, kchsectreas@gmail.com
Chapter Manager or CSC: Pearl J. Begay phone & email: 928-697-5520, kayenta@navajochapters.org
DCD/Chapter ASO: Calvin Tsosie phone & email: 928-429-0096, cetsosie@nndcd.org

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

document attached

Amount of FRF requested: 326,000.00 FRF funding period: 11/1/2023-06/30/2026
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:

Chapter Renovation project includes, will be used to upgrade plumbing, electrical, office space, HVAC and replace roof with propanel. Current building poses a safety risk to Navajo people, due to leakage of water. Chapter uses the building for public meetings & stores food, water, PPEs to mitigate COVID-19; as part of Kayenta Chapter's government services to its community. Chapter was used as a point of distribution, storage staging center during the COVID-19 pandemic.

document attached

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

The Navajo Nation & its Navajo communities will benefit from the Chapter Renovation where it will provide a safe and accident-free Chapter for Navajo families requesting assistance for water, food, PPEs, emergency shelter & various government services to the Navajo people. The chapter is a central point of contact during emergency situations and to mitigate COVID-19. Project will benefit the the Navajo Nation & people by preventing injuries and accidents among the elderly and members.

document attached

APPENDIX A

(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:

The Chapter Renovation estimated project timeline is November 1, 2023 to June 30, 2026. The challenges includes: Central NN government indecisiveness, lack of support, guidance & review/award timelines, delivery of material due to distance from nearest supply store and unforeseen weather events such as the intense, high winds. document attached

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

The DCD, Kayenta Chapter Administration and Officials will be responsible for implementing the project and play key role in ensuring project is completed in timely manner. The Kayenta Chapter will budget for their maintenance and will be identified on an annual basis. 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 Kayenta Chapter will be responsible for the operations and maintenance costs when 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:

6.1 = Provisional of Government Services

Reason: Kayenta Chapter serves as a central point of contact & meeting place for many surrounding communities and NN Chapters, it is used as a staging area during emergency situation and during COVID-19 pandemic. With the Chapterhouse' s issues; the Navajo people are prone to injuries and health hazards. The Chapterhouse will be renovated so services to Navajo people that are seeking information, assistance, or to attend public meetings, will continue to be provided from this building. document attached

Part 3. Additional documents.

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

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 Official

Approved to submit for Review:  05/14/2024 signature of DCD or NINFRFO Director

FY 2024

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Kayenta Chapter House Renovation</u>		Division/Branch: <u>DCD/EXECUTIVE</u>	
Prepared By: <u>Pearl J. Begay</u>		Phone No.: <u>928-697-5520</u>		Email Address: <u>kayenta@navajochapters.org</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	
ARPA		<u>11/1/23 - 6/30/24</u>	<u>326,000.</u>	100%	
PART III. BUDGET SUMMARY					
	Fund Type Code	(A) NNC Original Budget	(B) Proposed Budget	(C) Difference or Total	
2001	Personnel Expenses			0.00	
3000	Travel Expenses			0.00	
3500	Meeting Expenses			0.00	
4000	Supplies			0.00	
5000	Lease and Rental			0.00	
5500	Communications and Utilities			0.00	
6000	Repairs and Maintenance			0.00	
6500	Contractual Services		<u>326,000.</u>	<u>326,000.</u>	
7000	Special Transactions			0.00	
8000	Public Assistance			0.00	
9000	Capital Outlay			0	
9500	Matching Funds			0.00	
9500	Indirect Cost			0.00	
TOTAL		\$0.00	326,000.00	326,000.00	
PART IV. POSITIONS AND VEHICLES					
TOTAL: <u>326,000.</u>		(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>Jaron Charley, Department Manager</u>		APPROVED BY: <u>Arbin Mitchell, Executive Director</u>			
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name			
<u>05/14/2024</u>		<u>05/14/2024</u>			
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date			

**THE NAVAJO NATION
 PROGRAM PERFORMANCE MEASURES**

PART I. PROGRAM INFORMATION:	Business Unit No.: _____	New	Program Name/Title: <u>Kayenta Chapter House Renovation</u>	
PART II. PROGRAM PERFORMANCE CRITERIA:	<p>1. Program Performance Measure: Chapter renovation project includes upgrade plumbing, electrical, HVAC and office space replace roof with propanel</p>			
	1st QTR	2nd QTR	3rd QTR	4th QTR
	Goal	Goal	Goal	Goal
	1	1	1	1
2. Program Performance Measure:	_____			
3. Program Performance Measure:	_____			
4. Program Performance Measure:	_____			
5. Program Performance Measure:	_____			
PART III. CONCURRENCE/APPROVAL:				
Jaron Charley, Department Manager _____ Program Manager's Printed Name		Arbin Mitchell, Executive Director _____ Division Director/Branch Chief's Printed Name		
_____ Program Manager's Signature and Date		_____ Division Director/Branch Chief's Signature and Date		
05/14/2024		05/14/2024		

**THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title:	Kayenta Chapter House Renovation	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)
6960	SUBCONTRACTUAL SERVICES		
	6990 Subcontractual services	326,000	326,000
	Kayenta Chapter House Renovation		
TOTAL		326,000	326,000

PART I. PROGRAM INFORMATION:

Business Unit No.: _____ New

Program Name/Title: _____

Kayenta Chapter House Renovation

PART II. PROGRAM PERFORMANCE CRITERIA:

Task performance: accuracy, quality, quantity, timeliness and safety.

PART III. CONCURRENCE/APPROVAL:

Jaron Charley, Department Manager

Program Manager's Printed Name

05/14/2024

Program Manager's Signature and Date

Arbin Mitchell, Executive Director

Division Director/Branch Chief's Printed Name

05/14/2024

Division Director/Branch Chief's Signature and Date

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: NEW		PART II. Project Information
Project Title: Kayenta Chapter House Renovation		Project Type: Kayenta Chapter House Renovation
Project Description: Kayenta Chapter House Renovation		Planned Start Date: 11/1/2023
Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification		Planned End Date: 6/30/2026
		Project Manager: Pearl J. Begay

PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.

Task	FY 2025								FY 2026				Date	
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Jul	Aug	Sep	Oct		Nov
Final Cost Estimate														
Change order and DOJ Review		X	X	X										
Construction of roof					X	X	X	X						
Project Close out									X	X				
PART V. Expected Quarterly Expenditures	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL

Expected Completion Date if project exceeds 8 FY Qtrs. 326,000.

Four Seasons Construction LLC.

P.O. Box 1018~Ganado, AZ 86505

Phone (928)-675-0586

Project Name: Kayenta Chapter Roof Replacement						Date: 4-1-2024			
Project Location: Kayenta, AZ						Quote Valid For only 30 Days From date of submission			
Owner/Contact person: Pearl						Estimator: Hojin Chung			
Owner's Email: kayenta@navajochapters.org				Phone: 928-697-5520		Cell: (928)206-6747			
Total Area: 7000 SF						Email: hojin@fsc LLC.co			
Comments:						All material and labor is warranted for one year from completion date.			
#	Scope Of Work	QTY	Unit	Material u/p	Material Subtotal	Labor u/p	Labor Subtotal	Item Subtotal	
1	Demo existing roof shingle, dripedge, vent jacks, curbs and underlayment. All material will be transported to EPA approved site or landfill.	7000	SF		\$ -	\$ 1.25	\$ 8,750.00	\$ 8,750.00	
2	Resecure fascia and support and level the front roof trusses where it sags down. Frame a new roof over existing in back for a continuous slope and deck with 5/8 OSB (3483 SF). Frame new outlooks and fascia. Frame a Gable pitch roof over flat roof on top of back porch (80 SF).	3563	SF	\$ 3.50	\$ 12,470.50	\$ 3.75	\$ 13,361.25	\$ 25,831.75	
3	Install new Underlayment on entire roof. Install drip edge on outer parameter of roof. Install new metal roofing system with all trimmings, curbs, vent jacks, and hardware. Wrap entire fascia with metal to protect.	7000	SF	\$ 4.25	\$ 29,750.00	\$ 3.50	\$ 24,500.00	\$ 54,250.00	
4					\$ -		\$ -	\$ -	
5					\$ -		\$ -	\$ -	
6					\$ -		\$ -	\$ -	
7					\$ -		\$ -	\$ -	
8					\$ -		\$ -	\$ -	
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19					\$ -		\$ -	\$ -	
20					\$ -		\$ -	\$ -	
21					\$ -		\$ -	\$ -	
Sub Total					Material	Labor	\$ 42,720.50	\$ 40,611.25	\$ 83,331.75
Once notice to proceed is received, materials will be ordered and when received, project will be completed in 14 calendar days. Albert Reid President					General Requirements, Equipment, Travel			\$ 5,000.00	
					Sub Total			\$ 5,000.00	
					Overhead 15%			\$ 750.00	
					Profit 9%			\$ 450.00	
					Sub Total			\$ 6,200.00	
					Navajo Nation Tax 6.43%			\$ 399.25	
					Grand Total		\$ 123,932.75		



P.O. Box 281 • Rock Point, Arizona 86545
 (928)659-4318
 License # 278014

Proposal

To: Kayenta Chapter House Administration

Date: 03-27-2024

Job Name: Chapter House Roof

Job Location: Kayenta, Arizona

Job Description

SCOPE OF WORK:

- remove existing roof materials
- install 26 gauge metal roofing

* Clean up and dispose of all construction debris

Cost

Material	\$ 26,000.00
Labor	\$ 22,000.00
Mobilization	\$ 2,400.00
Overhead	\$ 7,560.00
Subtotal	\$ 57,960.00
Tax	\$ 3,477.60
TOTAL**	\$ 61,437.60

Description of Payment

1 st Payment		
2 nd Payment		
Final Payment		

We respectfully submit this estimate for above named project: Mr. Ed Yazzie- Owner

**Estimate good for 30 days.



Kayenta Chapter <kayenta@navajochapters.org>

Re: Roof & HVAC

1 message

Ryan R Begay <rrbegay@nndcd.org>

To: Kayenta Chapter <kayenta@navajochapters.org>

A ballpark estimate:

- Demo of the current roof system, shingles, underlayment, drip edge, flashing, any damaged decking, any damaged fascia and damaged soffits: \$ 17,000.00
- Install new roof decking : \$2,000.00
- Install new fascia. \$1,500.00
- Install new soffit: \$3,000.00
- Reinstall exhaust equipment, swamp coolers and satellite with new curbs. Install underlayment and ice shield to the entire roof. Install metal roof system. Install drip edge, metal panels
- Install new gable vents : \$ 1,300.00
- Install new gutter system with all new hardwares: \$2,800.00
- Install downspouts and splash blocks: \$1,900.00
- Paint all fascia and all soffits: \$4,000.00
- Equipment, fuel: \$ 20,000.00
- Sub Total: \$ 163,500.00
- Overhead 15%: \$ 24,525.00
- Subtotal : \$188,025.00
- Navajo Nation Tax 6% : \$ 11,281.50
- Grand total: \$199,306.50 (round up) - \$ 200,000.00

Keep in mind, all the estimates for each work are ball park numbers, so it could vary, But overall, \$200,000.00 is an average amount, you can add more to that number in case you

Hopefully this helps for the roof replacement.

Thank you,

On Mon, Mar 25, 2024 at 9:35 AM Kayenta Chapter <kayenta@navajochapters.org> wrote:
I need assistance with chapter warehouse demolition as well. An estimate.

On Mon, Mar 25, 2024 at 8:34 AM Ryan R Begay <rrbegay@nndcd.org> wrote:
Good morning.

What is the square footage of the roof?

Thank you,

On Fri, Mar 22, 2024 at 10:13 AM Kayenta Chapter <kayenta@navajochapters.org> wrote:
Good morning Ryan

When you do site visits or look through ARPA projects do you have a general idea on how much a roof replacement and HVAC would cost? Just a ballpark figure. Can you provide us

Thank you

Pearl



Kayenta Chapter Administration

PO Box 1088

Kayenta, Arizona 86033

Phone: 928.697.5520

Fax: 928.697.5524

Ryan R Begay

Planner / Estimator

Division of Community Development-FRF

rrbegay@nndcd.org

PO Box 1909 Window Rock, AZ 86515

Administration Bldg #2, 2nd Floor South, Window Rock AZ 86515

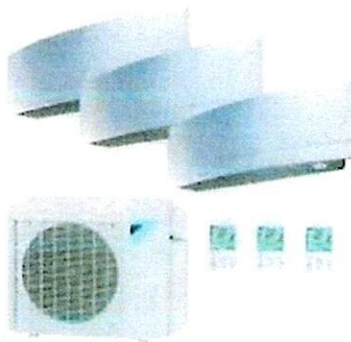
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Kayenta Chapter House, 7 - 7K Wall
Mount W/Wireless Remote, 2 - 9K Wall
Mount W/Wireless Remote, 3 - 12K Wall
Mount W/Wireless Remote, 2 - 24K Wall
Mount W/Wireless Remote, 2 - 4MXS
Heat Pump, 2 - 5MXS Heat Pump



Kayenta Chapter House | 1 Mile North of Hwy 163, Kayenta, AZ 86033

#1702 | 01/27/2023



Daikin Mini Split Energy Star MXS Series Multi-Zone (2, 3, 4 or 5 zones)

Daikin's Multi-Split Systems are ideal for multi-room applications desiring individual room comfort in a space saving design. With the ability to connect two, three, or four indoor units to a single outdoor unit, over 1,000 combinations are possible with the choice of wall mount units, slim duct units, ceiling cassette units or a combination. Systems offer energy efficiency levels up to 20.2 SEER and 12.5 HSPF for enhanced home comfort and energy savings. Suitable for both new build and renovation projects, Daikin Multi Split Systems are the smart, reliable solution for your home.

1. World-renowned Daikin Inverter Variable Speed compressor technology
2. Space-saving design and precision temperature control for individual rooms
3. Cooling Range 14° - 115°F
4. Heating Range -5 - 60°F
5. Quick and easy installation
6. Quiet operation
7. Surge Protector
8. Warranty includes: Rose Bros 1 year parts and labor warranty. Daikin lifetime heat exchanger limited warranty. Daikin 12 year parts limited warranty. Daikin

12 year unit replacement limited warranty.

Services	Quantity	Unit price	Amount
Labor	1	\$22,120.00	\$22,120.00
Scissor Lift 18ft. Scissor Lift	1	\$985.60	\$985.60
Material Lift 25ft.	1	\$560.00	\$560.00
Trip Charge - Kayenta Trip Charge Kayenta Trip Charge	3	\$690.77	\$2,072.31
Electrician - If Needed - CUSTOMERS RESPONSIBILITY Separate Proposal - Recommend Patrick Electric (505) 258-2326	1	\$0.00	\$0.00
Roofer - If Needed Cover Old Swamp Cooler Roof Hole - CUSTOMERS RESPONSIBILITY Separate Proposal - Recommend 4 Seasons Roofing (505) 947 - 0744	1	\$0.00	\$0.00
Materials	Quantity	Unit price	Amount
Mini Split Indoor Heat Pump Dakikin Indoor Wall Mount, 7K BTU, W/W Wireless Remote	7	\$637.00	\$4,459.00
Mini Split Indoor Heat Pump Dakikin Indoor Wall Mount, 9K BTU, W/W Wireless Remote	2	\$713.55	\$1,427.10
Mini Split Indoor Heat Pump Dakikin Indoor Wall Mount, 12K BTU, W/W Wireless Remote	3	\$728.50	\$2,185.50
Mini Split Indoor Heat Pump Dakikin Indoor Wall Mount, 24K BTU, W/W Wireless Remote	2	\$1,030.00	\$2,060.00
Mini Split Outdoor Heat Pump Dakikin 4MXS, Outdoor 21.7 SEER 4 Port	2	\$4,142.00	\$8,284.00
Mini Split Outdoor Heat Pump Dakikin 5MXS, Outdoor 21.7 SEER 5 Port	2	\$5,547.50	\$11,095.00
Misc. HVAC Materials Communication Wire, Zip ties, Nitrogen, Acetylene, Brazing Rod, 8 - Line Set Cover, 6 - 2" Wall Penetration Acct., Bubble Check, Foam Spray, Clear Silicone, Bolts, 4 - Condenser Pads, Stands, Roof Flashing, Copper Fixtures, Shark Bits 1/4", 3/8", Unsharp, 4 - Communication Wire, Etc.	1	\$9,332.14	\$9,332.14
Line Set 50 Ft.	14	\$585.34	\$8,194.76
Surge Protector Protect valuable equipment from electrical surges and other voltage disturbances. Lifetime Warranty.	4	\$149.00	\$596.00
Company Services - Disposal Fee	1	\$86.69	\$86.69

Rose Bros Heating, Cooling & Mechanical, Inc.

(505) 258-1232

service@rosebros.net

4200 Monroe Drive

Farmington, NM-87401

Subtotal

\$73,458.10

Navajo Nation (6.0000%)

\$4,407.49

Total payment

\$77,865.59

Thank you for your business! WE WILL TIP your technician for you if you leave us a 5-star review on Google or Facebook! To view your pictures and videos associated with this estimate invoice, click the link below: <https://www.dropbox.com/s/c5z94kmfzhnyunohkka?dl=0&rlkey=jj97uy7mhaowjppqyxeyr0jng> Dawn

Warranty: 1. Case #: 2. Time in: 3. Time out. Terms and Conditions: By Accepting a proposal estimate/service work, the customer has read, understood and agree to be bound by the following terms and conditions: These terms and conditions are legally binding. Violation of these terms and conditions are subject to fines, fees, termination of contract and possible court action. These Terms and Conditions are part of the contract documents for any transaction between ROSE BROS HEATING, COOLING & MECHANICAL, INC. or ROSE BROS and any installation or service customer / Customer with whom Rose Bros agrees to perform work. Rose Bros can change these terms and conditions at any time, for any reason, without notice. Rose Bros does not and will not assume any obligation to notify Customers of any changes to these terms and conditions, or the creation or modification of any additional terms. The Customer is responsible for remaining knowledgeable about the terms and conditions.

(1) Energy Savings Agreements - ESAs (Energy Savings Agreements), must be signed and returned either by electronic signature or hard copy signature within 60 days of date sent to the Customer. ESAs will not be accepted after 60 days and therefore, be invalid, and ROSE BROS will not honor the agreement. (2) Work Signatures - Customer must provide a "Before" work begins signature which is Customer agreeing to allow Rose Bros to start work. Customers must also provide an "After" work is satisfactorily completed signature. "After" work is completed signature also constitutes client approval to bill credit card on file. Rose Bros is relieved of any and all liability once work is completed. (3) Licensed Contractors - During the installation of a new unit, The Customer is required to retain the services of a licensed electrician and roofer. Rose Bros will not honor warranties (Rose Bros warranties or manufacturer), energy savings agreements, or anything pertaining to the new equipment unless a licensed contractor is used. Also, please note, it is the Customers responsibility to contact the electrician and roofer to coordinate their services. The Customer can advise Rose Bros what they are doing but we are separate companies. They have their own employees, their own schedules, and their own prices. The Customer will do business directly with those businesses. Rose Bros can then coordinate our services with each other to get the proposed work completed. Rose Bros does not provide roof repair services: Rose Bros is happy to recommend a roofer, but it ultimately is the Customer's responsibility to get repairs done to the roof after installation is complete. Rose Bros is not responsible for leaks or damage caused by not following through with proper roof repair. (4) Transformer Checks - The Customer is responsible for requesting a transformer check from the City of Farmington Electric Utility System. This is required on all heating and cooling installs (HVAC). Contact the city at (505) 599-8312 to request a transformer check. Please note, this request is between the Customer and the City of Farmington electric department. The City of Farmington will confirm with the Customer if the transformer will need to be upgraded to handle the new HVAC system. If the Customer needs a new transformer, that will be a separate fee that is NOT included in this proposal. Please let Rose Bros know as soon as possible if a new transformer is needed or not. (5) Price and Payment - Prices quoted by Rose Bros on proposals, goods, and services are good for 15 days only. Customer agrees to pay all invoices rendered by Rose Bros for work performed on behalf of Customer. Payment in full is due from residential Customers upon completion of work. If payment is not received from residential customers within 14 days of service, any amounts still due will be turned over to collections. Any amounts sent to collections will be subject to a 24% annual interest rate. Commercial and Government Customers agree to pay any balance due within 30 days. Any unpaid balances after 45 days will be turned over to collections. Any amounts sent to collections will be subject to a 24% annual interest rate. Customer agrees to pay all costs of collection, including attorney's fees. There is a 3.00% credit card processing fee for any amounts paid by

debit/credit card. Rose Bros requires a 50% deposit for any installs before scheduling can occur. Customers will not get the final inspection on any commercial/residential installs until Rose Bros receives final payment. If a customer's check comes back "non-sufficient funds" from the financial institution, there will be an additional non-sufficient funds fee of \$30.00 added to the remaining balance due. Another form of payment will be required to pay for balance due. If Rose Bros cannot collect on a "non-sufficient funds" check, Rose Bros will send balance due to collections, with a 24% annual interest rate. (6) Cancellations - A cancellation fee of 50% of the total balance of the proposal/job will be charged to the Customer if the job is cancelled after it has been accepted. (7) Waiting Fee - If the Customer waits longer than 15 days from the acceptance date for Rose Bros to begin work, a 15% waiting fee will be added to the total of the proposal/job per week (5 business days). If the Customer waits longer than 15 days to finish work from the start of the install date, a 15% waiting fee will be added to the total of the proposal/job per week (5 business days). (8) Change Orders - Proposals are subject to change. There can be unforeseen issues that are discovered during the install process that can affect pricing. These issues will be brought to the proper parties' attention as soon as they are discovered to discuss proper actions. These are called change orders. (9) Termination - Rose Bros reserves the right to terminate stop any Agreement for current, prior, or future services with anyone and/or any company for any reason. Be respectful, honest, and treat people how you'd like to be treated. This will also terminate void ANY current, prior, or future warranties with Rose Bros. This also pertains to ESA contracts. (10) Violation of Terms and Conditions - If Rose Bros discovers that the Customer has violated any of these terms/conditions, the Customer will be charged a service fee, fines, possible court action against Customer, and/or this agreement will be terminated at the discretion of the President of Rose Bros. (11) Installation/warranties of equipment not purchased by Rose Bros - Rose Bros will not install any equipment and/or parts that has not been specifically purchased for the service call or the installation of a new unit. Rose Bros does not warranty any equipment that was not purchased by Rose Bros. (12) Changing parts - Customers cannot change ANY parts, including the thermostat, after signing a proposal. Customers will receive all equipment as listed in the proposal. (13) Mini Split Units - If Customers are purchasing a mini-split unit, the unit must only be set to either cooling or heating if there is only one condensing unit installed. When only one condenser is installed, all the heads must be set to heating or cooling for them to operate. It is not possible to set one unit to cooling and a different unit to heating when they share a single condenser. (14) Installation of new materials - Rose Bros will properly install new material per current EPA code, and per the Uniform Mechanical Code (Latest Code) requirements. Rose Bros will properly test the unit's operation after installation of new materials to ensure unit is working properly. New materials come with parts and labor warranty. Proper permits will be pulled. All safety standards will be followed. Materials to be installed or supervised by a properly licensed Journeyman and helpers. All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed to the proper parties involved and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. (15) Service Calls - Service calls are not warranted. This includes labor, parts, and equipment, unless parts and equipment come with manufacturer warranty. By New Mexico state law, service work is not required to be warranted. Ex: When Rose Bros shows up and does service work on day 1, and if Rose Bros is called back the next day, the labor and materials starts over again. (16) Lent out property - Do not alter/change/cause any damage to lent-out property belonging to Rose Bros, such as cooler units or heaters. Customers will be responsible for payment and/or replacing anything that has been damaged while in Customers' care. (Ex: If the lent-out cooler is in customers possession and customer believes that it has an odor while in use, DO NOT put dryer sheets/fragrance/cleaner in the cooler unit to "help with the smell"). Rose Bros is not responsible for injury caused by lent out heaters or coolers. Rose Bros lends these units out as a courtesy, use at Customers own risk. (17) Ordering Parts - When the Customer has authorized Rose Bros to order parts, the Customer will pay for that part, once ordered. There are no refunds. (18) Drywall - Rose Bros will try to cut accurate holes in drywall. If a mistake is made, Rose Bros will let the customer know right away. Rose Bros does not offer drywall services. The customer may need to contact a drywall company to fix any holes, texture and paint. Rose Bros will not do drywall hole repair, texture and paint. It will be the customers responsibility to fix the drywall holes, texture and paint. (19) Email Marketing - By accepting a proposal, estimate or service work, you agree to receive occasional marketing emails from Rose Bros. You can opt out anytime, contact our office for details. (20) Equipment Delays-

Due to global shortages on most steel and computer parts, longer shipping times on equipment should be expected. Rose Bros will keep the Customer updated with wait times, when the information becomes available. Rose Bros is not responsible for delays in shipping of equipment, or other unforeseen circumstances. (21) Parts Runs - If a service technician needs to leave to get a part to complete the service repair, the customer will be billed for the time it takes to get the part, including drive time. (22) Line sets Warranties - Line sets installed in walls during installation of new equipment will not be warrantied. (23) Credit Cards on File - All Customers, residential and commercial, are required to put a credit card on file before any service work will be performed. "Alter" work is completed signature also constitutes client approval to bill credit card on file. (24) Install Estimates - All product descriptions are general descriptions. The actual product received may differ from the description. (25) Misc. Install Materials - This is a general description of items that may or may not be included in installs. Even if items are not used on install, the price is not negotiable. (26) Diagnosis Only Visits - If during a diagnosis only visit, a Customer decides to have Rose Bros perform service work, Customer will be charged for diagnosis visit and service work performed.



Kayenta Chapter House's proposal

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