



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

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

RFS/HK Review #: HK0394

Date & Time Received: 1/10/23 at 10:38

Date & Time of Response: 19 January 2023; 3:07 pm

Entity Requesting FRF: Baahaali Chapter

Title of Project: New Warehouse

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$800,000

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: 6.1, Provision of Government Services

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 we have modified the expenditure category from 1.14 (Other Public Health Services) to 6.1 (Provision of Government Services). Given the intended uses of the warehouse, the government services category is a better fit for the Project.

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer: Adjua Adjei-Danso

Digitally signed by Adjua Adjei-Danso
Date: 2023.01.19 15:08:38 -07'00'

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: Baahaali Chapter Date prepared: 11-27-22
 Chapter's mailing address: P.O. Box 6118 phone & email: (505) 778-5792
Gallup, New Mexico 87305 website (if any): http://baahaali.navajochapters.org
 This Form prepared by: Gloria M. Skeet phone/email: (505) 778-5792
Chapter Manager gmskeet@navajochapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: New Warehouse
 Chapter President: Lee C. Jim phone & email: (505) 778-5792 lcjim@naataanii.org
 Chapter Vice-President: Gerald Skeets, Sr. phone & email: (505) 879-0579
 Chapter Secretary: David M. Emerson phone & email: (505) 778-5792 demerson@navajochapters.org
 Chapter Treasurer: David M. Emerson phone & email: (505) 778-5792 demerson@navajochapters.org
 Chapter Manager or CSC: Gloria M. Skeet, CM phone & email: (505) 778-5792 gmskeet@nnchapters.org
 DCD/Chapter ASO: Guarena Adeky phone & email: (505) 488-8476 gmadeky@nndcd.org

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

Amount of FRF requested: 800000 FRF funding period: 10-01-22 to 9-30-2026
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:

Baahaali Chapter is in dire need of a warehouse to store emergency supplies i.e. PPE, noncharisable foods, heavy equipment, project supplies for bathroom additions & housewiring, livestock feed (during extrem drought conditions), coal, wood pellets and firewood for public assistance during extreme cold conditions and inclimate weather. ARPA funds will be used to plan and prepare the warehouse site, construct a new warehouse and equip it with necessary shelving and purchasing of necessary supplies such as ladders, dolies, fall protection equipment, and other required supplies as identified. The warehouse will be located within the 22-acre chapter compound at 190 Rodeo Road ☐ document attached

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

The warehouse will benefit the entire Baahaali community by providing a safe and proper storage of emergency supplies and feed when an emergency erupts related to a viral pandemic, weather emergency or a natural disaster such as a wild fire or flooding in which case the warehouse can serve as an emergency command center for the region, the Navajo Nation and McKinley County. ☐ 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:

Once the funds have been approved, Baahaali Chapter will take immediate action in following their procurement process for "request for Bids" and "selecting a contractor". This first step will take 3 months. Once a contractor has been selected, preparing the warehouse construction site (which includes the demolition of 2 old garages) will take 1 month, construction & equipping the warehouse will take 9 months or less. Given this timeline, Project funds will be incurred on or before 9-30-24 and the completion of the fully equipped warehouse will be completed and in full operation before 12-31-26.

☐ document attached

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

The Chapter Manager will serve as Lead Project Manager along with a Warehouse Project Team consisting of 1 chapter official, a representative from the Head Start and Senior Center and a couple of community members. The local fire chief will also serve on the team.

☐ 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:

Baahaali Chapter will have full responsibility for the operations and maintenance of the Warehouse. The chapter has funds for utility and capital improvement expenses.

☐ 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:

1.14 Dedicated Public Health Storage Warehouse

☐ document attached

Part 3. Additional documents.

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

Additional supporting documents include the chapter resolution and budget.

☐ 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 Prepared: 
signature of Prepared CONTACT PERSON

Approved by: 
signature of Chapter President (or Vice President)

Approved by: 
signature of Chapter Manager or CSC

Approved by: 
signature of DCB/Chapter ASO

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>K - (New)</u>		Program Title: <u>Baaahali Chapter - Warehouse</u>		Division/Branch: <u>DCD/ASC</u>	
Prepared By: <u>Gloria M Skeet, Chapter Manager</u>		Phone No.: <u>505-778-5796</u>		Email Address: <u>gskeet@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	01/01/23-09/30/26	800,000.00	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	<u>0</u>	800,000	<u>800,000</u>
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	800,000.00	<u>800,000</u>
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				
TOTAL:		\$800,000.00	100%					

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

SUBMITTED BY: <u>Sonlatsa Jim-Martin</u> <div style="display: flex; justify-content: space-between; align-items: center;"> <div> <u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name <u>Sonlatsa Jim-Martin</u> Program Manager's Signature and Date </div> <div> 12/05/2022 </div> </div>	APPROVED BY: <u>Pearl Yellowman</u> <div style="display: flex; justify-content: space-between; align-items: center;"> <div> <u>Pearl Yellowman</u> Division Director / Branch Chief's Printed Name <u>Pearl Yellowman</u> Division Director / Branch Chief's Signature and Date </div> <div> 12.5.20 </div> </div>
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**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:Business Unit No.: K - (New)

Program Name/Title:

Baaahali Chapter - Warehouse**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:Complete bidding process for contractor**Program Performance Measure/Objective:**Select contractor and establish Project Management Team

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2. Goal Statement:Conduct 2 to 3 Planning Meetings with contractor and Management Team**Program Performance Measure/Objective:**Finalize construction plans (design/build) for Warehouse

		1					
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3. Goal Statement:Begin construction of warehouse with contractor**Program Performance Measure/Objective:**PMT meets, as needed, with contractor throughout construction phase to ensure timely completion

		1					
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4. Goal Statement:Complete construction and equipping of warehouse**Program Performance Measure/Objective:**PMT and contractor complete final inspection of the new warehouse

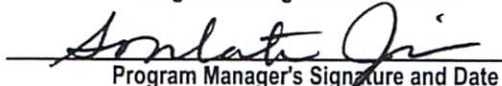
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5. Goal Statement:Close out of warehouse project**Program Performance Measure/Objective:**Project completion and final close out

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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



Program Manager's Signature and Date

12/05/2022

Pearl Yellowman

Division Director/Branch Chief's Printed Name



Division Director/Branch Chief's Signature and Date

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

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Baahaali Chapter Warehouse</u>		Business Unit No.: <u>4.08031E+17 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)
6	6500 Contract Services: To Construct and Equip a New Warehouse	800,000	800,000
TOTAL		800,000	800,000



+Bááháálí Chapter
P.O. Box 6118, Gallup, New Mexico 87305
PHONE (505) 778-5788 or 778-5796
FAX (505) 778-5915
<http://baahaali.navajochapters.org>

Lee C. Jim, Chapter President
Gerald Skeets, Sr., Chapter Vice President
David M. Emerson, Chapter Secretary/Treasurer
Emery Chee, Land Board Member
Seth Damon Council Delegate

Gloria M. Skeet, Chapter Manager

Jessica Robertson, Administrative Assistant

BHC-11-22-02

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

APPROVING THE REQUEST TO UTILIZE DISTRICT SIX (6) COUNCIL DELEGATE SETH DAMON'S EXPENDITURE PLAN FUNDS TO PLAN, DESIGN, CONSTRUCT AND EQUIP A NEW WAREHOUSE IN THE AMOUNT OF \$800,000.

WHEREAS:

1. Bááháálí Chapter is a duly certified local governmental entity of the Navajo Nation pursuant to NTC § 4001 with delegated authority and responsibility to promote, to receive, act upon and protect the interest and the general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal Government, Local Government Agencies that serve and affect the Bááháálí Chapter; and
2. Bááháálí Chapter recognizes and approves the need to plan, design, construct and equip a new Warehouse to store emergency supplies, heavy equipment and other supplies for infrastructure development such as bathroom addition and house wiring. The warehouse will also be used to supply emergency supplies during freezing cold temperatures and inclement weather such as coal, wood and wood pellets for community members in need.; and
3. Bááháálí Chapter is part of Honorable Council Delegate Seth Damon's District and is eligible to apply for a portion of his approved allocation from the American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan for projects related directly to the mitigation of the COVID-19 Emergency Pandemic; and
4. The COVID-19 pandemic made it abundantly clear that Bááháálí Chapter desperately needs a large warehouse to store emergency supplies and equipment to assist community members in need during an emergency and is applying for funds to plan, design, construct and equip a new Warehouse in the amount of \$800,000.

NOW THEREFORE BE IT RESOLVED THAT:

1. Bááháálí Chapter hereby strong supports and approves the request in the amount of \$800,000 to plan, design, construct and equip a New Warehouse to store emergency supplies and equipment to help mitigate emergencies caused by natural disasters, inclement weather or a viral pandemic utilizing American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan
2. Bááháálí Chapter will utilize and expend these funds within the Navajo Nation deadlines to procure and complete the project by September 30, 2025.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered and moved by adoption at a duly called meeting at Bááháálí (Navajo Nation), New Mexico at which a quorum was present

and that the same was passed by a vote of 08 in favor, 00 opposed and 03 abstaining on this 21st day of November, 2022.


Official

MOTIONED BY: Emery Chee

SECONDED BY: Gerald Skeets, Sr.

GMS