

**RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL**

24TH NAVAJO NATION COUNCIL - Second Year, 2020

AN ACTION

**RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE NAVAJO
NATION CARES FUNDS EXPEDITED PROCEDURES AND APPLICATION
INSTRUCTIONS AND RELATED DOCUMENTS**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee has the authority to approve the Navajo Nation CARES Funds expedited budget procedures pursuant to CMY-44-20, Section 9 Paragraph B.

SECTION TWO. FINDINGS

- A. The Navajo Nation established and approved the Navajo Nation CARES Fund in Council Resolution CMY-44-20, "Enacting the Navajo Nation CARES Fund Act" by Amending Title 12 of the Navajo Nation Code and Establishing "The Navajo Nation CARES Fund Received from the United States Pursuant to Title V of the Coronavirus Aid, Relief, and Economic Security Act ('Cares Act')," on May 30, 2020.
- B. Council Resolution CMY-44-20 directed the Office of Management and Budget to "develop expedited budget procedures, including forms, if necessary for the expeditious expenditure of CARES Act Funding for approval by the Budget and Finance Committee within ten (10) days of the enactment of this legislation." CMY-44-20, Section 9, Paragraph B.
- C. The Office of Management and Budget ("OMB") collaborated with the Office of the Controller ("OOC"), the Department of Justice, and the Office of Legislative Counsel to prepare the Navajo Nation CARES Fund Expedited Procedures and Application Instructions (the "Procedures"),

Application Form, Applicant Certification, and Financial Report Template, attached as **Exhibit A**.

- D. The entities eligible to receive NN CARES Funds are Navajo Nation central government entities, Navajo Nation chapters and townships, Navajo Nation Enterprises and other Navajo Nation-owned entities, and entities external to the Navajo Nation government that provide benefits and services to the Navajo People.
- E. The Procedures allow eligible entities to submit applications to OMB and OOC for review and a determination of eligibility.
- F. The eligibility determination by OMB and OOC shall be based on whether the applicant's intended use of the funds is allowed pursuant to the federal CARES Act requirements, Council Resolution CMY-44-20, and other Navajo Nation laws.
- G. The Procedures provide for an expedited review from OMB and OOC that will occur within 72 hours of receiving the Application Form and supporting documents. To facilitate the expedited review process, the Application can be submitted to OMB and OOC at the same time.
- H. After review by OMB and OOC, the documents are eligible to be presented to the Office of Legislative Counsel to draft legislation for approval of an expenditure plan by the Navajo Nation Council.
- I. Upon approval of an expenditure plan by the Navajo Nation Council, funding for applicants other than Navajo Nation central government entities shall be administered through a Memorandum of Agreement. Direct funding is available for Navajo Nation central government entities only.

SECTION THREE. APPROVAL

The Navajo Nation approves the Navajo Nation CARES Funds Expedited Procedures and Application Instructions, Application Form, Applicant Certification, and Financial Report Template, attached as **Exhibit A**.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held by teleconference at which a quorum was present and that the same was passed by a vote of 4 in favor and 0 opposed, this 7th day of July 2020.



Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Jimmy Yellowhair
Second: Honorable Raymond Smith, Jr.

**Navajo Nation CARES Funds
Expedited Procedures and Application Instructions**



1. Introduction.

The Navajo Nation (Nation) was allocated Fiscal Year (FY) 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding by U.S. Department of Treasury (Treasury). By resolution CMY-44-20, the Navajo Nation Council adopted the Navajo Nation CARES Fund Act to address the COVID-19 public health emergency, and established the Navajo Nation CARES Fund (Navajo CARES Fund), authorizing allocations to Navajo Nation governmental entities and entities external to the Navajo Nation government (Applicants) to address the effects of COVID-19 on the Navajo People and the Nation.

Prior to submitting an Application, Applicants shall carefully review Treasury's *Guidance on Coronavirus Relief Funds*, issued April 22, 2020, and *Frequently Asked Questions*, issued on May 4, May 28, and June 24, 2020. These explain the requirements and restrictions on use of the Coronavirus Relief Funds, and provide a non-exhaustive list of eligible and ineligible expenditures. The Nation will follow these restrictions in processing Applications for Navajo CARES Funds.

2. Entities Eligible to Apply for Navajo Nation CARES Funds.

The following types of entities are eligible to apply for Navajo CARES Funds for necessary expenditures incurred due to the COVID-19 public health emergency:

- A. Navajo Nation governmental entities (e.g. Branches, Divisions, Departments, Programs, Offices, Boards/Commissions/Committees, etc.).

Note: Navajo Nation Programs and Departments shall submit their Navajo CARES Fund Applications to their respective Divisions, to be included in a Division-wide Application. This Division-wide Application shall include attachments of the individual Department and Program Applications within the Division;

- B. Navajo Nation LGA-certified Chapters, non-LGA-certified Chapters, and Township;
- C. Navajo Nation Enterprises and other Navajo Nation-owned entities; and
- D. Entities external to the Navajo Nation government that provide benefits and services to the Navajo People. To operate within the Nation, Navajo law provides that entities must be registered to conduct business on the Nation.

3. Restrictions / Requirements on Expenditures of Navajo CARES Funds.

- A. **ELIGIBLE USES.** Expenditures of the Navajo CARES Fund shall only be for eligible uses as defined in Title V of the CARES Act (§ 601(d) of the Social Security Act), Navajo Nation Council Resolution CMY-44-20, and the Council resolutions approving the Expenditure Plans, which includes only those costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to COVID-19; and
 2. were not accounted for in the Navajo Nation's FY 2020 annual comprehensive budget; and
 3. are incurred from March 1, 2020 through December 30, 2020. Costs are incurred when the funds are actually expended; it is not sufficient to encumber or obligate the funds prior to December 30, 2020.
- B. AVAILABILITY. The funds shall be available through December 30, 2020, unless another date is determined by the Navajo Nation Council.
- C. SINGLE AUDIT ACT, UNIFORM GUIDANCE & INTERNAL CONTROLS. Pursuant to the *Frequently Asked Questions* issued by Treasury on May 28, 2020, Title V CARES Act funds are considered to be federal financial assistance, and therefore subject to the Single Audit Act (31 U.S.C. §§ 7501-7507), and the related provisions of the Uniform Guidance (2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding sub-recipient monitoring and management, and subpart F regarding audit requirements). All entities, including non-government entities, will be subject to federal Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) (2 CFR Part 200), specifically §200.331 requiring pass-through entities to evaluate each sub-recipient's risk of noncompliance prior to issuing a sub-award. All entities, regardless of award size, must be monitored under Subpart D of the Uniform Guidance, which provides a list of a pass-through entity's related responsibilities. All entities are expected to comply with the terms and conditions of the Uniform Guidance and any other stipulations imposed by Treasury and the Navajo Nation. Specifically, each sub-recipient will be subject to sub-recipient monitoring requirements in accordance with Uniform Guidance, 2 CFR 330 – 200.332, and any additional guidance that may be published by Treasury. As well, any sub-recipient who spends seven hundred and fifty thousand dollars (\$750,000) or more in funding will be subject to the requirements of the Single Audit Act.
- D. MONITORING. Funds are subject to monitoring and review by Treasury's Inspector General and the Navajo Nation. Funding recipients shall maintain all records and documents related to Navajo CARES Fund expenditures for a minimum period of five years from the date of receipt of funds.
- E. INDEMNIFICATION. All funding recipient entities agree to hold harmless and indemnify the Navajo Nation against any and all losses, costs, damages, claims, accident or injury to person or property including death, attorneys' fees, expenses, and other liability whatsoever (collectively, Claims), arising under, related to, or in connection with the Navajo CARES Funds, except to the extent such Claims are directly caused by the gross negligence or wanton and willful conduct of the Navajo Nation or to the extent they result from the negligence of the Navajo Nation officials or employees as provided for and in accordance with 1 N.N.C. §§ 551 *et seq.*

- F. RECOUPMENT. Funds expended on ineligible activities and/or not expended by December 30, 2020 must be paid back to the Navajo Nation. If the funding recipient fails to return such funds to the Navajo Nation, the Nation may recoup the funds via offset of future payments or judicial process.

4. Application Instructions and Requirements to Apply for Navajo Nation CARES Funds.

- A. APPLICATION. All entities seeking to receive Navajo Nation CARES Funds (Applicants) must submit a completed Navajo CARES Funds Application Form, budget forms, and all other supporting documents described below (Application) to the Navajo Nation Office of Management and Budget (OMB) and the Navajo Nation Office of the Controller (OOC).

- B. BUDGET FORMS REQUIRED BY ALL APPLICANTS. All Applicants, whether an entity internal or external to the Navajo Nation government, must attach a budget to the Application Form, detailing funds requested. This budget must be on the following Navajo Nation Budget Forms (NNBF), found in the Navajo Nation Budget Instructions Manual most recently adopted by the Budget and Finance Committee of the Navajo Nation Council. The information on NNBFs is used to account for the funds in FMIS and reporting. The high level budget goes to Council for approval of the Expenditure Plan.

1. NNBF 1 – Program Budget Summary; and
2. NNBF 3 – Listing of Positions and Assignment by Business Unit; and
3. NNBF 4 – Detailed Budget and Justification.

C. PREPARATION OF BUDGET:

1. The NNBFs shall be filled out based on the instructions pertaining to each form. The Chart of Accounts/Object Codes and Level of Detail (LOD) for Budgeting included in Appendix A of the Navajo Nation Budget Instructions Manual most recently adopted by the Budget and Finance Committee of the Navajo Nation Council shall be used to budget line items. Budget for personnel salaries shall be at LOD (5). The budget for non-personnel salaries shall all be at LOD (6).
2. The Applicant shall not request a greater amount of funds than what the Applicant is able to fully expend by December 30, 2020 or other date determined by the Navajo Nation Council.
3. No more than ten percent (10%) of the total funds requested or received shall be for administrative costs, as the priority for Navajo CARES Funds is directly addressing public needs with respect to COVID-19.

- D. ADDITIONAL SUPPORTING DOCUMENTS REQUIRED FOR NON-NAVAJO NATION ENTITIES. If the Applicant is an entity external to the Navajo Nation government (such as a Navajo Nation Enterprise or other entity owned by the Nation, or a non-Navajo government entity conducting business on the Navajo Nation) the

Applicant must attach all of the following supplemental documents to the Application Form:

1. Registration documents issued by the Business Regulatory Department of the Division of Economic Development, showing registration to conduct business on the Navajo Nation, and a Certificate of Good Standing issued by the same office;
2. Applicant's notarized *Applicant Certification* Form regarding attestations, including those on debarment, suspension, collusion, outstanding money judgments, and criminal offenses; and
3. A resolution from Applicant's Board of Directors or equivalent body requesting the funding and affirming that:
 - a. the entity will only use the Navajo CARES Funds in compliance with Title V of the CARES Act, the Navajo CARES Fund Act, and all other applicable Navajo Nation and federal laws and regulations; and
 - b. the entity will indemnify the Navajo Nation for any expenditures deemed to be disallowed by the Navajo Nation, the Treasury, or other federal entity.

5. Navajo Nation CARES Fund Expedited Review Process.

- A. SUBMISSION OF APPLICATION. The Applicant shall submit a complete Application to OMB and OOC for review and determination of eligibility for Navajo CARES Funds. In order to expedite the review process, the Applicant shall submit the Application to OMB and OOC at the same time. The Application Form for Navajo CARES Funds and attached documents shall be emailed to:
 1. OMB at Docs@OMB.navajo-nsn.gov; and
 2. OOC at NNCaresActApp@nnooc.org.
- B. REVIEW. OMB and OOC shall be responsible for reviewing Applications to determine whether each Application is complete, accurate, meets all requirements, and that the Applicant's proposed expenditures are eligible for Navajo CARES Funds. To evaluate each Application, OMB and OOC reviewers shall use the Navajo Nation CARES Fund Application Review Form. If a reviewer either rejects an Application or determines an Application is ineligible for funding, the reviewer must provide a written justification on the Review Form supporting that determination.
- C. REJECTION. OMB and OOC shall reject and return any Application if:
 1. any required supporting documentation is missing;
 2. any section of the Application Form is incomplete, inaccurate, or illegible;
 3. the Application Form is not signed or is signed by a person not authorized to represent the entity or enter into contract on the entity's behalf;

4. the responses on the Application form are not detailed, substantive, and responsive to the questions.

Such Applicants shall be given the opportunity to correct and resubmit an Application.

D. DETERMINATION OF INELIGIBILITY. OMB and OOC shall determine that an Application is ineligible for Navajo CARES Funds if:

1. the proposed expenditures are not necessary expenditures incurred due to public health emergency with respect to COVID-19; or
2. the proposed expenditures are for costs which were accounted for in the Navajo Nation's FY 2020 comprehensive budget, approved by Council Resolution CS-30-19; or
3. the proposed expenditures apply to costs incurred prior to March 1, 2020; or
4. it is more likely than not that the Applicant would not be able to fully expend the requested funds by December 30, 2020; or
5. the Applicant owes a debt to the Navajo Nation or has been debarred or suspended by the Navajo Nation; or
6. the proposed expenditures do not meet all requirements for expenditure of Navajo CARES Funds in accordance with the Navajo Nation CARES Fund Act and Council Resolution CMY-44-20; or
7. an award would not comport with applicable Navajo Nation and federal laws and regulations.

E. DOJ ADVICE. If OMB or OOC have legal questions regarding the Act and an Application under review, OMB or OOC may seek advice from the Navajo Department of Justice (DOJ) by submitting a Request for Services (RFS). DOJ shall respond to the RFS within seventy-two (72) business hours, or sooner if possible.

F. TIME FOR REVIEW. All OMB and OOC reviewers shall complete the expedited review within seventy-two (72) business hours of receiving the Application. Whenever possible, reviews will be completed within the same day. Reviewers may suspend review while an RFS is pending with DOJ, but shall complete review of the Application within twenty-four (24) business hours of receiving DOJ's response to the RFS.

G. OVERSIGHT ASSIGNMENT. If OMB determines the Applicant and Application are eligible for Navajo CARES Funds, OMB shall assign the Applicant to a Navajo Nation Branch or Division that will be responsible for overseeing the administration of the CARES Funds for the Applicant / funding recipient based on the particular area of the budget request and the responsibility of the Branch or Division.

H. LEGISLATION. Once the reviews are completed by both OMB and OOC, and upon presentation of the Application to the Office of Legislative Counsel by a Council

Delegate, the Office of Legislative Counsel shall draft legislation for approval of an Expenditure Plan by the Navajo Nation Council.

- I. **PROCUREMENT CLEARANCE CHECKS.** Once the reviews are completed by both OMB and OOC, the Navajo Nation Branch or Division that was assigned the responsibility for overseeing the administration of the CARES Funds for the Applicant / funding recipient shall submit requests for Navajo Business and Procurement Act procurement clearance check memoranda from the Accounts Receivable and Credit Services Sections of the Navajo Nation Office of the Controller; the Office of the Navajo Tax Commission; the Support Services Division of the Division of Economic Development; the Navajo Nation Shopping Center, Inc.; and other Navajo Nation Divisions if required, showing that the Applicant does not owe a debt to the Navajo Nation and is eligible to contract with the Nation under the Navajo Business and Procurement Act. These Navajo Nation Departments shall complete the expedited review and issue the procurement clearance memoranda within seventy-two (72) business hours of receiving the requests.

6. Implementation of CARES Funding.

- A. **NOTICE.** The Navajo Nation's approval and enactment of a Fund Expenditure Plan resolution allocating Navajo CARES Funds to the Applicant, shall serve as notice to the Applicant that it will be a funding recipient. Additional notice by OMB to the Applicant shall not be required.
- B. **BUSINESS UNIT.** The funds are externally restricted. Therefore, awards of Navajo CARES Funds will be assigned a Financial Management Information System (FMIS) business unit for external grants (commonly known as "K accounts" on the Navajo Nation).
- C. **DIRECT FUNDING.** Funds will be issued directly to Navajo Nation governmental entities (such as Branches, Divisions, Departments, Programs, and Offices) by OOC, crediting the funds to the appropriate accounts.
- D. **FUNDING SUBJECT TO MOAs.**
 1. Funding for recipients other than Navajo Nation central governmental entities shall be administered pursuant to a standardized Memorandum of Agreement (MOA) with the Navajo Nation. MOAs shall be utilized for:
 - a. LGA-certified Chapters and Kayenta Township;
 - b. Navajo Nation Enterprises and other entities owned by the Navajo Nation;
 - c. Entities external to the Navajo Nation.
 2. If funding is allocated to non-LGA-certified Chapters, the funding shall be administered by the Division of Community Development. If the Navajo Nation Council (Council) wishes to treat non-LGA-certified Chapters on par with LGA-certified Chapters, Council will waive certain provisions of the LGA in the legislation approving the Expenditure Plan, and expressly provide that the non-

LGA-certified Chapter can administer its own funds. In such cases, the non-LGA-certified Chapter shall execute a standardized MOA with the Navajo Nation.

3. Prior to the Nation executing an MOA with the funding recipient, the Navajo Nation Program or Department responsible for working with and monitoring the funding recipient, shall obtain valid Navajo Business and Procurement Act procurement clearance check memos from the Accounts Receivable and Credit Services Sections of the Navajo Nation Office of the Controller; the Office of the Navajo Tax Commission; the Support Services Division of the Division of Economic Development; the Navajo Nation Shopping Center, Inc.; and other Navajo Nation Divisions if required, showing that the Applicant does not owe a debt to the Navajo Nation and is eligible to contract with the Nation under the Navajo Business and Procurement Act. The procurement clearance check memos shall be current, and issued no more than 30 days prior to execution of the MOA.
- E. REPORTING REQUIREMENTS. All recipients of Navajo CARES Funds shall submit to OMB, OOC, the assigned Branch or Division responsible for overseeing the administration of the CARES Funds for the funding recipient, and the respective oversight committee:
1. a monthly Narrative Report on the funding, five (5) days after month's end. The Narrative Report shall include:
 - a. a description of expenditures to date;
 - b. accomplishments meeting the purposes of the funding;
 - c. a description of any significant problems encountered, how they will be/have been dealt with; and whether the funding recipient is on track to expend the funds by December 30, 2020;
 - d. a description of future actions and expenditures; and
 2. a monthly Financial Report on the funding, five (5) days after month's end. The Financial Reports shall follow the same format and include the same budget line items as the approved detailed budget form. The Financial Reports must also include a detail of expenditures to date, consistent with the Financial Report Template developed by OOC. Additional financial information such as invoices and bank reconciliations must be made available by the funding recipient, if requested; and
 3. a Final Financial Closeout Report within ten (10) days following the end of the calendar year or termination of the Memorandum of Agreement governing the funding.
- F. OVERSIGHT. The assigned Branch or Division responsible for overseeing the administration of the CARES Funds for the funding recipient shall assist OMB in monitoring the funding recipient's performance to insure that the funds are spent in accordance with the Navajo Nation laws and policies and that the scope of the work and performance criteria are being met. The Standing Committee of Council which has

oversight over the responsible Branch or Division, shall also have oversight authority over the funding recipient.

7. Timetable.

Below is a proposed timeline on implementation and administration of Navajo CARES Funds. The responsible parties shall ensure the tasks and activities are performed accurately and on time.

No.	Timeline (Due Dates)	Tasks	Responsible Party
1	July x, 2020	Navajo Nation CARES Funds Expedited Procedures & Application Instructions	Budget & Finance Committee
2	July x, 2020	Due date for submission of Applications to OMB and OOC	Applicants for Navajo CARES Funds
3	July x, 2020	Legislation to approve CARES Fund Expenditure Plans Council Delegates	(3) Branch Chiefs; Council Delegates; OLC
4	July x, 2020	Navajo Nation Council approves CARES Fund Expenditure Plan(s)	Council
5	July x, 2020	Authorize implementation of Awards	OMB
6	July x – Dec 15, 2020	Implement, achieve purpose of CARES Funds	Awardees / Sub-recipients
7	Dec 30, 2020	Final Day to Pay Invoices on CARES Funds	OOC
8	Dec 31, 2020 – Feb 26, 2021	Closeout Report	Navajo Nation

APPLICATION FOR NAVAJO NATION CARES FUNDS

(Externally Restricted Funds)

I. APPLICANT INFORMATION

A. Legal Name		B. ADDRESS, City, ST, ZIP	
C. Department Name		D. Division Name	
E. Employer ID Number		F. DUNS Number	
G. Amount of Funds Requested		H. Navajo Nation CARES Funds are restricted by Navajo and federal laws and regulations; NN CARES Fund Act; Single Audit Act; Uniform Guidance; and § 601(d) of Social Security	

Funds are limited to: (1) Necessary expenditures incurred due to public health emergency with respect to COVID-19; (2) Costs were not accounted for in budget approved as of March 27, 2020; and (3) Costs incurred during the period March 1, 2020 to December 30, 2020. Unused and misused funds must be returned to the Navajo Nation.

II. DESCRIBE APPLICANT'S PURPOSE & THE SERVICES / BENEFITS IT PROVIDES TO THE NAVAJO NATION & NAVAJO MEMBERS.

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III. DESCRIBE NEEDS OF APPLICANT & ITS SERVICE RECIPIENTS AS SPECIFICALLY RELATED TO COVID-19 PUBLIC HEALTH EMERGENCY.

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IV. DESCRIBE PURPOSE OF FUNDING & WHY PROPOSED EXPENDITURES ARE NECESSARY & INCURRED DUE TO COVID-19 EMERGENCY.

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V. DESCRIBE METHODOLOGY THAT WILL BE APPLIED TO ACHIEVE PURPOSE OF FUNDING. DISCLOSE SUBRECIPIENTS & SUBAWARDS.

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VI. DESCRIBE CHALLENGES TO FULL EXPENDITURE OF FUNDS BY 12/30/2020 & METHODOLOGY TO ENSURE TIMELY EXPENDITURE.

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VII. CERTIFY THE PROPOSED EXPENDITURES WERE NOT ACCOUNTED FOR IN THE NAVAJO NATION'S FY 2020 BUDGET.

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VIII. DISCLOSE DEBTS APPLICANT OWES TO NAVAJO NATION & U.S. GOVERNMENT. DISCLOSE DEBARMENT / SUSPENSION BY NATION.

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IX. CERTIFICATION BY AUTHORIZED REPRESENTATIVE:

First / Last Name:		Title:	
Telephone Number:		Email:	
Signature:		Date:	

I attached all required supporting documents described in the Instructions to this form. By signing above, under penalty of law, I hereby certify and attest that the information that I/we have provided to the Navajo Nation in this Application is true and complete. Any misrepresentation or omission of any fact in my Application or any other materials or information I/we provide to the Nation shall be justification for refusal or revocation of a financial award, and may result in the Navajo nation taking legal actions against me/my organization. I agree that if the Navajo Nation awards funds to me/my organization and later discovers my/my organization's misrepresentation or omission, the Nation shall revoke the award, determine that any expenditures are disallowed costs subject to recoupment, and I and my organization shall be jointly and severally liable to repay the funds to the Nation along with any court costs, attorneys' fees, costs of collection, and awarded damages. I/my organization will only use the Navajo Nation CARES Funds in compliance with § 601(d) of the Social Security Act, Navajo Nation CARES Fund Act, and all applicable Navajo Nation and federal laws and regulations, and I agree that I/my organization shall indemnify the Navajo Nation for any expenditures deemed to be disallowed by the Navajo Nation, the U.S. Treasury, or other federal entity.

**Applicant Certification
for
Navajo Nation CARES Funds Application**

As an entity external to the Navajo Nation government that is applying for Navajo Nation CARES Funds:

_____ (Affiant name) hereby declares that they are the
_____ (title) of _____
(Entity name), the Entity that is submitting a Navajo Nation CARES Fund Application ("Application");
and that:

I. Representations

- a. Affiant is authorized to represent this Applicant Entity for purposes of the declarations set forth herein, and that all such declarations are made on behalf of said Entity and all of its owners, partners, officers, members, employees, officials, agents, or parties-in-interest; and
- b. Affiant is fully informed with respect to the preparation and contents of the Application submitted by said Entity, and with respect to all pertinent circumstances regarding submission of said Application; and
- c. said Application is genuine and not collusive or sham; and
- d. said Entity has not in any way colluded, conspired, connived, or agreed, directly or indirectly, with any other entity to:
 - i. submit a sham Application, or
 - ii. refrain from submitting an Application; and
- e. said Entity has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any other entity, to:
 - i. fix any price or fee relating to any Application, or
 - ii. to fix any price, overhead, profit, reimbursement, or cost element of said Application; and
- f. said Entity has not secured any unlawful advantage against the Navajo Nation or against any other entity whether through any collusion, conspiracy, connivance, or unlawful written or oral agreement.

II. Business Dealings

Applicant also declares that the Entity, either in its present form or in any other identifiable capacity, including its owners, partners, officers, members, employees, officials, agents, or parties-in-interest, to the best of their knowledge:

- a. is not debarred, suspended, or otherwise slated for debarment, ineligible and/or excluded from participation in Federal, State, and Tribal Government contracts etc.; and
- b. is not presently nor have been under criminal indictment or civilly charged by a governmental entity (Federal, State, or Tribal Government) for fraud, forgery, falsification, theft, bribery, destruction of records, receiving stolen property and other criminal offenses in the administration of a government contract; and
- c. has not been terminated for cause or convenience by a governmental entity in the administration of a government contract (Federal, State, or Tribal Government); and
- d. that there is no outstanding money judgment against the Applicant in favor of the Navajo Nation from a court of competent jurisdiction, or a valid delinquent accounts receivable debt, which is due and owing, to the Navajo Nation from the Applicant, either in its present form or in any other identifiable capacity; and
- e. there is no evidence of default, materially deficient business practices, or failure to meet a material contractual or financial obligation to the Navajo Nation under any transaction, contract, or legal relationship with the Navajo Nation; and
- f. there has been no failure to materially comply with applicable laws, or other material delay by the Applicant, resulting in monetary damages to or other detriment to the Navajo Nation that remains uncured; and
- g. has not been found to have engaged in unlawful or criminal actions or other activities which adversely reflect on the honesty and moral character of the Applicant, so as to make any dealings with the Navajo Nation undesirable; and
- h. that none of the Applicant's owners, partners, officers, members, employees, officials, agents, or parties-in-interest has been convicted of a criminal offense within the previous ten (10) years for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or committing a criminal offense relating to obtaining a public/private contract or in the performance of such a contract, under any Navajo Nation, state, or federal law.

III. Legal Remedies

Finally, Applicant agrees that:

- a. if the Navajo Nation determines that any of the information attested to in this Applicant Certification is not true, that it will be grounds for the Navajo Nation to terminate any contract associated with this Application, to revoke an award to Applicant of Navajo Nation CARES Funds, to recoup CARES Funds distributed to Applicant, and to pursue other legal remedies; and
- b. that all statements set forth herein are true and accurate.

Signature of Affiant

Printed name of Affiant

Title of Affiant

Name of Entity

Address of Entity

Entity telephone number

Entity email address

Entity Employer Identification Number

NOTARY:

Subscribed and sworn before me on this

_____ day of _____, 2020.

Notary signature:

My commission expires:

For the period ending Month, Day, 2020.

I hereby certify to the best of my knowledge and belief, that our accounting reporting is up to date; to include the accuracy of expenditures and grant balances, project status, project phase, achievements and milestones; and in compliance with the application and instructions.

Date _____

BUDGET AND FINANCE COMMITTEE

7 July 2020
Regular Meeting

VOTE TALLY SHEET:

Legislation No. : 0146-20: An Action Relating to Budget and Finance Committee; Approving the Navajo Nation Cares Funds Expedited Procedures and Application Instructions and Related Documents *Sponsored by Raymond Smith, Jr., Council Delegate*

Motion: Jimmy Yellowhair

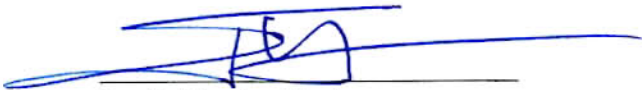
Second: Raymond Smith, Jr.

Vote: 4-0, Chairman not voting

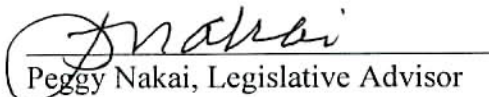
Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair	yea	
Raymond Smith Jr.	yea	
Elmer P. Begay	yea	
Amber K. Crotty	yea	
Nathaniel Brown		

Absent: Nathaniel Brown



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee