



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 #: HK0453-2

Date & Time Received: 04/23/24 at 15:26

Date & Time of Response: May 8, 2024 @ 9 am

Entity Requesting FRF: Twin Lakes Chapter

Title of Project: Twin Lakes Chapter HVAC System

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$75,000

Eligibility Determination:

- FRF eligible (checked)
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact (checked)
(2) Premium Pay
(3) Government Services/Lost Revenue
(4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category:
1.4, Prevention in Congregate Settings

NAVY DEPARTMENT
OFFICE OF THE SECRETARY



Washington, D.C.

July 15, 2024

Dear Sir:

I have the honor to acknowledge the receipt of your letter of July 10, 2024, regarding the matter mentioned therein. The information provided is being reviewed and a response will be provided to you as soon as possible.

Very truly yours,
[Signature]



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

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: Please note that this request is decreasing the project amount.

Please note that we have modified the requested expenditure code from 6.1 (Provision of Government Services) to 1.4 (Prevention in Congregate Settings) because (1) the Project would qualify under either code, and (2) 1.4 is more favorable because, unlike 6.1, it is not limited to the Nation's lost revenue.

Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

Disclaimers:

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

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

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

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Twin Lakes Chapter Date prepared: 01/16/2023

Chapter's mailing address: P.O. Box 4424 Yatahey, NM 87375 phone/email: (505) 735-2600 website (if any): twinlakes@navajochapters.org

This Form prepared by: Juanita Tom phone/email: (505) 733-2603
Community Service Coordinator jrtom@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Twin Lakes Chapter HVAC System

Chapter President: Elouise Johnson phone & email: (505) 735-2603

Chapter Vice-President: Tom Begay phone & email: (505) 567-0193 tbegay@navajochapters.org

Chapter Secretary: Joan Nez phone & email: (505) 480-0730 jnez@navajochapters.org

Chapter Treasurer: Joan Nez phone & email: (505) 480-0730 jnez@navajochapters.org

Chapter Manager or CSC: Juanita Tom phone & email: (505) 735-2603 jrtom@nnchapters.org

DCD/Chapter ASO: Patricia Begay, SPPS phone & email: (928) 871-7515 pdbegay@nndcd.org

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

Amount of FRF requested: 75,000 FRF funding period: 03/02/2023 - 09/30/2026
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

This project will replace and install the entire heating, ventilation, and air conditioning system for Twin Lakes Chapter. The chapter has had problems with the HVAC system for several years. The main meeting room, lavatories, kitchen and offices lack sufficient cooling and heating. Community members cannot attend chapter meetings due to lack of heating and cooling.

document attached

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

This project will benefit Twin Lakes community members by providing a building that is temperate for meetings, conducting chapter business, and providing services by office administrators. Maintaining a constant temperature within the building will hinder moisture damage and prevent water pipes from freezing.

document attached

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the

Program(s) or Project(s) by December 31, 2026:

Timeline for implementation and completion is March 2, 2023 to September 30, 2026.
 document attached

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

The Department of Community Development, Twin Lakes Chapter Officials and Administration, and CLUP-C will be responsible for implementing and completing the project by September 2026.
 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:

Twin Lakes Chapter Administration and Officials.
 document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

6.1 Provision of Government Services
 document attached

Part 3. Additional documents.

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

Twin Lakes Community 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: Juanita Tom signature of Preparer/CONTACT PERSON
Approved by: [Signature] signature of Chapter President (or Vice-President)
Approved by: [Signature] signature of Chapter ASO
Approved to submit for Review: Lisa Jynn, MNF&FO signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

APPENDIX B

BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Twin Lakes Heating Ventilation Air Conditioning</u>		Division/Branch: <u>Div. Comm. Devlp</u>				
Prepared By: <u>Juanita Tom</u>		Phone No.: <u>505.735.2603</u>		Email Address: <u>jrtom@nnchapters.org</u>				
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	3/2/23 to 9/30/26	75,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance	6		75,000	75,000
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	75,000.00	75,000
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
		TOTAL:	75,000.00 100%					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>James Adakaj, Deputy Director</u> <u>Jim, Manager</u>				APPROVED BY: <u>Calvin Castillo, DCD Director</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
 Program Manager's Signature and Date <u>2-4-23</u>				 Division Director / Branch Chief's Signature and Date <u>4-4-23</u>				

FY 2013

THE NAVAJO NATION
PROGRAM PERFORMANCE MEASURES

K2115463

PART I. PROGRAM INFORMATION:

Business Unit No.: New

Program Name/Title: Twin Lakes Chapter - HVAC

PART II. PROGRAM PERFORMANCE CRITERIA:

1st QTR	2nd QTR	3rd QTR	4th QTR
Goal	Goal	Goal	Goal

1. Program Performance Measure:

Replace the chapter house for Twin Lakes.

To replace and instal a new working HVAC system in the Twin Lakes Chapter.

			1
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2. Program Performance Measure:

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3. Program Performance Measure:

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4. Program Performance Measure:

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5. Program Performance Measure:

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PART III. CONCURRENCE/APPROVAL:

Jaron Charkey, Dept. Manager
Program Manager's Printed Name

[Signature] 12-17-23
Program Manager's Signature and Date

Arbin Mitchell, Director
Division Director/Branch Chief's Printed Name

[Signature]
Division Director/Branch Chief's Signature and Date

FY

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

K2115463

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Twin Lakes HVAC System</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	CONTRACTUAL SERVICES		75,000
6960	Subcontracted Services		
	6990- Subcontracted Services	\$ 75,000.00	75,000.
TOTAL		75,000	75,000

Reviewed 12/20/23
~~Handwritten signature~~

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>TWIN LAKES HVAC SYSTEM</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)
8555	<p>CHAPTER PROJECT: <u>(6007)</u></p> <p>REQUESTING NEW HVAC ON CHAPTER HOUSE:</p> <p>The Chapter is in dire need of a new HVAC Heating and Cooling System for the Winter and Summer seasons. To keep the administration working in a comfortable and healthy conditions. The HVAC computer board and micro-chips have been deactivated since 2011 and had repairs done. The HVAC Computer board has locked and shut down.</p> <p><u>8000 Assistance</u> <u>8500 Infrastructure (Non-Cap)</u></p>		\$ 75,000.00
		\$ 75,000.00	
TOTAL		75,000	\$ 75,000.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u>															PART II. Project Information																		
Project Title: <u>Twin Lakes (Bahast'ah) Chapter Heating Ventilation Air Conditioning (HVAC)</u>															Project Type: <u>8555: Chapter Projects</u>																		
Project Description: <u>Install a new Heating Ventilation and Air Conditioning for Chapter House and Administration.</u>															Planned Start Date: <u>3/2/2023</u>																		
Keep Administration working in a comfortable and healthier conditions.															Planned End Date: <u>9/30/2026</u>																		
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification															Project Manager: <u>Juanita Tom</u>																		
PART III.	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.								
List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	FY 2023												FY 2024												Date 09/30/2026								
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date 09/30/2026								
	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			
Secure Funds / Finance							X	X	X																								
Planning & Designing										X	X	X																					
Hire Laborers													X	X	X	X																	
Purchase Materials													X	X	X	X																	
Construction														X	X	X	X	X	X	X	X	X	X	X	X	X							
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL								
Expected Quarterly Expenditures													37,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00	12,500.00			

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



DR. BU NYGREN
Navajo Nation President

Bahastl'ah Chapter

Post Office Box 4424
Yahtahey, New Mexico 87375
Phone: 505-735-2600 Fax: 505-735-2605
twinlakes@navajochapters.org



RICHELLE MONTOYA
Navajo Nation Vice President

Nathan Notah
Council Delegate

Vacant
President

Tom Begay
Vice-President

Joan M. Nez
Secretary/Treasurer

Larry Tsosie
Grazing Official

RESOLUTION NO: BAH-23-03-16-107

RESOLUTION OF THE BAHASTL'AH (TWIN LAKES) CHAPTER TO ACCEPT AND APPROVE THE AMERICAN RECOVERY PLAN ACT (ARPA) FUNDING FOR HEATING VENTILATION AIR CONDITIONING (HVAC) SYSTEM PROJECT TO INSTALL A NEW SYSTEM FOR THE CHAPTER HOUSE IN THE AMOUNT OF \$150,000.00

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Bahastl'ah Chapter is a duly recognized certified Chapter of the Navajo Nation Government, as listed at 11 N.N.C., Part 1, Section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B) Bahastl'ah Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations of the Navajo Nation and other local agencies for appropriate actions; and
3. The Bahastl'ah Chapter has identified a new Heating Ventilation Air Conditioning System Project to install in the Chapter House to be utilize by the Administration Staff, Chapter Officials and Community Members during chapter meeting and other related chapter business using the amount of \$150,000.00 ; and
4. The Bahastl'ah Chapter is in a desperate need of a new HVAC system for heating during the winter months and air conditioning during the summer; and
5. The Bahastl'ah Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

NOW THEREFORE BE IT RESOLVED THAT;

The Bahastl'ah Chapter hereby requests the Navajo Nation Fiscal Recovery Fund, Division of Community Development and then Department of Justice to consider the Bahastl'ah Chapter Heating Ventilation Air Conditioning System project for Twin Lakes Community.

CERTIFICATION

We hereby certify that the foregoing chapter resolution was duly considered by the Bahastl'ah (Twin Lakes) Chapter at which a quorum was present and the same was passed with a vote 13 in favor, 01 opposed, and 07 abstained on this 26th day of March 2023.

Vacant, President



Joan Nez, Secretary/Treasurer



Tom Begay, Vice President

Motioned By: Shirley Jones

Seconded By: Dmoran Sherman



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DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK 0453

Date & Time Received: 4/5/23 at 17:24

Date & Time of Response: 4/13/23 at 1025 pm

Entity Requesting FRF: Twin Lakes Chapter

Title of Project: Twin Lakes Chapter HVAC System

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$150,000

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
(2) Premium Pay
(3) Government Services/Lost Revenue
(4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category:
1.4 Prevention in Congregate Settings

