

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL — SECOND YEAR, 2016

AN ACTION

RELATING TO LAW AND ORDER, BUDGET AND FINANCE AND NAABIK'ÍYÁTI';
APPROVING THE NAVAJO DIVISION OF PUBLIC SAFETY 2015 COPS TRIBAL
RESOURCES GRANT PROGRAM - EQUIPMENT AND TRAINING GRANT WAIVER OF
THE INDIRECT COST RATE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered to grant final approval for agreements negotiated by public safety programs with other federal agencies subject to Naabik'íyáti' Committee approval when required by law. See 2 N.N.C. §§ 600 (A) and 601 (B) (1) (a).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and is empowered to authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight over the division, department or program which has applied for the agreement, or upon recommendation of the Chapter." See 2 N.N.C. §§ 300 (A) and 301 (B) (15).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council and among other statutory powers, the committee has the delegated responsibility to "review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." See 2 N.N.C. §§ 700 (A) and 701 (A) (7).

- D. Regarding grants, the Naabik'iyáti' Committee negotiates indirect cost rates; and, it is authorized to waive such costs. See 2 N.N.C. § 701 (A)(10).
- E. The Naabik'iyáti' Committee may waive such costs when it determines it is in the best interests of the Navajo Nation and when the "division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or ... [t]here is a showing of necessity and a commitment of available general funds by the division, department or program requesting the waiver which is available to offset the loss in indirect costs or administrative costs." 2 N.N.C. § 701 (A)(10)(a) and (b).
- F. The Naabik'iyáti' Committee of the Navajo Nation Council reviews and approves "the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent." 2 N.N.C. § 701 (A)(10).

SECTION TWO. FINDINGS

- A. The Navajo Division of Public Safety (NDPS) applied for the 2015 COPS Tribal Resources Grant Program - Equipment and Training grant and was awarded grant funding in the amount of \$299,408.00, from the United States Department of Justice, Office of Community Oriented Policing Services, attached hereto as **Exhibit A**.
- B. The NDPS will be utilizing the awarded grant funding for consultants, computer equipment and an electronic filing system, in order to complete a document scanning project for Information Management Section records, memorandum attached hereto as **Exhibit B**.
- C. The NDPS in its original grant application did not request for indirect costs, subsequently no indirect costs were included in the grant award. *Id.*

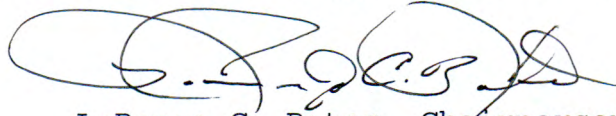
- D. After the grant was awarded, the NDPS requested for an approval to modify the grant to include indirect cost rate of 17.18%; the request was denied. See **Exhibit C and Exhibit D** (Letter to Ms. Tammy Richardson, June 23, 2016 and Letter to President Russell Begaye, July 28, 2016).
- E. The Office of Management and Budget, attached hereto as **Exhibit E**, lists the following concerns:
 - 1. The document in regards to Notice of Award in the amount of \$299,408 for the Project Period Performance 09/01/2015 through 08/31/2018. CGS is unaware if an application was submitted on this and such did not go through the 164 Executive Review process based on, 2 N.N.C. § 164, review requirements.
 - 2. It appears Indirect Cost (IDC) rate 17.18% was not originally included in grant application. The grant was awarded to NDPS in April 2016 and still in the Nation's acceptance process review and action (acceptance by resolution) by Naabik'íyáti' Committee.
 - 3. 164 E.O.R. #003484 packet (attached) belongs to Judicial Branch, not for COPS Grant No. 2015HEWX0019 provided by NDPS on 08/16/2016.
- F. The Navajo Division of Public Safety requests the waiver of the indirect cost rate of 17.18% for the 2015 COPS Tribal Resources Grant Program - Equipment and Training grant, memorandum attached hereto as **Exhibit F**.

SECTION THREE. APPROVE INDIRECT COST WAIVER

- A. The Navajo Nation hereby approves the Navajo Division of Public Safety's request for the 2015 COPS Tribal Resources Grant Program - Equipment and Training grant.
- B. The Navajo Nation directs Navajo Division of Public Safety to reapply for the indirect cost Rate of 17.18%.
- C. If reapplication is denied the Navajo Nation accepts the grant as written.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Leupp, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in favor and 0 opposed, this 10th day of November 2016.

A handwritten signature in blue ink, appearing to read "LoRenzo C. Bates", is written over a horizontal line.

LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Jonathan Perry
Second: Honorable Nathaniel Brown



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, N.E., Washington, DC 20530

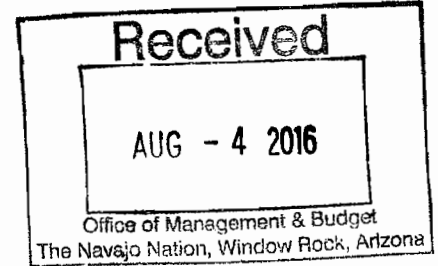


October 1, 2015

President Ben Shelly
Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515

Re: Tribal Resources Grant Program – Equipment and Training Grant#: 2015HEWX0019
ORI#: AZ070ZZ

Dear President Shelly:



Congratulations on your agency's award of \$299,408.00 in federal funds over a three-year grant period under the 2015 COPS Tribal Resources Grant Program – Equipment and Training (TRGP-E/T), which your agency applied for under the Coordinated Tribal Assistance Solicitation (CTAS) as Purpose Area #1. Through CTAS, the Department of Justice grant-making components created a streamlined approach for federally recognized tribes, tribal consortia, Alaska Native villages and corporations, and authorized tribal designees to apply for Fiscal Year (FY) 2015 funding opportunities. CTAS served as a single solicitation for existing tribal government-specific grant programs administered by the Office of Community Oriented Policing Services (COPS), the Office of Justice Programs (OJP), and the Office on Violence Against Women (OVW), and was designed to assist tribes with addressing crime and public safety issues in a comprehensive manner. The CTAS grant application process was inspired by and developed after consultation with tribal leaders, including sessions at the Justice Department's Tribal Nations listening Session in 2009, and has been updated based on continued tribal consultations and listening sessions.

A list of conditions that apply to your grant is included on your grant Award Document and Award Document Supplement, if applicable. A limited number of agencies may be subject to an Additional Award Notification as a result of an ongoing federal civil rights investigation, other grant review, or audit of your agency by the Department of Justice. If applicable to your agency, the Additional Award Notification is included at the end of this letter and is incorporated by reference as part of this letter. In addition, a limited number of agencies may be subject to Special Conditions as a result of high risk designation or other unique circumstances. If applicable to your agency, these Special Conditions will be found in an Award Document Supplement in your award package. You should read and familiarize yourself with these conditions. **To officially accept your grant, the Award Document (including the conditions and special conditions, if applicable) must be signed electronically via the Account Access link in the COPS website at www.cops.usdoj.gov within 90 days from the date of this letter.**

The official start date of your grant is September 1, 2015. Therefore, you can be reimbursed for allowable and approved expenditures made on or after this date. Please carefully review the Financial Clearance Memorandum (FCM) included in your award package to determine your approved budget, as some of your requested items may not have been approved by the COPS Office during the budget review process, and grant funds may only be used for approved items. The FCM will specify the final award amount, and will also identify any disallowed costs. Additionally, tribes were permitted to request indirect costs as part of their overall budget. If your tribe did not submit a current Indirect Cost Rate Agreement, the indirect costs portion of your approved budget has been frozen, and will remain so until the COPS Office is in receipt of an approved current rate. If your tribe's indirect costs have been frozen, a comment indicating this will be located in the comments section of your FCM. It is important to note that in order to begin drawing down funds on your COPS award, our office must be in receipt of your agency's documentation of tribal authority to apply for grants under CTAS. If your tribe has not submitted this document, your funds have been frozen, and will remain frozen until the COPS Office is in receipt of this document. Also, please be aware that any vendor or contractor who participated in drafting your grant application may not receive federal funding for any procurement under this award.

A supplemental online award package for 2015 COPS TRGP-E/T grantees can be found at <http://www.cops.usdoj.gov/Default.asp?Item=2489>. We strongly encourage a variety of important and helpful documents that will assist you with the implementation of your grant, including the 2015 TRGP Grant Owner's Manual, which specifies the programmatic and financial terms, conditions, and requirements of your grant. A Frequently Asked Questions (FAQ) document is available to assist you with many questions you may have about your new TRGP-E/T award. In addition, the above website link includes the forms and instructions necessary to begin drawing down funds for your grant.

Once again, congratulations on your 2015 TRGP-E/T award. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

Ronald L. Davis Director

Additional Award Notification

ADVANCING PUBLIC SAFETY THROUGH COMMUNITY POLICING



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, N.E., Washington, DC 20530

COPS

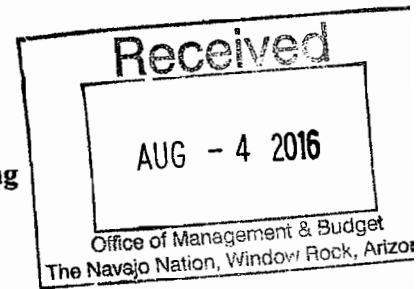
Memorandum

COPS Tribal Resources Grant Program - Equipment/Training

To: President Ben Shelly
Navajo Nation

Re: Financial Clearance Memo

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions / Adjustments are noted below.



ORI #: AZ070ZZ Grant #: 2015HEWX0019

Budget Category	Proposed Budget	Approved Budget	Adjustments
Sworn Officer	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Civilian Personnel	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$110,000.00	\$110,000.00
Supplies	\$0.00	\$0.00	\$0.00
Travel/Training	\$0.00	\$11,408.00	\$11,408.00
Consultants/Contractors	\$0.00	\$178,000.00	\$178,000.00
Other Costs	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00

Total Budget Costs:	\$299,408.00	Federal Share:	\$299,408.00	Applicant Share:	\$0.00
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Budget Cleared Date: 09/23/2015

Overall Comments:

All costs listed in this budget were programmatically approved based on the final Budget Detail Worksheets submitted by your agency to the COPS Office. Maintenance agreements (if applicable) must be purchased and paid in full within the grant period. Prior to the obligation, expenditure or drawdown of grant funds for non-competitive contracts in excess of \$150,000, grantee must submit a sole source justification to the COPS Office for review and approval. Prior to the obligation, expenditure, or drawdown of grant funds for consultant fees in excess of \$550 per day when the consultant is hired through a noncompetitive bidding process, approval must be obtained from the COPS Office. If the vendor number on this form differs from the EIN number included in your application, then for administrative purposes only, we are assigning a different vendor number to your agency. The reason for this administrative change is that your original EIN number has been assigned to another agency. If this applies to your agency, please use the new vendor number on all financial documents related to this grant award. The vendor number should not be used for IRS purposes and only applies to this grant.

ADVANCING PUBLIC SAFETY THROUGH COMMUNITY POLICING

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Sworn Officer

Number of positions: 0

Total: \$0.00 \$0.00 \$0.00

Civilian/Non-Sworn Personnel

PositionTitle	Positions	Salary	Benefits	Total	Adjustment
Civilian / Non-Sworn Officer Position	1	\$0.00	\$0.00	\$0.00	\$0.00
Total:		\$0.00	\$0.00	\$0.00	

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Budget Category: Equipment/Technology

Item	Qty	Cost/Item	Total	Adjustment	Reason Disallowed/Adjusted
Storage Area Network/Network Attached Storage Servers	2	\$15,000.00	\$30,000.00	\$30,000.00	
Filing System	1	\$80,000.00	\$80,000.00	\$80,000.00	
Total:			\$110,000.00		

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Budget Category: Supplies

Item	Qty	Cost/Item	Total	Adjustment Reason Disallowed/Adjusted
Supplies Item	1	\$0.00	\$0.00	\$0.00
Total:			\$0.00	

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Budget Category: Travel/Training

Item	Qty	Cost/Item	Total	Adjustment Reason Disallowed/Adjusted
Travel & Training item	1	\$0.00	\$11,408.00	\$11,408.00
Total:			\$11,408.00	

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Budget Category: Contracts/Consultants

Item	Qty	Cost/Item	Total	Adjustment	Reason Disallowed/Adjusted
Document Conversion	1		\$178,000.00	\$178,000.00	
Consultant Fees item	1	\$0.00	\$0.00	\$0.00	
Consultant Travel item	1	\$0.00	\$0.00	\$0.00	
Consultant Expenses item	1		\$0.00	\$0.00	
Total:			\$178,000.00		

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

Budget Category: Other Costs

Item	Qty	Cost/Item	Total	Adjustment	Reason Disallowed/Adjusted
Other costs item	1	\$0.00	\$0.00	\$0.00	
Total:			\$0.00		

ORI #: AZ070ZZ **Grant #:** 2015HEWX0019 **Legal Name:** Navajo Nation

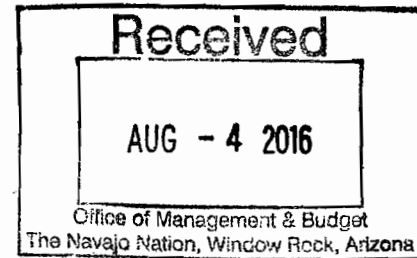
Budget Category: Indirect Costs

Total: \$0.00



THE NAVAJO NATION

RUSSELL BEGAY
JONATHAN NE



MEMORANDUM:

TO : 164 Packet Reviewers

FROM : Michele Tom
Michele Tom, Senior Contract Analyst
Navajo Division of Public Safety

SUBJECT : Grant Award

This 164 document is a grant award from USDOJ-COPS office in the amount of \$299,408. The department will be using consultants to complete a document scanning project for Information Management Section records. Items purchased will be computer equipment and electronic filing system. Travel expenses is also included. There is no IDC attached to this grant. When grant was initially applied for, IDC was not requested or included. After the department was awarded, we submitted a request to include IDC however, the request was denied by COPS office. The department is asking for a waiver for IDC from the legislative committees for this grant award.

Attachments to the packet include:

- a. Grant Award Packet Information
- b. NN Budget Form
- c. NDPS request letter for IDC
- d. USDOJ COPS denial letter for IDC

Your review and signature to this 164 document is requested. Should you have any questions regarding this matter, please do not hesitate to call me at 928-871-7584.

received
GW 8/5/16 COPS



THE NAVAJO NATION

RUSSELL BEGAYE PR
JONATHAN NEZ VICE PRESIDENT



June 23, 2016

Ms. Tammy Richardson
United States Department of Justice
Community Oriented Police Services (COPS)
Grants Administration Division
2 Constitutional Square 145 N. Street, NE, 11th Floor
Washington, DC 20530

Re: TRGP Grant Number 2015HEWX0019
ORI # AZ070ZZ

Dear Ms. Richardson,

I am respectfully requesting your approval to modify the grant to include Indirect cost (IDC) of \$51,438.29 (17.18% Navajo Nation Rate) that was not originally included in the grant proposal. This will allow the program to pay administration fees to our Finance Department that currently processes all of our financial documents related to this grant.

Therefore based on the information provided, we seek your approval to modify the budget and include IDC. Your immediate consideration is greatly appreciated to address this important matter on behalf of the Navajo Nation. If you should have additional questions or concerns please contact me at (928) 871-7584.

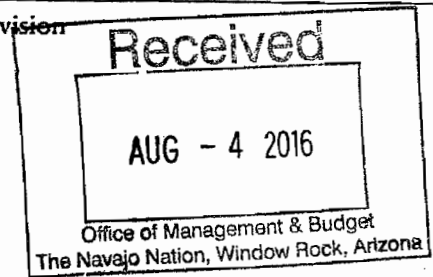
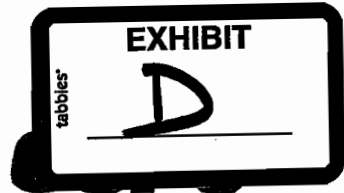
Sincerely,

THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Russell Begaye".
Russell Begaye, *President*



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
Grant Operations Directorate/Grants Administration Division
145 N Street, N.E., Washington, DC 20530



July 28, 2016

President Russell Begaye
The Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515

RE: TRGP Grant #2015HEWX0019
ORI #AZ070ZZ

Dear President Begaye,

Thank you for your letter of June 23, 2016 requesting approval to modify your grant to include indirect cost of \$51,438.29 that was not originally included in your grant application. As indicated in the solicitation and the Indirect Cost Fact Sheet which I have included for your convenience, indirect cost must be requested at the time of application. Since you did not request indirect costs at the time of application we are unable to approve your request.

If you have any questions or need assistance in the programmatic management of your grant please do not hesitate to contact me.

Sincerely,

Tammy Richardson
Grant Program Specialist



THE NAVAJO NATION

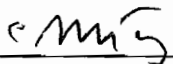
RUSSELL BEGAYE H
JONATHAN NEZ V



August 18, 2016

MEMORANDUM

TO: 2 NNC Sec. 164 Reviewers
Executive Branch – Navajo Nation

FROM: 
Cordell Shortey, Contracting Officer
Contracts and Grants Section, OMB

RE: Document No. 006457 – COPS Grant Award 2015HEWX0019

The subject document attached hereto has been marked **insufficient**; the surname comes with the following concern:

1. The document in regards to Notice of Award in the amount of \$299,408 for the Project Period Performance 09/01/2015 through 08/31/2018. CGS is unaware an application was submitted on this and such did not go through the 164 Executive Review process based on 2 NNC Sec 164 review requirements.
2. It appears Indirect Cost (IDC) rate 17.18% that was not originally included in grant application. The grant was awarded to NDPS in April 2016 and still in the Nation's acceptance process review and action (acceptance by resolution) by Nabik'iyaati Committee.
3. 164 E.O.R #003484 packet (attached) belongs to Judicial Branch, not for COPS Grant No. 2015HEWX0019 provided by NPDS on 08/16/2016

It is very important NDPS is urged to comply with the applicable requirements in processing the 164 Review process. Contact our office at 928-871-6040 if you have any questions.

Attachment
Cc: file



THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Received

AUG - 4 2016

Office of Management & Budget

The Navajo Nation, Window Rock, Arizona

PART I. Business Unit No.:

New

Program Title: Navajo Police Department

Division/Branch: Public Safety

Prepared By:

Michele Tom

Phone No.:

928-871-7584

Email Address:

mmtom@navajo-nsn.gov

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
				Total	Fund Type Code	NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
2015HEWX0019		09/01/15 - 08/31/18	299,408.00	100%				
					2001 Personnel Expenses			
					3000 Travel Expenses	1	0	11,408
					3500 Meeting Expenses			
					4000 Supplies			
					5000 Lease and Rental			
					5500 Communications and Utilities			
					6000 Repairs and Maintenance			
					6500 Contractual Services	1	0	178,000
					7000 Special Transactions			
					8000 Public Assistance			
					9000 Capital Outlay	1	0	110,000
					9500 Matching Funds			
					9500 Indirect Cost			
					TOTAL		\$0.00	299,408.00
					<i>See!</i>			
					PART IV. POSITIONS AND VEHICLES			
					(D)			
					(E)			
					Total # of Positions Budgeted:			
					0			
					Total # of Permanently Assigned Vehicles:			
					0			
					0			
					TOTAL: ✓ \$299,408.00			
					100%			

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

Bobby Elstiff, Acting Chief of Police

080316

Jesse Delmar, Executive Director

SUBMITTED BY: Program Manager's Printed Name and Signature / Date

APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Received

AUG - 4 2016

Office of Management & Budget
The Navajo Nation, Window Rock, Arizona**PART I. PROGRAM INFORMATION:**

Business Unit No.:

New

Program Name/Title:

Navajo Police Department

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

(SSCJA-04-08) The purpose of the Navajo Police Department is to enforce all Navajo Nation laws within the territorial jurisdiction of the Navajo Nation, as defined by Title N.N.C. §254 & 18 U.S.C. §1151, to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of enforcement skills and knowledge and provide them with the necessary law enforcement education to achieve full potential as Navajo Nation law enforcement officers. The application of these objectives are subject to availability of funds.

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Maintain a records retention center for Information Management

Goal Statement:

Scan and retain records using an electronic filing system.

2. Program Performance Area:

Data Conversion of Public records

Goal Statement:

Scan 2,760,000 public records (images and fingerprints)

3. Program Performance Area:

Goal Statement:

4. Program Performance Area:

Goal Statement:

5. Program Performance Area:

Goal Statement:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1		0		0		0	
690,000		690,000		690,000		690,000	
5		5		5		5	
2		2		2		2	
2		2		2		2	

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

Bobby Etsitty, Acting Chief of Police

Program Manager's Printed Name and Signature/Date

Jesse Delmar, Executive Director

Division Director/Branch Chief's Printed Name and Signature / Date

THE NAVAJO NATION DETAILED LINE ITEM BUDGET AND JUSTIFICATION

FY 2016

Page 3 of 3

PART I. PROGRAM INFORMATION:		Business Unit No.:		New	
Program Name/Title:		Navajo Police Department			
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Received AUG - 4 2016 <small>Office of Management & Budget The Navajo Nation, Window Rock, Arizona</small> </div>					
PART II. DETAILED BUDGET:					
(A)	(B)	(C)	(D)		
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code		
3000 TRAVEL EXPENSE	Monthly mileage fleet rental, Meals, Lodging and air fare directly related to program business and other miscellaneous travel expenses.		11,408		
3230	Personal Travel	7,508			
	3240 \$71/daily per diem x 3 days x 3 visits x 2 staff				
	3250 \$279/Daily Per Diem x 3 night x 3 visits for 2 staff				
	3260 POV @2,236 miles x .54				
3310	Air	3,900			
	3320 Commercial				
6500 CONTRACTUAL SERVICES	Professional Services for various program initiatives. Contractual services for specialized services.		178,000		
6520	Consulting				
	6530 Fees				
	6540 Expenses				
9000 CAPITAL OUTLAY					
9140	Equipment				
	9142 Equipment- Purchase Filing system				
	Equipment- Purchase two Storage Area Network (15,000 x 2)				
		110,000			
			110,000		
TOTAL		299,408	299,408		

NAAGMB-BF4



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM:

TO : 164 Packet Reviewers

FROM : Michele Tom
Michele Tom, Senior Contract Analyst
Navajo Division of Public Safety

SUBJECT : Response to OMB-OCG Concerns

This 164 document was submitted to OMB-OCG for review on August 4, 2016 and reviewing party did not comply with 7-day requirements listed in Executive order 07-2013 Section 114, 120 and 121. NDPS retrieved the packet on August 18, 2016 and upon pickup noticed the "Insufficient" box selected. NDPS does not agree with the "Insufficient" status due to reviewing party's non-compliance with the executive order. In addition, there was a memorandum that was attached to the packet and NDPS is responding to the concerns noted by the department.

1. This grant is a CTAS grant, Navajo has to submit only one packet to the funding agency therefore, NDPS was included in the application submittal with Judicial Branch. A copy of the Executive Official Review # 3484 was attached (exhibit "A").
2. In the Initial application packet, IDC was not requested as there was no approved negotiated rate for the Nation for FY14 and FY15 until October 2015. Upon award, the program did request for IDC and submitted the approved IDC rate and program was rejected. We received a formal denial letter (attached) informing NDPS that if IDC was not originally requested then could not be requested now.
3. Please see response to #1

Should you have any questions regarding this matter, please do not hesitate to call me at 928-871-7584.



THE NAVAJO NATION

RUSSELL BEGA
JONATHAN NE



MEMORANDUM:

TO : Legislative Committee(s)

FROM : Michele Tom
Michele Tom, Senior Contract Analyst
Navajo Division of Public Safety

SUBJECT : Waiver for IDC for COPS Grant (SAS #6457)

DATE : September 13, 2016

This document has completed the 164 Process and is now submitted to the respective Legislative committee(s) for their review and action in approving NDPS's request for an IDC waiver for the grant. NDPS has received information from DOJ that a request for a "waiver" is for situations where the funding source does not allow it and it was an oversight that the application packet did not request for IDC.

To rectify this issue, the program submitted a request to the funding agency requesting for IDC unfortunately, our request was denied. The response we received was that if IDC was not requested in the initial application it cannot be requested at this point.

Therefore, the program is respectfully requesting for a waiver for IDC and legislation reflecting that action.

Should you have any questions regarding this matter, please do not hesitate to call me at 928-871-7584.

Document No. 006457Date Issued: 08/01/2016**SECTION 164 REVIEW FORM**Title of Document: COPS Grant Award 2015HEWX0019 Contact Name: TOM, MICHELE MProgram/Division: DIVISION OF PUBLIC SAFETYEmail: mmtom@navajo-nsn.gov Phone Number: 928-871-7584

Division Director Approval for 164A: _____

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days. except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input checked="" type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: <u>Julie Bell</u>	Date: <u>080216</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>CMS - see memo</u>	Date: <u>8/18/16</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	3. OOC: <u>Sammy Jr</u>	Date: <u>9/6/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>[Signature]</u>	Date: <u>9/9/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input checked="" type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: <u>Julie Bell</u>	Date: <u>080216</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>CMS - see memo</u>	Date: <u>8/18/16</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	3. OOC: <u>Sammy Jr</u>	Date: <u>9/6/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>[Signature]</u>	Date: <u>9/9/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
09-08-16 3:54p	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 006457	
SAS #:	
UNIT: Hsqw	

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: Sept 8, 2016		ENTITY/DIVISION: NDPS	
CONTACT NAME: Michele Tum		DEPARTMENT: Police Dept	
PHONE NUMBER: 871-7584		E-MAIL: mmtum@navajo-nsn.gov	
TITLE OF DOCUMENT: NDPS award 2015 HEWY0019			
DOJ SECRETARY TO COMPLETE			
#122			
DATE/TIME IN UNIT: 9/9/16 8:00		REVIEWING ATTORNEY/ADVOCATE: Regina	
DATE/TIME OUT OF UNIT: 9/12/16 8:45			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Ready for signature. See attached 9/9/16 NNDJOS memo.			
REVIEWED BY: (PRINT)		DATE / TIME	
R + blyan		9/9/16 2:30pm	
SURNAMED BY: (PRINT)		DATE / TIME	
Kandis Martinez		9/9/16 4:52pm	
DOJ Secretary Called: Karla		for Document Pick Up on 9/12/16 at 8:45 By: gm	
PICKED UP BY: (PRINT)		DATE / TIME:	



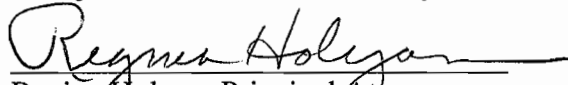
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

RODGERICK T. BEGAY
ACTING DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Michele Tom, Senior Contract Analyst
Navajo Division of Public Safety

FROM: 
Regina Holyan, Principal Attorney
Human Services & Government Unit
Navajo Nation Department of Justice

DATE: September 9, 2016

SUBJECT: **164 Doc. No. 6457 COPS Award in Amount of \$299,408**

The Navajo Nation Department of Justice (“NNDPJ”) has reviewed the above referenced COPS award. NNDPJ will surname the document but it points out the indirect cost (“IDC”) issue to the Navajo Division of Public Safety (“NDPS”).

The NDPS memo—undated—states that the initial application did not request IDC because “there was no approved negotiated rate for the Nation for FY14 and FY15 until October 2015.” However, OMB in its February 23, 2015 memo had alerted the CTAS applicants about including IDC in its grant budget. Therefore, whether or not there was an updated negotiated IDC rate, an effort still should have been made to request IDC.

While on June 23, 2016, NDPS requested a budget modification to include IDC in this grant award, USDOJ COPS denied this modification because “indirect cost must be requested at the time of application” and NDPS-Judicial did not request IDC in its application. NDPS can request a waiver of the IDC but keep in mind “waiver” is for situations where the funding source does not allow it. Here, the funding source did not disallow IDC; it said IDC was denied because it was not requested in the application. Therefore, it is questionable such a waiver should be allowed. NNDPJ will leave it to NDPS to resolve.

RH/gm.240

cc: Jesse Delmar, Executive Director, NDPS
Chief of Police Phillip Francisco, NPD
Herb Tsosie, Program Supervisor, Planning & Research Section



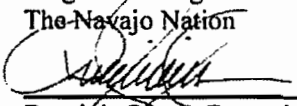
THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

October 20, 2015

MEMORANDUM

TO : Program Managers and Division Directors
The Navajo Nation

FROM : 
Dominic Boyar, Executive Director
Office of Management and Budget

SUBJECT : Indirect Cost (IDC) Negotiation Agreement on IDC Rates for FY 2014 and 2015

Pursuant to the FY 2014 Navajo Nation Budget Instruction and Policies Manual (BIPM), Appendix R., Section IV. E. 1., the attached document (see description below) regarding the subject matter is provided to you for implementation effective immediately. The document is also available on the OMB website at www.omb.navajo-nsn.gov.

Attachment "A": Resolution NABIO-64-15 that was adopted by NAABIK'IYATI COMMITTEE to accept the subject IDC rates and the related IDC Negotiation Agreement with Interior Business Center. Attached to the Resolution as Exhibit "A" is the executed IDC Negotiation Agreement.

Hereafter, the FY 2015 IDC rate of 17.18% shall be used as follows:

- A. Programs budgeting for recovery of IDC as follows:
1. In grant applications and related grant awards.
 2. On existing grant awards on which the term ending date has not expired, by no later than October 31, 2015, Programs Managers submit a request for authorization to use the FY 2015 IDC rate to the funding agency and copy to Contracts and Grants Section.

- B. Office of the Controller to book recovery of IDC funds earned on administration of external grant awards.

This memorandum shall supersede the memorandum of September 30, 2015 that was issued by our office to advise on use of the FY 2015 IDC rate on budgeting for IDC. The memorandum herein is to expand the use of FY 2015 IDC rate to recovering IDC funds since the IDC Negotiation Agreement was approved and accepted by NAABIK'IYATI COMMITTEE pursuant to Navajo law.

Your compliance with the BIPM on use of the IDC rate is emphasized. Contact CGS/OMB at 871-6033 if you have questions.

ATTACHMENT / Distribution

Cc: file
President Begaye / Vice President Nez, OPVP
Lorenzo Bates, Speaker – Navajo Nation Council
Allen Sloan, Acting Chief Justice – Judicial Branch
Robert Willie, Acting Controller - Office of the Controller
Ethel B. Branch Office of the Attorney General