



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0370

Date & Time Received: 12/23/22 10:41

Date & Time of Response: 10 January 2023; 8:36 pm

Entity Requesting FRF: Manuelito Chapter

Title of Project: Fixed Wireless Broadband Construction

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$2,035,000.00

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: 1.14 Other Public Health

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: _____

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer: 

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

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

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Manuelito Chapter Date prepared: 11/18/22

Chapter's mailing address: HCR-57, POB 9069, Gallup, NM, 87301 phone/email: 505-905-3073
website (if any): manuelito@navajochapters.org

This Form prepared by: Percy B. Anderson phone/email: 505-713-1510 (texting preferred)
Manuelito Chapter Secretary / Treasurer panderson@navajochapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Fixed wireless broadband and telecommunication construction buildout

Chapter President: Milton Davidson phone & email: mdavidson@naataanii.org

Chapter Vice-President: Deborah Nelson phone & email: dnelson@naataanii.org

Chapter Secretary: Percy B. Anderson phone & email: panderson@navajochapters.org

Chapter Treasurer: Percy B. Anderson phone & email: _____

Chapter Manager or CSC: Vacant phone & email: _____

DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Sacred Wind Communication, LLC
_____ 01 31 ☒ document attached

Amount of FRF requested: \$2,035,000 FRF funding period: January 2023 - December 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:

Project: Fixed wireless broadband and telecommunication construction buildout; Funds will be used to subcontract out to Sacred Wind Communication, LLC, for the purpose of constructing several towers and buildout of necessary equipment for superb broadband and telecommunication services in the identified dead to weak zones of Manuelito community both on the north and south side of Interstate 40. How COVID or any viral emergencies will be addressed will be with public safety (911 & rural addressing), public health (telemedicine and emergency supplies), and virtual education on COVID.

☐ document attached

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

How this project will benefit the Navajo people will be to allow instant information on emergencies to reach their home or even to place calls, messaging, or video recordings of dire situations that may need government or public safety attention immediately and to educate community on COVID and/or other viral prevention or intervention activities.

☐ document attached

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

APPENDIX A

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

Fixed wireless broadband and telecommunication construction buildout on identified dead to weak zones within Manuelito Chapter community. Time of completion will be December 2026 or sooner.

☐ document attached

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

Sacred Wind Communications, LLC.

☐ 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:

Sacred Wind Communications, LLC, on towers and buildout equipment. For direct wireless service to the homes, the homeowners.

☐ 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:

Expenditure category code: 5.21 listed as 'other projects'. This is new construction for broadband and telecommunication. Neither last mile nor matching.

☐ document attached

Part 3. Additional documents.

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

Sacred Wind Communications quote and map attached.

☐ Chapter Resolution attached

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's
Preparer:


signature of Preparer/CONTACT PERSON

Approved by:


signature of Chapter President (or Vice-President)

Approved by:

signature of CSC

Approved by:

signature of Chapter ASD

Approved to submit
for Review:


signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Manuelito Chapter</u> <u>Fixed wireless broadband telecommunication</u>		Division/Branch: <u>Manuelito Chapter</u>	
Prepared By: <u>Percy B. Anderson</u>		Phone No.: <u>505-713-1510</u>		Email Address: <u>panderson@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 Fiscal Recovery Funds	<u>1/23 - 12/26</u> <u>11/23 - 12/21/26</u>	2,035,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	6	0	2,035,000	<u>2,035,000</u>
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	2,035,000.00	<u>2,035,000</u>
TOTAL:				PART IV. POSITIONS AND VEHICLES				
		\$2,035,000.00	100%	(D) (E)				
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				

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

SUBMITTED BY: <u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name <u><i>Sonlatsa Jim-Martin</i></u> Program Manager's Signature and Date	APPROVED BY: <u>Pearl Yellowman</u> Division Director / Branch Chief's Printed Name <u><i>Pearl Yellowman</i></u> <u>12.2.22</u> Division Director / Branch Chief's Signature and Date
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FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: New

Program Name/Title:

Manuelito Chapter
Fixed wireless broadband telecommunication

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 cover entire Manuelito community with wireless broadband telecommunication.

Program Performance Measure/Objective:

Construct 3 towers that will include ROW work with installation of hardware & electronics

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2. Goal Statement:

Monitoring and project management.

Program Performance Measure/Objective:

Chapter and Sacred Wind Communication will manage project at local level.

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3. Goal Statement:

Closeout of project

Program Performance Measure/Objective:

Chapter and Sacred Wind Communication will provide closeout documents.

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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.

Sonlatsa Jim-Martin

Program Manager's Printed Name

Sonlatsa Jim
Program Manager's Signature and Date

Pearl Yellowman

Division Director/Branch Chief's Printed Name

Pearl Yellowman 12.2.22
Division Director/Branch Chief's Signature and Date

FY 2023THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Manuelito Chapter</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)
9000	Capital Outlay		2,035,000.00
9036	Infrastructure/Communications - Plan, design, and construct fixed wireless broadband telecommunication towers and other equipment installation for the Chapter community of Manuelito.	2,035,000.00	
TOTAL		2,035,000.00	2,035,000.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

Page 1 of 1
PROJECT FORM

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Fixed wireless broadband telecommunication</u> Project Description <u>Plan, design, and construct telecommunication towers and other associated equipment to provide wireless broadband service to homes in areas of Manuelito that have no signal to weak signal.</u> Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																		PART II. Project Information Project Type: <u>Broadband</u> Planned Start Date: <u>January 2023</u> Planned End Date: <u>September 2026</u> Project Manager: <u>Percy B. Anderson</u>																
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.								
		FY 2023												FY 2024																				
		1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date September 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			
Plan & Design Construct					X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Milton Davidson
President

Deborah Nelson
Vice-President

Percy B. Anderson
Secretary-Treasurer



MANUELITO (KIN HOZHONI) CHAPTER GOVERNMENT

HCR 57 BOX 9069 GALLUP, NEW MEXICO 87301
PHONE (505) 905-3073 • FAX (505) 905-0606
Email: manuelito@navajochapters.org

NN Speaker - Seth Damon
24th Navajo Nation Council

Vacant
Community Services Coordinator

Kathleen Arviso
Land Board Member

Resolution #MANU11-22-22-047

RESOLUTION OF THE MANUELITO NAVAJO CHAPTER

Supporting and approving the American Rescue Plan Act (ARPA) expenditure plan for the planning, design, construction of a fixed wireless broadband telecommunication buildout in the amount of \$2,035,000 for Manuelito Chapter community.

WHEREAS:

1. N.N.C. Title 26 delegates Navajo Nation Chapters certain authority to review all matters affecting the community based on sound decision which are consistent with the Navajo Nation codes, laws, custom, and tradition; and
2. Pursuant to 26 N.N.C., Section 1 (B) Manuelito Navajo Chapter is vested with the authority on all matters affecting the community, make appropriate actions when necessary and make recommendations to the Navajo Nation government and other federal/state/local agencies; and
3. The Manuelito Navajo Chapter has worked with Sacred Wind Communication, LLC, on previous projects and did work with the Manuelito Community Land Use Planning Committee (CLUPC) to identify dead to weak zones located throughout Manuelito resulting in a map identifying the areas (attached) with a price quote; and
4. The Manuelito Navajo Chapter would like to continue that working relationship with Sacred Wind Communications when it comes to contracting out the buildout of the broadband and telecommunication construct; and
5. The Manuelito Navajo Chapter realizes that fixed wireless broadband service with cellular and home telecommunication is a necessity in the rural areas of the United States especially with the recent COVID related viruses that will help homes receive quick service when it comes to public health, public safety, and education.


NOW THEREFORE BE IT RESOLVED:


Manuelito Chapter supports and approves the American Rescue Plan Act (ARPA) expenditure plan for the planning, design, construction of a fixed wireless broadband telecommunication buildout in the amount of \$2,035,000 for Manuelito community and to work with Sacred Wind Communications, LLC, on the construction and build-out of the proposed ARPA project.

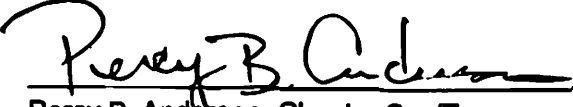
CERTIFICATION

WE HEREBY CERTIFY that the foregoing resolution was duly considered at a duly called meeting at Manuelito Chapter (Navajo Nation), New Mexico, at which a quorum was present and that the same was passed by a vote of **37** in favor, **0** opposed, and **13** abstaining on this **22nd** day of **November 2022**.

Motion by: Chester Nez
Second by: Justin Adakai


Milton Davidson, Chapter President


Deborah Nelson, Chapter Vice-President


Percy B. Anderson, Chapter Sec/Treasurer



Quotation

875 E US Highway 491
Yatahay NM 87375
Phone (505) 905-6013
Fax (505) 905-6001

DATE 11/28/2022
Quotation # 2199-2
CUSTOMER ID

TO Percy Anderson
Manuelito Chapter
Secrateary/Treasurer
panderson@navajochapters.org

Quote valid for: 60 Days
Prepared by: Kim Kirk

Comments or special instructions:

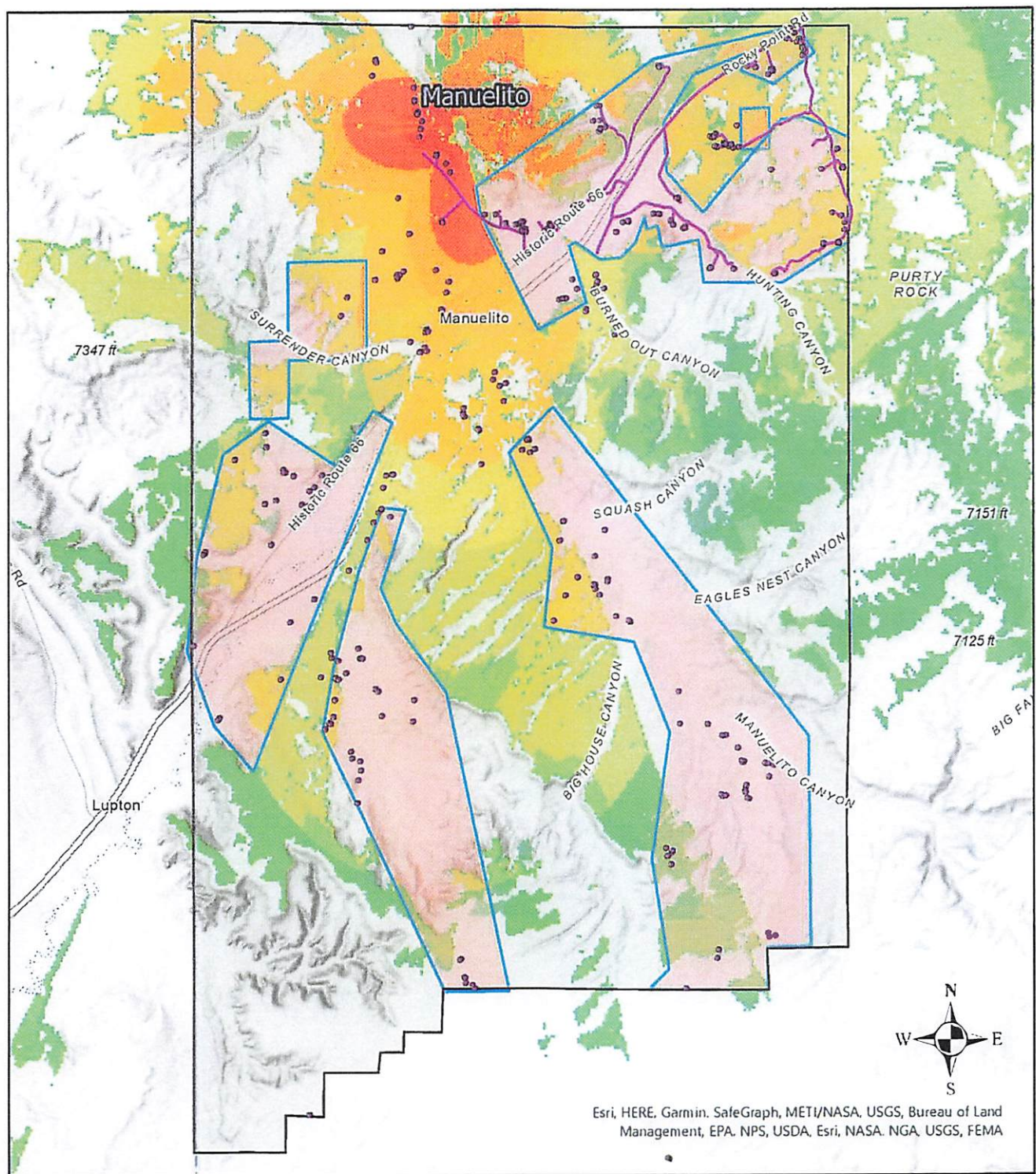
DESCRIPTION	Quantity (Options)	Term (Months)	Unit Price	Non-Recurring	Special Construction
Manuelito Chapter Fixed Wireless Buildout					
Towers Civil and Electrical and ROW, CDs and PM	3		\$ 475,000.00	\$ 1,425,000.00	Waived
PTP links and Install	5		\$ 40,000.00	\$ 200,000.00	
PMP Hardware and Install	5		\$ 70,000.00	\$ 350,000.00	
Electronics (and cabinets)	4		\$ 15,000.00	\$ 60,000.00	
Total				\$ 2,035,000.00	-

Note:

Non Rurring Charge does not include taxes, fees and other charges as required by law.

ACCEPTANCE SIGNATURE: _____ DATE: _____

PRINT NAME: _____



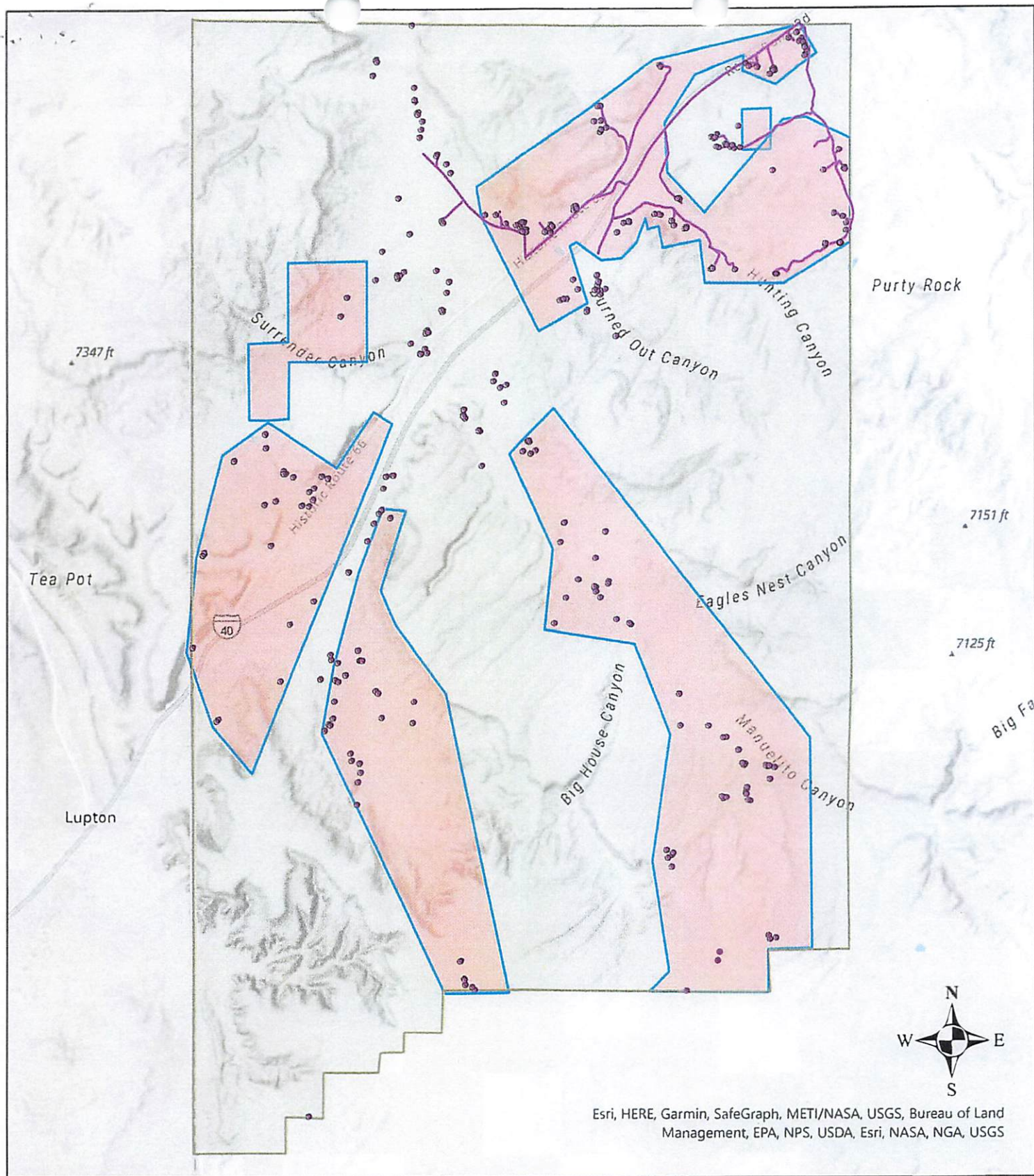
Manuelito Chapter Fixed Wireless Expansion & Fiber to the Home

Legend

- Residential Site
- Proposed Fiber to the Chapter
- Fixed Wireless Expansion
- Manuelito Chapter Area
- SWC Existing Fixed Wireless

0 1 2 4 Miles





Manuelito Chapter Fixed Wireless Expansion & Fiber to the Home

Legend

- Residential Site
- Proposed Fiber to the Chapter
- Fixed Wireless Expansion
- Manuelito Chapter Area

