



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

May 4, 2023

Honorable Crystalyne Curley, Speaker
Navajo Nation Council
Post Office Box 3390
Window Rock, AZ 86515

RE: CAP-15-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Regional Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill)

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-15-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Simonson's Delegate Region in the amount of \$4,140,047.47.

My Administration supports the plans of these Chapters who have worked very hard to put together their Regional Plans and is working very closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice President and inform my office of the roadblock and we will work to overcome those roadblocks.

I do want to take the moment to express my concern that any amendments to the Regional Plans must be approved by the Council. In addition, the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This deadline is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on the proposed timeline. We should be designing systems that are flexible, accountable, and transparent. We do not currently have that system and I look forward to working with you and the entire Council to improve the Navajo Nation systems, so we are supporting our communities to take advantage of this historic funding.

Now let's get to work!

Sincerely,

Dr. Buu Nygren, *President*
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
 PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION
 (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,
 WHIPPOORWILL)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, Section Three, states, in part and among other things, that

1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation See CJN-29-22, Section Three (B).
 2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
 3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).
 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
 5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. All projects listed in the Hon. Germaine Simonson's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon.

Germaine Simonson's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

- D. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Germaine Simonson's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. GERMAINE SIMONSON'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) set forth in Exhibit A.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION SIX. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions

of this legislation not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 18th day of April 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

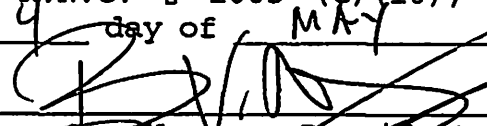
4/27/23
DATE

Motion: Honorable Rickie Nez
Second: Honorable Vince R. James

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 9 day of MAY, 2023.



Buu Nygren, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2023 for the reason(s) expressed in the attached letter to the Speaker.

Buu Nygren, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2023.

Buu Nygren, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Germaine Simonson

Exhibit A

CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	* Pinon Chapter	Pinon Chapter Housing for Community	Division of Community Development	2.15	HK0282-2	\$ 1,000,000.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Septic & Leach Field Repair or Replacement Project	Division of Community Development	5.3	HK0283	\$ 260,468.00
Division of Community Development	None Identified	Forest Lake Chapter Bathroom Additions Project	Division of Community Development	1.14	HK0391	\$ 679,120.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Housing Renovation and Repair for Pinon Community	Division of Community Development	2.18	HK0284-2	\$ 500,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Home Renovation Project	Division of Community Development	2.18	HK0427	\$ 160,439.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Septic Services Project	Division of Community Development	5.5	HK0426	\$ 78,750.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Elderly Bathroom Modification Project	Division of Community Development	1.14	HK0429	\$ 60,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New Home Waterline Project	Division of Community Development	5.11	HK0430	\$ 48,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New House Construction	Division of Community Development	2.15	HK0431	\$ 722,753.47
		CONTINUES on Page 2.....				

*Per CJN-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."

TOTAL: \$ 3,509,530.47

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Germaine Simonson

Exhibit A

CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 3,509,530.47
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Hire of Personnel (Technical Staff/Skilled Construction Workers)	Division of Community Development	2.37	HK0447	\$ 630,517.00
		UN-ALLOCATED AMOUNT				\$ 4,662,292.53

*Per CJN-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."

TOTAL: \$ 8,802,340.00

Whippoorwill Chapter

New House

Construction



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 #: HK 0431

Date & Time Received: 3/30/23 at 14:31

Date & Time of Response: 4/5/23 at 11:00

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: New House Construction

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$722,753.47

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:
2.15, Long-term Housing Security: Affordable Housing

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

- Missing Form
- Supporting documentation missing
- Project will not be completed by 12/31/2026
- Ineligible purpose
- Submitter failed to timely submit CARES reports
- Additional information submitted is insufficient to make a proper determination

- Expenditure Plan incomplete
- Funds will not be obligated by 12/31/2024
- Incorrect Signatory
- Inconsistent with applicable NN or federal laws

Other Comments: Occupancy Agreement would need to be reviewed. Sole source request from the Chapter is unlikely.

Name of DOJ Reviewer: Rodgerick Begay

Signature of DOJ Reviewer: *Rodgerick Begay*

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: WHIPPOORWILL CHAPTER. Date prepared: 03/01/2023

Chapter's mailing address: PO Box 279 phone & email: 505-979-3001/928-725-3727
Pinon, Arizona 86510 website (if any): m_denny@nnchapters.org

This Form prepared by: Mareita Denny, Chapter Manager phone/email: 505-979-3001/m_denny@nnchapters.org
MAREITA DENNY, Chapter Manager 505-979-3001/928-725-3727
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NEW HOUSE CONSTRUCTION

Chapter President: Aaron Yazzie phone & email: 928-383-2751
Chapter Vice-President: Gerald Ahasteen phone & email: 928-781-7269
Chapter Secretary: Phillip Tom, Jr. phone & email: 928-675-7343
Chapter Treasurer: Phillip Tom, Jr. phone & email: 928-725-7343
Chapter Manager or CSC: Mareita Denny, Chapter Manager phone & email: 505-979-3001
DCD/Chapter ASO: Ella Kay, Administ. Assistant phone & email: 928-725-3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter will hire a Contractor, qualified bidder, or selected Contractor from DED Source List and/or Sole Source Procurement. document attached

Amount of FRF requested: 722,753.47 FRF funding period: May 01, 2023 to December 31, 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:

This project will build new homes for families in overcrowding and unhealthy living conditions. New homes provide safe and sanitized environment which reduces rapid spreading of COVID-19. This project includes homes for homeless and families living in dilapidated house and overcrowded living conditions. The Contractor will be responsible for all material purchases transactions and utility infrastructure for these new houses. Every effort will be considered to build near existing utilities infrastructure. Based on housing needs assessments conducted by the chapter, housing assistance is in dire need and assistance will be for registered community voters. document attached

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

New House construction for the community will decrease homeless population and provide better healthier living condition and warm home for the winter or cooler summers. New house increases better sanitized living condition with indoor plumbing/water facilities and with less exposure to COVID-19. 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:

Advertisement for New House Construction projects: March 2023
Award Contract: May 2023
Completion Date: January 2025
We anticipate a volume of housing constructions occurring at same time with other chapters and will create a housing supplies in demand which would affect the cost of material.

document attached

(d) Identify who will be responsible for implementing the Program or Project:
Whippoorwill Chapter administration/staff

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:
Once completion of house, it will be turnover to homeowner by signing an Occupancy Agreement, thereby becoming responsible for upkeeping and maintenance/repairs.

document attached

(f) State which of the 68 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:
Long-term Housing Security: Affordable Housing 2.15 3.10
Whole new house will secure family for a life time.

document attached

Part 3. Additional documents.



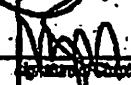
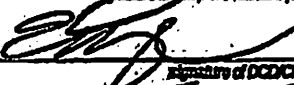
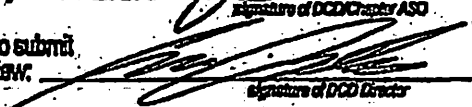
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Occupancy Agreement
Chapter Resolution

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:  Approved by: 
Approved by:  Approved by: 
Approved to submit for Review: 

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 1
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - New House Construction</u>		Division/Branch: <u>DCD/Executive</u>				
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.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 ARPA FUNDS	<u>5-01-23</u> <u>12-31-26</u>	722,753.47	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	<u>6 AH</u>	<u>0 AH</u>	<u>650,478.12 AH</u>	<u>650,478.12 AH</u>
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	<u>6 AH</u>	<u>0 AH</u>	<u>72,275.35 AH</u>	<u>72,275.35 AH</u>
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		50.00	722,753.47	722,753.47
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:		722,753.47	100%					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>James Adakai, Deputy Director</u>				APPROVED BY: <u>Calvin Castillo</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
<u>[Signature]</u> Program Manager's Signature and Date				<u>[Signature]</u> Division Director / Branch Chief's Signature and Date				
				3/30/2023				

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW Program Name/Title: WHIPPOORWILL CHAPTER -NEW HOUSE CONSTRUCTION PROJECT

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:

To assist with New Unit Houses.

Program Performance Measure/Objective:

Assist 3-Clients with new (1)2-Bedroom, (1)2-Bedroom, (1)5-Bedroom Houses.

						3	
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2. Goal Statement:

Program Performance Measure/Objective:

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3. Goal Statement:

Program Performance Measure/Objective:

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4. Goal Statement:

Program Performance Measure/Objective:

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5. Goal Statement:

Program Performance Measure/Objective:

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

James Adakai, Deputy Director
Program Manager's Printed Name
James Adakai
Program Manager's Signature and Date

Calvin Castillo
Division Director/Branch Chief's Printed Name
[Signature]
Division Director/Branch Chief's Signature and Date
3/30/2023

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

Page 1 of 1
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>WHIPPOORWILL CHAPTER - NEW HOUSE CONSTRUCTION PROJECT</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 ^{AM}	Contractual Services ^{AM}		650,478.12 ^{AM}
6520 ^{AM}	Consulting ^{AM}	650,478.12 ^{AM}	
	6530 Consulting-Fees ^{AM}		
	578,202.77 ^{AM}		
	6540 consulting-Expenses ^{AM}		
	72,275.35 ^{AM}		
9000 ^{AM}	Capital outlay ^{AM}		
9050 ^{AM}	Building ^{AM}	72,275.35 ^{AM}	72,275.35 ^{AM}
	9062 Contingencies ^{AM}		
TOTAL		\$ 722,753.47	\$ 722,753.47

FY 2023

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

Page ___ of ___
 BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>WHIPPOORWILL CHAPTER - NEW HOUSE CONSTRUCTION PROJECT</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	Constructural Services 10% design 80% Construction 10% Contingency	\$ 722,753.47	\$ 722,753.47
TOTAL		\$ 722,753.47	\$ 722,753.47

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Whippoorwill Chapter - New House Construction Project</u> Project Description: <u>Construction of 3 to 4 New Unit Houses</u>													PART II. Project Information Project Type: <u>New House Construction</u> Planned Start: <u>May 01, 2023</u> Planned End Date: <u>December 31, 2026</u> Project Manager: <u>Mareita Denny</u>																			
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																																
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.										Expected Completion Date if project exceeds 8 FY Qtrs. Date: <u>Dec 31, 2026</u>																					
	FY 2023												FY 2024																			
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.										
General Requirements Architect/Engineer Sole Source Contract Award Construction Completion/Close Out.	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M		
										X															X	X	X	X	X	X	X	X
	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL							
Expected Quarterly Expenditures	0.00			0.00			0.00			103,250.50			103,250.50			103,250.50			103,250.50			103,250.50			\$722,753.47							

FOR OMB USE ONLY: Resolution No.: _____ FMS Set Up Date: _____ Company No.: _____ OMB Analyst: _____



Whippoorwill Chapter

P.O. Box 279
Pinon, AZ 86510

Phone #: (928)725-3727/3728/Fax: (928) 725-3745

Email: whippoorwill@navajochapters.org



Marcita Denny, Chapter Manager

Germaine Simonson, Council Delegate

Aaron Yazzie, President

Gerald Ahasteen, Vice-President

Ella M. Kay, Administrative Assistant

Phillip Tom Jr., Secretary/Treasurer

RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-29

REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S NEW HOUSE CONSTRUCTION PROJECT SUBJECT TO BE FUNDED IN AMOUNT OF \$722,753.47 BY AMERICAN RESCUE PLAN ACT

WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the Five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24 AND
3. Navajo Nation received American Rescue Plan Act fund to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Long-term Housing Security: Affordable 2.15, 3.10, AND
4. Whippoorwill Chapter conducted a housing assessment and concluded some family would need a completely new house to decrease overcrowding condition, unhealthy living environment, dilapidated housing structures and exposed unsafe electrical wiring; AND
5. This project will benefit the homeless and selected families are found to be living near the power and water lines, and the families have approved homesite lease and are considered "shovel ready" project; AND
6. The Whippoorwill community social-economic condition is considered below the minimum income level per State and National Income Guideline; therefore, this project is in their interest to receive American Rescue Plan Act funding for new house.

NOW THEREFORE IT BE RESOLVE THAT:

1. The Whippoorwill hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan for our chapter's New House Construction Project subject to be funded in amount of \$722,753.47 by American Rescue Plan Act.
2. Whippoorwill Chapter hereby affirms that the chapter will only use awarded Fiscal Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulation, and policies.

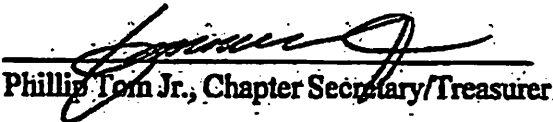
CERTIFICATION

We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the November 4th, 2022.

Motioned by RASHUND JIE Second by JOHNNY NAIZE


Aaron Yazzie, Chapter President


Gerald Ahasteen, Chapter Vice President


Phillip Tom Jr., Chapter Secretary/Treasurer


Jimmy Yellowhair, NN Council Delegate


Albert Wartz, Grazing Official



Whippoorwill Chapter



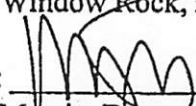
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Marcita Denny, Chapter Manager Ella M. Kay, Administrative Assistant
Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

MEMORANDUM

March 22, 2023

TO: Department of Justice
Window Rock, AZ

FROM: 
Marcita Denny, Chapter Manager
Whippoorwill Chapter

SUBJECT: Requesting an Approval for Sole Source

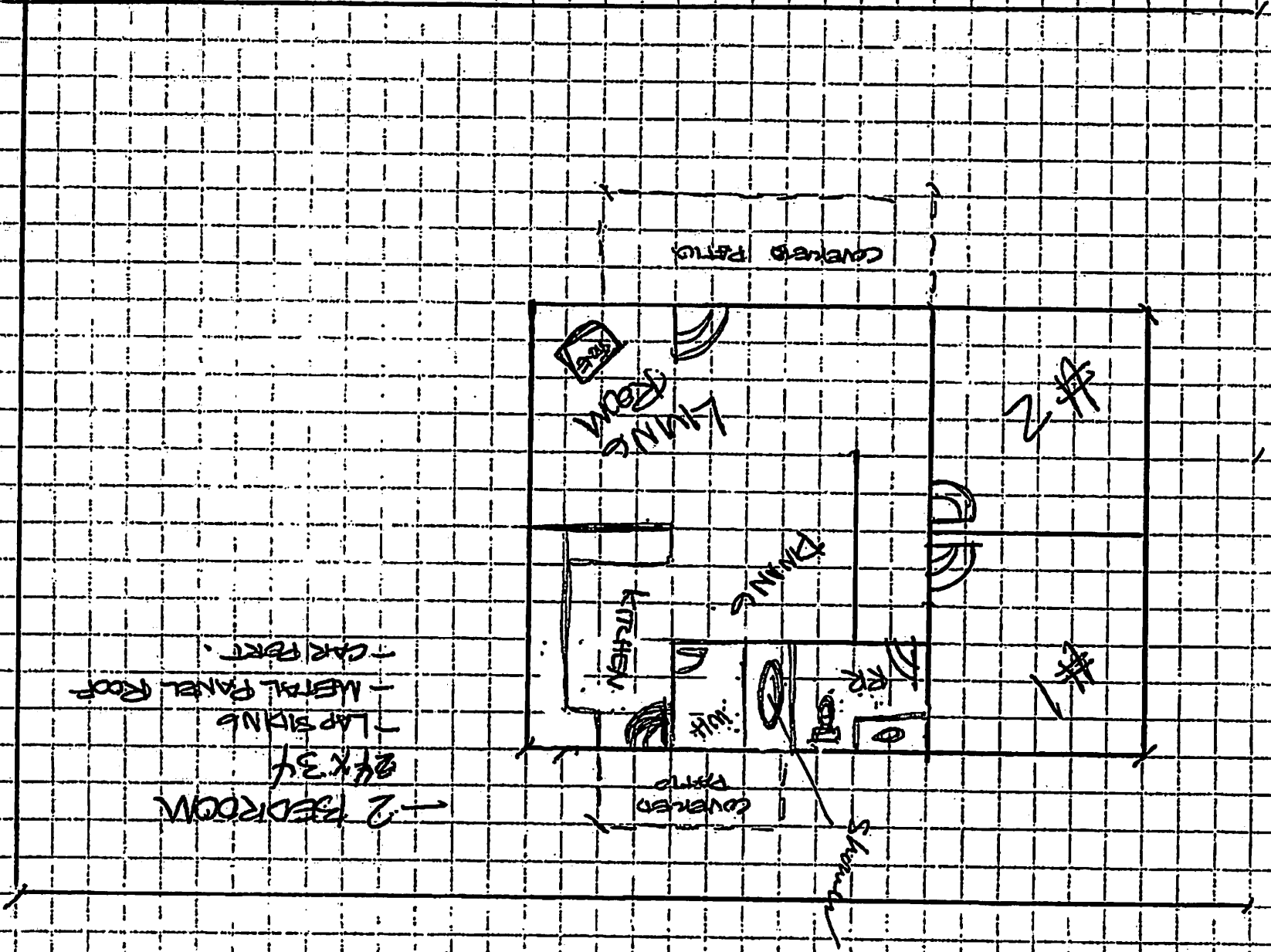
Whippoorwill Chapter planned to construct three residential homes for disabled elderly and veterans, handicapped, and homeless. The recipients' families are in an overcrowded situation and living in dilapidated homes. Whippoorwill Chapter is in an extremely rural community and no active businesses or structures within our community. The income level is far below the Arizona Poverty Level at \$11,000 a year and geographically isolated from mainstream communities.

Beginning from March 2022, the reconstruction of a new Whippoorwill Chapter House began after it was destroyed by fire in January 2022 and most likely caused by arson. The actions were obvious, but it was never investigated by the Nation. During chapter house reconstruction, Contractor MOB experienced additional costs associated with transporting housing material, equipment rentals, concrete, and a lack of skilled workers and professional journeymen for the construction project. However, MOB did handle and manage the budget constraints with careful direction to meet the project deadline in a rural area.

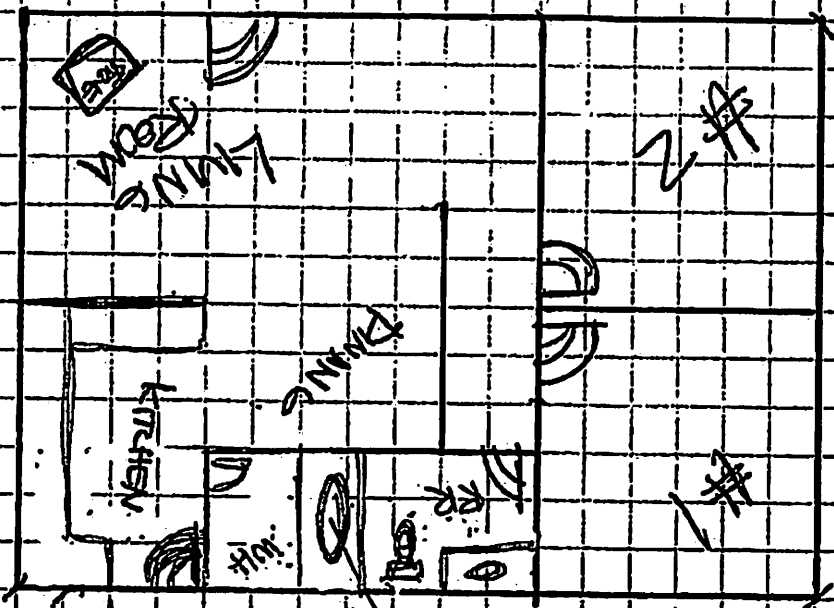
The use of the Sole Source process as stated in our Five Management System at Procurement Management Policies and Procedures VII is an available path when necessary. Sole Sourcing provides for instruction and procedures to justify Sole Source use. Therefore, we present these non-competitive justifications to use Sole Sourcing to construct four new houses under American Rescue Plan Act funding:

1. The isolated location of Whippoorwill Chapter does not provide an environment for a competitive process and provides unnecessary delays for projects.
2. Whippoorwill community faces a tremendous challenge of having a rural, isolated location in Indian Country, which is significant and, in most cases, not easily identified by federal or Navajo Nation officials.
3. Tribal land status does not provide for land ownership and in a rural, isolated setting such as Whippoorwill Chapter the ability for residents to obtain affordable housing is very difficult.
4. There are several dilapidated homes that house vulnerable families, who do not have the financial income necessary to overcome the barrier of the expense of large repairs such as roof replacement.
5. To transport goods and services, businesses attach an additional 18% to all services or goods delivered to our community because of its rural location which will make it difficult to obtain the best value pricing. This can push project cost beyond the project allocation that can lead to high-risk failure. All deliveries that travel into Whippoorwill share one paved road with residents and that does not come straight to Whippoorwill.
6. Market research provides that the nearest home supply businesses are a 150-mile drive (two hours and thirty minutes) for lumber, windows, doors, hardware, roofing, and other supplies associated with building a new house.
7. Additionally, renting heavy equipment for the job can substantially increase costs for a project making it unattractive and difficult for bidders to provide a competitive bid.
8. Whippoorwill community has 85 miles of dirt roads and only one paved road which ends at the next chapter house. Then all commuters must enter the paved road to purchase their essentials.

Our justification meets and supports the Treasury Policy on use of Sole Source for American Rescue Plan Act.

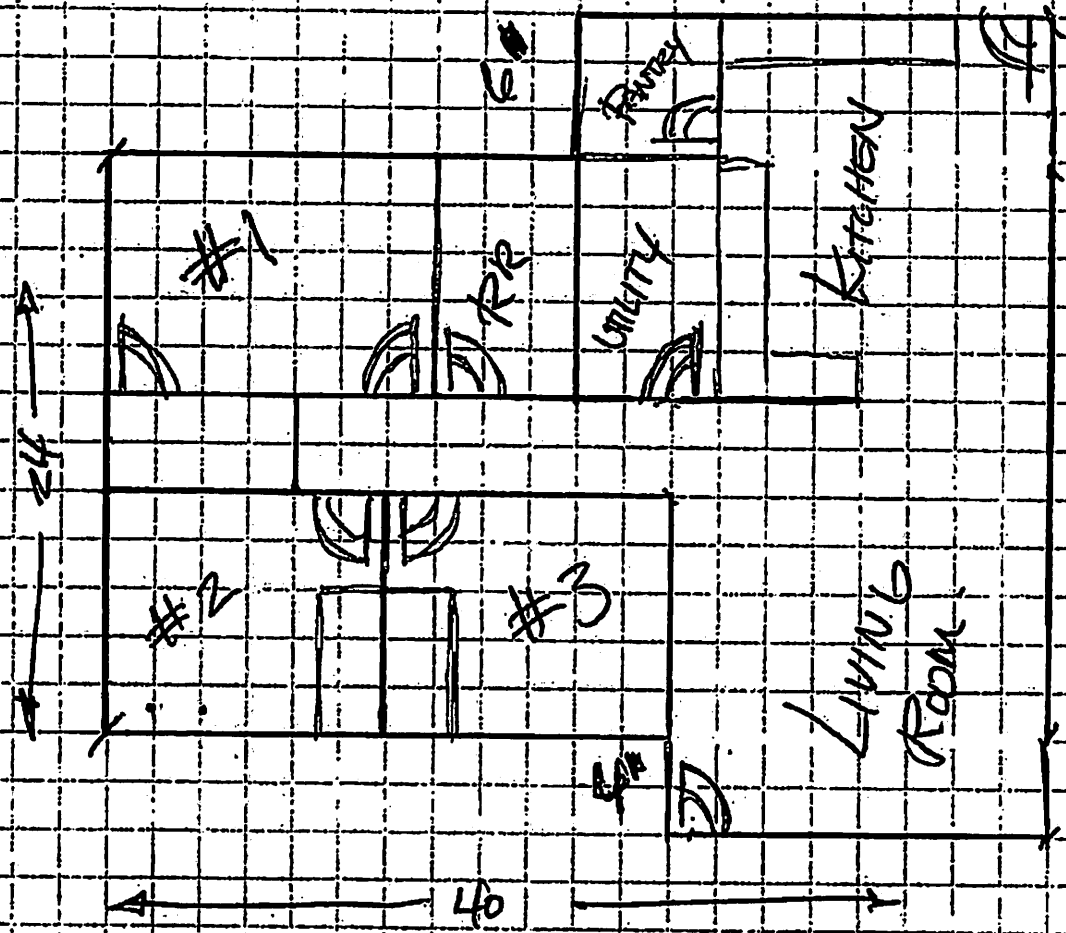


- 2 BEDROOM
 24x34
 - LAP SIDE
 - METAL PANEL ROOF
 - CAR PART



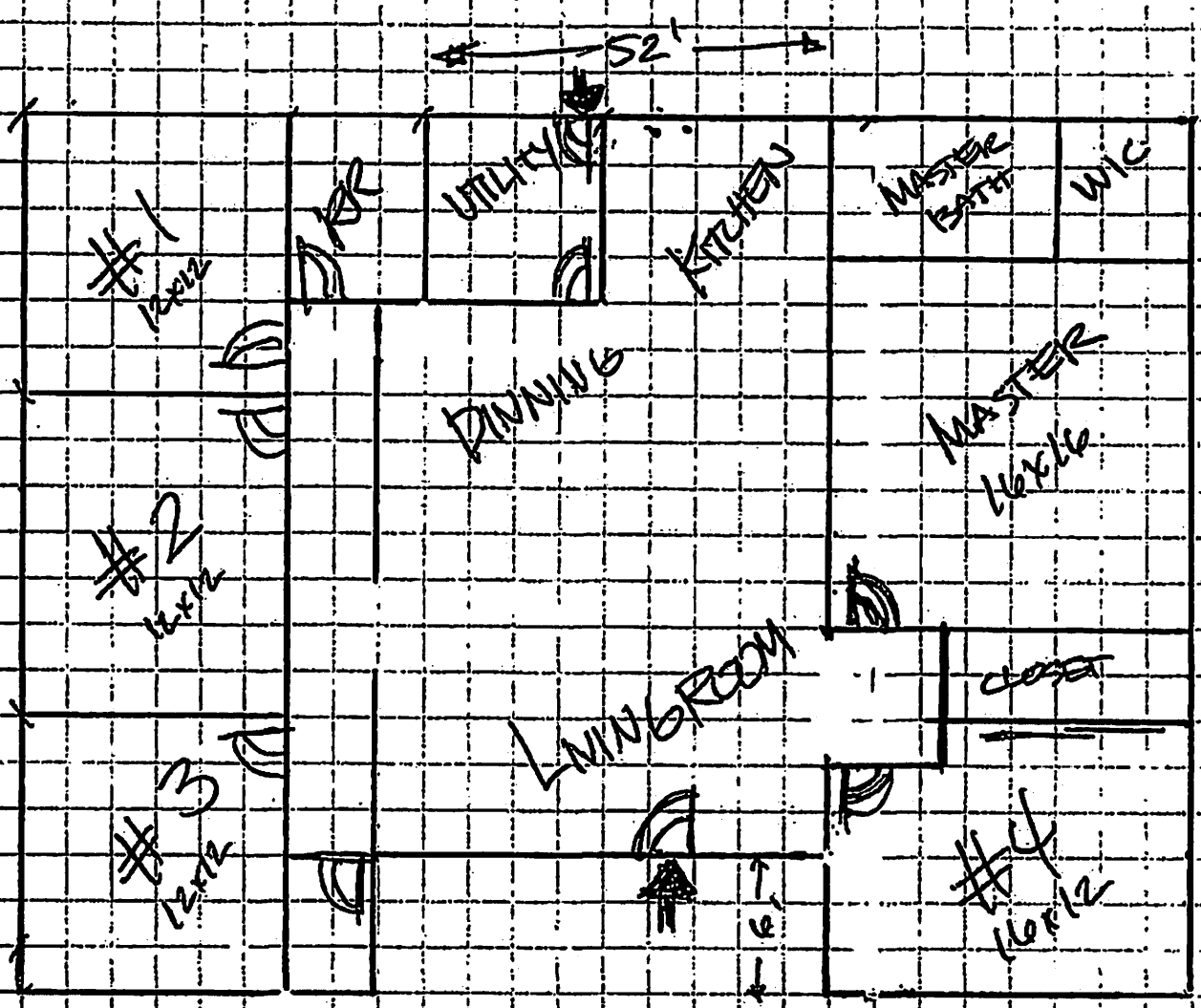
COVERED PART
 SHOWER
 COVERED PART

COVERED PART



- 3 BED ROOM
- LAP SIDING
- METAL PANEL ROOF
- CAR PORT.

- CONCRETE SLAB
- LAP SIDING
- METAL ROOF (PANEL)
- CARPORT



1/2 DOWN
\$1000.00

ADDITIONAL INFORMATION:

- 1. What are the criteria to be approved for a new home/how will recipients be selected? Please be specific, including any family size and income limitations, as well as any other specific needs of the intended recipients.**

Answer (a): "In Navajo teaching it is said a home is a strong indicator of true stability, a home is a strength for family's prayer, song and teaching of life".

To fulfill the chapter membership's needs, the Whippoorwill Chapter administration undertook the task to conduct community housing needs assessment(s) assisting the chapter memberships with housing applications to determine the needs of their requests. Exhibit "A" application on file as specific needs confidential information. For every specific major project as Housing Needs, assessments are continual or ongoing and moving forward. Attached Exhibit "A", Whippoorwill Chapter Housing Application and Process for eligibility and Ranking/Eligibility Forms.

Answer (b): Whippoorwill Chapter Housing Client Applications when completed indicates, Family Composition for household members including applicant and client characteristics as elderly, disability, children employed or unemployed.

NOTE: An elderly person is an individual 60 years of age or older and determination of whether a family member in the household is disabled or handicap through means of written verifications i.e. Social Services, Federal, State or other Agency Sources. The Whippoorwill Chapter as sub grantee observes visible handicap. Any Family Size – Family size is determined based on application filed, which has a list of family members in the household.

Answer (c): Income Limitations: For household members including applicant's "Source of Income" such as employment, Social Security, Social Supplemental, Retirement, Tribal Assistance, etc. are determined along with family composition using client application and Whippoorwill Chapter Housing Discretionary Policy and Procedures in areas of Income Guidelines.

Answer (d): As well as other specific needs – Other specific needs are determined based on application on filed, such as elderly, disabled, handicap, homeless, and dilapidated home structure and etc.

The selected family will have an approved Homesite Leases and to ensure that all utilities are nearby for easy connections.

- 2. Please describe in more detail the homes to be built, including square footage, number of bedrooms, etc.:**

Answer (a): The Whippoorwill Chapter's primary consideration for the "Intent for Labor Commitment" is to obtain or hire a Contractor for the Housing Construction Project, due to the

Whippoorwill Chapter will commit to completing this project in a timely manner from the date of the fund appropriation. It will be the responsibility of the Contractor for the Plan and Designing of floor plans and square footages for each home. Attached: Exhibit "B".

3. Please describe how the estimate size and cost per home compares to homes already existing in the area these homes will be located.

Answer (a): It will be the hired Contractors responsibility in addition to its Plan and Design of the homes to provide cost per home for each size home to be built whether a 1-bedroom, 2-bedrooms or 3-bedroom conform to Federal Housing Standard Square Footage. It is the LMC's intent to negotiate a reasonable cost effectiveness for the homes to be built, the Chapter is aware of the continuing rise in the general price level of materials and labor attributed to COVID-19 and to an increase in the volume of money and credit. Homes were cheaper or were constructed with less cost maybe prior to 2020 compared to today. The cost of building a house in rural community has its drawback to building supplies. High cost is associated with the delivery and trades people in rural area.

1-Bedroom size: 16x28

2-Bedroom size: 24x34

3-Bedroom size: 34x40

4. Please explain whether the home construction projects would qualify for any federally funded housing programs, including but not limited to the National Housing Trust Fund, Indian Housing Block Grant program, the Indian Community Development Block Grant program, or the Bureau of Indian Affairs Housing Improvement Program.

Answer (a): The New House will be constructed by a Contractor and will have a certified Blue Print Design and the Contractor will comply with the Housing Development Specifications, NTUA, IHS and ADA requirements. And upon completion, the Contractor shall release the design and the cost to the homeowner qualifications for programs, whether Block Grant Programs, Bureau of Indian Affairs (BIA), etc. Yes, these Home Construction Project, based on good applications, proposals and cost estimate effectiveness would qualify for any federally funded housing programs.

- To protect source of funding, once a family occupies a home, an agreement will be secure to maintain a house for fifteen years. An agreement will restrict selling and renting, and no illegal activities in house.

HOUSING IMPROVEMENT PROGRAM (HIP)

COMMUNITY HOUSING & INFRASTRUCTURE DEPARTMENT

The Housing Improvement Program (HIP) is a federally funded program by P. L. '93-638 contracts. The program is to improve the living standards by providing decent, safe and sanitary homes within the territorial boundaries of the Navajo Nation. HIP provides housing assistance through home repairs, renovations, replacement of existing house or new construction to assist very-low income families and/or individual(s) living in substandard housing and have no other resources for housing assistance. The four factors use for eligibility requirements is outlined in 25 Code of Federal Regulations (C.F.R.) Part 256. The four factors are: Annual Household Income, Age persons, Disability Individual and Dependent children. The applicants must submit a complete housing application and all required documents to HIP Agency Office before ending date. All applications received are reviewed and screened to determine eligibility for housing assistance.

ELIGIBILITY REQUIREMENTS

- Must be an enrolled member of the Navajo Tribe.
- Must be living in the Navajo Tribal service area.
- Total annual household income must not exceed 125% of the Federal Poverty Income Guidelines (FPIG). Applicants with an annual household income exceeding 125% of the FPIG are not eligible for the program.
- Your present housing must be sub-standard.
- Meet the ownership requirements, including a finalized and approved Homesite Lease with Archeological Clearance report in the applicant's name.
- Have no other resource for housing assistance.
- Have not received any other type of federal government sponsored housing program assistance since October 1, 1986.

REQUIRED DOCUMENTS

- Housing Application, BIA Form 647
- Certificate of Indian Blood
- Proof of Income Documents:
- Finalized and Approved Homesite Lease in Applicant's name
- Archeological Clearance Report in the Applicant's name (if applicable)
- Physician's Certificate Form
- Housing Assistance Certification Form
- Release of Information Authorization Form

Applicant/Co-Applicant: _____
 Chapter: _____

Fiscal Year: _____
 Date of Application: _____

1. ANNUAL INCOME: Family Size: _____ **MAX POINTS: 25**

0 - 25%	25	Pts	_____
26 - 50%	20	Pts	_____
51 - 75%	15	Pts	_____
76 - 100%	10	Pts	_____
101 - 125%	5	Pts	_____
126 - 150%	0	Pts	_____

Applicant: _____
 Co-Applicant: _____
 Other HHM: _____
 Other HHM: _____
 Other HHM: _____
 Total Annual Income: _____

2. AGED PERSON: Provide birthdate of oldest household member. **MAX POINTS: 15**

DOB: _____ AGE: _____

AGE:	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	→
PTS:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15								→

3. DISABLED INDIVIDUAL: **MAX POINTS: 10**

Is there a disabled resident? Yes: _____ No: _____

"Maximum points awarded under this factor is 10, regardless of the number of disabled residents"

4. DEPENDENT CHILDREN - Under 18 years old **MAX POINTS: 15**

No. of Children:	1	2	3	4	5 or more
No. of Points:	3	6	9	12	15 points >

Guardianship documents are required to received points.

5. OTHER CONDITIONS: Pts **MAX POINTS: 15**

Veteran: _____ Pts
 Homeless: _____ OR Dilapidated house: _____
 Overcrowded conditions: _____

"If any of the conditions are present - 5 points for each conditions that applies."

6. CATEGORY "D" - Down Payment Assistance Yes: _____ N/A _____ **MAX POINTS: 25**

The Applicant must have approved finance to purchase a home.

Application Screened by: _____ Date _____

Total Pts

COMMENTS: _____

0 - 25%
 26 - 50%
 51 - 75%
 76 - 100%
 101 - 125%
 126 - 150%
 151% +

ANNUAL INCOME: For all permanent HHM

25 points	Applicant:	
20 points	Spouse:	
15 points	Other HHM:	
10 points	Other HHM:	
5 points	Other HHM:	
0 points		
Ineligible		
TOTAL INCOME:		

MAXIMUM POINTS 25

Eligibility/ Selection Criteria @ 150% FPIG

Age:
 Points:

AGED PERSON: Must be living in the house: MAXIMUM POINTS 15

55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	→	→
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	→	→	→	→	→	→

No. of Children
 Points:

DEPENDENT CHILDREN:

MAXIMUM POINTS 15

1	2	3	4	5 or more
3	6	9	12	15 <

MAXIMUM POINTS

10 points	Disabled Individual	Regardless of number of disabled residents.
5 points	Veteran	
5 points	Homeless	(Applicant have no house)
5 points	Dilapidated House	(Applicant occupy and own the house)
5 points	Overcrowded	(Applicant occupy and own the house) HHM:

HOUSING IMPROVEMENT PROGRAM

Applicant Name: _____

Fiscal Year: 2023

Chapter: _____

Distribution Date: _____

TYPE OF HOUSING ASSISTANCE REQUEST: (Check one)

New House
 Renovation
 Addition
 Other _____

All Household Members over 18 years of age is required to complete income forms.

HOUSING ASSISTANCE APPLICATION PACKET

All forms must be complete, sign, dated and all questions answered.

Housing Assistance Application (Form BIA 6407)		
Map - directions to your residence		
Income Information Checklist		
Individual Indian Money (IIM form)		
Federal Income Tax Information (If filed, provide copies of current 1040 Tax Return)		
Complete Employee Verification(s) by Employer, if employed.		
Housing Assistance Verification (complete by NHA)		
Authorization to Release of Information		

REQUIRED DOCUMENTS

Provide list of the required documents to complete application process.

Certificate of Indian Blood (CIB) -for all household members		
Social Security Number - for all household members		
Award Letters from Social Security, VA, Retirement, Unemployment, etc.		
Medical Records/ Dr. Statement - If claiming disability		
Veteran Document (DD214) - If claiming Veteran		
Finalized Homesite Lease - In Applicant's Name		
Cultural Resource Compliance w/map OR Archaeological Inventory Report w/map		
Other: Additional forms if needed.		

DUE BY: September 30, 2022

ADDRESS: HOUSING IMPROVEMENT PROGRAM

Post Office Box 527 Fort Defiance, Arizona 86504

Phone No.: (928) 729-4017 Fax No.: (928) 729-4277

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
HOUSING ASSISTANCE APPLICATION**

- All questions in this application must be answered. The requested information is self-explanatory.
- This application is subject to the Privacy Act of 1974, Pub. L. 93-579

A. APPLICANT INFORMATION

1. Name: _____
Last First MI Maiden Name (if any)
2. Current Address: _____
Street Address P.O. Box # (if any)
City State Zip Code
3. Telephone Number: (____) _____
4. Date of Birth: _____ 5. Social Security Number: _____
6. Tribe: _____ Roll Number: _____
Reservation/Rancheria: _____
7. Marital Status: Married Single Widowed Other
If you checked "Other", please explain: _____
8. Are you Homeless? No Yes 9. Are you or spouse a Veteran? No Yes

Information About Spouse: _____

10. Name: _____
Last First MI Maiden Name (if any)
11. Date of Birth: _____ 12. Social Security Number: _____
13. Tribe: _____ Roll Number: _____

B. FAMILY INFORMATION

List all other persons living in household on a permanent basis. Start with the oldest and provide Name, Date of Birth, Social Security Number, Relationship to Applicant, and Tribe/Roll Number.

Name	Date of Birth	Social Security #	Relationship to Applicant	Tribe/Roll Number

If you need more space, use a blank sheet of paper.

Date of this application: _____

C. INCOME INFORMATION

14. **Earned Income:** Start with applicant, then list all permanent family members, including all who are listed under Parts A and B and have earned income. Provide signed copy of SF-1040 (income tax return), W-2 forms, wage stubs, etc. for verification.

Name	Annual Earned Income	Source of Income

Total annual earned income: \$ _____

15. **Unearned Income:** Start with applicant, then list all permanent family members, including all who are listed under Parts A and B and have unearned income such as social security, retirement, disability and unemployment benefits, child support and alimony, royalties, per capita payments, interest, etc. Provide check stubs, statements, individual Indian Money (IIM) ledgers, etc. for verification.

Name	Annual Unearned Income	Source of Income

Total annual unearned income: \$ _____

16. **TOTAL COMBINED ANNUAL HOUSEHOLD INCOME** (earned + unearned): \$ _____

D. HOUSING INFORMATION

17.	Location of the house to be repaired, renovated or constructed. (Give address and detailed directions to this house). **DRAW MAP ON BACK OF THIS PAGE**
18.	Provide a brief description of the problems you are experiencing with your house or the type of housing assistance for which you are applying.
19.	If repair assistance is needed, do you own _____ or rent _____ this house?
	If renting, is the owner Indian? No Yes
	If yes, provide name of owner(s):
20.	Are you living in overcrowded conditions? No Yes
21.	Is the condition of the home in a dilapidated state? No Yes

Date of this application: _____

HOUSING INFORMATION, continued.

22.	Is electricity available? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, provide name of electric company: _____				
23.	Type of Sewer system:	<input type="checkbox"/> City Sewer	<input type="checkbox"/> Septic Tank	<input type="checkbox"/> Chemical Toilet	<input type="checkbox"/> Outhouse
	Water Source:	<input type="checkbox"/> City Water	<input type="checkbox"/> Private Well	<input type="checkbox"/> Community Water Tank	
24.	No. of Bedrooms _____				
25.	House Size: _____ (Square Feet)	LENGTH _____ ft/in	WIDTH _____ ft/in		
26.	Bathroom facilities in existing house:	Facility	Yes	No	
		Flush toilet			
		Bath tub			
		Sink/lavatory			

E. LAND INFORMATION

27.	Do you own the land on which you wish to renovate or build this home? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	If no, can you provide proof that you can obtain land? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	Provide the name of the owner(s): _____			
28.	What is the current status of the land?	Fee	Tribal Fee	Native/Restricted
		Individual trust land	Tribal trust land	Public Domain
		Individually restricted	Tribally restricted	Other:
29.	If you do not own the land, do you have: _____ Leasehold interest? _____ Use permit? _____ Indefinite assignment or joint ownership? If so, please explain: _____			

F. GENERAL INFORMATION

		Yes	No
30.	Have you or anyone in your household ever received Housing Improvement Program assistance?		
	If yes, give amount received \$ _____; the year it was received: 19____; and the location of the house: _____		
31.	Do you own any other house not occupied by your family?		
	If yes, state where the house is located: _____ and who occupies it: _____		
32.	Do you live in a house built with Housing and Urban Development (HUD) funds?		
33.	Is the HUD project still under operation of an Indian Housing Authority?		
34.	Are you seeking Down Payment Assistance?		
	If yes, have you applied with USDA Rural Development or other lending institution? Please provide a copy of the credit letter.		
35.	If you are requesting assistance for a new housing unit, have you applied for assistance from:		
	• Indian Housing Authority? If yes, provide date of application: _____		
	• Tribal Credit Program? If yes, provide date of application: _____		
	• Other? From who: _____ If yes, provide date of application: _____		
36.	Does anyone in your family, who is a permanent resident listed under Parts A and B of this application, have a severe health problem, handicap or permanent disability?		
	If yes, provide name of family member _____ and brief description of condition. (Your servicing housing office will advise you if you must provide a statement of condition from one source, which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination).		

Date of this application: _____

G. APPLICANT CERTIFICATION

(Read this certification carefully before you sign and date your application. Sign in ink).

I certify that all the answers given are true, complete and correct to the best of my knowledge and belief, and they are made in good faith. This certification is made with the knowledge that the information will be used to determine eligibility to receive financial assistance, and that false or misleading statements may constitute a violation of 18 U.S.C. 1001.

This application contains material covered by the Privacy Act. No record will be communicated to anyone or any agency unless requested in writing, by the applicant, or unless an officer or employee of the housing program or other Federal agency requires it in the performance of their duties.

Applicant's Signature: _____

Date: _____

Spouse's Signature (if appropriate) _____

Date: _____

PRIVACY ACT STATEMENT

25 CFR 265 and 25 U.S.C. 13 authorize the collection of this information. This information is covered by the system of record notice "Indian Housing Improvement Program, Interior, BIA-10." The primary use of this information is to determine eligibility for assistance under the Housing Improvement Program. The records contained therein may only be disclosed in accordance with the routine uses and may not otherwise be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of the individual to whom the record pertains. If the BIA uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes. Executive Order 9397 authorizes the collection of your Social Security number. Furnishing the information is voluntary but failure to do so may result in disapproval of your application.

PAPERWORK REDUCTION ACT STATEMENT

This information is being collected to select eligible families or individuals to participate in the Housing Improvement Program. Response to this request is required to obtain a benefit in accordance with 25 CFR 256. You are not required to respond to this collection of information unless it displays a currently valid OMB control number. This information will be used to determine the eligibility and the ranking of the applicant. Public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to Information Collection Clearance Officer – Indian Affairs, 1849 C Street, NW, MS-4141, Washington, DC 20240.

Date of this application: _____

LII > Electronic Code of Federal Regulations (e-CFR) > Title 25 - Indians
> CHAPTER I - BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
> SUBCHAPTER K - HOUSING
> PART 256 - HOUSING IMPROVEMENT PROGRAM (HIP)
> Subpart A - General Provisions > § 256.2 Definitions.

25 CFR § 256.2 - Definitions:

CFR Table of Popular Names

§ 256.2 Definitions.

As used in this part:

Agency means the organizational unit of BIA that provides services to or with the governing body or bodies and members of one or more specified Indian tribes.

Appeal means a written request for review of an action or inaction of an official of BIA that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

Applicant means an individual(s) filing an application for services under the HIP.

BIA means the Bureau of Indian Affairs in the Department of the Interior.

Category A means the HIP funding category for minor repair not to exceed limits in § 256.7 of this part.

Category B means the HIP funding category for renovation not to exceed limits in § 256.7 of this part.

Category C-1 means the HIP funding category to replace a house that cannot be brought up to standard housing condition for \$60,000 or less.

Category C-2 means the HIP funding category for building new housing as defined in § 256.13(g)(1)-(5).

Category D means the HIP funding category for assistance as defined in § 256.11(a)-(c).

Certificate of Title or Ownership means a document giving legal right to a house constructed with HIP funds.

Child means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage can be deemed a child.

Cost effective means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the house to satisfy the recipient's housing needs.

Dilapidated housing means a house which in its present condition endangers the life, health, or safety of the residents.

Disabled means having a physical or intellectual impairment that substantially limits one or more major life activities.

Family means one or more persons living within a household.

Homeless means being without a home.

House means a building for human habitation that serves as living quarters for one or more families.

Household means persons living with the head of household who may be related or unrelated to the head of household and who function as members of a family.

Independent trades person means any person licensed to perform work in a particular vocation pertaining to building construction.

Indian means any person who is a member of any federally recognized Indian tribe.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103-454, 108 Stat. 4791.

Overcrowding means a number of occupants per house that exceeds limits identified in § 256.10(d).

Permanent members of household means adults living in the household who intend to live there continuously and any children who meet the definition of *child* in this part.

Regional Director means the officer in charge of a BIA regional office or his/her authorized delegate.

Secretary means the Secretary of the Interior.

Service area means any of the following within a geographical area designated by the tribe and approved by the Regional Director to which services can be delivered:

- (1) Reservations (former reservations in Oklahoma);
- (2) Allotments;
- (3) Restricted lands; and
- (4) Indian-owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act).

Servicing housing office means the tribal housing office or bureau housing office administering the HIP.

Standard housing means a house that meets the definition of *standard housing condition* in this part.

Standard housing condition means meets applicable building codes within that region and meets each of the following conditions:

- (1) General construction conforms to applicable tribal, county, State, or national codes and to appropriate building standards for the region.
- (2) The heating system has the capacity to maintain a minimum temperature of 70 degrees in the house during the coldest weather in the area and be safe to operate and maintain and deliver a uniform heat distribution.
- (3) The plumbing system includes a properly installed system of piping and fixtures certified by a licensed plumbing contractor.
- (4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and appliance operation certified by a licensed electrician according to the applicable electrical code.
- (5) The number of occupants per house does not exceed these limits:
 - (i) Two-bedroom house: Up to four persons;
 - (ii) Three-bedroom house: Up to six persons;

(iii) Four-bedroom house: Adequate for all but the largest families.

(6) The first bedroom has up to 120 sq. ft. of floor space and additional bedrooms have up to 100 sq. ft. of floor space each.

(7) The house site provides economical access to utilities and is easy to enter and leave.

(8) The house has access to school bus routes, if the household includes children who rely on school buses.

Substandard housing means any house that does not meet the definition of *standard housing condition* in this part.

Superintendent means the BIA official in charge of an agency office.

$$120 \text{ sq. ft.} = 11 \text{ ft by } 11 \text{ ft} \\ 121 \text{ sq. ft.}$$

$$100 \text{ sq. ft.} = 10' \times 10'$$

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Table of Popular Names

Parallel Table of Authorities

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- LII > Electronic Code of Federal Regulations (e-CFR) > Title 25 - Indians
- > CHAPTER I - BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
- > SUBCHAPTER K - HOUSING
- > PART 256 - HOUSING IMPROVEMENT PROGRAM (HIP)
- > Subpart B - Determining Eligibility
- > **§ 256.6 Am I eligible for the Housing Improvement Program?**

25 CFR § 256.6 - Am I eligible for the Housing Improvement Program?

CFR

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the HIP if you meet all of the following criteria:

- (a) You are a member of a federally recognized Indian tribe;
- (b) You live in an approved tribal service area;
- (c) Your annual income is 150 percent or less of the Department of Health and Human Services poverty income guidelines, which are available from your servicing housing office or the Department of the Interior Web site at www.bia.gov;
- (d) Your present housing is substandard as defined in § 256.2;
- (e) You meet the ownership requirements for the assistance needed, as defined in § 256.8, § 256.9, or § 256.10;

(f) You have no other resource for housing assistance;

(g) You have not previously received assistance relating to categories as defined in §§ 256.9, 256.10, and 256.11; and

(h) You did not acquire your present housing through past participation in a Federal government-sponsored housing program over the previous 20 year period.

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Table of Popular Names

Parallel Table of Authorities

- (b) The grant must not exceed the amount necessary to secure the loan and may be used for down-payment assistance, closing costs, and pre-home ownership counseling. Participation with other complementary housing programs is encouraged.
- (c) The method of awarding the grant must ensure that the funds are used for the purpose intended.

§ 256.12 Who administers the program?

The HIP is administered by a servicing housing office operated by either a tribe (under a Pub. L. 93-638 contract or a self-governance annual funding agreement) or BIA.

Subpart C - Applying for Assistance

§ 256.13 How do I apply for the Housing Improvement Program?

- (a) First, obtain an application, BIA Form 6407, from your servicing housing office or the BIA Web site.
- (b) Second, complete and sign BIA Form 6407.
- (c) Third, submit your completed and signed application to your servicing housing office.
- (d) Fourth, furnish to the servicing housing office documentation proving your tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.
- (e) Fifth, provide proof of income from all permanent members of your household.
 - (1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W-2s and all other attachments. Submit the Social Security number of the applicant only.
 - (2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as Social Security, general assistance, retirement, and unemployment benefits.
 - (3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.
- ~~(f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency. If you do not have an IIM account, furnish a statement from your home agency to that effect.~~
- (g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:
 - ~~(1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;~~
 - (2) For trust property, provide certification of ownership from your home agency;
 - (3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;
 - ~~(4) For multi-owner property, provide a copy of a properly executed lease;~~
 - ~~(5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or~~
 - ~~(6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your creditworthiness, and the sale price of the house.~~
- ~~(h) Eighth, if you seek down-payment assistance, provide a letter from the institution where you have applied for mortgage financing that specifies:~~
 - ~~(1) The down payment amount and~~
 - ~~(2) The closing costs required for you to qualify for the loan;~~

§ 256.14 How is my application processed?

- (a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

- LII > Electronic Code of Federal Regulations (e-CFR) > Title 25 - Indians
- > CHAPTER I - BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
- > SUBCHAPTER K - HOUSING
- > PART 256 - HOUSING IMPROVEMENT PROGRAM (HIP)
- > Subpart C - Applying for Assistance
- > **§ 256.13 How do I apply for the Housing Improvement Program?**

25 CFR § 256.13 - How do I apply for the Housing Improvement Program?

CFR

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(e) Fifth, provide proof of income from all permanent members of your household.

(1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W-2s and all other attachments. Submit the Social Security number of the applicant only.

(2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as Social Security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.

(f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency. If you do not have an IIM account, furnish a statement from your home agency to that effect.

(g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:

(1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;

(2) For trust property, provide certification of ownership from your home agency;

(3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;

(4) For multi-owner property, provide a copy of a properly executed lease;

(5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or

(6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your intent to purchase, and the sale price of the house.

(h) Eighth, if you seek down payment assistance, provide a letter from the institution where you have applied for mortgage financing that specifies:

(1) The down payment amount; and

(2) The closing costs required for you to qualify for the loan.

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- > CHAPTER I - BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
- > SUBCHAPTER K - HOUSING
- > PART 256 - HOUSING IMPROVEMENT PROGRAM (HIP)
- > Subpart C - Applying for Assistance
- > **§ 256.14 How is my application processed?**

25 CFR § 256.14 - How is my application processed?

CFR

§ 256.14 How is my application processed?

(a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the HIP.

(1) If you are found ineligible for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point value
1	Annual household income: Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income. A household with an income 151 percent of more of the Federal poverty guidelines is ineligible for the HIP	Income as a percentage of the Federal poverty guidelines:	Points:
		0-25	25.
		26-50	20.
		51-75	15.
		76-100	10
		101-125	5.
		126-150	0.
2	Aged person: person age 55 or older and must be living in the house. Maximum points awarded under this factor is 15, regardless of the number of years over age 55. Thus, 15 points will be added to the score for a resident who is 70 years old or older.	Years of age: Less than 55 55 and older	Points: 1 point per year over age 54, up to maximum of 15 points.
3	Disabled individual: One or more disabled persons living in the house. Must fit under established definition of "disabled as in § 256.2." Maximum points awarded under this factor is 10, regardless of the number of disabled residents.	If a there is a disabled resident	10.
4	Dependent Children: Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the house and not be married. Maximum points awarded under this factor is 15.	Number of dependent children:	Points:
		1	3.
		2	6.

		3	9..
		4	12.
		5 or more	15.
5	<p>Other conditions:</p> <ul style="list-style-type: none"> • Veteran. • Homeless or Dilapidated house. • Overcrowded conditions. <p>Maximum points awarded under this factor is 15</p>	If any of the conditions are present	5 for each condition that applies.
6	Applicants with an approved financing package	If applicant has approved financing	25.

(c) The servicing housing office will develop a list of the applications received and considered for the HIP for the current program year. The list will include, at a minimum, all of the following:

- (1)** The number of applications received and, of those, the number considered.
- (2)** The rank assigned to applicants in order of need, from highest to lowest, in accordance with tribal approval and knowledge of need, based on the total numeric value assigned using the factors in paragraph (b) of this section. (In case of a tie, the family with the lower income per household member will be listed first.)
- (3)** The estimated allowable costs of the improvements, renovations, and replacement projects for each applicant and for the entire priority list. This data must identify which applicants will be served based on the amount of available funding, starting with the neediest applicant and continuing until the available funding is depleted.
- (4)** A list of the applicants not ranked, with an explanation of why they weren't ranked (such as the reason for ineligibility or the reason for incomplete application).

(d) The servicing housing office submits to the regional office an annual fiscal year report that includes all of the following:

- (1)** Number of eligible applicants;
- (2)** Number of applicants who received service;

(3) Names of applicants who received service; and

(4) All of the following for each applicant that received service:

(i) Date of construction start;

(ii) Date of construction completion;

(iii) Cost; and

(iv) HIP category.

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----- 1

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Title 2 - Grants and Agreements**Subtitle A - Office of Management and Budget Guidance for Grants and Agreements****Chapter II - Office of Management and Budget Guidance****Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**Authority: 31 U.S.C. 503Source: 78 FR 78608, Dec. 26, 2013, unless otherwise noted.**Subpart D - Post Federal Award Requirements**Source: 85 FR 49543, Aug. 13, 2020, unless otherwise noted.**Procurement Standards****§ 200.317 Procurements by states.****§ 200.318 General procurement standards.****§ 200.319 Competition.****§ 200.320 Methods of procurement to be followed.****§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.****§ 200.322 Domestic preferences for procurements.****§ 200.323 Procurement of recovered materials.****§ 200.324 Contract cost and price.****§ 200.325 Federal awarding agency or pass-through entity review.****§ 200.326 Bonding requirements.****§ 200.327 Contract provisions.****PROCUREMENT STANDARDS****§ 200.317 Procurements by states.**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

§ 200.318 General procurement standards.

- (a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

- (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- (c)
 - (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
 - (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.
- (f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- (h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

- (i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- (j)
 - (1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:
 - (i) The actual cost of materials; and
 - (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
 - (2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- (k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§ 200.319 Competition.

- (a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.
- (b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
 - (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - (2) Requiring unnecessary experience and excessive bonding;
 - (3) Noncompetitive pricing practices between firms or between affiliated companies;
 - (4) Noncompetitive contracts to consultants that are on retainer contracts;
 - (5) Organizational conflicts of interest;

- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - (7) Any arbitrary action in the procurement process.
- (c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
- (f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- (a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:
- (1) *Micro-purchases* -

- (i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
 - (ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
 - (iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
 - (iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:
 - (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
 - (C) For public institutions, a higher threshold consistent with State law.
 - (v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-Federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.
- (2) **Small purchases -**
- (i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

- (ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.
- (b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:
 - (1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions:
 - (i) In order for sealed bidding to be feasible, the following conditions should be present:
 - (A) A complete, adequate, and realistic specification or purchase description is available;
 - (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (ii) If sealed bids are used, the following requirements apply:
 - (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (E) Any or all bids may be rejected if there is a sound documented reason.
 - (2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
 - (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
 - (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
- (c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
 - (2) The item is available only from a single source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
 - (5) After solicitation of a number of sources, competition is determined inadequate.

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§ 200.322 Domestic preferences for procurements.

- (a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- (b) For purposes of this section:
 - (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

§ 200.323 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§ 200.324 Contract cost and price.

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§ 200.325 Federal awarding agency or pass-through entity review.

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
 - (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§ 200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§ 200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

Whippoorwill Chapter House
American Rescue Plan Act Funding to Construction Four Units
New Homeowner Occupancy Agreement

Your new house was constructed with a funding call American Rescue Plan Act 2022 (ARPA) which the Navajo Nation received. After budgeting the amount for other use, the balance was equally distributed to the 24th Navajo Nation Council. Therefore, it is a federal money and is subject to federal housing policies such similar to Navajo Housing Authority and BIA Housing Improvement Program. You were selected based on extreme needs and qualified under housing policies and criteria. It is then the chapter prepared this Occupancy Agreement for the purpose of proper care and maintenance of your new house as you enjoy your comfort. This house will be under a warranty for a year as required by federal housing policies; therefore, any flaw, disfigurement, or defect the house incurred before the expiration relating to workmanship of the contractor, it will be the responsibility of Chapter. However, any damages after the expiration of the warranty is homeowner's responsibility.

A. Condition for your selection as a homeowner for new unit is that you agreed to use the home as a principal residence, this is the only home you will own during the term of Homesite Lease. Any other home ownership or use of an additional residence that at the time of occupancy would disqualify a family from the American Rescue Plan Act Funding program. Failure by the homeowner to notify the Chapter of another as their principal place of residence shall jeopardize your participation of chapter housing assistance program under ARPA.

1. The home may not be lease or rent for temporary or long term by any ineligible person or family member. The homeowner shall continuously use the home as his/her primary residence. The unit will remain the homeowner principal residence.

a. the resident shall be of a place of peace and quiet not to disturb other neighbors; and

b. The house will not be structural changes to the unit or that will adversely affect a possible future integrity or the safety of the house.

c. Transfers of ownership must be performed only in the court of Navajo Nation or in legal process such as Will or any other instrument between immediate families' members or within the clan system.

B. INSPECTIONS OF UNIT

1. The homeowner or his/her representative is obligated to participate in pre or initial occupancy inspections for the purpose of documenting completion of the condition of the home.

C. HOMEOWNER'S RESPONSIBILITY FOR MAINTENANCE

1. The house will be maintained and to upkeep the house inside and outside, to make the residence in presentable view. The homeowner is responsible for routine maintenance,

Including replacement of consumables such as light bulbs and periodic, customary, and regular servicing of appliances and fixtures, including all plumbing and heating if applicable.

2. Homeowner's use shall not use the house in an improper manner or a manner for which that purpose of the house was not intended for.

3. Any damages to the house caused by the abuse, vandalism, or neglect of either homeowner or any other household member, visitors shall cause a breach to the Homesite Lease policies and be grounds for termination of the lease.

4. The homeowner is expected to do his or her best to properly maintain the interior of their unit so that it is always in a safe, sanitary and generally clean condition.

5. Maintain smoke detection devices as required and replace light bulbs in fixtures or batteries that no longer function.

D. MODIFICATIONS OR ALTER THE ORIGINAL DESIGN

If the modification or alteration becomes necessary, the home or structure the homeowner must first make a detailed proposal and acquire prior written approval from Chapter. The Chapter staff must ensure that the proposed change(s) will not:

1. Impair the value of the home, the surrounding homes, or the project.
2. Affect the use of the home for residential purposes or in any way violate federal housing regulations as to design and construction; and
3. Assure the plan is appropriate and achievable.

E HOMEOWNER'S RESPONSIBILITY TO ABIDE BY FEDERAL HOUSING POLICIES

The homeowner shall abide by all program requirements and obligations, including but not limited to:

- 1: Not assign, sublet, or transfer possession of the dwelling only when assignment is process under the order of the court or chapter.
- 2: Use the house is solely a private house for those persons identified in the Lease, not use, or permit its use for any other purpose including business purposes, and not display commercial signs of any kind in or about the premises.
- 3: Use the house solely as homeowner's principal residence.
- 4: Abide by all necessary and reasonable regulations for the benefit and wellbeing of the house and the surrounding neighbors.
- 5: Comply with the applicable building and housing codes that affect health and safety.
- 6: Keep the dwelling, including the dwelling fixtures, as clean and safe as the condition of the dwelling permits.
- 7: Keep the interior and exterior of the dwelling, the yard and adjacent street and any common areas in clean and safe condition.

8. Neighbors or any guest shall in no way deface, damage, or remove any part of the dwelling.

9. Dispose of all ashes, rubbish, garbage and other waste from the dwelling into a refuse receptacle stored in the furnace/storage room or an approved bear-proof structure in a clean and safe manner.

10. To Immediately report to the Chapter any accident or damage to pipes, toilet, drains fixtures, electrical wires or any other property and including all breakage, damage, or loss of any kind to the dwelling that maybe result of improper workmanship by contractor.

11. Not deliberately or negligently destroy, deface, damage, impair or remove a part of the dwelling or permit any person to do so.

12. Shall not unreasonably disturb or permit others on the premises with or without the homeowner's consent to disturb a neighbor's peaceful enjoyment of the premise.

13. Shall not engage, regardless of arrest or conviction, an illegal activity involving prostitution, illegal activity involving alcoholic beverages, gambling, any activity involving either a controlled substance or an imitation controlled substance or permit others to engage in any of those activities at the house.

14. Not store any household or other property outside of the house, and not keep any flammables in the house or storage areas.

15. Homeowner's and members of his/her household shall not be registered or pending registration as a sex offender on the State of Arizona Sexual Offender List, or for any other state.

Now, it is understood that you will follow these agreements for 15 years and this house will be re-assign to an immediate family member.

(Homeowner)

(Chapter Representative)