

LEGISLATIVE SUMMARY SHEET

Tracking No. 0376-19

DATE: December 12, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTT'; AMENDING NABIMY-29-19 AND RECOMMENDING DIRECT P.L. 93-638 FUNDING FOR FACILITY IMPROVEMENT AND REPAIRS FOR GREYHILLS ACADEMY HIGH SCHOOL

PURPOSE: This resolution will amend NABIMY-29-19 and recommend direct P.L. 93-638 funding for Facility Improvement and Repairs for Greyhills Academy High School.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 5:16pm 12-18-19
Website Posting Time/Date: 12-23-19
Posting End Date: 12-24-19
Eligible for Action: 12-24-19

Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0376-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTTI'; AMENDING NABIMY-29-19 AND RECOMMENDING DIRECT
P.L. 93-638 FUNDING FOR FACILITY IMPROVEMENT AND REPAIRS FOR
GREYHILLS ACADEMY HIGH SCHOOL

SECTION ONE. AUTHORITIES

A. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee and as such empowered the committee to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); *see also* CO-45-12.

B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the committee "to authorize, review, approve and accept any and all contracts, grants and associated budgets with the United States, its departments and agencies for the implementation of the Indian Self-Determination and Education Assistance Act, as amended upon the recommendation of the standing committee which has oversight of the division, department or program applying for the contract and/or grant." 2 N.N.C. § 701(A)(12).

1 **SECTION TWO. FINDINGS**

2 A. The Bureau of Indian Affairs (BIA), U.S. Department of the Interior, on July 9,
3 2018 provided notice to the Navajo Nation that it would fund five Facility and Repair
4 projects at certain schools within the Navajo Nation, including projects at the Greyhills
5 Academy High School. For each project, the Navajo Nation was given options on how
6 each project would be managed.

7 B. Through resolution NABIMY-29-19, Navajo Nation proceeded with the projects.
8 For the Greyhills Academy High School, the Navajo Nation provided notice to the BIA
9 that the project would be managed through a "P.L. 93-638 Tribal/Federal Contract." See
10 Exhibit A. Among the funds, one million nine hundred thousand dollars (\$1,900,000.00)
11 was awarded to Greyhills Academy for repairs to the school's alarm system, its hydraulic
12 elevator and HVAC units. *Id.*

13 C. On June 5, 2019, the school board for the Greyhills Academy High School, by
14 resolution *2019-001* requested the Navajo Nation "to support the transfer of \$1.9 Million
15 P.L. 93-638 Facility Improvement & Repair Funds to be transferred to Greyhills
16 Academy High School." See Exhibit B, resolution *2019-001*.

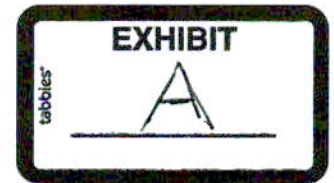
17 D. It is in the best interests of the Navajo Nation to permit and request direct funding
18 of federal funds made available for the Greyhills Academy High School.

19
20 **SECTION THREE. AUTHORIZING AND REQUESTING DIRECT FUNDING**

21 A. The Navajo Nation, concerning funds granted to the Navajo Nation by the Bureau of
22 Indian Affairs though notice dated July 9, 2018, hereby supports and recommends that
23 the Bureau of Indian Affairs provide funding, in the amount appropriated, directly to
24 Greyhills Academy High School. Subject to approval of this request, the school board
25 for Greyhills Academy shall assume all responsibility for implementing the federal grant
26 awarded the school, including all compliance requirements under federal law and
27 regulations.

28 B. The President of the Navajo Nation is authorized, and shall do all things necessary, to
29 implement the purposes and intent of this resolution.

30 C. Resolution NABIMY-29-19 is amended as provided by this action.



RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; IDENTIFYING THE FUNDING
OPTION AND PROJECT MANAGEMENT AND PROCUREMENT METHOD FOR PROJECTS
FUNDED BY THE UNITED STATES DEPARTMENT OF INTERIOR, INDIAN
AFFAIRS, OFFICE OF FACILITIES, PROPERTY AND SAFETY MANAGEMENT,
DIVISION OF FACILITIES MANAGEMENT & CONSTRUCTION

BE IT ENACTED:

SECTION ONE. AUTHORITY

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).

SECTION TWO. FINDINGS

- A. The United States Department of Interior, Indian Affairs,
Office of Facilities, Property and Safety Management, Division
of Facilities Management and Construction ("Division of
Facilities Management & Construction") has selected five major
Facilities, Improvement and Repair projects to fund on the
Navajo Nation.
- B. The Division of Facilities Management & Construction requires
a "Tribal Resolution identifying the funding option and
project management and procurement method" to be used for each
of the funded projects.

- C. The Facility Improvements and Repair projects are listed in five letters from the United States Department of Interior, Indian Affairs. These letters are attached as **Exhibit A**. The Facility Improvements and Repair projects include a Demolition and Space Reduction projects at Greasewood Springs Community School; a Facility Improvement and Repair project at Greyhills Academy High School; a Demolition Project for various unspecified locations on the Navajo Nation; a Facilities Improvement and Repair Project at Many Farms Consolidated School; and a Facility Improvement and Repair Project at Shonto Preparatory School.
- D. The Navajo Nation and Bureau of Indian Affairs document showing the proposed projects and the budgeted amounts for the five projects is attached as **Exhibit B**. The estimated total for all five projects is listed at \$45.8 million.
- E. The Navajo Nation President's DECISION OF FUNDING CONTRACT FOR PROJECT MANAGEMENT for each of the five projects are attached as **Exhibit A**.

SECTION THREE. IDENTIFYING THE FUNDING OPTION AND PROJECT MANAGEMENT AND PROCUREMENT METHOD TO BE USED FOR EACH OF THE FIVE UNITED STATES DEPARTMENT OF INTERIOR, DIVISION OF FACILITIES MANAGEMENT AND CONSTRUCTION PROJECTS

The Navajo Nation through the 24th Navajo Nation Council Naabik'iyáti' Committee hereby identifies the funding option and project management and procurement method to be used for each of the five United States Department of Interior, Indian Affairs, Office of Facilities, Property and Safety Management, Division of Facilities Management and Construction projects as shown in **Exhibit A**.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th 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 17 in Favor, and 00 Opposed, on this 28th day of May 2019.

A handwritten signature in blue ink, reading "Daniel E. Tso". The signature is fluid and cursive, with the first name "Daniel" and last name "Tso" clearly legible.

Honorable Daniel E. Tso, Chairman Pro Tem
Naabik'iyáti' Committee

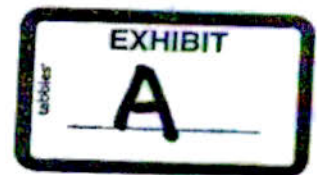
Motion: Honorable Edison J. Wauneka
Second: Honorable Wilson Stewart, Jr.

Chairman Pro Tem Daniel E. Tso not voting



United States Department of the Interior

INDIAN AFFAIRS
Office of Facilities, Property, and Safety Management
Division of Facilities Management & Construction
1001 Indian School Road, NW, Suite 555
Albuquerque, New Mexico 87104-2505

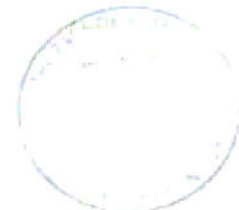


ENCLOSURE (100-297-100)
P.L. 100-297, Enclosure (100-297)

JUL - 9 2018

HAND DELIVERY

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



Dear President Begaye:

The Division of Facilities Management & Construction (DFMC), Indian Affairs, would like to consult with the Navajo Nation regarding demolition project for the Greasewood Springs Community School. The funding is approved and must begin by September 2018. Your acceptance of any approved funds will be considered an agreement to adhere to this schedule.

In accordance with the Assistant Secretary's commitment to and support of Tribal self-governance and self-determination, we are soliciting your input regarding an appropriate method for completing the demolition of housing project at Greasewood Springs Community School.

This project consists demolishing thirty-six (36) housing to include all site utilities improvements such as streets, curbs and gutters. Remove all hazardous materials from the structure, interiors and exteriors and/or grounds, demolish and remove site parking and roads, all concrete areas. In anticipation of receiving funds not to exceed \$1.3 million, Indian Affairs request the Navajo Nation select a procurement method for demolition from the following options:

Option Number 1: P.L. 100-297 Grant. The tribe or tribally-controlled school board (Grantee) elects to perform this project via a P.L. 100-297 grant.

Grantees will be responsible for overall project management, status reporting, review coordination with DFMC and Division of Safety and Risk Management (DSRM), and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

DFMC will conduct an Organizational Capacity Review (OCR) to determine the Grantee's management capabilities in accordance with 25 U.S.C. 2503(b)(4)(B)(iii). Upon completion of the OCR, a final decision awarding the grant will be made.

Option Number 2: P.L. 93-638 Contract - The tribe or tribal organization (Contractor) elects to perform the project via a P.L. 93-638 contract. The Contractor will be responsible for overall project management, status reporting, review coordination with DFMIC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMIC.

Option Number 3: IA Performs the Activities - The Division of Facilities Management and Construction will be responsible for overall project management in accordance with all applicable federal, state, and local building codes and standards.

For Option 1 or 2, an informational meeting will be scheduled to discuss the required application process and other matters related to the respective project. For Option 3, DFMIC assures you that the facility users and your designated tribal representative(s) will be fully involved throughout each phase of the project.

Project Management Responsibilities: The progress and execution of the project will be the subject of close and detailed reporting and scrutiny. DFMIC will provide oversight to help ensure deadlines are met in order to achieve established milestones throughout all phases of the project. To be successful, we must work together closely to ensure continual progress. Regular status reporting will be required to ensure progress toward achieving milestones, to maintain data required to regularly report progress to the Department of Interior and other oversight authorities.

Additionally, if the tribe elects either option 1 or 2, it must select a project manager that meets the DFMIC Minimum Project Manager Standards (will be provided at the informational meeting to follow).

Extensions of deadlines will be granted under extenuating circumstances only. Failure to adhere to the requirements of the Contract or Grant will result in a project review by Indian Affairs to consider withdrawing, withholding, and/or redirecting the use of all or some project funds for more efficient and timely use toward other projects.

Deadline for a Tribal Response to this Consultation Letter: We request you select one of the above implementation options and inform our office within thirty (30) business days from the date of receipt of this letter. If we do not receive a response from your office within the thirty (30) business days, Indian Affairs will have no choice but to initiate this project using Option Number 3. A tribal resolution will be required should you decide to use Option 1 or 2. Please attach the tribal resolution with your notice of selection.

For your convenience, a response form (Decision of the Greasewood Springs Community School Housing Demolition Project) is attached. Please review carefully, select your option, sign, and date. Return your response to our office within the deadline noted above. You may fax your response to (505) 563-5106, Attention: Jaylene Adakar Sanchez or email the response to: jaylene.adakar@bia.gov

**DECISION OF GREASEWOOD SPRINGS COMMUNITY SCHOOL HOUSING
DEMOLITION PROJECT:**

Proposed Project Name: Housing Demolition Project
Greasewood Springs Community School

Project Description: Housing Demolition Project
Greasewood Springs Community School.

I. TRIBAL DECISION: PROJECT MANAGEMENT for Housing Demolition

- ☐ We will use Option 1: P.L. 100-297 Tribally Controlled School Grant to complete the design and construction phases of the project.
- ☒ We will use Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.
- ☐ We will use Option 3: IA, Division of Facilities Management and Construction will complete the design and construction phases of the project.



Russell Begaye, President, Navajo Nation

AUG 08 2018

Date



United States Department of the Interior

INDIAN AFFAIRS

Office of Facilities, Property, and Safety Management
Division of Facilities Management & Construction
1011 Indian School Road, NW, Suite 115
Albuquerque, New Mexico 87104-2501

IN REPLY REFER TO:
Office of the Division Chief - DFMC

JUL - 9 2018



HAND DELIVERY

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

Dear President Begaye:

The Division of Facilities Management & Construction (DFMC), Indian Affairs would like to consult with the Navajo Nation regarding Facility Improvements and Repair project for the Greyhills Academy High School. The funding is approved and must begin by September 2018. Your acceptance of any approved funds will be considered an agreement to adhere to this schedule.

In accordance with the Assistant Secretary's commitment to and support of Tribal self-governance and self-determination, we are soliciting your input regarding an appropriate method for completing the planning, design, and construction of the facility improvement and repair project at Greyhills Academy High School.

This project consists of repairing elevated water tank renovation, fire alarm system upgrade, three floor hydraulic elevators to accommodate ADA requirements and fifty-one (51) units throughout the dormitory building 1100. In anticipation of receiving funds not to exceed \$1.9 million, Indian Affairs request the Navajo Nation select a procurement method for design and construction from the following options:

Option Number 1: P.L. 100-297 Grant. The tribe or tribally-controlled school board (Grantee) elects to perform this project via a P.L. 100-297 grant.

Grantees will be responsible for overall project management, status reporting, review coordination with DFMC and Division of Safety and Risk Management (DSRM), and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

DFMC will conduct an Organizational Capacity Review (OCR) to determine the Grantee's management capabilities in accordance with 25 U.S.C. 2503(b)(4)(B)(iii). Upon completion of the OCR, a final decision awarding the grant will be made.

Option Number 2: P.L. 93-638 Contract - The tribe or tribal organization (Contractor) elects to perform the project via a P.L. 93-638 contract. The Contractor will be responsible for overall project management, status reporting, review coordination with DEMC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DEMC.

Option Number 3: IA Performs the Activities - The Division of Facilities Management and Construction will be responsible for overall project management in accordance with all applicable federal, state, and local building codes and standards.

For Option 1 or 2, an informational meeting will be scheduled to discuss the required application process and other matters related to the respective project. For Option 3, DEMC assures you that the facility users and your designated tribal representative(s) will be fully involved throughout each phase of the project.

Project Management Responsibilities: The progress and execution of the project will be the subject of close and detailed reporting and scrutiny. DEMC will provide oversight to help ensure deadlines are met in order to achieve established milestones throughout all phases of the project. To be successful, we must work together closely to ensure continual progress. Regular status reporting will be required to ensure progress toward achieving milestones, to maintain data required to regularly report progress to the Department of Interior and other oversight authorities.

Additionally, if the tribe elects either option 1 or 2, it must select a project manager that meets the DEMC Minimum Project Manager Standards (will be provided at the informational meeting to follow).

Extensions of deadlines will be granted under extenuating circumstances only. Failure to adhere to the requirements of the Contract or Grant will result in a project review by Indian Affairs to consider withdrawing, withholding, and/or redirecting the use of all or some project funds for more efficient and timely use toward other projects.

Deadline for a Tribal Response to this Consultation Letter: We request you select one of the above implementation options and inform our office within thirty (30) business days from the date of receipt of this letter. If we do not receive a response from your office within the thirty (30) business days, Indian Affairs will have no choice but to initiate this project using Option Number 3. A tribal resolution will be required should you decide to use Option 1 or 2. Please attach the tribal resolution with your notice of selection.

For your convenience, a response form (Decision of the Greyhills Academy High School E&R Project) is attached. Please review carefully, select your option, sign and date. Return your response to our office within the deadline noted above. You may fax your response to (866) 576-5100 Attention: Jaylene Adakan Satchez or email the response to jaylene.adakan.satchez@bia.gov.

DECISION OF GREYHILLS ACADEMY HIGH SCHOOL FI&R PROJECT

Proposed Project Name: Facility Improvement and Repair Project
Greyhills Academy High School

Project Description: Facility Improvement and Repair Project
Greyhills Academy High School

1. TRIBAL DECISION: PROJECT MANAGEMENT for Design and Construction

- ☐ We will use Option 1: P.L. 100-297 Tribally Controlled School Grant to complete the design and construction phases of the project.
- ☒ We will use Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.
- ☐ We will use Option 3: IA, Division of Facilities Management and Construction will complete the design and construction phases of the project.



Russell Begaye, President, Navajo Nation

AUG 08 2018

Date



United States Department of the Interior

INDIAN AFFAIRS

Office of Facilities, Property, and Safety Management
Division of Facilities Management & Construction
1011 Indian School Road, NW, Suite 335
Albuquerque, New Mexico 87104-2303

KAREN N. MEYER, COO
Division of Facilities Management & Construction (DFMC)

JUL - 9 2018



HAND DELIVERY

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

Dear President Begaye:

The Division of Facilities Management & Construction (DFMC), Indian Affairs would like to consult with the Navajo Nation regarding the demolition and space reduction project being planned for various locations on the Navajo Nation. The funding is approved and must begin by September 2018. Your acceptance of any approved funds will be considered an agreement to adhere to this schedule.

In accordance with the Assistant Secretary's commitment to and support of Tribal self-governance and self-determination, we are soliciting your input regarding an appropriate method for completing the demolition of various bureau owned facilities throughout the Navajo Nation schools.

Following the review of our demolition plan, we anticipate approximately funding of \$5.6 million for 101 structures in the amount of 225,922 GSE. The Indian Affairs request the Navajo Nation select a procurement method for demolition from the following options:

Option Number 1: P.L. 93-638 Contract - The tribe or tribal organization (Contractor) elects to perform the project via a P.L. 93-638 contract. The Contractor will be responsible for overall project management, status reporting, review coordination with DFMC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC. An informational meeting will be scheduled to discuss the required application process and other matters related to the respective project.

Option Number 2: IA Performs the Activities - The Division of Facilities Management and Construction will be responsible for overall project management in accordance with all applicable federal, state, and local building codes and standards. DFMC assures you that the facility users and your designated tribal representative(s) will be fully involved throughout each phase of the project.

Project Management Responsibilities: The progress and execution of the project will be the subject of close and detailed reporting and scrutiny. DLMC will provide oversight to help ensure deadlines are met in order to achieve established milestones throughout all phases of the project.

To be successful, we must work together closely to ensure continual progress. Regular status reporting will be required to ensure progress toward achieving milestones, to maintain data required to regularly report progress to the Department of Interior and other oversight authorities.

Additionally, if the tribe elects option 1, it must select a project manager that meets the DLMC Minimum Project Manager Standards (will be provided at the informational meeting to follow).

Extensions of deadlines will be granted under extenuating circumstances only. Failure to adhere to the requirements of the Contract or Grant will result in a project review by Indian Affairs to consider withdrawing, withholding, and/or redirecting the use of all or some project funds for more efficient and timely use toward other projects.

Deadline for a Tribal Response to this Consultation Letter: We request you select one of the above implementation options and inform our office within thirty (30) business days from the date of receipt of this letter. If we do not receive a response from your office within the thirty (30) business days, Indian Affairs will have no choice but to initiate this project using Option Number 2. A tribal resolution will be required should you decide to use Option 1. Please attach the tribal resolution with your notice of selection.

For your convenience, a response form (Decision of TX Demolition and Space Reduction) is attached. Please review carefully, select your option, sign and date. Return your response to our office within the deadline noted above. You may fax your response to (505) 563-5106. Attention: Jaylene Adakar Sanchez or email the response to: jaylene.adakarsanchez@bja.gov

The original documents must be submitted by mail immediately afterward. If you have questions regarding this consultation letter, please contact me at (505) 563-5104.

Sincerely,



Daniel Galvan, Division Chief
Division of Facilities Management and Construction
Indian Affairs

Enclosure

cc: Sharon Pinto, Regional Director, Navajo Region
Joe Bitsie, Regional Facilities Manager, Navajo Region

DECISION OF INDIAN AFFAIRS DEMOLITION AND SPACE REDUCTION

Proposed Project Name: Demolition Program
IA Demolition and Space Reduction

Project Description: Demolition and Space Reduction

I. TRIBAL DECISION: PROJECT MANAGEMENT for Demolition and Space Reduction

- ☒ We will use Option 1: P.L. 93-638 Tribal/Federal Contract to complete the Demolition phase of the project.
- ☐ We will use Option 2: IA, Division of Facilities Management and Construction will complete the Demolition phase of the project.



Russell Begaye, President, Navajo Nation

AUG 08 2018

Date



United States Department of the Interior

INDIAN AFFAIRS

Office of Facilities, Property, and Safety Management
Division of Facilities Management & Construction
1011 Indian School Road, S.W. Suite 335
Albuquerque, New Mexico 87104-2303

SECRET
U.S. GOVERNMENT PRINTING OFFICE: 2015-01

JUL -9 2018



HAND DELIVERY

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

Dear President Begaye:

The Division of Facilities Management & Construction (DFMC), Indian Affairs would like to consult with the Navajo Nation regarding Facility Improvements and Repair project for the Many Farms Consolidated School. The funding is approved and must begin by September 2018. Your acceptance of any approved funds will be considered an agreement to adhere to this schedule.

In accordance with the Assistant Secretary's commitment to and support of Tribal self-governance and self-determination, we are soliciting your input regarding an appropriate method for completing the planning, design, and construction of the facility improvement and repair project at Many Farms Consolidated School.

This project consists of replacing and repairing education building 1000, 1001, 1002, 1003, and 1004. In anticipation of receiving funds not to exceed \$22 million, Indian Affairs request the Navajo Nation select a procurement method for planning, design, and construction from the following options:

Option Number 1: P.L. 100-297 Grant. The tribe or tribally-controlled school board (Grantee) elects to perform this project via a P.L. 100-297 grant.

Grantees will be responsible for overall project management, status reporting, review coordination with DFMC and Division of Safety and Risk Management (DSRM), and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

DFMC will conduct an Organizational Capacity Review (OCR) to determine the Grantee's management capabilities in accordance with 25 U.S.C. 2503(b)(4)(B)(iii). Upon completion of the OCR, a final decision awarding the grant will be made.

Option Number 2: P.L. 93-638 Contract - The tribe or tribal organization (Contractor) elects to perform the project via a P.L. 93-638 contract. The Contractor will be responsible for overall project management, status reporting, review coordination with DI MC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DI MC.

Option Number 3: IA Performs the Activities - The Division of Facilities Management and Construction will be responsible for overall project management in accordance with all applicable federal, state, and local building codes and standards.

For Option 1 or 2, an informational meeting will be scheduled to discuss the required application process and other matters related to the respective project. For Option 3, DI MC assures you that the facility users and your designated tribal representatives will be fully involved throughout each phase of the project.

Project Management Responsibilities: The progress and execution of the project will be the subject of close and detailed reporting and scrutiny. DI MC will provide oversight to help ensure deadlines are met in order to achieve established milestones throughout all phases of the project. To be successful, we must work together closely to ensure continual progress. Regular status reporting will be required to ensure progress toward achieving milestones, to maintain data required to regularly report progress to the Department of Interior and other oversight authorities.

Additionally, if the tribe elects either option 1 or 2, it must select a project manager that meets the DI MC Minimum Project Manager Standards (will be provided at the informational meeting to follow).

Extensions of deadlines will be granted under extenuating circumstances only. Failure to adhere to the requirements of the Contract or Grant will result in a project review by Indian Affairs to consider withdrawing, withholding, and/or redirecting the use of all or some project funds for more efficient and timely use toward other projects.

Deadline for a Tribal Response to this Consultation Letter: We request you select one of the above implementation options and inform our office within thirty (30) business days from the date of receipt of this letter. If we do not receive a response from your office within the thirty (30) business days, Indian Affairs will have no choice but to initiate this project using Option Number 3. A tribal resolution will be required should you decide to use Option 1 or 2. Please attach the tribal resolution with your notice of selection.

For your convenience, a response form (Decision of the Many Farms Consolidated School EL&R Project) is attached. Please review carefully, select your option, sign and date. Return your response to our office within the deadline noted above. You may fax your response to (505) 563-5106, Attention: Jaylene Adakai Sanchez or email the response to jaylene.adaka@sancheztribe.org.

The original documents must be submitted by mail immediately afterward. If you have questions regarding this consultation letter, please contact our office at (505) 863-8114.

Sincerely,



Daniel Galyan, Division Chief
Division of Facilities Management and Construction
Indian Affairs

Enclosure

cc Sharon Pinto, Regional Director, Navajo Region
Joe Bitsie, Regional Facilities Manager, Navajo Region
Rose Marie Davis, Associate Deputy Director, Tribally Controlled Schools, BII
Jay R. Nez, School Board President, Many Farms Consolidated School
David Nez, Principal, Many Farms Consolidated School

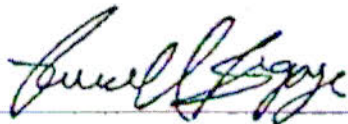
DECISION OF MANY FARMS CONSOLIDATED SCHOOL FI&R PROJECT:

Proposed Project Name: Facility Improvement and Repair Project
Many Farms Consolidated School

Project Description: Facility Improvement and Repair Project
Many Farms Consolidated School

I. TRIBAL DECISION: PROJECT MANAGEMENT for Planning, Design, and Construction

- ☐ We will use Option 1: P.L. 100-297 Tribally Controlled School Grant to complete the design and construction phases of the project.
- ☒ We will use Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.
- ☐ We will use Option 3: IA. Division of Facilities Management and Construction will complete the design and construction phases of the project.



Russell Begaye, President, Navajo Nation

AUG 08 2018

Date



United States Department of the Interior

INDIAN AFFAIRS

Office of Facilities, Property, and Safety Management
Division of Facilities Management & Construction
1011 Indian School Road, NW, Suite 1115
Albuquerque, New Mexico 87104-2503

SCANNED
66202a80816
E-MAILED
8/16/18

IN REPLY REFER TO:

100-297-1000-1000

1 2018]

FEDEX DELIVERY

Honorable Russell Begaye
President, Navajo Nation
100 Parkway
Window Rock, Arizona 86515



Dear President Begaye,

The Shonto Preparatory School has been selected for a major Facilities Improvement and Repair (I&R) project. To ensure the success of these projects, the Division of Facilities Management and Construction (DFMC) will work closely with Shonto Preparatory School to complete each phase of the project. Funding for this project is limited and contingent on future Congressional appropriations.

A Tribal Resolution identifying the funding option and project management and procurement method should be submitted to DFMC. The Facilities Improvement & Repair project will consist of design and construction of major HVAC, water and sewer system replacement, and Life Safety upgrades of approximately \$10 to \$15 million.

Tribal Resolution Identifying Funding Option, Project Management and Procurement

Method to be used: Section 900.120 of title 25 of the Code of Federal Regulations (CFR) requires that the Secretary notify the tribe or tribal organization to be benefitted by the availability of funds for construction I&R projects.

Please select the funding option the school will use for the I&R project and attach a supporting tribal resolution. If our office does not receive a response by identified time frame, it will proceed with Option 3.

Option Number 1: P.L. 100-297 Grant. The tribe or tribally-controlled school board (Grantee) elects to perform the planning phase activities via P.L. 100-297 grant. Grantees will be responsible for overall project management, status reporting, review coordination with DFMC and Division of Safety and Risk Management (DSRM), and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

DFMC will conduct an Organizational Capacity Review (OCR) to determine the Grantee's management capabilities in accordance with 25 U.S.C. 2503(b)(4)(B)(iii). Upon completion of the OCR, a final decision awarding the grant will be made.

Option Number 2: P.L. 93-638 Contract - The tribe or tribal organization (Contractor) elects to perform the planning phase activities via P.L. 93-638 contract. The Contractor will be responsible for overall project management, status reporting, review coordination with DFMC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

Option Number 3: IA Performs the Activities - The responsible Regional Facilities Manager, with support from the DFMC, will be responsible for overall project management, status reporting, review coordination with DFMC and DSRM, and completing all procurement actions, including the scope of work, in accordance with applicable federal, state, and local building codes and standards, as well as additional requirements identified by DFMC.

For Option 1 or 2, an informational meeting will be scheduled to discuss the required application process and other matters related to the respective project. For Option 3, DFMC assures you that the facility users and your designated tribal representative(s) will be fully involved throughout each phase of the project.

Project Management Responsibilities: The progress and execution of each project will be the subject of close and detailed reporting and scrutiny. DFMC will provide oversight to help ensure deadlines are met in order to achieve established milestones throughout all phases of the project. To be successful, we must work together closely to ensure continual progress. Regular status reporting will be required to ensure progress toward achieving milestones, to maintain data required in eCPIC, and for DFMC to regularly report progress to the Department of Interior and other oversight authorities. Additionally, if the tribe or tribal organization elects either option 1 or 2, it must select a project manager that meets the DFMC Minimum Project Manager Standards (will be provided at the informational meeting to follow).

Extensions of deadlines will be granted under extenuating circumstances only. Failure to adhere to the requirements of the Contract or Grant will result in a project review by Indian Affairs to consider withdrawing, withholding, and/or redirecting the use of all or some project funds for more efficient and timely use toward other projects. This would likely result in postponing a project until some future date when the schedule is back on track and new funding can be identified.

Tribal Intention and Resolution Regarding Funding Contract for Project Management and Procurement Option Selected: We request you select one of the above implementation options and inform DFMC within the specified timeframe. If we do not receive a response from your office within the timeframe, Indian Affairs will initiate this project using Option Number 3. A Tribal Resolution will be required should you decide to use Option 1 or 2. Please attach the Tribal Resolution with your notice of selection. If a tribal resolution cannot be obtained within the given period, please inform us of your intended option using attachment 1. The Tribal Resolution will be required. If necessary an Organizational Capacity Review will be conducted, prior to entering the formal planning stage.

Deadline for a Tribal Response to this Consultation Letter: Please provide your response with all requested attachments, and other documentation to DLMC within 15 business days from the date of receipt of this letter. Please ensure you include, at a minimum, the completed and signed attachment indicating tribal decisions for funding option and project management.

For your convenience, a response form (Decision of Funding Contract for Project Management) is attached. Please review carefully, select your option, sign and date. Return your response to our office within the deadline noted above. You may fax your response to (505) 563-5106 Attention: Laylene Adakar Sanchez or email the response to laylene.adakarsanchez@bia.gov. The original documents must be submitted by mail immediately afterward. If you have questions regarding this consultation letter, please contact our office at (505) 563-5104.

Sincerely,



Dale Keel, Acting Division Chief
Division of Facilities Management and Construction
Indian Affairs

cc: Sharon Potts, Regional Director, Navajo Region
Joe Bitsie, Regional Facilities Manager, Navajo Region
Dr. Lamarah Pfeiffer, Associate Deputy Director, Navajo BII

DECISION OF FUNDING CONTRACT FOR PROJECT MANAGEMENT

Decision of the:

Proposed Project Name:

Project Description:

I. Tribal Decision: Funding Contract for Project Management

☐ We will use Option Number 1: P.L. 100-297 Tribally Controlled School Grants (Tribal resolution attached)

☒ We will use Option Number 2: P.L. 93-638 Contract (Tribal resolution attached)

☐ We will use Option Number 3: IA will perform planning phase.



Russell Begaye, President, Navajo Nation

8/22/18
Date

Navajo Nation & Bureau of Indian Affairs Proposed P.L. 93-638 Projects

Date of BIA Letter	Date OPVP signed	Proposed Project – Tribal Decision	Description / SOW	Budget Amount	Action Required by NN / Timeline
7/9/18	8/8/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Demolition Project: Greasewood Springs Comm. Sch. – demo of 36 housing inclusive of all site utilities, improvements such as streets, curbs and gutters. Remove all hazardous materials from structure interiors and exteriors and/or grounds, demolish and remove site parking and roads, all concrete areas.	\$1.3 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
7/9/18	8/8/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Facility Improvement & Repair Project: Greyhills Academy High School – consists of repairing elevated water tank renovation, fire alarm system upgrade, three floor hydraulic elevators to accommodate ADA requirements and 51 units throughout the dormitory building 1100.	\$1.9 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
7/9/18	8/8/18	Option 3: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Demolition Project: demolition and space reduction – various locations on the Navajo Nation. 101 structures in the amount of 225,922 GSF.	\$5.6 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
7/9/18	8/8/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Facility Improvement & Repair Project: Many Farms Consolidated School – consists of replacing and repairing education-building 1000, 1001, 1002, 1003, and 1004.	\$22 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
7/9/18	8/20/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Facility Improvement & Repair Project: Shonto Preparatory School project consists of design and construction of major HVAC, water and sewer system replacement, and Life Safety updates.	Up to \$15 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
Estimated Total:				\$45.8 million	

NAVAJO NATION

178

Naa'bik'iyati Committee

5/28/2019

07:57:23 PM

Amd# to Amd#
MOT Wauneka, E
SEC Stewart, W
Legislation 0127-19: Identifying
the Funding Option and Project
Management and Procurement
Method for Projects Funded by...

PASSED

Yea : 17

Nay : 0

Excused : 4

Not Voting : 2

Yea : 17

Begay, E

Begay, K

Begay, P

Charles-Newton

Damon

Daniels

Freeland, M

Halona, P

Henio, J

James, V

Nez, R

Smith

Stewart, W

Tso, E

Tso, O

Walker, T

Wauneka, E

Nay : 0

Excused : 4

BeGaye, N

Brown

Tso, C

Crotty

Not Voting : 2

Yazzie

Yellowhair

Presiding Chair: Tso, D



GREYHILLS ACADEMY HIGH SCHOOL

P.O. Box 160 | 160 Warrior Drive
Tuba City, Arizona 86045

Phone: (928) 283-6271 | Fax: (928) 283-6604 | www.greyhillsacademy.org



RESOLUTION #2019-001

Resolution of the Governing Board of Education of Tuba City High School Board, Inc., dba: Greyhills Academy High School of Tuba City, AZ

To request the Health, Education and Human Services Committee of the Navajo Nation Council to support the transfer of \$1.9 Million P.L. 93-638 Facility Improvement & Repair Funds to be transferred to Greyhills Academy High School.

WHEREAS:

1. The Tuba City High Board Inc., DBA: Greyhills Academy High School is a local school board with authority to guide and direct the school administration, establishing local educational policies, and other governing responsibilities pursuant to Navajo Nation Council Code Title 10 N.N.C § 200; and P.L. 93-638, Indian Self-Determination and Education Assistance Act of 1975; P.L. 100-297, Tribally Controlled Schools Grant Act of 1988, and
2. The Assistant Secretary-Indian Affairs selected Greyhills Academy High School for the Facility Improvement and Repair Project List. Greyhills Academy High School has completed the Facility Improvement and Repair planning phase and is currently waiting to receive design and construction funds to become available from Navajo Nation Health, Education and Human Services Committee (HEHSC). The Department of Interior Bureau of Indian Affairs, committed \$1.9 million for repairing fire alarm system upgrade, three floor hydraulic elevators to accommodate ADA requirements and fifty-one, 51, HVAC units throughout the dormitory building #385.
3. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council to promulgate regulations, promote accountability to policies and provide legislative oversight on matters involving health, social services, general governmental services and human services.

NOW THEREFORE BE IT RESOLVED THAT:

1. Greyhills Academy High School hereby requests the transfer of the entire \$1.9 million committed by the Department of Interior, Bureau of Indian Affairs to Greyhills Academy High School for Facility Improvement and Repairs of school renovation of identified projects; and



GREYHILLS ACADEMY HIGH SCHOOL

PO Box 160 | 160 Warrior Drive

Tuba City, Arizona 86045

Phone: (928) 283-6271 | Fax: (928) 283-6604 | www.greyhillsacademy.org

2. Greyhills Academy High School hereby requests the Health, Education and Human Services Committee of the Navajo Nation Council to support the transfer of the Navajo Nation P.L. 93-638 Facility Improvement and Repair Project funds to Greyhills Academy High School a PL 100-297 school.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Tuba City High School Board, Inc. at a duly called meeting on the 5th day of June, 2019 in Tuba City, Arizona by a vote 5 in favor, 0 opposed, and 0 abstention.


Mr. Gerald Keetso, President

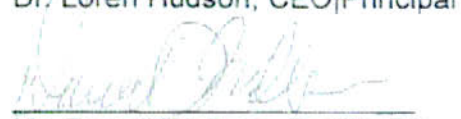

Ms. Esther Grass, Vice-President

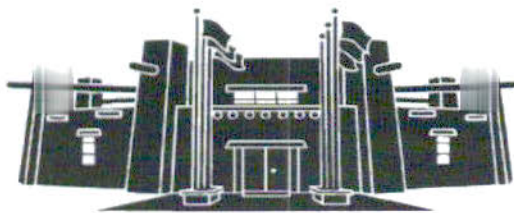

Ms. Rena Dodson, Clerk


Ms. Angie Williams, Member


Mr. Patrick Boone, Member


Dr. Loren Hudson, CEO/Principal


Mr. Darrell Wallace, Facility Dir.



MEMORANDUM

To : Hon. Paul Begay, Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : December 12, 2019

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI; AMENDING NABIMY-29-19 AND RECOMMENDING DIRECT P.L. 93-638 FUNDING FOR FACILITY IMPROVEMENT AND REPAIRS FOR GREYHILLS ACADEMY HIGH SCHOOL

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Your summary sheet did not include anything on proposed findings. Delegates may include amendments in this area, particularly in respect to why the Nation is supporting the bill. In any event, as to format, the resolution as drafted is legally sufficient (the nation is supporting requests). Also, please understand that it is up to the Speaker to assign legislation (he may include other committees than those suggested in title of resolution). But, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 19-660-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0376-19_____ SPONSOR: Paul Begay

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti';
Amending NABIMY-29-19 and recommending direct P.L. 93-638 funding for Facility
Improvement and Repairs for Greyhills Academy High School

Date posted: December 18, 2019 at 5:16pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0376-19

SPONSOR: Honorable Paul Begay

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti' ;
Amending NABIMY-29-19 and recommending direct P.L. 93-638 funding for Facility
Improvement and Repairs for Greyhills Academy High School

Posted: December 18, 2019 at 5:16 PM

5 DAY Comment Period Ended: December 23, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

12/24/19 8:27 AM

Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0376-19

SPONSOR: Honorable Paul Begay

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti' ; Amending NABIMY-29-19 and recommending direct P.L. 93-638 funding for Facility Improvement and Repairs for Greyhills Academy High School

Posted: December 18, 2019 at 5:16 PM

5 DAY Comment Period Ended: December 23, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	1) Patrick Dalgai, NNDCCD, Community Housing & Infrastructure Department



**Legislative Tracking Secretary
Office of Legislative Services**

01/02/20 2:46PM

Date/Time

Legislation 0376-19

Patrick Dalgai <pat_dalgai@nnchid.org>

Thu 1/2/2020 11:07 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Pearl Yellowman <pyellowman@nndcd.org>; bholgate <bholgate@nndcd.org>; Cordell Shortey <cshortey@omb.navajo-nsn.gov>;
Germaine Jones <gjones@omb.navajo-nsn.gov>;

1 attachment

NationAcceptanceLtr-BIA Projects.pdf;

Mr. Platero,

The Division of Community Development (DCD) is submitting a comment on the subject legislation.

The Nation accepted the projects, letter dated June 20, 2019, signed by President Nez & Vice President Lizer (see attached letter). The letter states DCD is the lead office and is responsible for completing the assigned tasks until all projects are completed. DCD is reconfirming the Nation will continue the responsibility of completing these projects and DCD is currently communicating directly with OMB on completing the assigned tasks. Any questions, please contact me. My information is provided below.

Thank you.

--

Patrick Dalgai

Acting Department Manager II

Community Housing & Infrastructure Department

NAVAJO NATION - DIVISION OF COMMUNITY DEVELOPMENT

P.O. Box 2389

Window Rock, AZ 86515

Phone: (928) 871-7240 Fax: (928) 871-7418

WARNING: External email. Please verify sender before opening attachments or clicking on links.

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

June 20, 2019

Danial Galvan, Division Chief
Division of Facilities Management and Construction (DFMC)
1011 Indian School Road NW, Suite 335
Albuquerque, NM 87104-2303

SUBJECT: BIA Facilities Projects - Renovation and Demolition

Mr. Galvan:

Please be advised that the Navajo Nation (Nation) will proceed with administering the five (5) subject projects listed on the attached Exhibit "A". When your office submitted the consultation letters referenced in Column A on the attached to the Nation, former President Russell Begaye selected Option 2 to undertake the projects through P.L. 93-638 contracts (Contracts) and informed DFMC accordingly.

Further be informed of the roles of the Nation's Divisions and Offices in the projects as follows:

1. Office of Management and Budget and Department of Justice
 - Advise on compilation of the Contracts of the projects and execution of the same.
2. Division of Community Development
 - Lead office to plan the projects, develop the scope of work and budget, submit Contracts for the Nation's administrative review and authorization by the Naabik'iyati' Committee, and implement the projects.
3. Division of Natural Resources
 - Provide support service to the projects on obtaining archeological and environmental clearance and compliance and address required actions on land, surveys and boundaries.

We look forward to working with you in achieving the projects in an efficient and effective manner. Contact us at 928-871-7000 if you have any questions.

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President
The Navajo Nation

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President
The Navajo Nation

Attachment

cc: Office of President and Vice President

- Myron Lizer, Vice President; Paulson Chaco, Chief of Staff

Department of Justice

- Doreen Nanibaa DePaul, Attorney General; Michelle Begay, Attorney

Office of Management and Budget

- Dominic Beyal, Executive Director; Cordell Shortey, Contracting Officer

Dr. Pearl Yellowman, Division Director - Division of Community Development.
Dr. Rudolph Shebala, Division Director - Division of Natural Resource
Calandra Charging Eagle, Architect / Demolition Program Manager - DFM

Navajo Nation & Bureau of Indian Affairs

Proposed P.L. 93-638 Projects

A	B	C	D	E	F
Date of BIA Letter	Date OPVP signed	Proposed Project – Tribal Decision (Ref. signed letters)	Description / SOW	Budget Amount	Action Required by NN / Timeline
1					
2	7/9/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Demolition Project: Greasewood Springs Comm. Sch. – demo of 36 30 housing inclusive of all site utilities, Improvements such as streets, curbs and gutters. Remove all hazardous materials from structure interiors and exteriors and/or grounds, demolish and remove site parking and roads, all concrete areas. (Note: BIA revised number of units from 36 to 30.)	\$1.3 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
3	7/9/18	Option 2: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Facility Improvement & Repair Project: Greyhills Academy High School – consists of repairing elevated water tank renovation, fire alarm system upgrade, three floor hydraulic elevators to accommodate ADA requirements and 51 units throughout the dormitory building 1100.	\$1.9 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
4	7/9/18	Option 1: P.L. 93-638 Tribal/Federal Contract to complete the design and construction phases of the project.	Demolition Project: demolition and space reduction – various locations on the Navajo Nation. 101 structures in the amount of 225,922 GSF.	\$5.6 million	Begin 9/2018 – Info meeting will be scheduled to discuss project.
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7			Estimated Total:	\$45.8 million	