THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 9, 2019

Hon. Seth Damon Office of the Speaker Post Office Box 3390 Window Rock, AZ 86515

RE: CO-34-19, Allocating \$3,000,000 from the Sihasin Fund to the Division of Community Development on Behalf of the Tonalea Chapter and Approving and Adopting the Tonalea Chapter Community Building Replacement Fund Expenditure Plan Pursuant to 12 N.N.C. § 2501 - 2508

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CO-34-19 into law. I sincerely appreciate the Navajo Nation Council's appropriation from the Sihasin Fund which will ultimately benefit the Tonalea Chapter. For years the Tonalea community has been without a home for their members, eventually having to move the services out of the community because there was no place to call their own. Now with the support of the Navajo Nation Council and the Office of the President and Vice President we can begin the journey home, to a new facility the community can call their own. Special thanks to the dedicated Chapter Officials who stuck with this project and to Council Delegate Paul Begay who guided the funding legislation through the Legislative Branch. To all who had a hand in this project, thank you.

Working together we can continue to support our Chapters and our communities. The unity between the Executive and Legislative Branches for projects such as this is a testament to what we can do for our People. Speaker Damon, thank you; and the 24th Navajo Nation Council thank you for your support.

Sincerely,

Jonathan Nez, President THE NAVAJO NATION

J-TLNEZ

RESOLUTION OF THE NAVAJO NATION COUNCIL 24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$3,000,000 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT ON BEHALF OF THE TONALEA CHAPTER AND APPROVING AND ADOPTING THE TONALEA CHAPTER COMMUNITY BUILDING REPLACEMENT FUND EXPENDITURE PLAN PURSUANT TO 12 N.N.C. \$\$ 2501 - 2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. \$164(A)(9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B)(2).
- D. The Resources and Development Committee of the Navajo Nation Council has oversight of the chapters of the Navajo Nation. 2 N.N.C. §501 (C)(1).
- E. The Navajo Nation Code provides the purpose of the Navajo Nation Sihasin Fund ("Fund") is as follows:

§ 2502 Purpose

- A. The purposes of this Fund are to provide financial support and/or financing for:
 - 1. The planning and development of economic development and regional infrastructure supporting economic development, and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
 - 2. Education opportunities for members of the Navajo Nation.
- B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 N.N.C. § 1310 (F) or TCDCJY-77-99.
- C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.
- 12 N.N.C. § 2502, as amended by CJA-03-18.
- F. The Sihasin Fund provides that "Fund Principal" shall consist of all deposits made to the Sihasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

SECTION TWO. FINDINGS

- A. The Tonalea Chapter Community Building Replacement project is detailed in the objectives and goals, scope of work, and architectural construction documents attached as **Exhibit 1**.
- B. Project process schedules are attached as Exhibit 2.
- C. Memoranda dating 2001 to 2012 from the Tuba City Indian Medical Center and Tuba City Regional Health Care Corporation, Division of Environmental Health Services raise serious safety concerns about the Tonalea Chapter House. Those memoranda are attached as Exhibit 3.
- D. The Navajo Nation Council through resolution CAP-35-18 approved and adopted the Sihasin Fund Powerline and Chapter Projects Expenditure Plan including \$1,050,000.00 for the Tonalea Government Building project. The approval of this request for \$3,000,000.00 is in addition to the amount approved by CAP-35-18. Resolution CAP-35-18 Exhibit D item No. 140 is attached as **Exhibit 4**.
- E. The Document No. 013108 "Section 164 Review Form" including Office of Management and Budget, Office of the Controller and the Office of the Attorney General reviews is attached as Exhibit 5.

SECTION THREE. ALLOCATION OF \$3,000,000 TO THE DIVISION OF COMMUNITY DEVELOPMENT ON BEHALF OF THE TONALEA CHAPTER AND APPROVAL AND ADOPTION OF TONALEA CHAPTER COMMUNITY BUILDING REPLACEMENT EXPENDITURE PLAN

- A. The Navajo Nation hereby allocates to the Division of Community Development on behalf of the Tonalea Chapter the total amount of \$3,000,000.00 to construct the Tonalea Chapter Community Building Replacement as detailed in **Exhibits 1** and 2.
- B. The Navajo Nation hereby approves and adopts the Tonalea Chapter Community Building Replacement Expenditure Plan, attached and incorporated herein as **Exhibits 1** and **2**.

C. The Síhasin Funds allocated for the Síhasin Fund Tonalea Chapter Community Building Replacement Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN ADMINISTRATION

The Navajo Nation hereby approves administration of the Síhasin Fund Tonalea Chapter Community Building Replacement Expenditure Plan as follows:

- 1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of \$3,000,000.00 will be Sihasin Fund Principal or Income or a combination of both;
- 2. The funding to the Division of Community Development on behalf of the Tonalea Chapter for the Tonalea Chapter Community Building Replacement shall be distributed by the end of the first quarter of the respective Navajo Nation Fiscal Year;
- 3. The funds allocated for the Tonalea Chapter Community Building Replacement shall be used solely to design, plan, and construct the Tonalea Chapter Community Building Replacement described in **Exhibits 1** and **2**. Any and all cost-savings shall be returned to the Sihasin Fund once the Tonalea Chapter Community Building Replacement is completed; and
- 4. The funds allocated for the Tonalea Chapter Community Building Replacement shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N), however, any funds not spent or encumbered within twenty-four (24) months of the date funds are made available to the Tonalea Chapter Community Building Replacement shall revert to the Síhasin

Fund principal, unless recommended otherwise by the Resources and Development Committee and approved by the Naabik'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

The Sihasin Fund Tonalea Chapter Community Building Replacement Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

SECTION SIX. DIRECTIVES

The Tonalea Chapter and the Division of Community Development shall report the status of the Tonalea Chapter Community Building Replacement to the Naabik'íyáti' Committee at least once per quarter after the initial disbursement of funds.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the $24^{\rm th}$ 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 18 in Favor, and 01 Opposed, on this $22^{\rm nd}$ day of October 2019.

Honorable Seth Damon, Speaker 24th Navajo Nation Council

> //-01-19 DATE

Motion: Honorable Thomas Walker, Jr.

Second: Honorable Carl Slater

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

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Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2019 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this day of _______, 2019.

Jonathan Nez, President Navajo Nation



TONALEA CHAPTER PROPOSAL

For

NEW CHAPTER COMMUNITY BUILDING REPLACEMENT

Amount of Funds Requested: \$3,000,000.00



For Additional Information, please contact Kristen Charley, Chapter Manager TONALEA CHAPTER

P.O. Box 207

Tonalea, Arizona -86044-

Phone No: (928) 283-3430/3431

Email: tonalea@navajochapters.com

TONALEA CHAPTER NEW COMMUNITY BUILDING REPLACEMENT

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I. SUMMARY

Of the 110 Chapter buildings within the Navajo Nation, eight were condemned by the Navajo Nation Division of Heath. Office of Environmental Health Code Enforcement federal government, which included he Tonalea Chapter facility. Tuba City Regional Health Care Corporation: Office of Environmental Health recommended closure of the Tonalea Chapter due to numerous contributing factors of unsafe conditions. As a result, a licensed structural engineer inspected the Tonalea Chapter for structural soundness and integrity. The primary concern was for the safety and welfare of the Tonalea Chapter Staff, Officials and the general public upon their use of the facility and general services daily.

The Navajo Nation Division of Health: Office of Environmental Health/Code Enforcement, issued on Administrative Order of Condemning and Order of Permanent Closure, copy enclosed as **Exhibit A. 1.**, of the Tonalea Chapter building. Results from the structural inspection of the defects found in the Fall of 2012 by the Federal Division of Environmental Health Services.

II. BACKGROUND

The Tonalea Chapter is a certified chapter and is one of the 110 Chapter Governments on the Navajo Nation. The chapter was granted LGA Certification on December 2, 2014 by the Navajo Nation Resource and Development Committee. The chapter is a local governmental entity and is delegated certain authorities and responsibilities with respect to local matters consistent with the Navajo Nation Laws. Pursuant to Title 2, Section 402 (a), the Tonalea Chapter has the authority to review all matters affecting the local communities and make appropriate recommendations to the Navajo Nation, County, State and Federal government agencies that are in the best interest and welfare of the local communities.

The Western Navajo Agency is the largest land base of the five agencies on the Navajo Nation that extends into the rural areas of the State of Arizona and Utah, with an estimated land size of 2,359,122 acres. The Tonalea Chapter is one of the eighteen Chapters in the Western Navajo Agency with an estimated land base of 153,000 +/- acres. It is located along U.S Highway 160 at Milepost 344, 1/2 mile north on Bureau of Indian Affairs (BIA) highway N-21, 36 degrees 19'4 "N 110 degrees 58'13" W, Tonalea, Arizona. Tonalea is in a very rural area with limited resources in terms of law enforcement, education, telecommunication/utilities, transportation, commercial, and healthcare access to serve the community and general public.

The chapter population according to the 2010 U.S Census is recorded of 2,595. According to 1990 U.S Census records, the population was 2,072.

There are limited employment opportunities available in the community, thus, the rate of unemployment is increasing. The Tonalea Day School, two grocery stores –Old Red Lake Trading Post and Tonalea General Store, Tonalea Chapter, Tonalea Senior Citizen Center,

Navajo Nation Community Health Office and the two (2) Navajo Head Start Programs all employ a limited number of people. Over 70% of the community members rely on general welfare with Navajo Nation General Assistance, Navajo Nation Program for Self-Reliance and food stamps through the Department of Economic Security. Elders and disabled rely on Social Security and/or Disability benefits.

The Tonalea Chapter is focused on improving the safety, social, economic, health and educational conditions of the families residing in the community. To promote these plans, the community recognizes that infrastructure development is the most important. The community has also been affected by the Bennett Freeze, land dispute with the Hopi Tribe that prohibited any construction, development and building repairs without written expressed approval from both tribes. Approximately 49,925 acres were affected by the Bennett Freeze. For over 40 years the Former Bennett Freeze Area, has resulted in severe social and economic problems for the community of Tonalea. Due to these conditions many members of the community have relocated to nearby towns for better health services, education, and the convenience of modern-day necessities. The construction prohibition was lifted in 2009, future projects will improve the living conditions of the people by continuous community education and functions by the local community government.

III. Problem Statement and Need Assessment

On October 9, 2012, the Federal Division of Environmental Health Services conducted a physical inspection of the Tonalea Chapter Building. Due to severe shift in the foundation and load bearing walls, it resulted a possible danger of the building rood collapsing. There was possible presence of asbestos and lead paint in the walls, roof, plumbing and ceiling areas. In 1959, the building was built of cinderblocks and lumber by local unskilled labors. The building had most of the original plumbing and electrical work laid over half a century before.

On October 15, 2012, the Federal Division of Environmental Health Services (DEHS) generated an inspection report that outlined a recommendation to the Tonalea Chapter, to close due to several contributing factors. It was also recommended that a certified structural engineer inspect the Tonalea Chapter for structural integrity. The interested parties' primary concern is for the safety and welfare of the Tonalea chapter staff, officials and the community upon their use of the facility and daily general services to the public.

On October 19, 2012, Tonalea Chapter Staff and the Executive Director of Division of Community Development, in cooperation with the Navajo Nation Capital Improvement Office (CIO) and Navajo Nation Design and Engineer Services (DES), a visual inspection was conducted of the Chapter building's compromised load bearing walls and stress cracks in the concrete floor of the assembly room.

In November 2012, the Tonalea Chapter Administration moved into the Chapter's Tin Blue Warehouse meant for storage. Despite it possessing serious health, safety, and hazardous concerns, chapter administration staff continued to operate out of the Tin Blue Warehouse.

On May 20, 2013, the Navajo Nation Division of Health-Office of Environmental Health/Code

Enforcement issued an Administrative Order of Condemning and Order of Permanent Closure (see Exhibit A.1), of the Tonalea Chapter building after a visual inspection of the compromised structure and integrity was found in the Fall of 2012 by the Federal Division of Environmental Health Services.

The Chapter Administrative staff was housed in the Chapter's Tin Blue Warehouse for over three years. The Chapter Administrative staff had to endure the extreme cold weather in the winter months and extreme heat in the summer months due to poor insulation. The administrative staff dealt with vermin, snakes, and lizards entering the warehouse due to the dilapidated exterior panels. The warehouse was never meant to be used as an office space, but for storage only.

On December 8, 2015, the Navajo Nation Department of Health issued the Order of Closure to the Tonalea Chapter Administration-see **Exhibit A.2**. The Administration was granted limited re-entry to collect only necessary administrative items. The order of closure explicitly stated, "There shall be no administrative function during this duration". The Administration was given until December 11, 2015 by 5pm, to vacate the premises.

After December 11, 2015, Tonalea Chapter Administrative staff moved out the Tin Blue Warehouse with no alternative office space. There was no other building available in the Tonalea Community for the Administrative staff to utilize as an alternate office space.

Thereafter, Tonalea Chapter entered into a Memorandum of Agreement with the Navajo Nation Division of Community Development to temporarily relocate the Tonalea Chapter Administrative staff to the Administrative Service Center in Tuba City. This was the only viable alternative This resulted in serving the community from Tuba City, that required Tonalea community members to commute 25 miles southwest of Tonalea. Educational services and other social functions for the community were discontinued and remain in despair.

Due to community needs for ongoing local services and functions within the Tonalea Chapter community, the Tonalea Senior Citizen Center stepped up in identifying an office space for the chapter administrative staff. The Tonalea Chapter Administration is currently utilizing a space in the Tonalea Senior Citizens' Center. Within the 10'x10' space being occupied, the laundry room inside the Tonalea Senior Citizens' Center has become the new chapter administration office.

Space limitation in Tonalea remains the same along with providing necessary services to the community, which continues to be a challenge. Other challenging factors are improvements on increasing productivity for the chapter administrative staff to meet the demands of the community and the general public, and most public meetings continue to be held at the Tonalea Senior Citizens' Center with very limited space. At times, the public meetings in the Senior Citizens' Center becomes overcrowded exceeding the maximum occupancy of 54. It causes a safety and health concern and deters community members away. Despite these challenges' factors with no local community facility, the Tonalea Chapter continues to encourage the community and general public to attend public meetings and/or other social functions that are important for community awareness.

Space limitations have also caused limited spending on the chapter's Summer Youth

Employment and Public Employment Program funds to employ in the community is essential and necessary for the Chapter to complete local projects. These programs also allow the community to be self-sufficient and gives the youth the opportunity to pay for books, clothes, supplies, registration fees, etc., for the upcoming school year.

Tonalea Chapter employs an average of 15 Public Employment Program Participants throughout the Fiscal Year, an average of 20 age approved Summer Youth Employment Program Participant as well as numerous Participants from programs such as Office of Dine Youth and the Navajo Nation Workforce Development.

IV. OBJECTIVES AND GOAL

This project is to provide a healthy and safe environment, and to enhance the overall quality of life for the general public of the Tonalea Community, Administrative Staff, and the Chapter Officials. Tonalea community members have had many challenges including disruption of basic human services over the last forty years caused by federally imposed construction prohibition, known as the Bennett Freeze. Through the successful and timely completion of this project, the Chapter will exemplify its ability to continue working with various agencies and organizations in fulfilling the community prioritized needs of the Tonalea Chapter. The completion of this project will also contribute to further capital development. Examples are additional power line extensions, waterline extensions, road improvements for safer accessibility of schools, law enforcement, emergency medical services, community health representatives to attend to high risk patients, etc. In order to meet the Tonalea community needs and goals, the Navajo Nation Capital Project Management Department (CPMD), formerly known as Navajo Nation DES, supports and encourages the approval of the funding that is being requested along with numerous other entities.

V. SCOPE OF WORK

The construction of a new Tonalea Chapter building was proposed in three (3) phases:

1)Demolition of the old chapter building with abatement of asbestos, lead paint and removal [Completed, 2015] 2) Design of a new Chapter Building 3) Construction of a new Chapter Building.

Phase one of the project is complete that entailed testing for asbestos, lead paint, mercury, chlorofluorocarbon (CFCs) and polychlorinated biphenyls (PCBs) in the building. These harmful materials were tested by a specialized licensed inspector, Iina Ba, Inc. Materials that tested positive were removed by a specialized contractor and transported to an authorized location for disposal. This phase of the demolition project's cost estimate was approximately \$150,000.00 for planning, developing and implementing.

Phase two of the project design is complete with a cost estimate of \$330,549.25. Chapter design of the new building was reduced from 8,400 square feet to 6,795 square feet. Reduction of the building was the chapter's desire to manage a smaller building due to fiscal reasons.

Phase three of the project is estimated at \$3,000,000.00 for the construction of the new Tonalea

Chapter building. The goal is to complete the construction of the new Tonalea Chapter building on its scheduled timeline and within the proposed budget.

Our first scheduled milestone is to communicate the construction site plan to the community with the design planning team. The team will utilize visual aids such as graphics and 3-D models to emphasize the changes from the old building to the new building designs by incorporating the local culture, philosophy, and tradition. This will be followed by the groundbreaking to begin construction.

Project milestone: See Exhibit B that references the updated Tonalea Chapter Project Schedule.

The new Tonalea Chapter building will be 6,795 square feet with unique designs that will entail energy efficient features and a voltage converter system that meets renewable portfolio standards for the State of Arizona. It will have large windows for cross ventilation and cooling purposes. The electrical wiring will be specific to include an area for future computer lab terminals and the chapter house will provide WIFI/Broadband services to the community. The bathrooms will have Americans with Disability Act (ADA) handicapped accessibility and low water usage toilets. See Exhibit C.1-C.3) attachments referencing the chapter building—site plan (C.1), floor plan (C.2) and exterior elevations (C.3).

The old building (demolished) was approximately 2,600 square feet and was used as both a government building and community resources. There were fourteen rooms total, including three office spaces, a reception area office, a janitor's closet and nursing consultations, four storage closets, two restrooms, computer lab, and about 120 capacity assembly halls used for voting, wedding ceremonies, funeral planning, traditional tribal games and cultural teachings and celebrations.

The Tonalea Chapter Administration and CMPD will oversee construction projects and management of the new building. For the past fifty years, the organization has been responsible for the majority of all community procurement and local budgets. Through our vast experience, the administration will use their expertise and knowledge to ensure the new chapter building project will meet milestones and deadlines by working with CMPD.

The Tonalea Chapter administration maintains and establishes all local utility infrastructures along with managing and operating a watering point for the entire community. Tonalea Chapter staff oversee maintenance of two Head Start buildings and the Senior Center within the community while meeting both federal and tribal standings. In 2010, FEMA entrusted Tonalea with over \$30,000 in monies and equipment to operate Project Snowdrift, plow and salt roads and assist with vehicle accidents and emergencies. They also have had previous experience in construction management, having supervised the complete \$100,000 renovation and remodel of the Chapter's Senior Center on 2011.

Financially, the Tonalea Chapter House oversees and annual budget of \$325,000. They manage a \$90,000 trust that awards bachelor, masters and PhD candidates' annual scholarships. In preparation for the upcoming construction of the new Chapter House, the Tonalea Local Government has saved more than \$100,000.00 to put toward the New Chapter House project.

The Tonalea Chapter in collaboration with CMPD have conducted feasibility studies and determined that all utilities are on-site to support the new structure. The site is located within the withdrawn land of the chapter tract that belongs to the Tonalea Chapter and right-of-way access are currently available to the site.

The community watering point is located within the chapter premise. The community watering point remains a primary source for local domestic and livestock use, vital to approximately 60 percent of the community who still lack running water in their homes. Future infrastructure in these areas of the community will improve over time as the construction of the new chapter building is complete. More community interaction with critical involvement of the stakeholders to guide and contribute in completion of infrastructure projects will decrease the amount of people lacking running water.

The old Tonalea Chapter House was the main artery providing liveliness to the community for over 50 years. Traditional meetings, celebrations, games, educational workshops, and other social events have since ceased since the closure of the Chapter House in October 2012. Public meetings continue to be held at the Tonalea Senior Citizen Center and nearby churches. Nursing and public health consultations have also discontinued. The nearest medical facility is in nearby Tuba City, 25 miles away. Tonalea was a long-time participant in the mobile medical unit, courtesy of Tuba City Regional Health Care Center, this offered community members the convenience of receiving non emergent medical care, this service has since ceased. The food distribution program that provided much needed food assistance to community members, mainly elderly community members with limited income has since closed and no longer provides.

VI. Location of the New Tonalea Chapter Building

Below: The location of the future Tonalea Chapter Building will be located on the same site as the previously condemned Chapter Building as shown below in the red box. The site is located adjacent to the Tonalea Head Start Building. The Tonalea school is located about 200 yards north of the yard depicted in white and 50 yards from the Senior Citizen Building. The community watering point is located near the warehouse, south of the existing Senior Center.

To limit construction costs and meet budget goals, the new Tonalea Chapter building will be reconstructed on the same site as the old chapter building. With the increasing enrollment population and discontinuation of local services, the demand for a new chapter building has increased. No community chapter facility limits meeting the growing needs of the community, this includes veterans, youth, and elders. A new chapter building will extensively help expedite a return of a local community culture, tradition, and education, employment, re-opening of scheduled events to encourage community developments and improvements, traditional celebrations, and other social activities for the betterment of Tonalea that includes health promotions and maintaining an active lifestyle. The Chapter anticipates a return of the much-needed commodity food program and other welfare services. The Nurse Consultation office will also reopen, and a community room will be available for voting, town meetings, weddings, funeral practices, etc. A future computer lab with Wi-Fi internet access will be available for virtual learning and the Chapter hopes to open a small gym facility for the community seeking a

more active lifestyle.

VII. BUDGET FOR NEW CHAPTER BUILDING CONSTRUCTION

| Project Cost Activities | Total |
|------------------------------------|----------------|
| Construction | \$2,580,115.60 |
| NTUA 3-Phase Electrical Line | \$150,000.00 |
| Other Costs Not Included in Budget | \$269,884.40 |
| Total | \$3,000,000.00 |

Tonalea Chapter will provide match funding in the amount of \$263,203.33

Contributions will be applied to the construction costs of the new Chapter Building

TONALEA CHAPTER REPLACEMENT BUILDING

TONALEA CHAPTER REPLACEMENT BUILDING

100 % CONSTRUCTION DOCUMENTS

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INDIAN ROUTE 21, TONALEA, ARIZONA 100 % CONSTRUCTION DOCUMENTS **JANUARY 16, 2017**

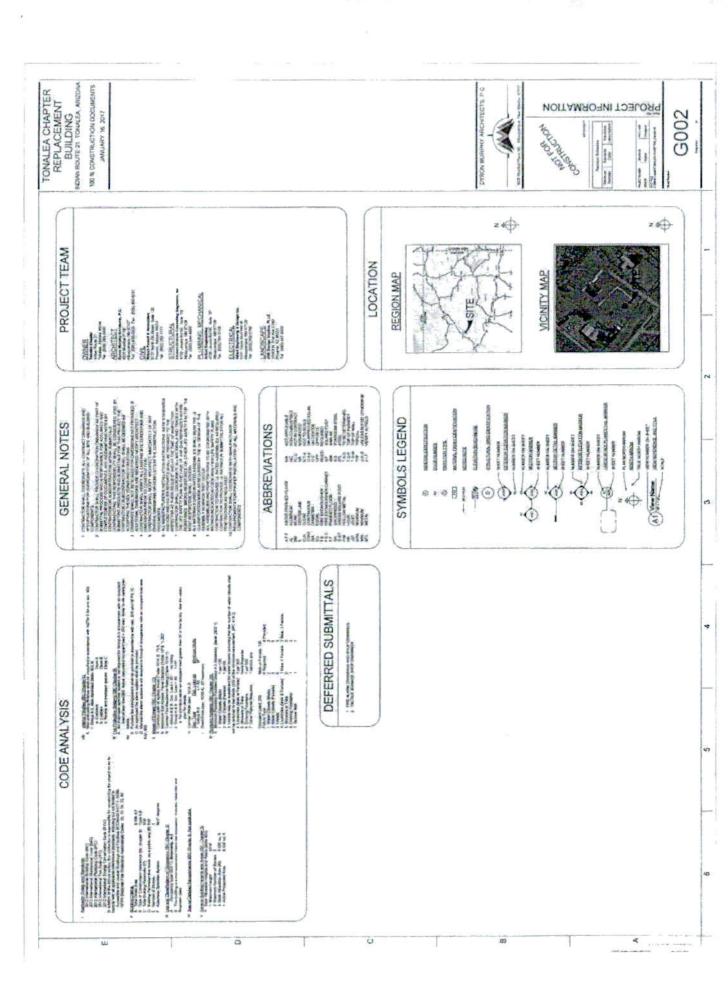


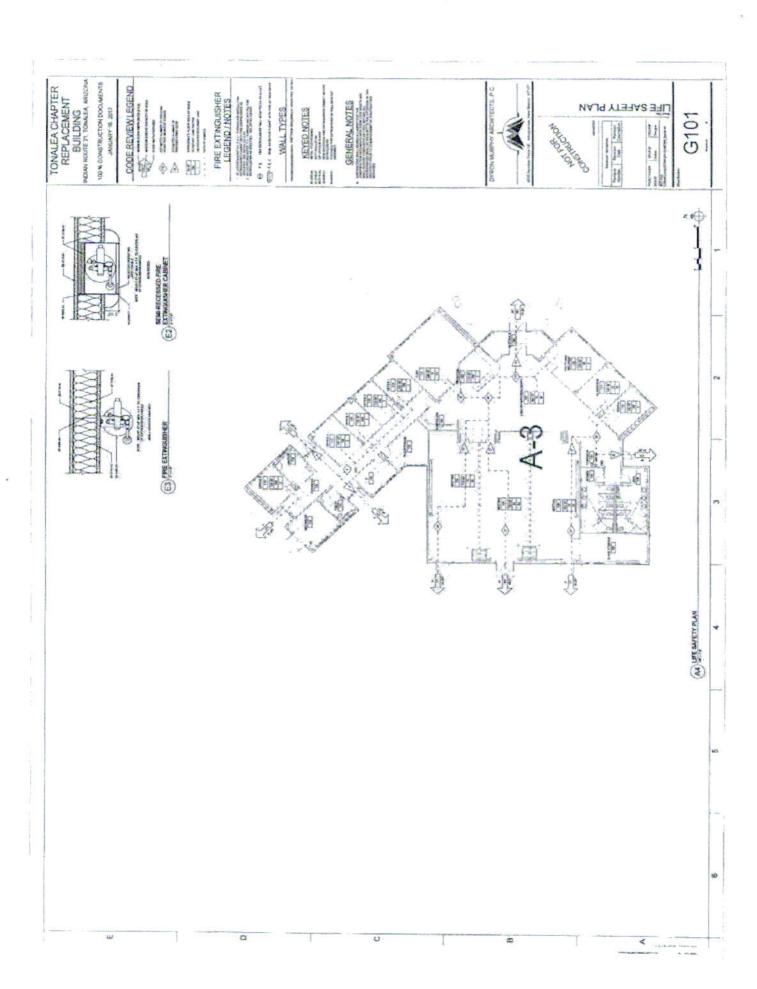




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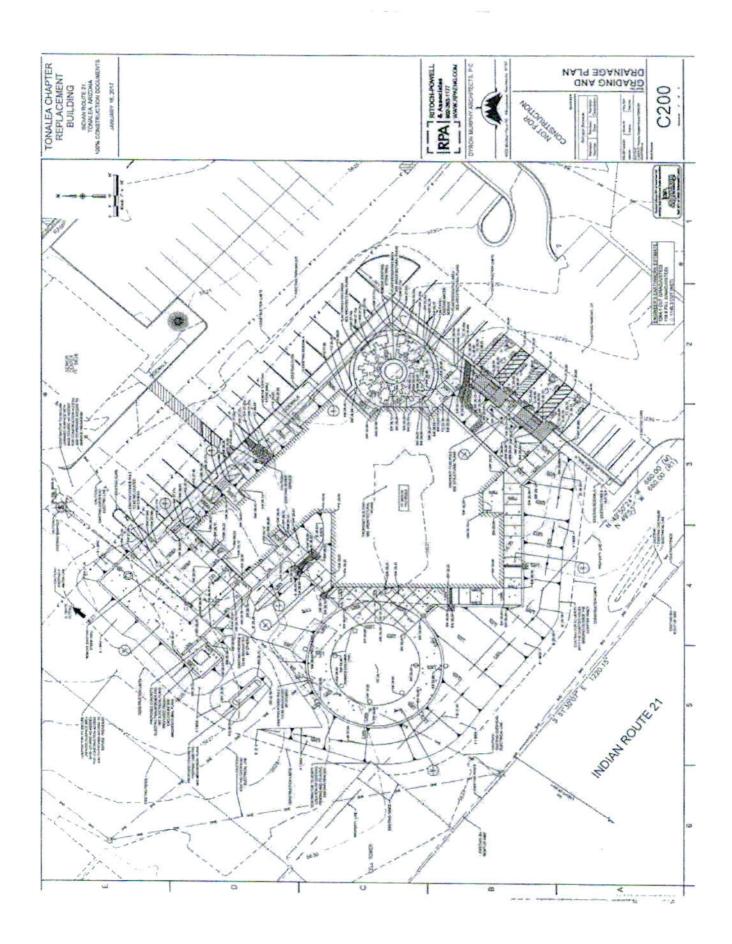
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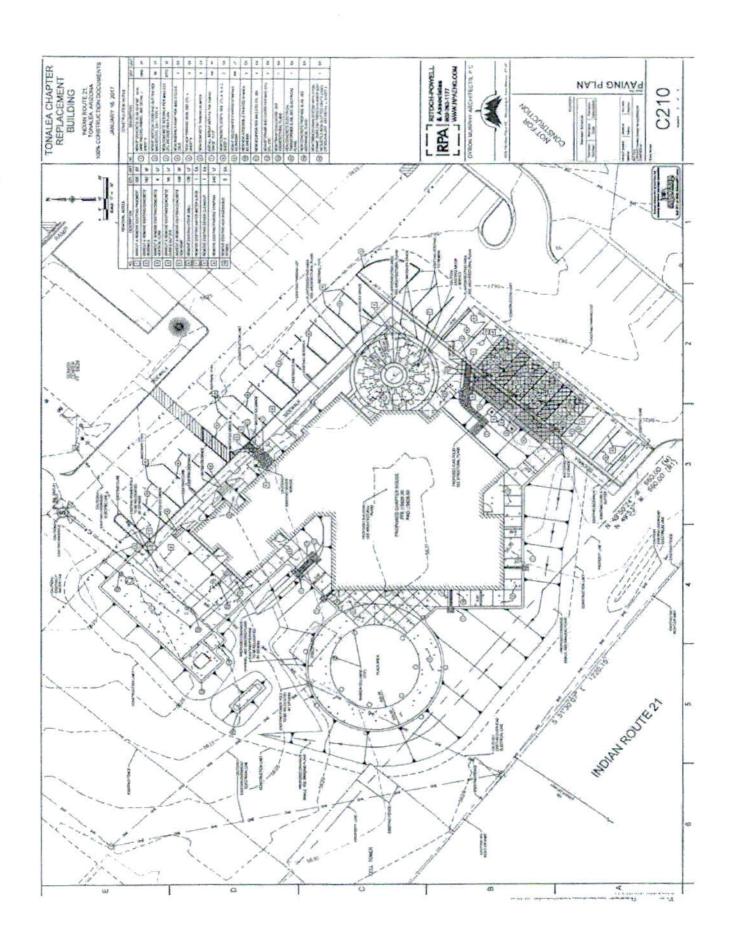
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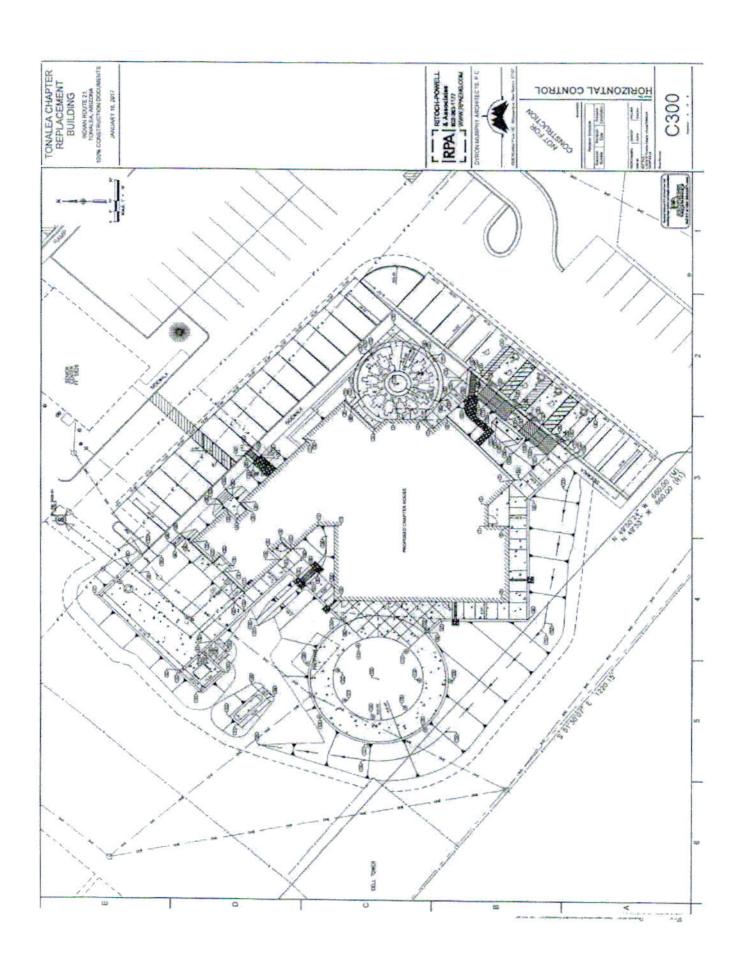
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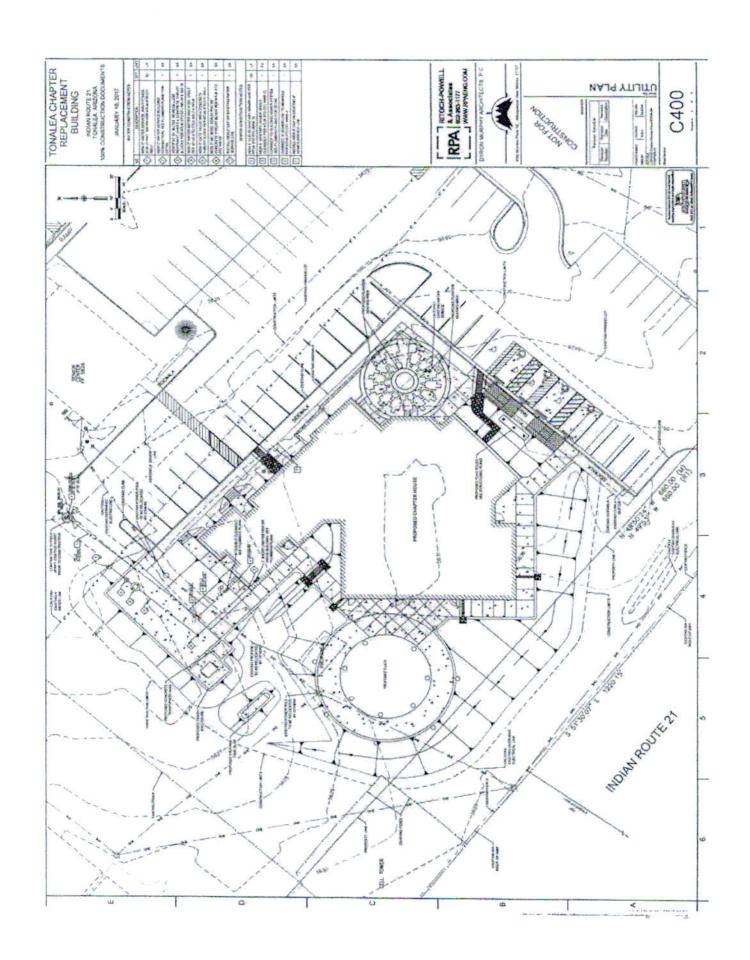


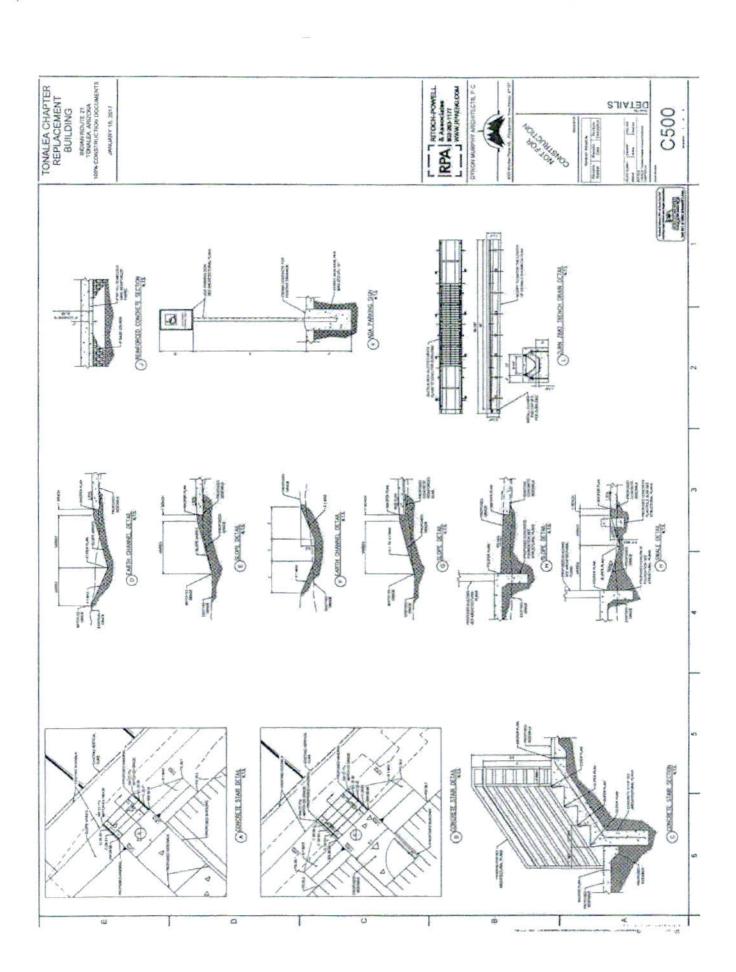


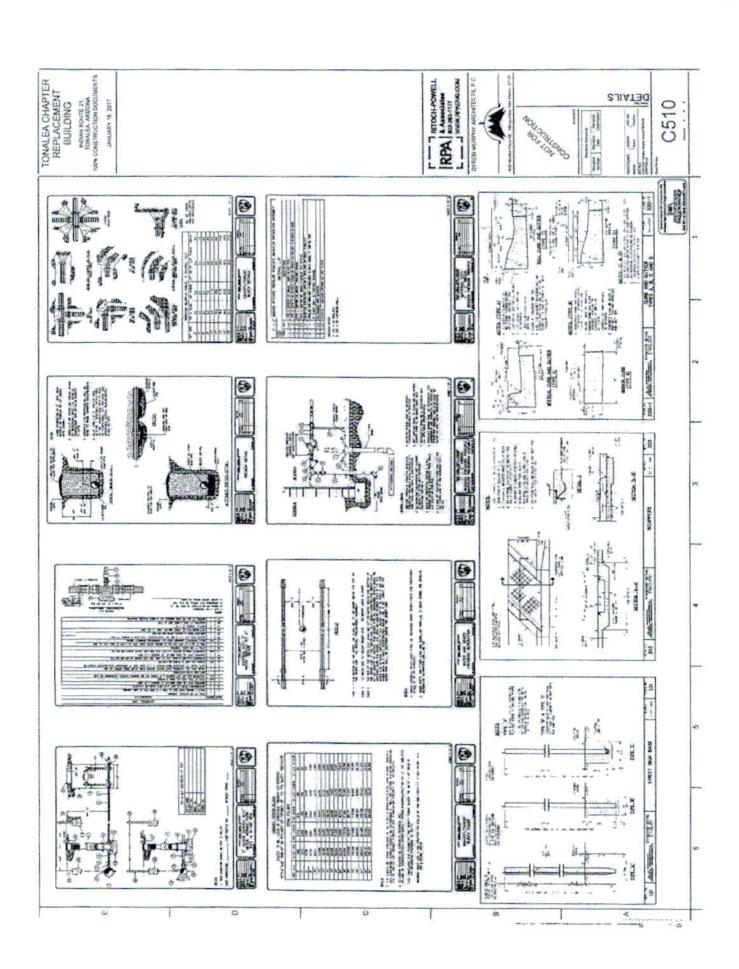


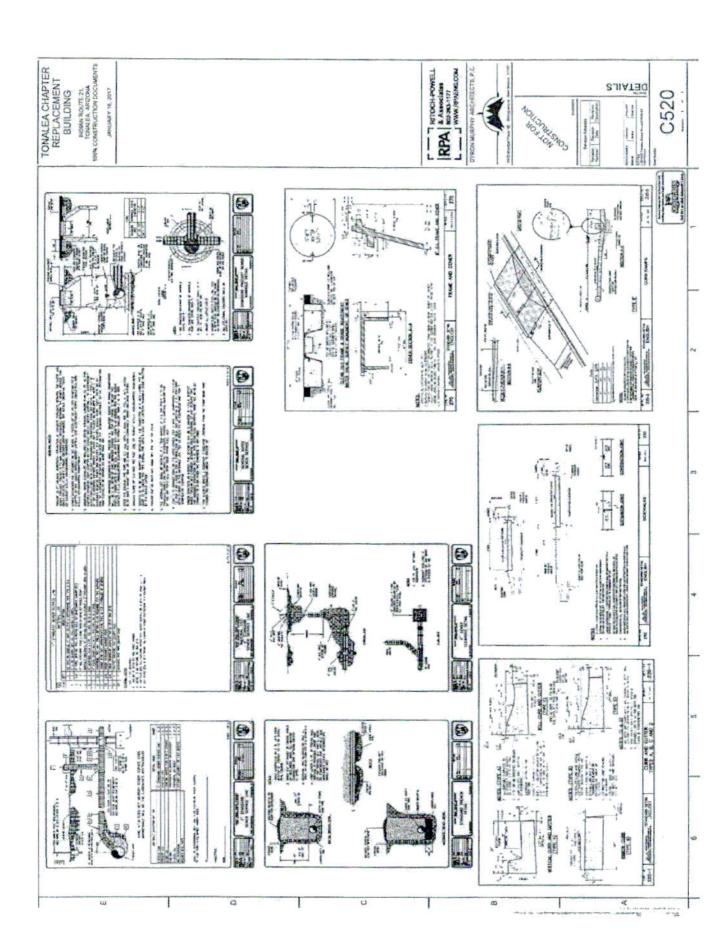
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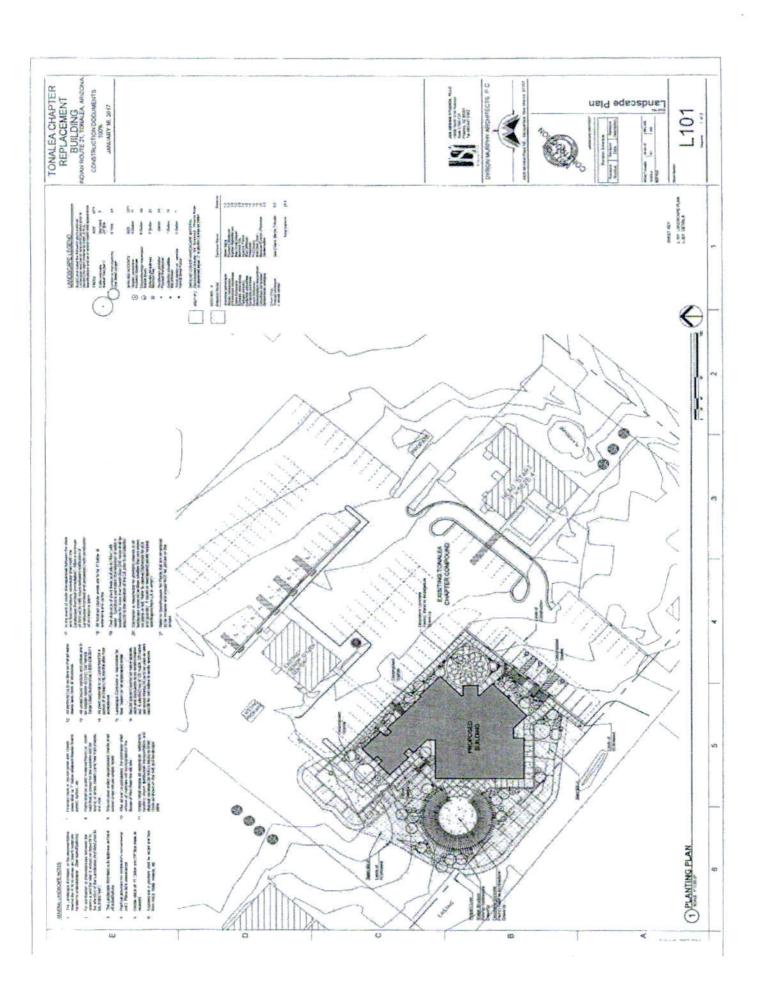
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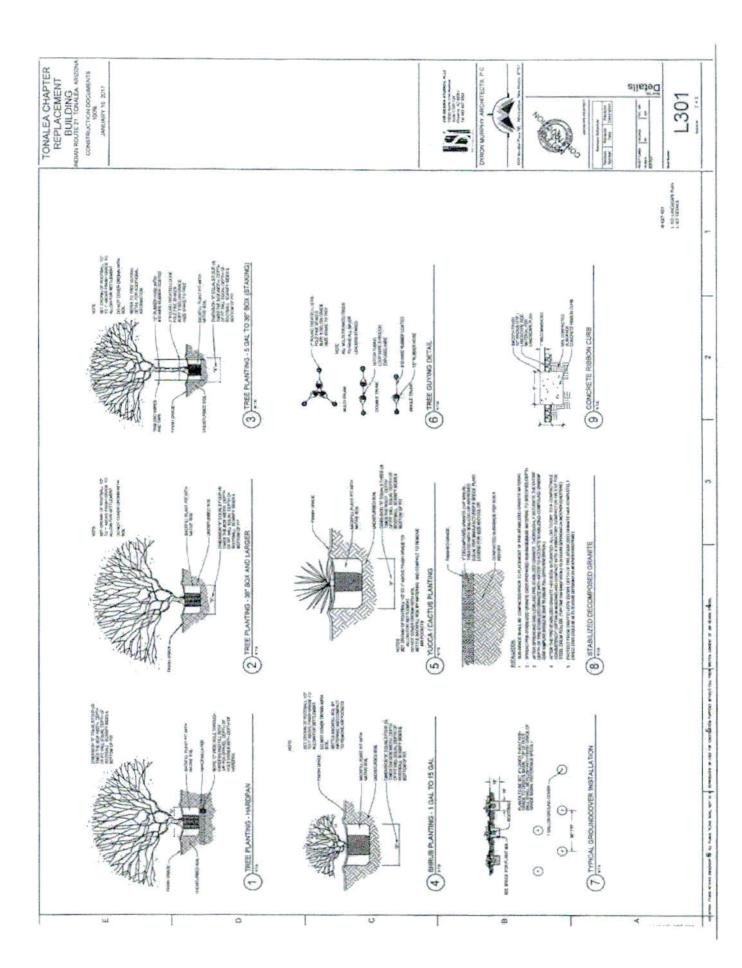


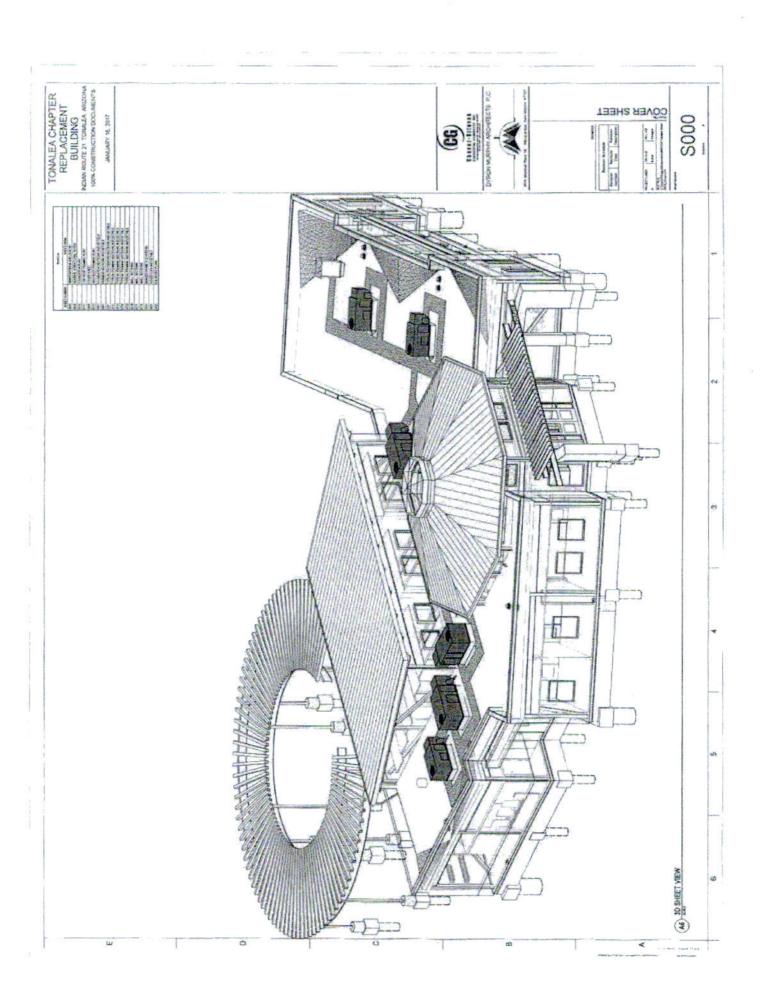


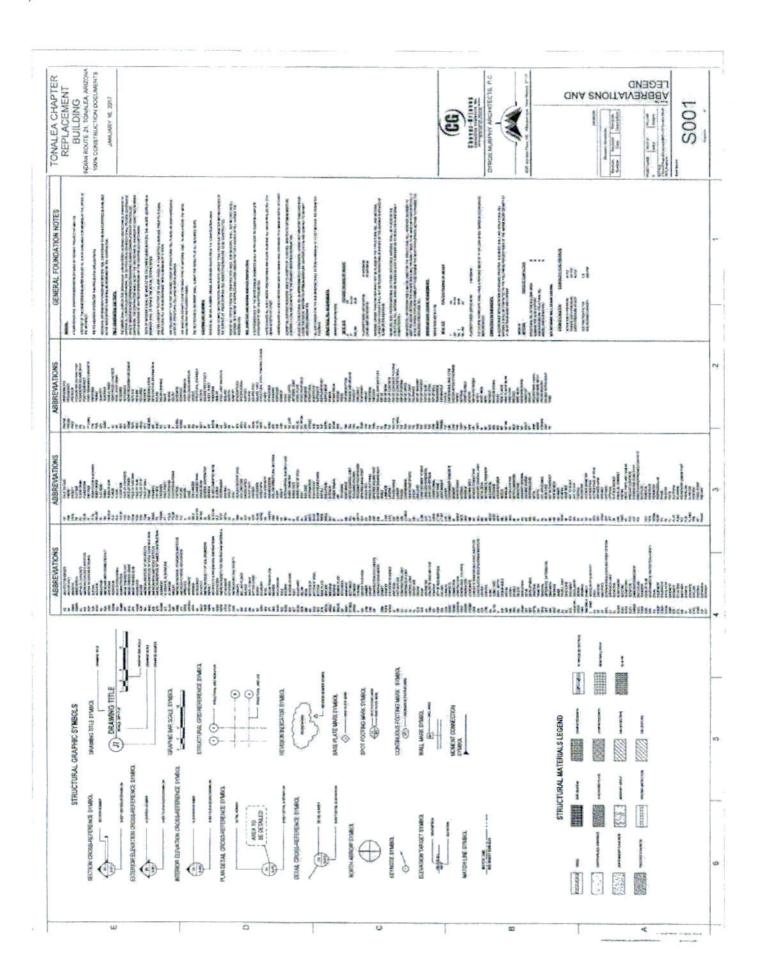




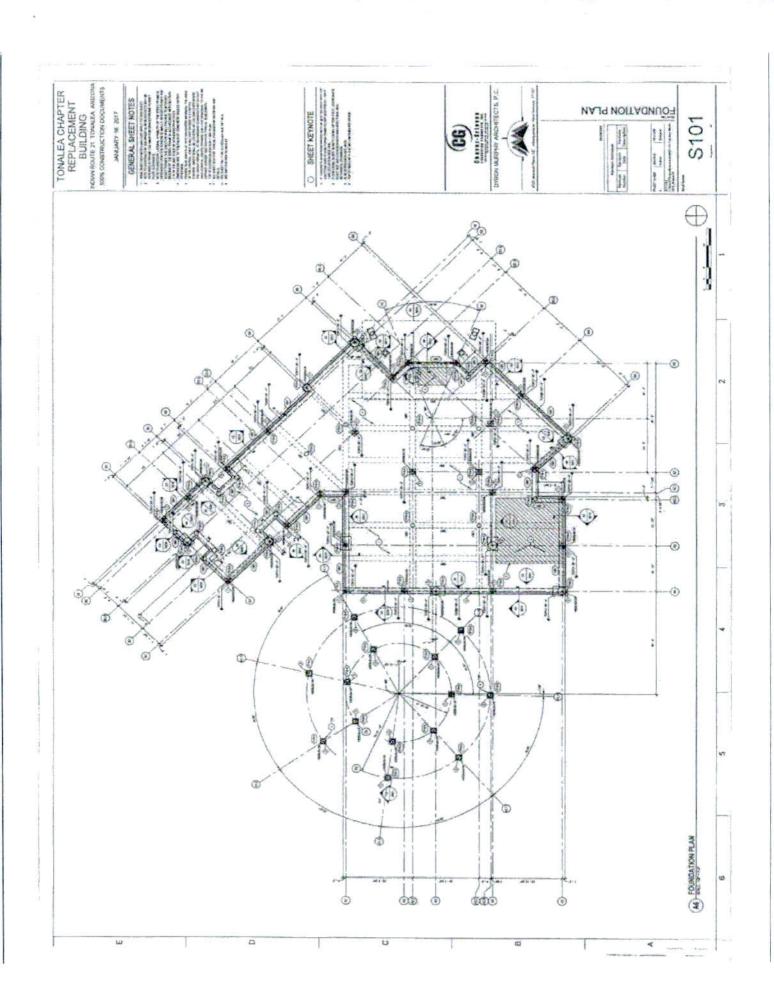


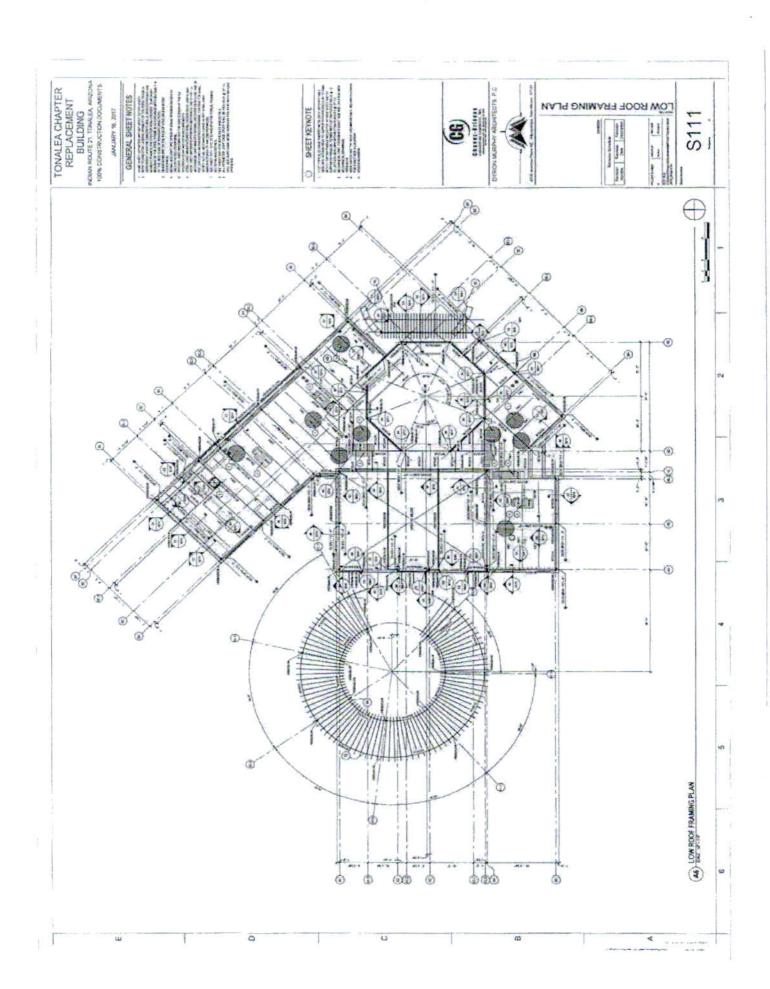


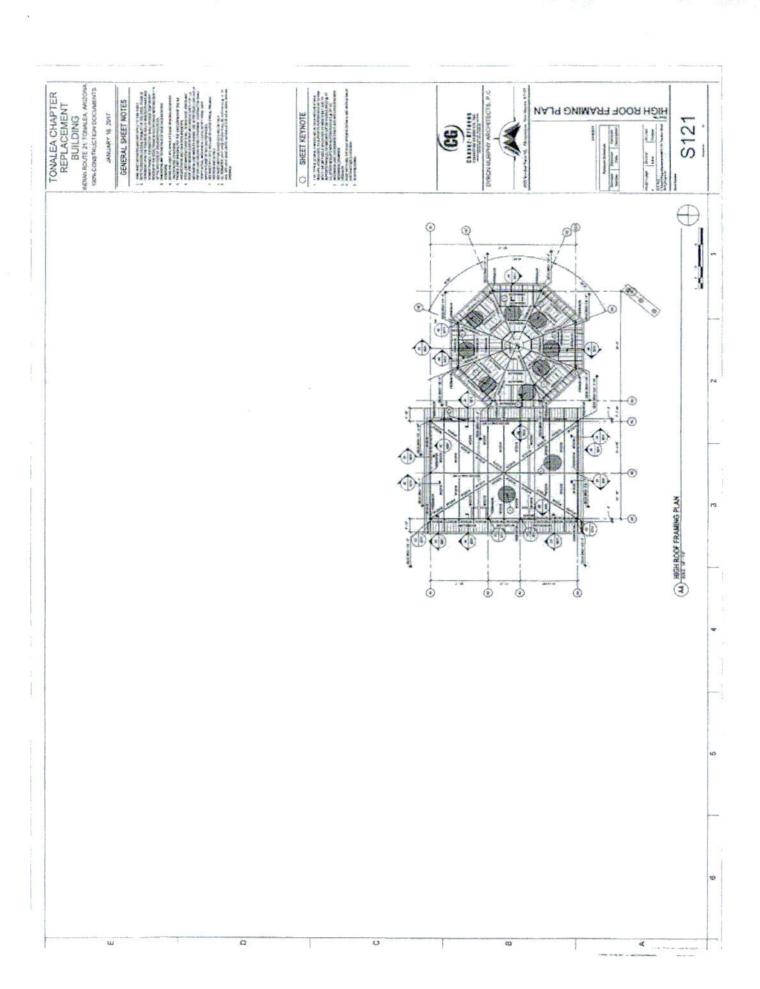


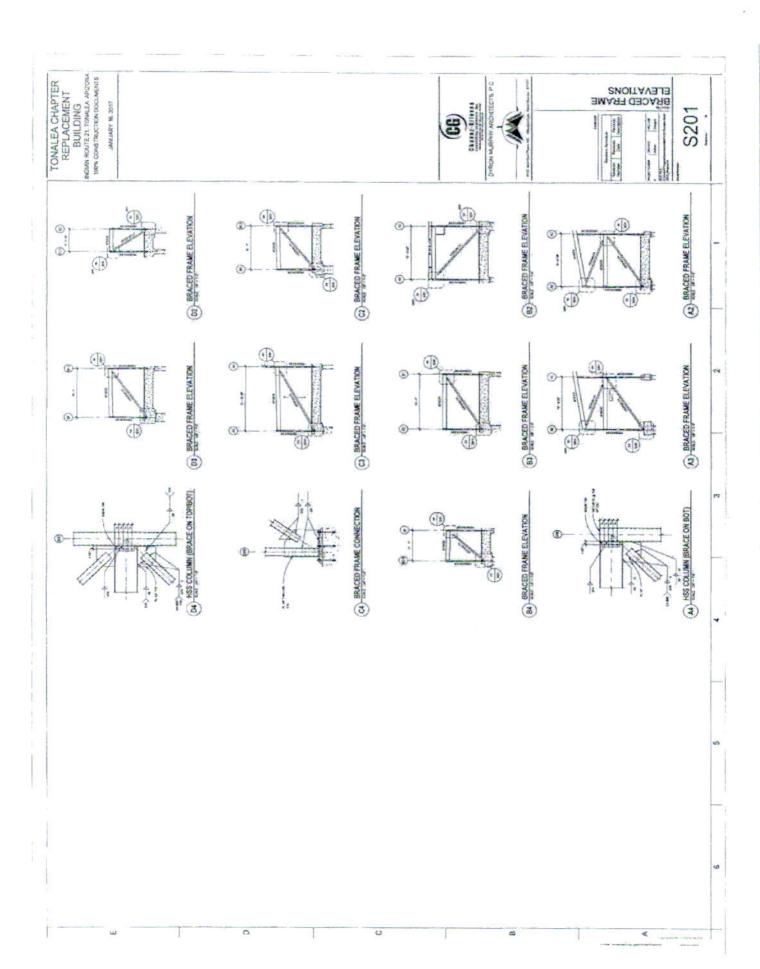


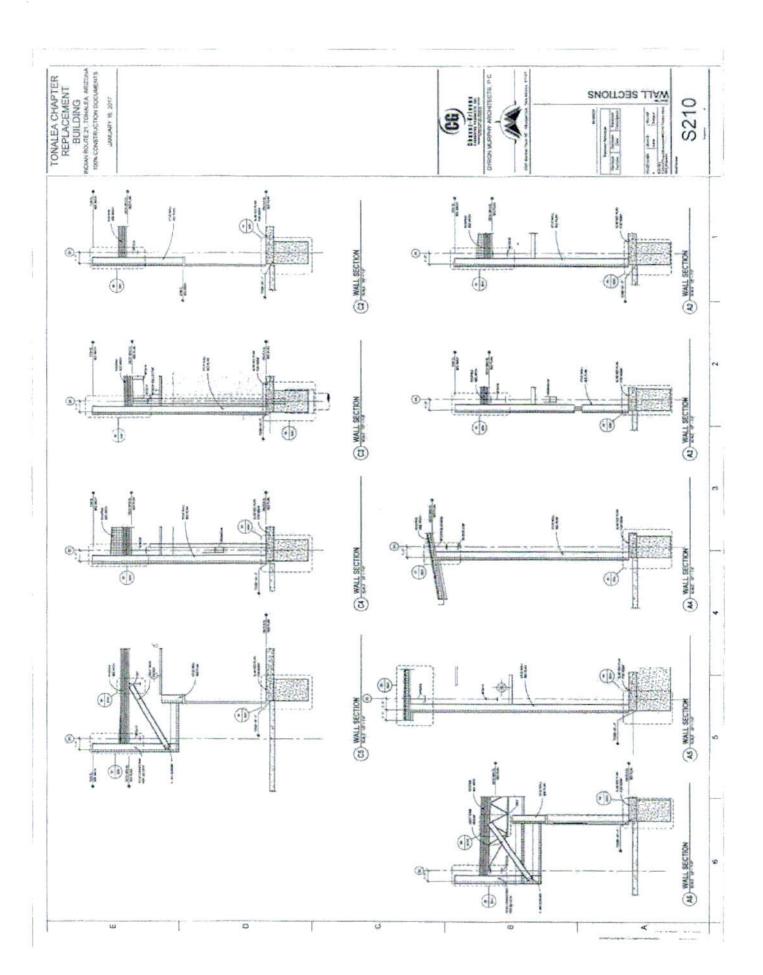
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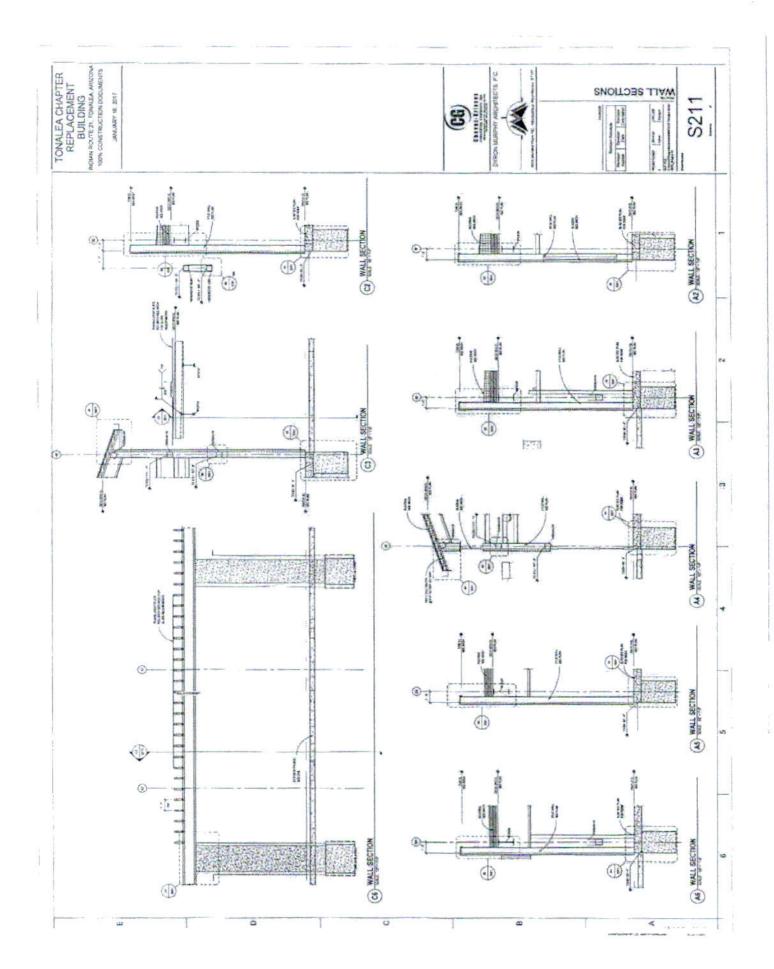


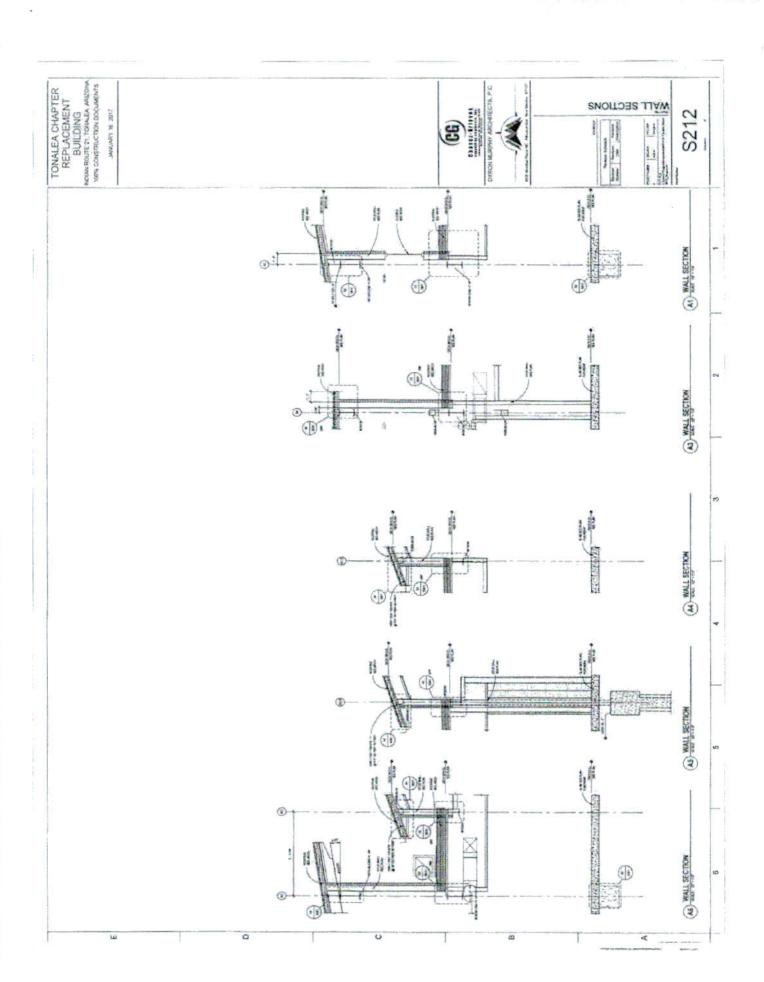


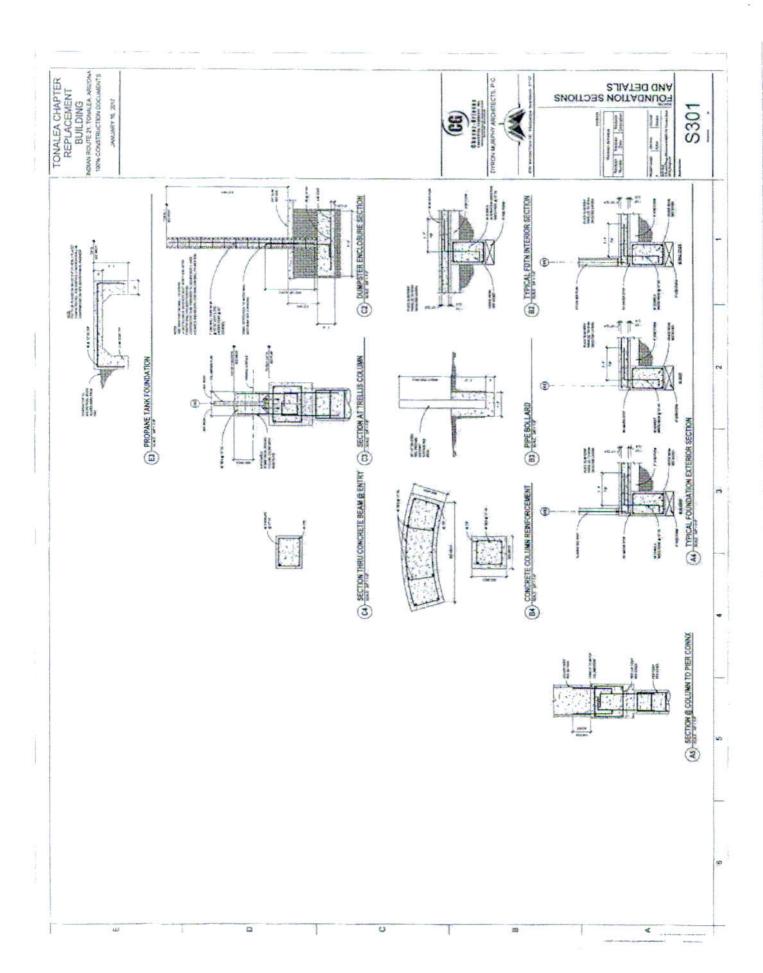


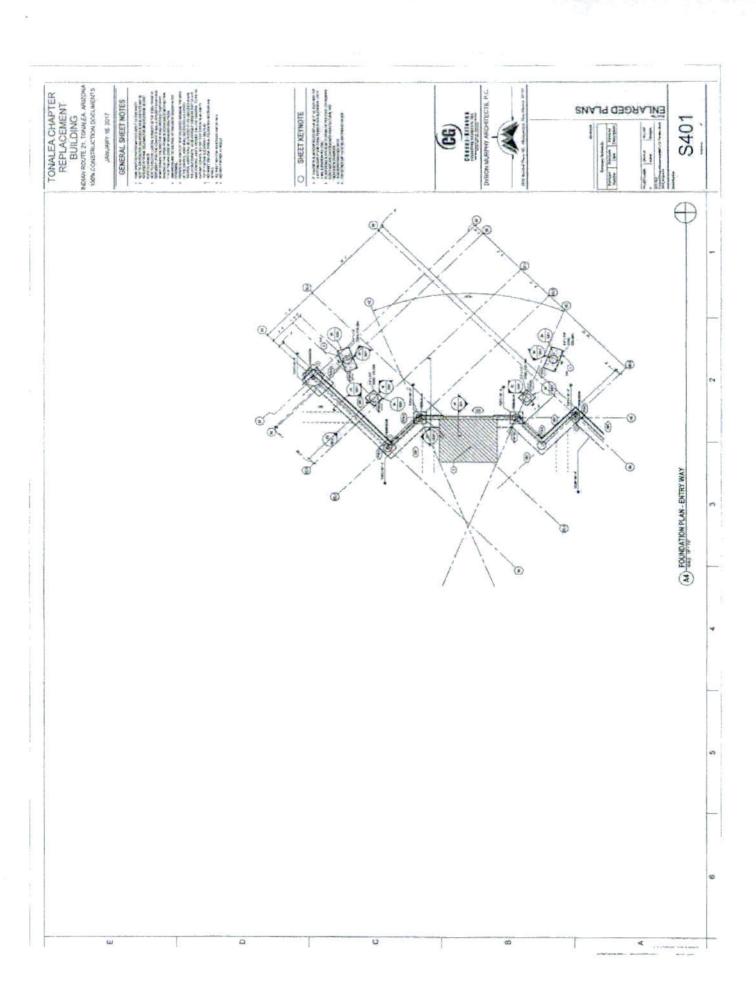


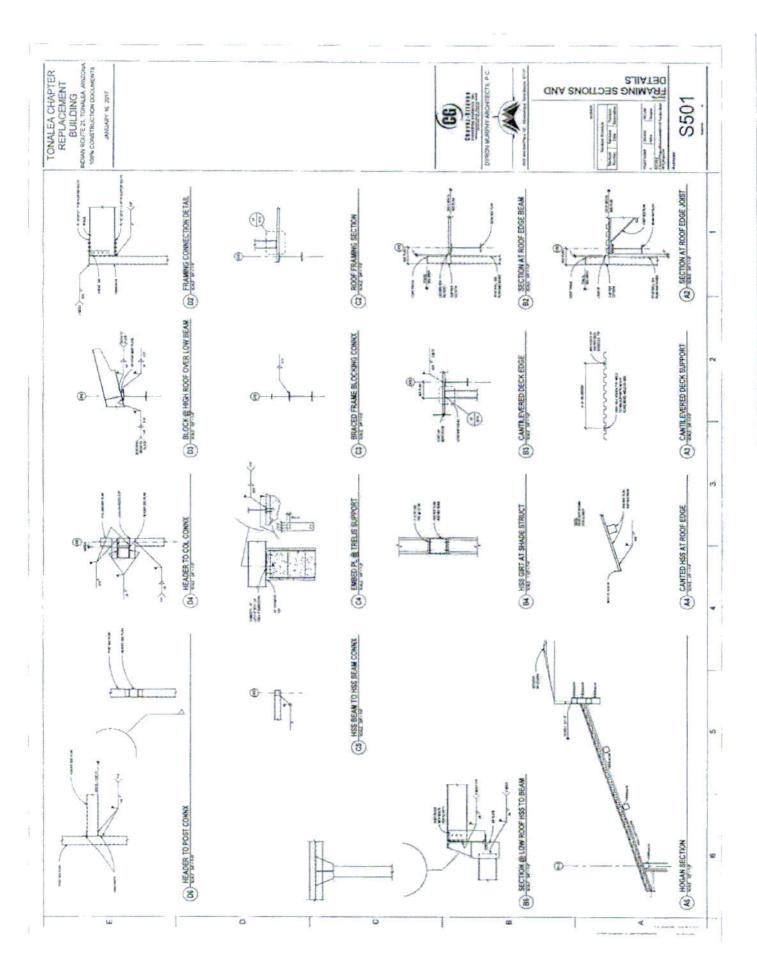


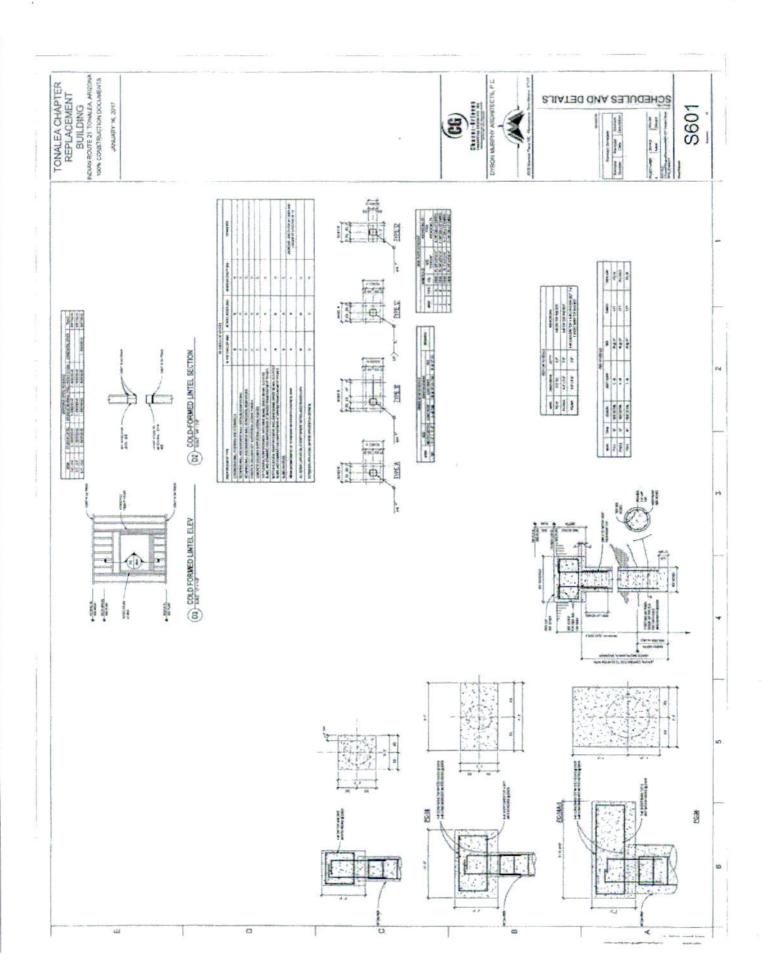


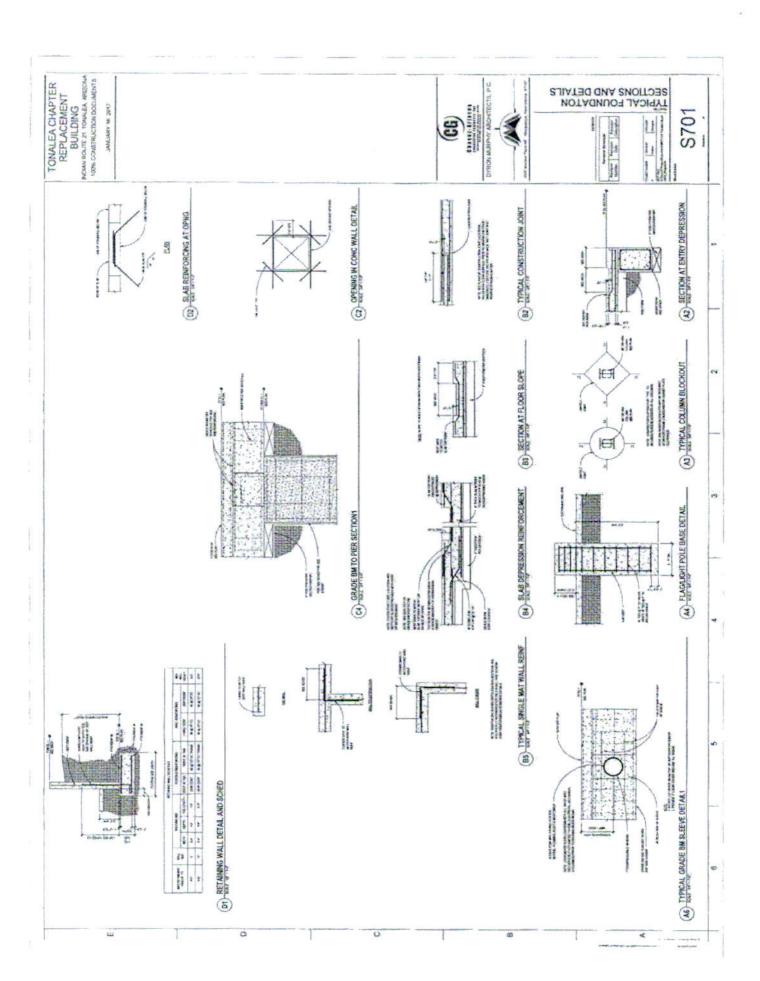


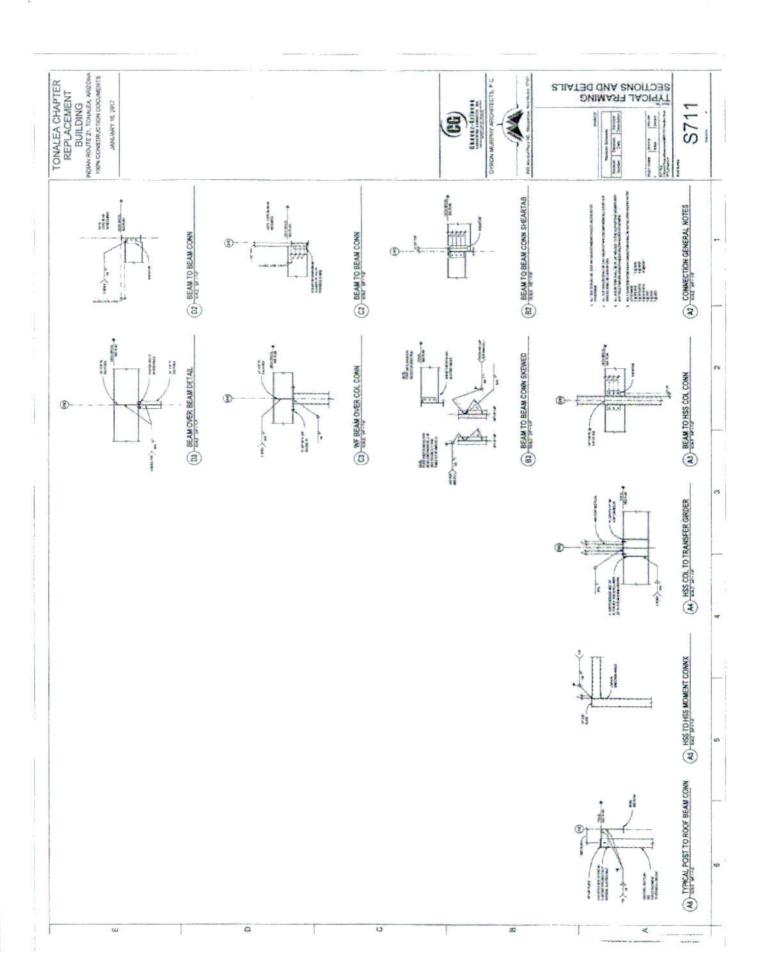


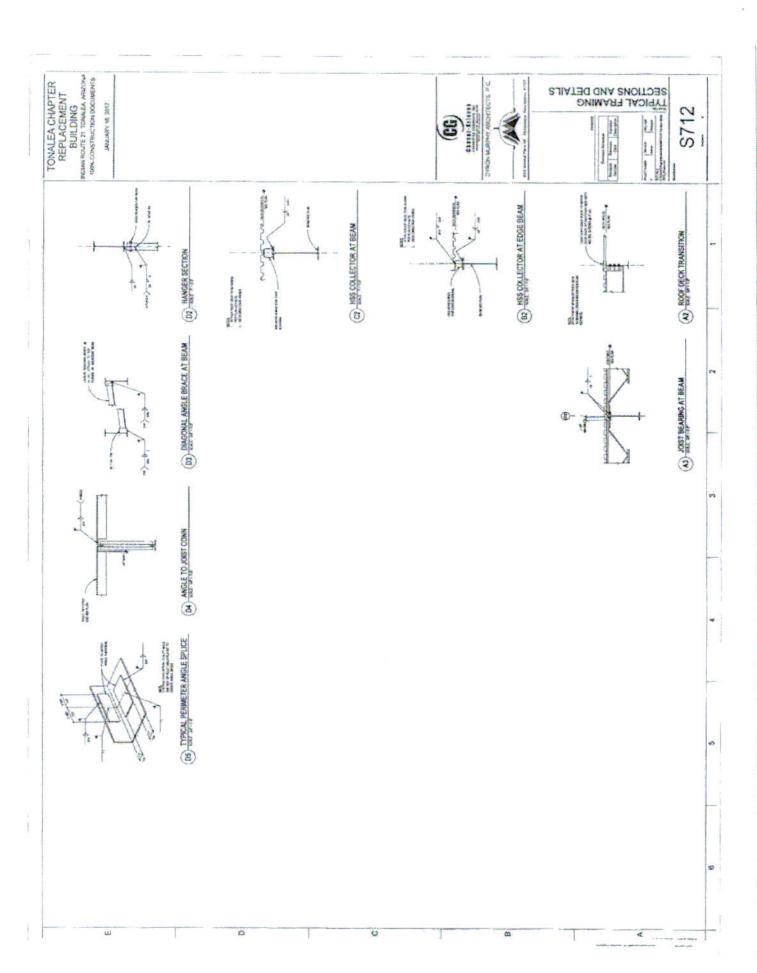


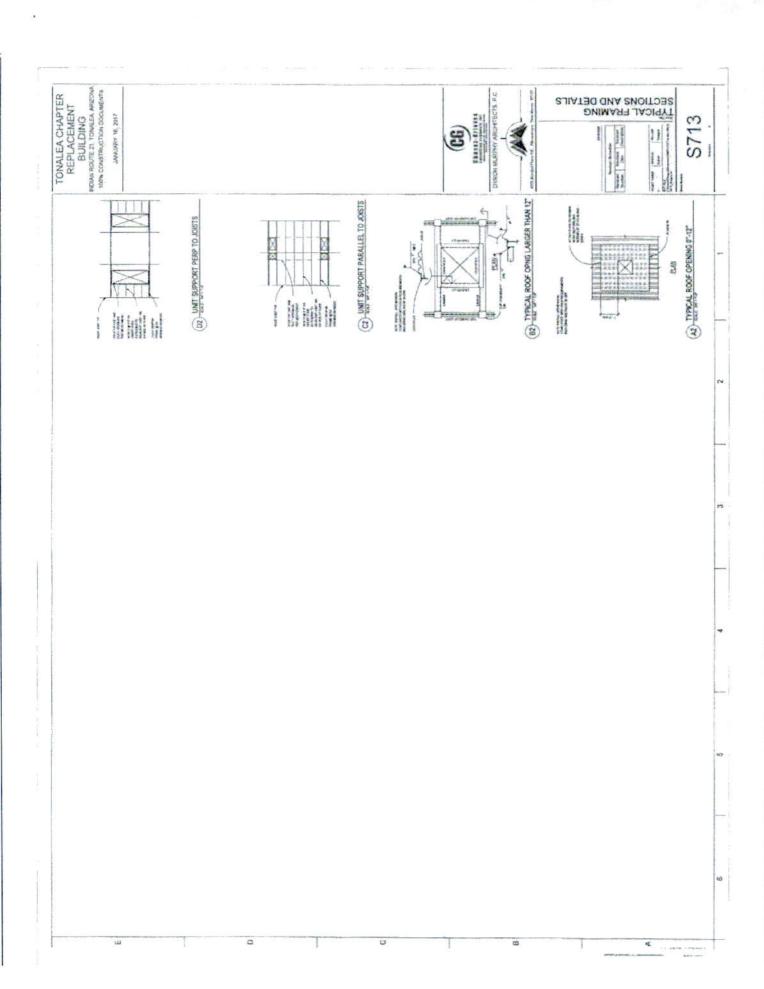


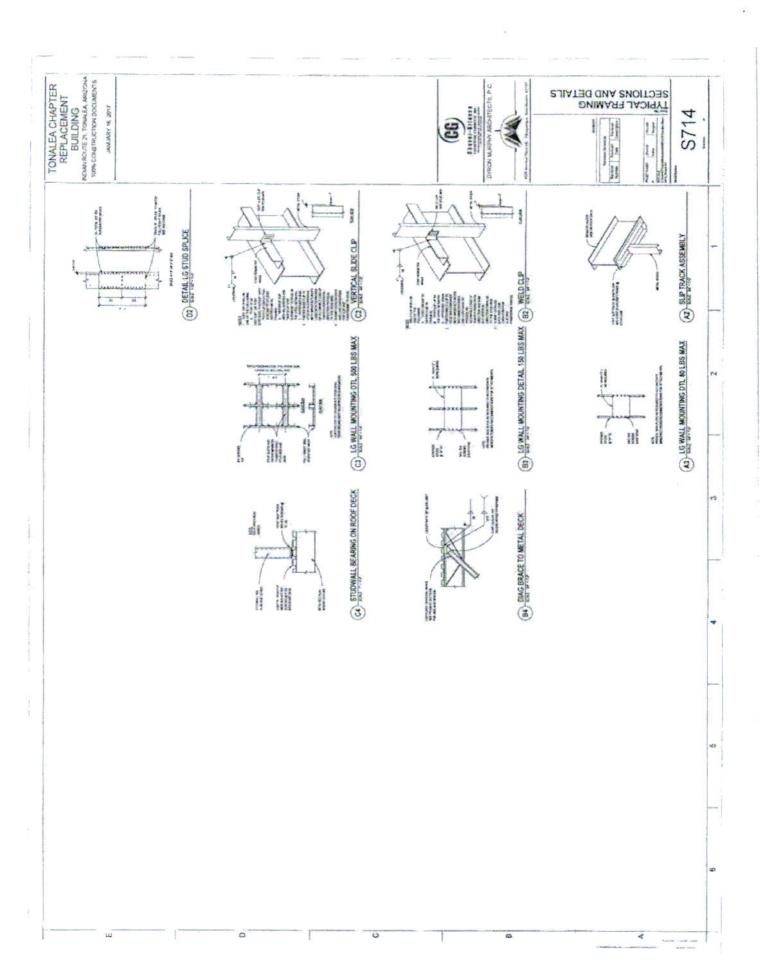


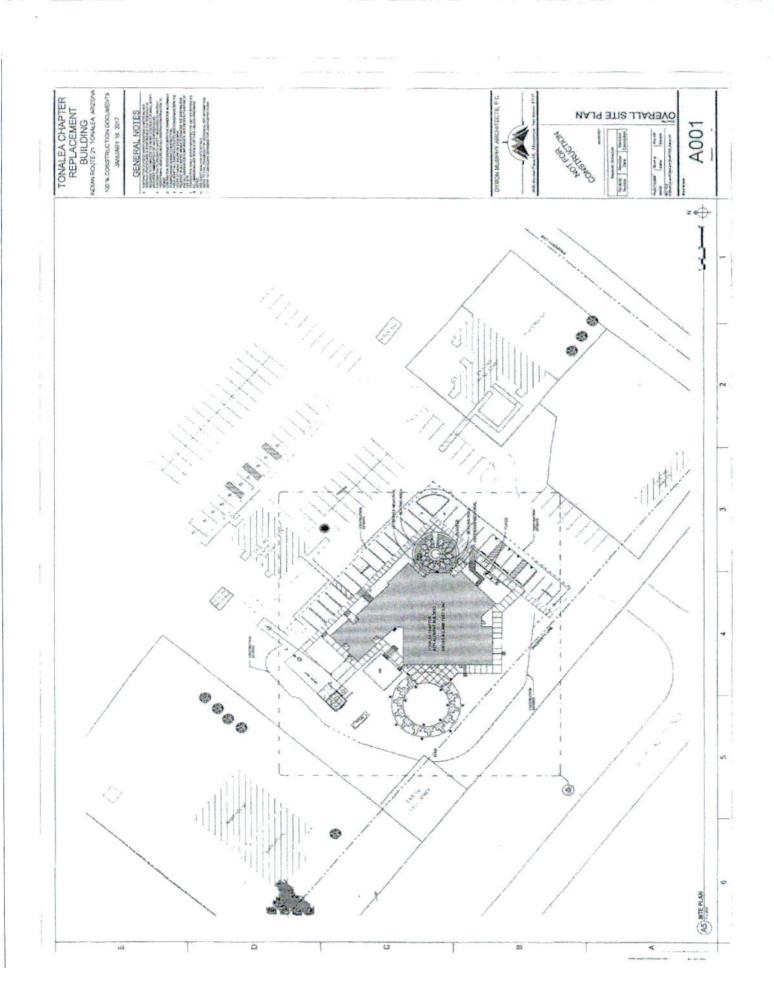


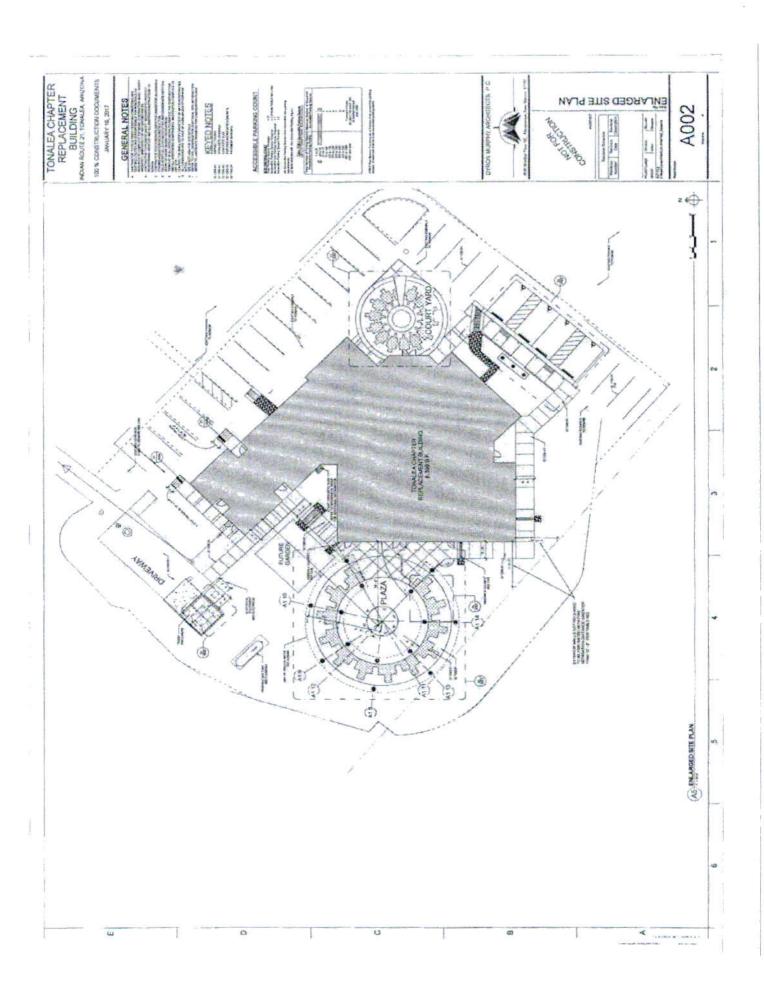


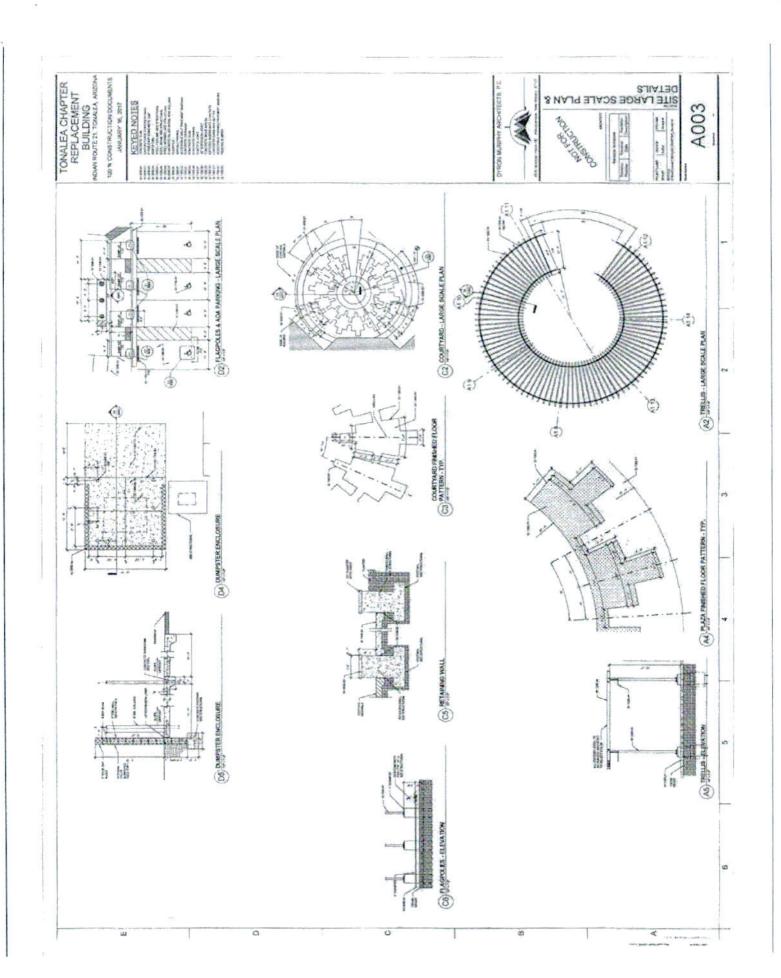


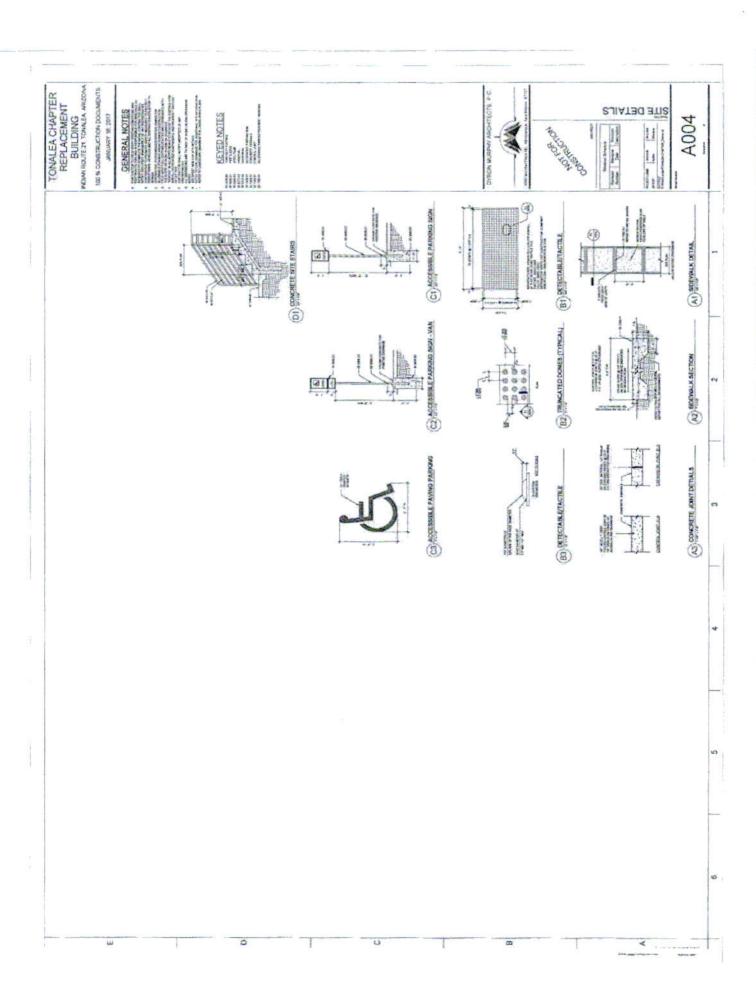


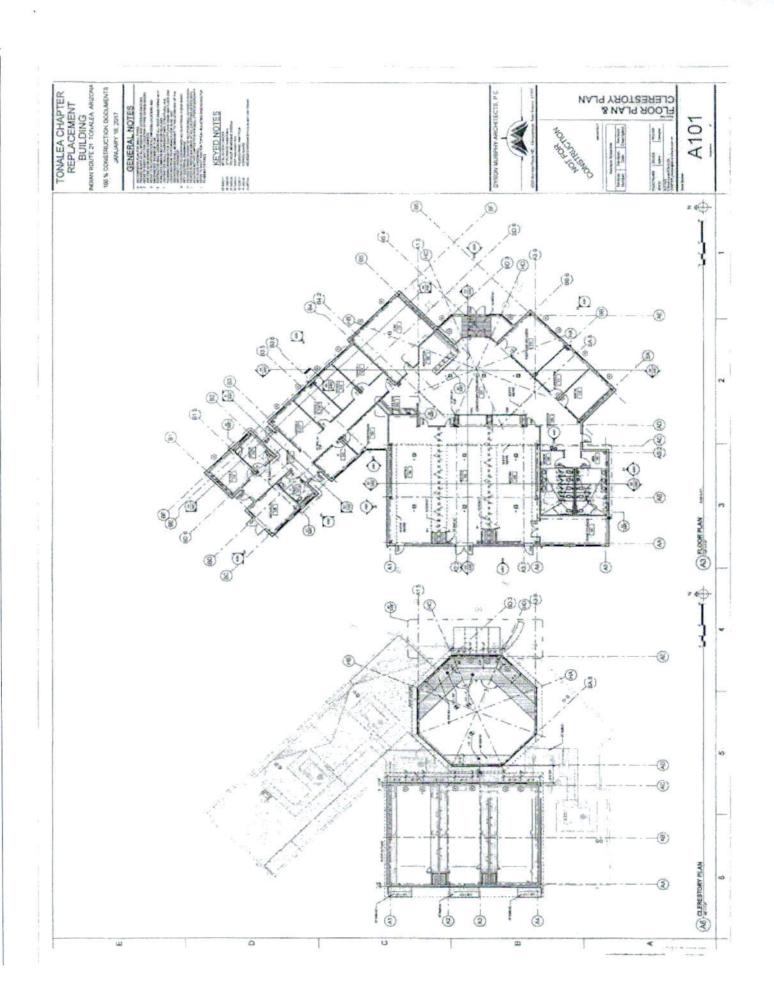


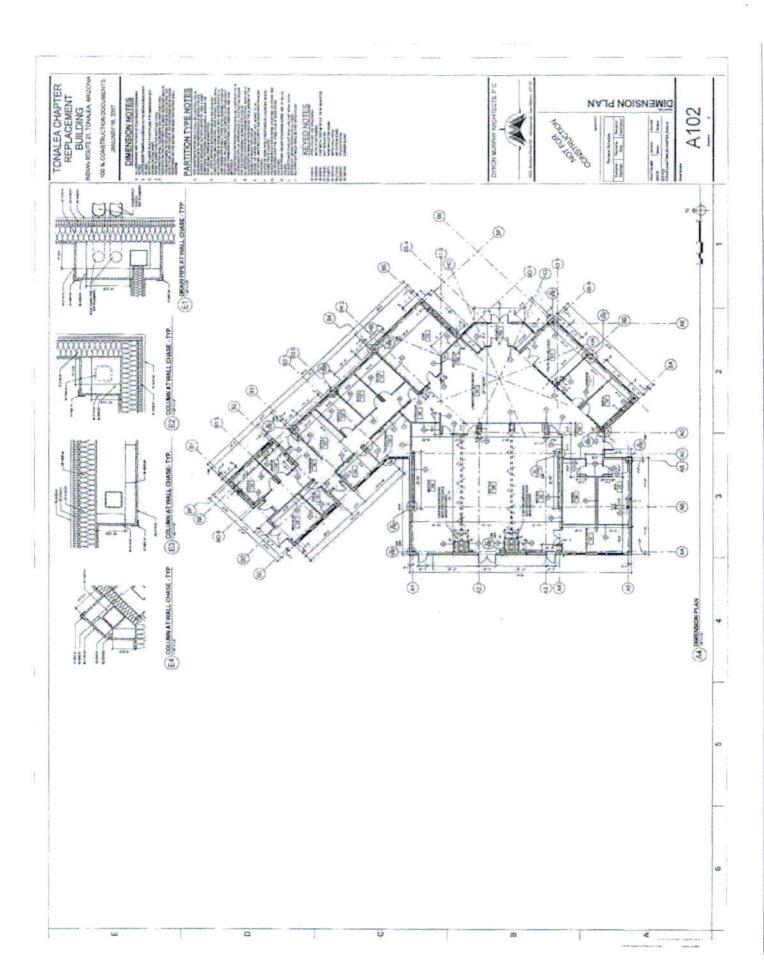


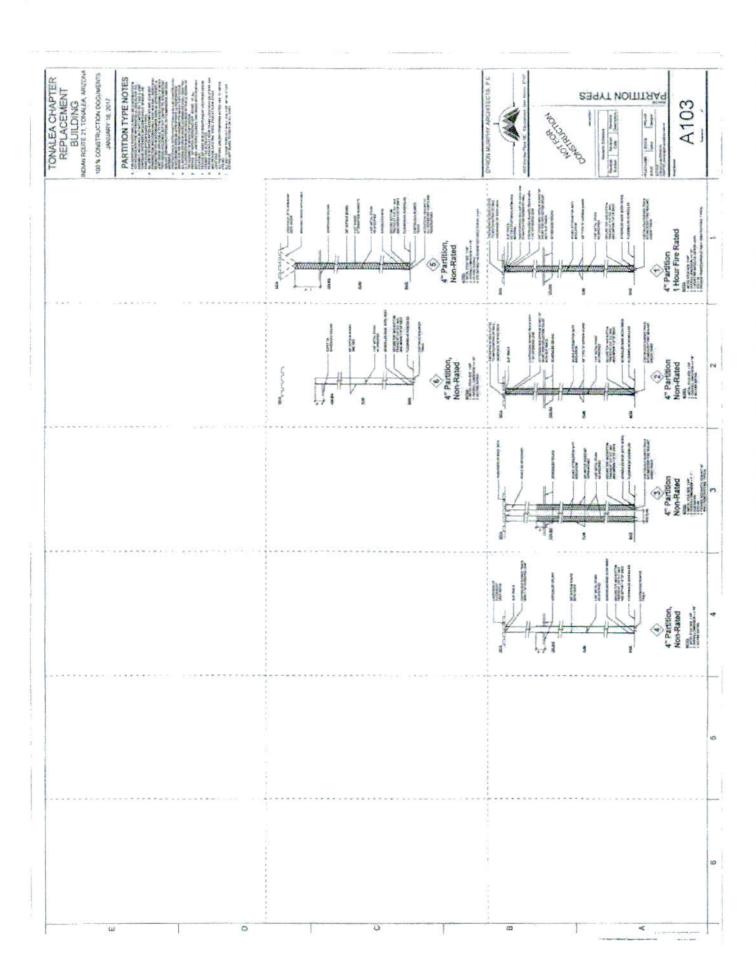


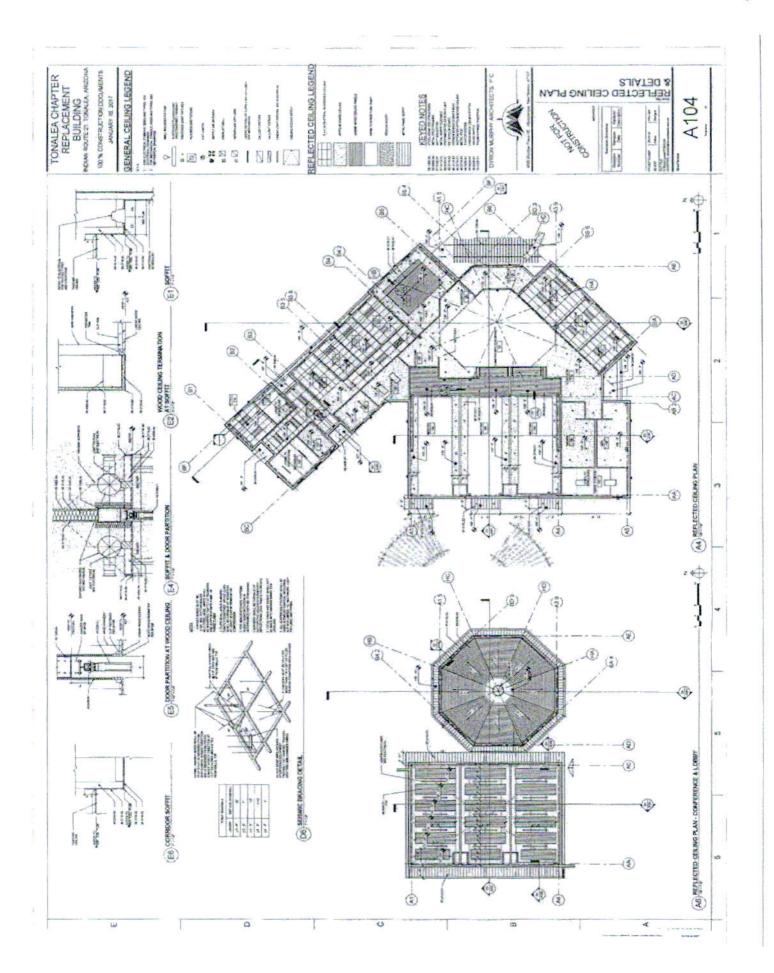


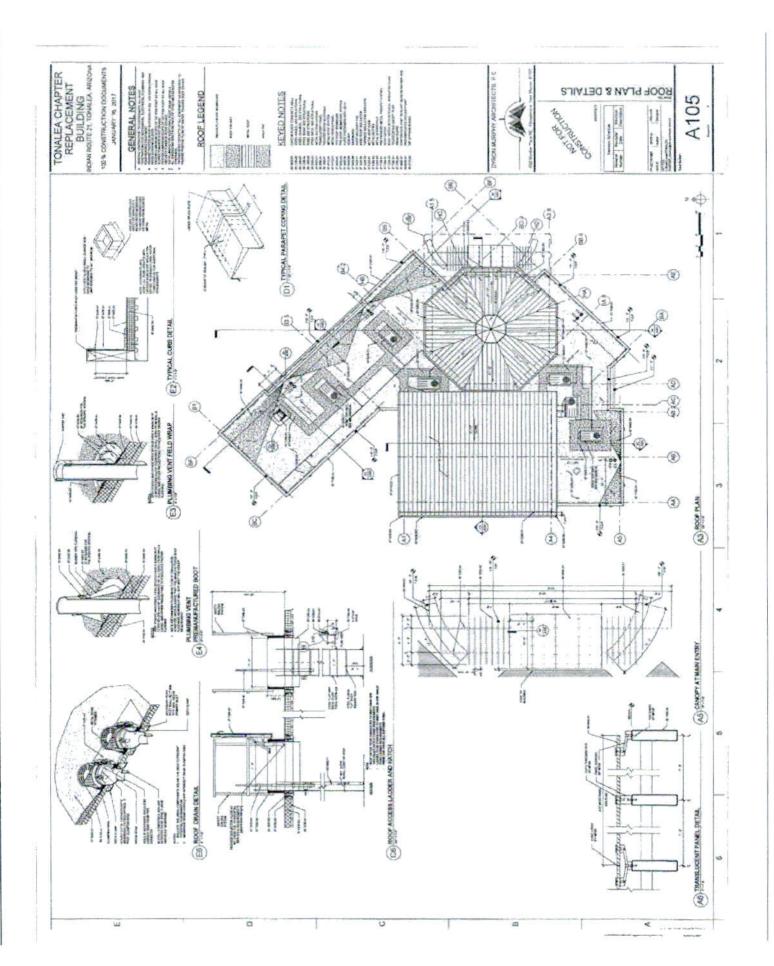


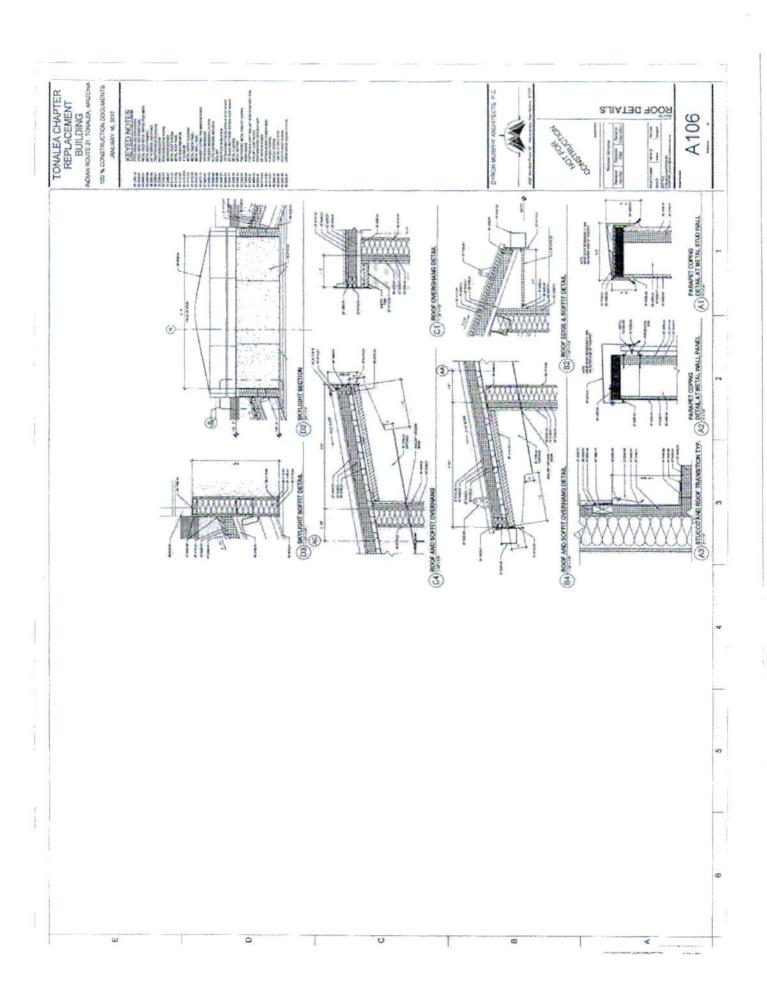


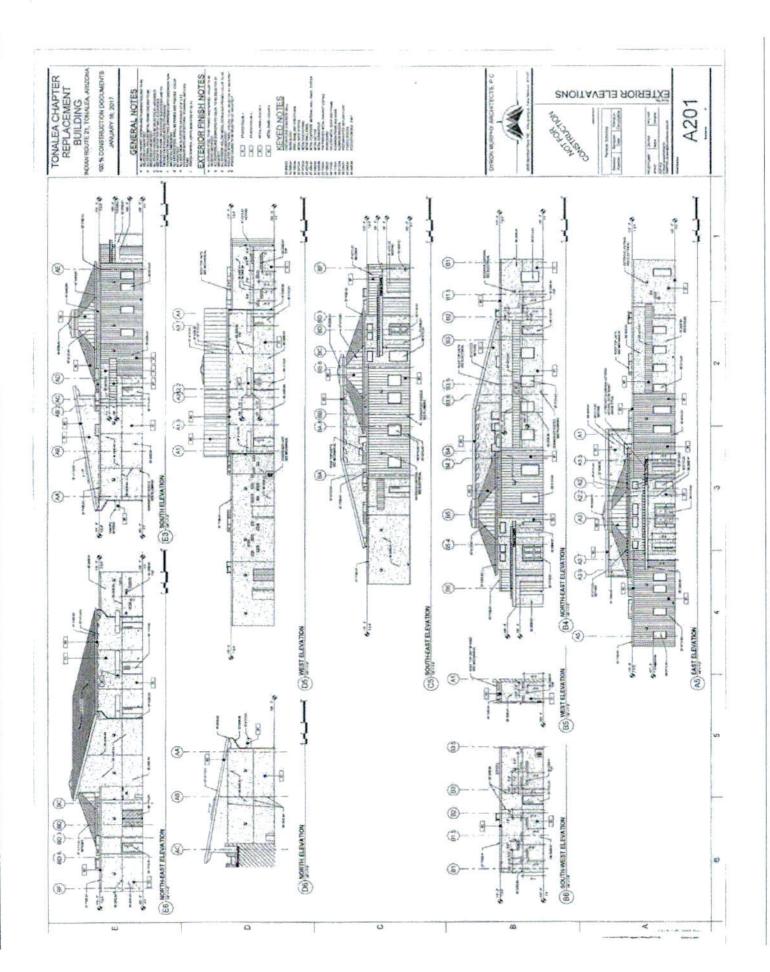


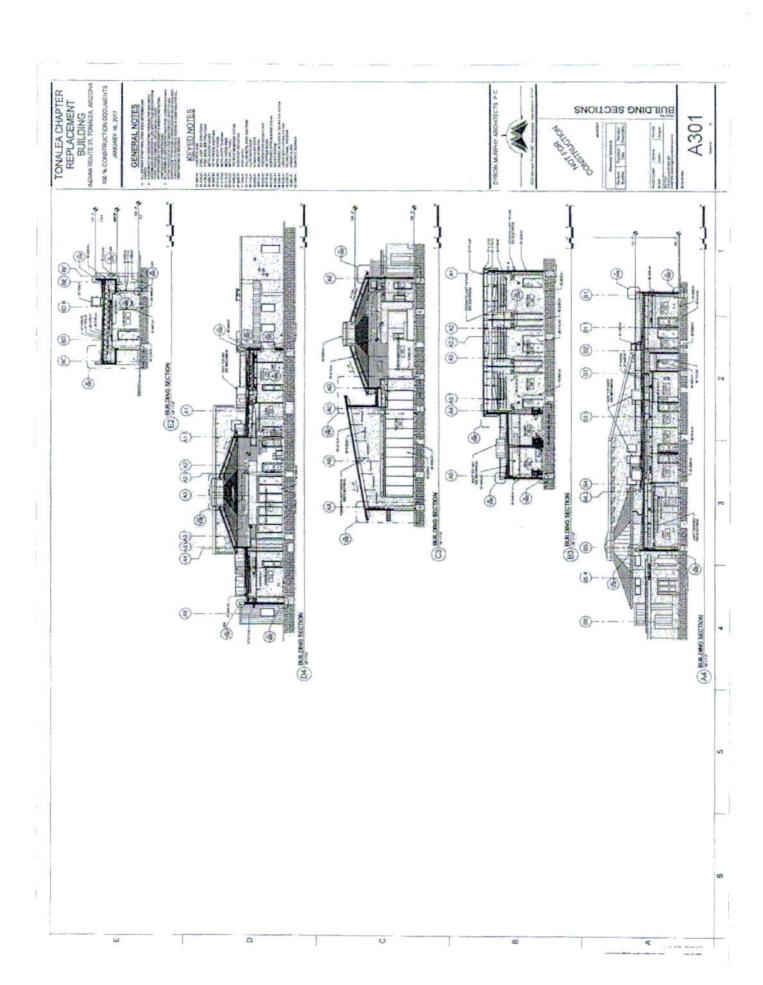


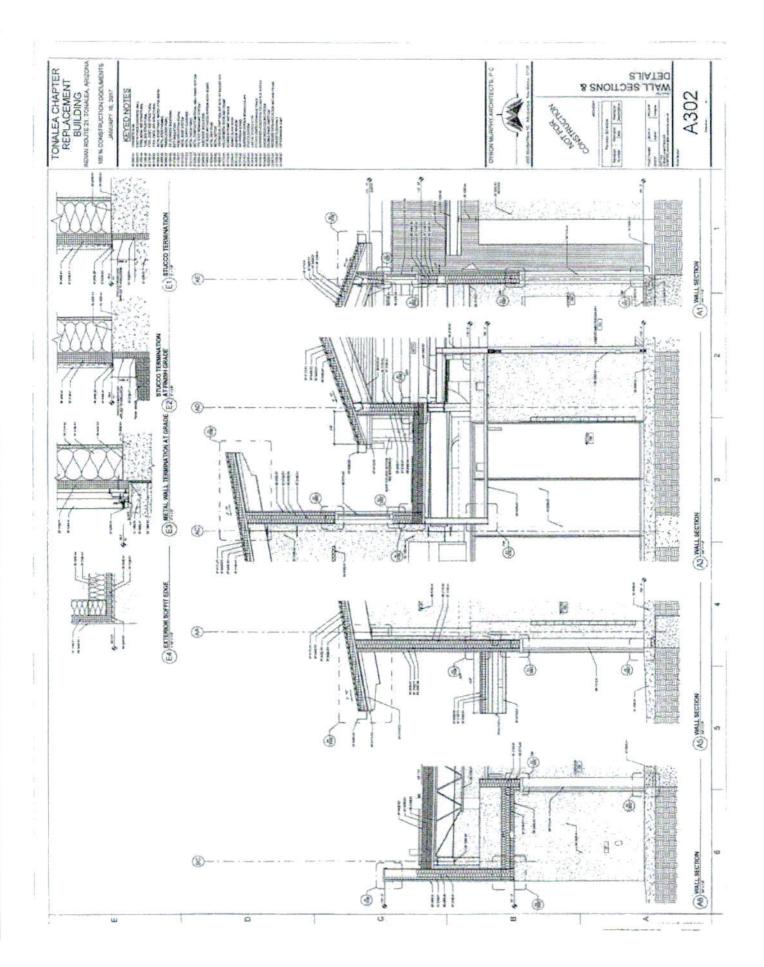


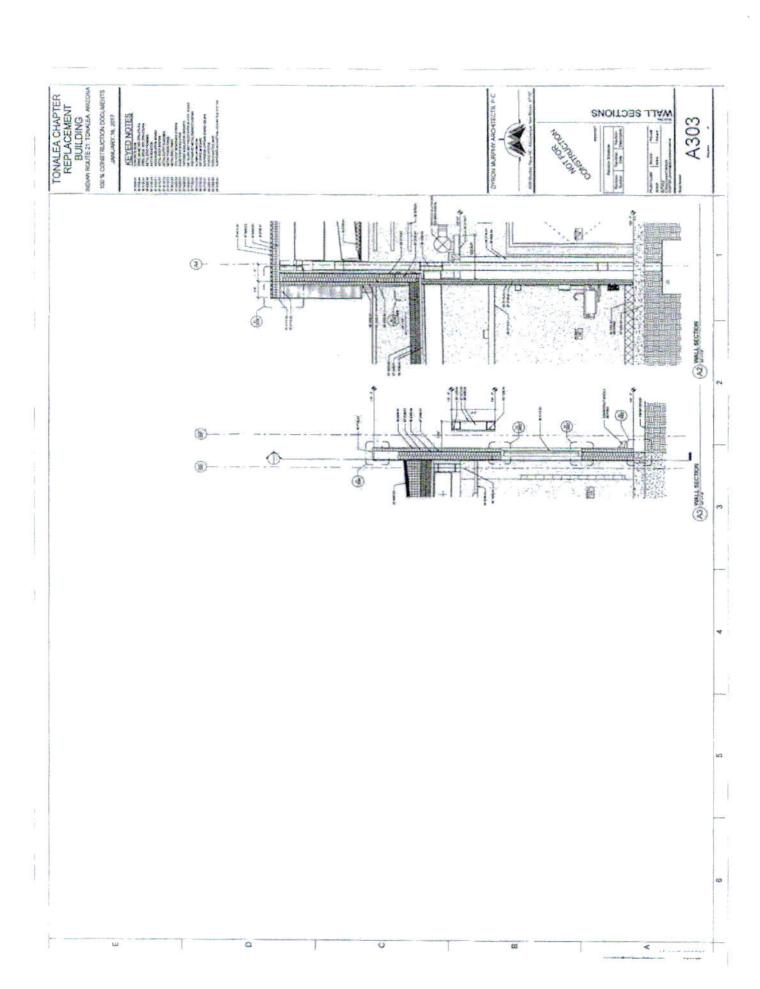


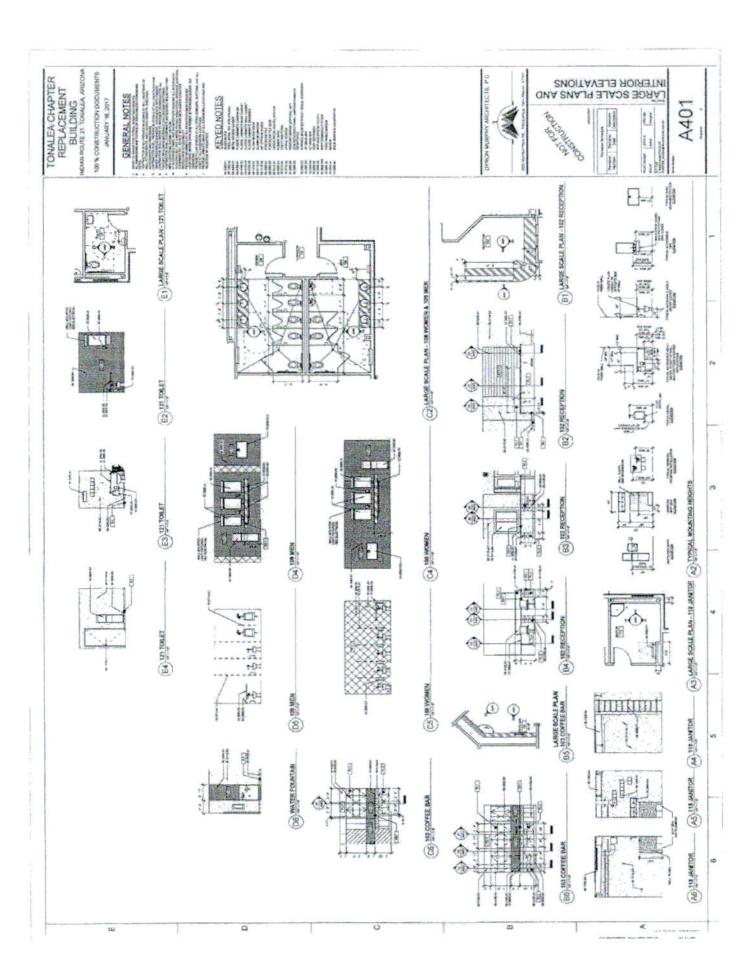


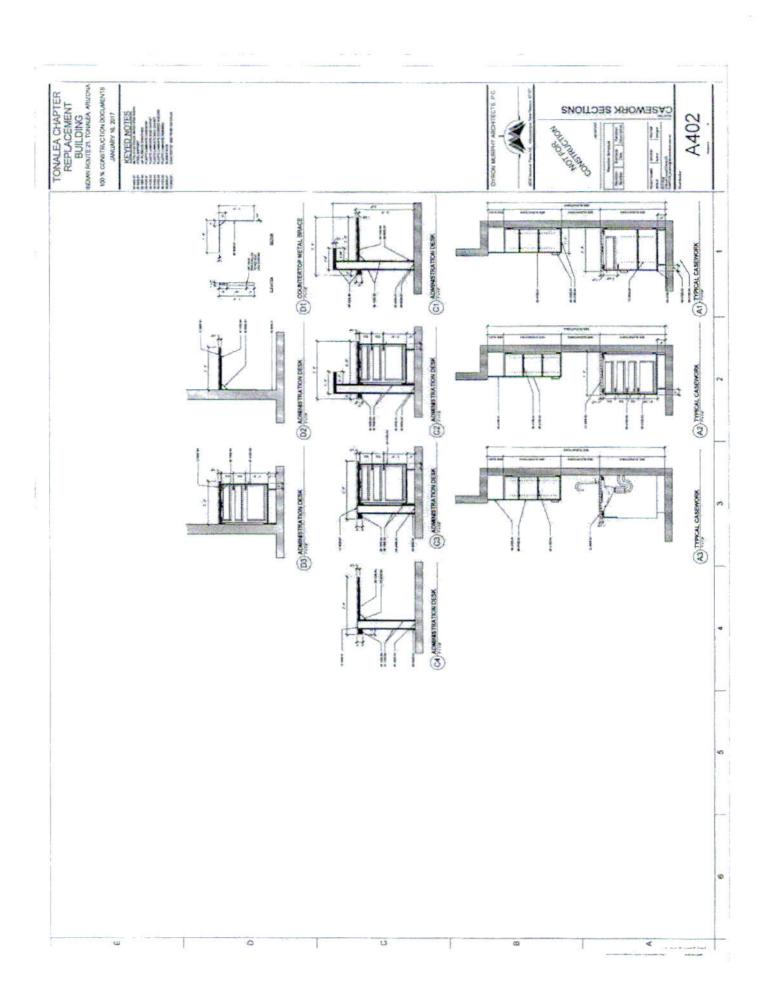


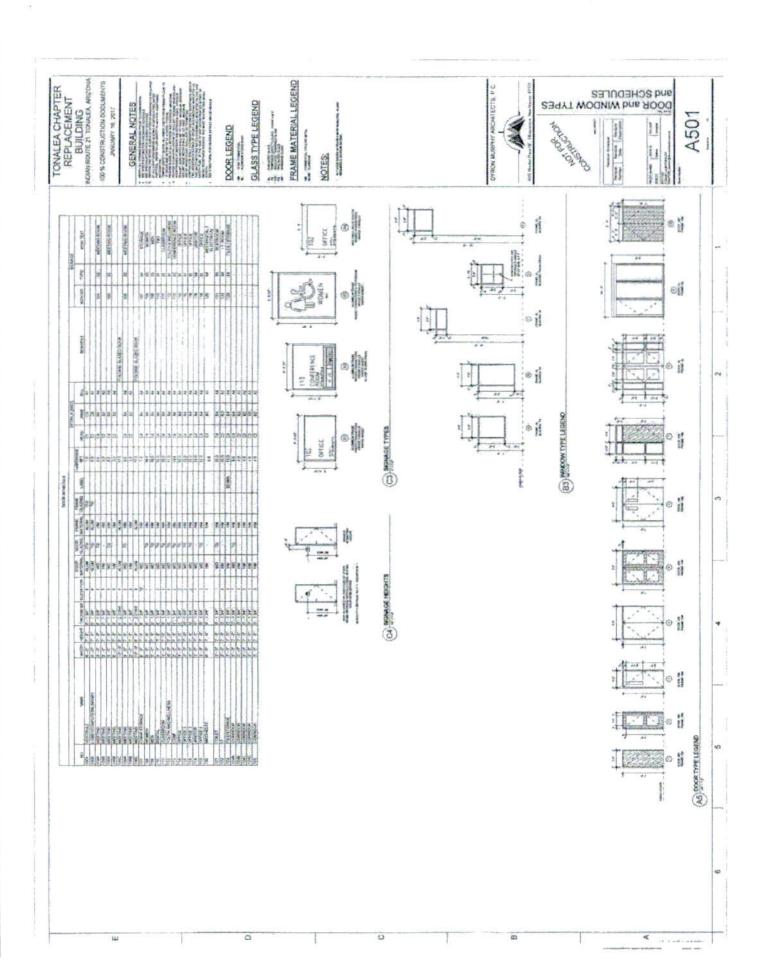


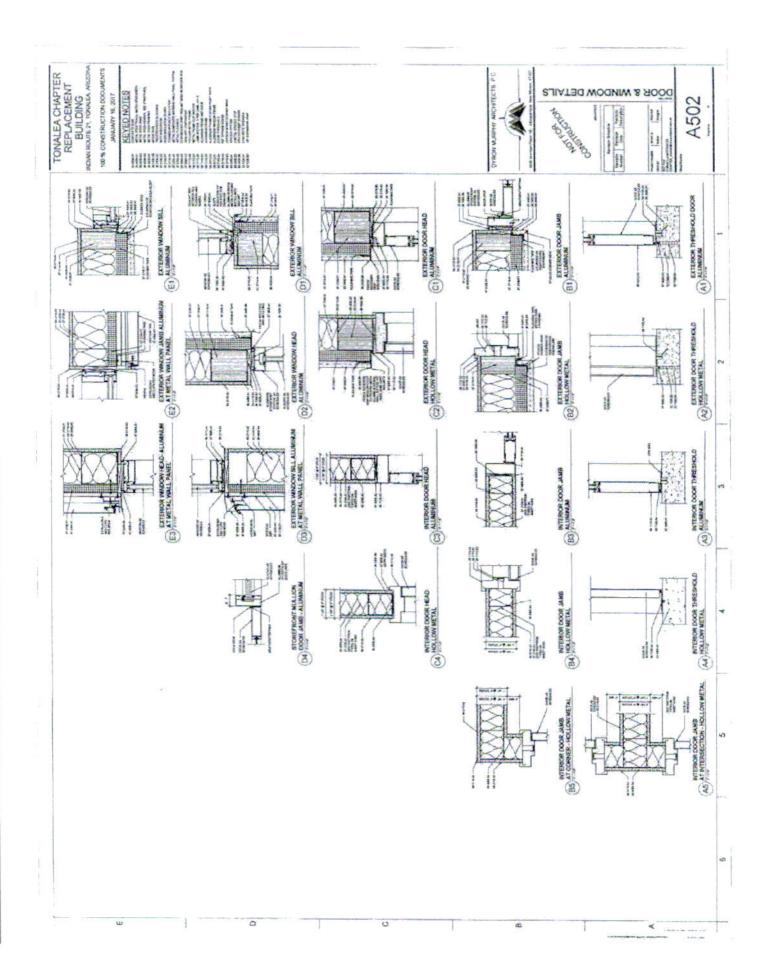












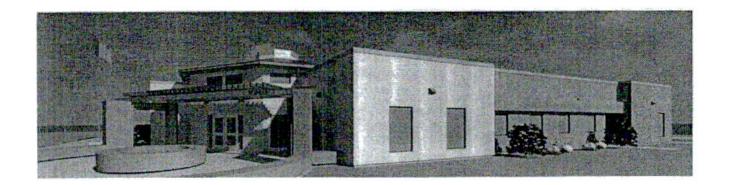
TONALEA CHAPTER REPLACEMENT BUILDING NAVAJO NATION

TONALEA, ARIZONA

PROJECT MANUAL

100% CONSTRUCTION DOCUMENTS
JANUARY 16, 2017

DMA PROJECT No. 2016.07





DYRON MURPHY ARCHITECTS, P.C. 4505 Montbel Place NE Albuquerque, New Mexico 87107

> (505) 830-0203 phone (505) 830-0237 fax www.dm-architects.com

TONALEA CHAPTER REPLACEMENT BUILDING Tonalea, Navajo Nation, Arizona PROJECT MANUAL TABLE OF CONTENTS

I. BID FORMS AND DOCUMENTS

- A. Invitation to Bid
- B. Instructions to Bidders
- C. Bid Form
- D. Bid Bond
- E. Subcontractor List Form
- F. Form of Non-Collusive Affidavit

II. CONTRACT FORMS

- A. AlA Document A101, 2007 Ed., "Agreement Between Owner and Contractor" (sample only)
- B. Contract Forms, Bonds and Certificates

III. CONTRACT CONDITIONS

- A. AIA Document A201 (2007) "General Conditions of the Contract for Construction", (Draft Only)
- B. "Navajo Nation Supplemental General Conditions", Supplement to AIA A201 (Sample)

EXHIBITS

- 1. Navajo Nation Business Preference Law
- 2. Navajo Nation Business Opportunity Act Source List-Certified Navajo Business
- 3. Navajo Preference in Employment Act Requirements
- 4. Navajo Nation Tax Law
- 5. Navajo Nation Water Code
- 6. Navajo Nation Solid Waste Code
- 7. Navajo Nation Occupational Safety and Health Act
- 8. Wage Determination Schedule, with corresponding attachments
- C. Geotechnical Report
- D. Navajo Tribal Utility Authority (NTUA) Navajo Area Standards & Construction Requirements Technical Specifications for Materials and Workmanship for Water and Wastewater Facilities -March 2002 – (Documents Included by Reference - PDF version available upon request)
- E. Navajo Tribal Utility Authority (NTUA) Electric Construction Standards (Documents Included by Reference - PDF version available upon request)

IV. TECHNICAL PROVISIONS

- A. Table of Contents
- B. Specifications Divisions 01 through 33

INVITATION TO BID

The Tonalea Chapter (the "Owner"), invites general contractors to prepare and submit bids for the construction of the Tonalea Chapter Replacement Building. The site is located on Indian Route 21 approximately 1/2-mile northwest of the U.S. Highway 160 intersection in Tonalea, Navajo Nation, Arizona.

The work includes the construction of a single story (approximately 8,460 square feet) office facility consisting of meeting and conference rooms, offices, classroom, restrooms, a coffee bar and other miscellaneous support spaces.

The construction contract will be awarded on a lump-sum basis. Bidders are subject to the Navajo Nation Business Preference Law; Title 5, Navajo Tribal Code, Section 201 through 218 and other applicable Navajo Nation Laws. Each bid must be submitted in accordance with Bidding Documents prepared by the Project Architect, Dyron Murphy Architects, P.C., Albuquerque, NM, (505) 830-0203.

Bids shall be sealed, labeled, and filed with the Navajo Nation Division of Community Development / Capital Project Management Department (NN DCD/CPMD), on or before March 01, 2017 by 4:00 PM MST at Administration Building #2, Window Rock Blvd. Window Rock, Arizona 86515. Bids received after the specified date and time will not be accepted and returned unopened. No faxed or emailed bids will be accepted. Bids received by the Owner will be opened and announced at the above mentioned time and location.

Bid Documents may be obtained from ALBUQUERQUE REPROGRAPHICS, 4716

McCleod NE, Albuquerque, NM 87109. Bid sets are available at a rate of \$150.00

(refundable upon return) deposit, cash or check payable to Dyron Murphy Architects,
P.C. Additional sets may be purchased. Shipping charges are the sole responsibility of

the Bidder requesting documents and deposits must be received prior to shipping.

Facsimile reproductions of checks are not acceptable representations of deposits.

Bid documents may be examined at the following locations:

Construction Reporter, 1607 2nd St., NW, Albuquerque, NM 87107 F.W. Dodge Corporation, 1615 University Ave., NE, Albuquerque, NM 87102 The Plan Room at Sun Glass, Inc., 602 W Main, Farmington, NM 87401

Questions regarding this project should be addressed to Dyron Murphy Architects, P.C., 4505 Montbel PL NE, Albuquerque, NM 87107, and Telephone: (505) 830-0203, Fax: (505) 830-0237. A pre-bid conference is scheduled at the Tonalea Chapter project site on February 15, 2017 at 11:00 AM local time. Representatives from the Owner and Architect will be in attendance to address questions. It is strongly suggested that all interested parties attend this meeting.

This "Invitation to Bid" does not commit the Owner to reimburse any costs incurred by the Bidder in the preparation of Bids or for procurement of supplies. The Owner reserves the right to reject any and all bids, to waive any informalities or irregularities when it is in the best interest of the Owner. No Bidder may withdraw his/her bid for a period of 120 days after the date of opening thereof. Bid security in the amount of 10 percent of the bid amount is required. Award announcement will be determined after bid opening date, or at the Owner's convenience.

End of Invitation to Bid

INSTRUCTIONS TO BIDDERS

1.0 DEFINITIONS

- 1.1 PROJECT: The Project consists of the complete construction of the Tonalea Chapter Replacement Building at Tonalea, Navajo Nation, Arizona, by a Bidder, for a Lump Sum Price agreed to by the most responsive Bidder and the Owner.
- 1.2 OWNER: The Tonalea Chapter (the "Owner"), Tonalea, Navajo Nation, Arizona

Address:

Tonalea Chapter, Navajo Nation

P.O. Box 207

Tonalea, Arizona 86044

Telephone: (928) 283-3730, Fax: (928) 283-3435. Representative: Betty Tso, Tonalea Chapter, AZ

Will receive bids on or before March 01, 2017 by 4:00 PM MST from general contractors for the construction of the Tonalea Chapter Replacement Building at the office of the Owner's Lead Agent – The Navajo Nation Division of Community Development / Capital Project Management Department (NN DCD/CPMD).

1.3. OWNER'S LEAD AGENT: The Navajo Nation Division of Community Development / Capital Project Management Department (NN DCD/CPMD), Window Rock, Arizona, is designated as the Owner's Lead Agent and administrative officer on behalf of the Owner.

Address:

Navajo Nation Division of Community Development

Capital Project Management Department

P.O. Box 610

Window Rock, Arizona 86515

Telephone: (928) 871-6734, Fax: (928) 871-6098. Representative: Project Manager

1.4 OWNER'S FUNDING AGENT: The _____ will monitor the construction administrative process in accordance with Federal guidelines and will provide cursory oversight during construction and issue periodic payments to the contractor as advised by the Architect and its primary representative.

Address:

To be determined by addendum.

1.5 <u>ARCHITECT:</u> Architectural firm retained by the Owner to assist in development of the Tonalea Chapter Replacement Building project whose responsibilities under this Project includes:

- a. Review of Bids submitted in accordance with Bid Documents.
- Review of design information submitted by Bidders.
- Provides recommendations of technical nature to Owner regarding design and construction matters.
- d. Issues Bid Documents and makes clarifications, issues addenda, reviews requests for substitutions, and/or receives bids.
- e. Issues relevant design data, e.g., drawings or specifications for project.
- Assists Owner in contract issuance and negotiations with selected successful Bidder.
- Provides Construction Administration and Observation services on behalf of Owner during construction.
- h. Assists Owner during contract closeout procedures.
- Assists Owner during conferences and meetings prior to receipt of Bids, during contract negotiations, and during construction.
- j. Reviews and approves construction submittals.
- k. Reviews and approves construction pay requests.

Address:

Dyron Murphy Architects, PC

4505 Montbel PL NE

Albuquerque, New Mexico 87107

Telephone: (505) 830-0203, Fax: (505) 830-0237 Representatives: Dyron V. Murphy, AIA, Principal

Nitish Suvarna, AIA, Project Manager

- 1.6 <u>BIDDER:</u> A builder, contractor, or developer acting as the primary agent responsible for submitting a bonafide written Bid for a prime contract with the Owner for the Project described in the Proposed Contract Documents. The Bid shall include all required costs, e.g., labor, travel, materials, reimbursable expenses, overhead expense, profit, and related costs to provide complete construction services associated with the development of the Project. The Bidder shall be responsible for administering all aspects of the work and contract requirements. A representative shall be designated to act on behalf of the Bidder to enter into agreements, provide direction, and adjudicate matters related to construction issues under the contract.
- 1.7 <u>BID DOCUMENTS:</u> General documents which are issued by the Owner and describe the process for executing the Project, include, but are not limited to the following:

CONTRACT DOCUMENTS:

- a Invitation to Bid
- b. Instructions to Bidders.
- c. Bid Form.
- Subcontractor List Form.

- e. Affidavit of Non-Collusion.
- f. Agreement Forms (AIA A101/A201).
- Navajo Nation Supplemental General Conditions of the Contract for Construction.
- Navajo Nation government forms, statutes, or filing requirements as included herein.
- Wage Rate Determination.

TECHNICAL PROVISIONS

- Geotechnical Report.
- Navajo Tribal Utility Authority Standards and Construction Requirements.
- c. Storm Water Pollution Prevention Plan (SWPPP)
- d. Project Specifications.
- e. Project Drawings.
- 1.8 ADDENDA: Written or graphic instruments issued by the Architect prior to the submission of Bids which modify or interpret the Bid Documents by additions, deletions, clarifications or corrections:
- 1.9 BID: A complete and properly signed Bid to complete the Project for the Lump Sum Price agreed upon therein, supported by information or forms called for by the Bid and Contract Documents. The Bid shall include the following submittal documents in order to be considered for this contract:
 - a. Bid Form, sealed.
 - b. Affidavit of Non-Collusion, notarized.
 - Bid Bond in amount of 10% of Bid entered, including Name and Address of bonding company, and limits of Bonding at time of Bid Submittal.
 - d. Current Navajo Nation Business Preference Certificate.
 - e. Power of Attorney, if necessary.
 - Evidence of General Construction Licensure for the <u>State of Arizona</u>, including active dates.
 - g. AIA Document A305, 1986 Ed., "Contractor's Qualification Statement."
 - Subcontractor's List Form indicating Navajo-owned companies, if applicable.
 - Certificates of General Liability and Workman's Compensation Insurance, indicating coverage amounts, both Aggregate and Per Incident.

2.0 BIDDER'S REPRESENTATION

2.1 Each Bidder by making his/her Bid represents that:

- A. He/she has read and understands the Bid Documents and their Bid is made in accordance within.
- B. He/she have visited the site and have familiarized him/her with the local conditions under which the Project is to be performed.
- C. His/her Bid is based upon the materials, labor, transportation, systems and equipment proposed in his/her interpretations and assumptions described by his/her design submittal as part of his/her Bid, and other pertinent information contained in the Bid Documents.

3.0 BID DOCUMENTS

- 3.1 Copies: Bidders may obtain sets of the Bid Documents for the deposit sum, and at the location stated in the Invitation to Bid. The deposit will be refunded as stipulated in the Invitation to Bid. A Bidder receiving a contract award may retain the Bid Documents and his/her deposit will be refunded.
 - A. Information contained in the Bid Documents shall be used by the Bidder in preparation of his/her Bid pricing and construction documents; neither the Owner nor the Architect assumes any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bid Documents.
 - C. The Owner or the Architect, in making copies of the Bid Documents available on the above items, do so only for the purpose of obtaining Bids on the Project and do not confer a license or grant for any other use.

3.2 Interpretation or Correction of Bid Documents

- A. Bidders shall promptly notify the Architect of any ambiguity, inconsistency or error, which they may discover upon examination of the Bid Documents, or of the site and local conditions.
- B. Bidders requiring clarification or interpretation of the Bid Documents shall make a written request to the Architect at least Seven (7) calendar days prior to the date for receipt of Bids. Requests for clarification received less than seven (7) days before the date for receipt of Bids will not be addressed by the Owner or Architect.
- C. Any interpretation, correction or change of the Bid Documents will be made by Addendum. Interpretations, corrections or changes of Bid Documents made in any other manner will not be binding, and Bidders shall not rely upon such interpretations, corrections or changes.

3.3 Substitutions

- A. The materials, products and equipment described in the Bid Documents establish a standard of required performance, function, dimension, appearance and quality to be met by any proposed substitution. Materials, products, or equipment by other manufacturers and vendors deemed to adequately perform the duties imposed by the general design intent will be considered equally acceptable provided the material, equipment, or product so proposed is, in the opinion of the Architect, of equal performance and function. The burden of proof of the merit of the proposed substitute is upon the Bidder. The Architect's decision of approval or disapproval, after consultation with the Owner, of a proposed substitution shall be final. No substitution shall be purchased or installed by the Contractor without the Architect's written approval.
- B. It shall be the responsibility of the Bidder to provide and pay for all modifications that may be required of other trades, which may add to their costs, brought about by substitutions and/or options after the contract has been let. No additional costs shall be assessed to the Owner.
- C. Substitution Bids which deviate from those materials, equipment, or products described in the Bid Documents shall be noted on the drawings or proposed method of construction in the Bidders Bid package.
- D. A request for a substitution constitutes a representation that the Bidder:
 - Has investigated the proposed product and determined that it is equal to or superior in all respects to that specified.
 - Will provide the same warranties or bonds for the substitution as for the product specified.
 - Will coordinate the installation of any accepted substitution into the Project and make such other changes as may be required to make the Project complete in other respects.
 - 4. Will not increase the maximum contract price. Where substitutions of materials are deemed acceptable and are of lesser value than the established standards, a cost credit from the Bidder to the Owner shall be applied to the maximum contract price.

3.4 ADDENDA

- A. All who are known by the Architect to have received a complete set of Bid Documents will be notified of any Addenda issuance and place of availability for pickup. The Bidder shall provide a working fax number and/or email address where addenda may be transmitted for receipt by the Bidder.
- B. Copies of Addenda will be made available for inspection wherever Bid Documents are on file for that purpose.
- C. No Addenda will be issued later than two (2) days prior to the date for receipt of Bids except an Addendum, if necessary, postponing the date for receipt of Bids or withdrawing the request for Bids.

D. Each Bidder shall ascertain, prior to submitting his/her Bid, which he/she has received all Addenda issued, and he/she shall acknowledge receipt of all issued Addenda on the Form of Bid.

4.0 BID PROCEDURE

4.1 Form and Style of Bids

- Bids shall be submitted on the form(s) provided in the Bid Documents.
- B. All blanks on the Bid Form shall be filled in by typewriter or legibly in ink.
- C. Where so indicated by the makeup of the Bid Form, sums shall be expressed in both words and figures, and in case of discrepancy between the two, the written amount shall govern.
- Any interlineation, alteration or erasure must be initialed by the signer of the Bid.
- E. Bidders shall make no additional stipulations on the Bid Form, nor qualify his/her Bid in any other manner.
- F. Each Bid shall include the legal name of the Bidder and a statement whether the Bidder is a sole proprietor, a partnership or a corporation, or any other legal entity and shall be signed by the person or persons legally authorized to bind the Bidder to a contract. A Bid by a corporation shall further list the State of incorporation and have the corporate seal affixed. A Bid submitted by an agent shall have a current Power of Attorney attached certifying the agent's authority to bind Bidder.

4.2 Bid Security

- A. Each Bid shall be accompanied by a Bond or Cashier's Check in the required form and amount pledging that the Bidder will enter into a Contract with the Owner on the terms stated in his/her Bid and will furnish bonds as described hereunder in Article 8 covering the faithful performance of the Contract and the payment of all obligations arising thereunder. Should the Bidder refuse to enter into such Contract or fail to furnish such bonds, the amount of the Bid Bond shall be forfeited to the Owner as liquidated damages, not as a penalty.
- B. The Bond shall be prepared on the forms in the Bid Document, issued by a surety licensed to do business in the State of Arizona listed on the current U.S. Treasury Surety List and acceptable to the Owner. The Attorney-In-Fact that executes the Bond on behalf of the Surety shall affix to the Bond a certified and current copy of his Power of Attorney.
- C. The Owner will have the right to retain the Bid Security of Bidders until either (a) the Contract, has been executed and bonds have been furnished, or (b) the specified time has elapsed so that Bids may be withdrawn or (c) all Bids have been rejected.

4.3 Submission of Bids

A. All copies of the Bid, the Bid Security and any other documents required to be submitted with the Bid shall be enclosed in a sealed opaque envelope. The envelope shall be addressed as follows:

> Navajo Nation Division of Community Development Attn: Capital Project Management Department P.O. Box 610 Window Rock, Arizona 86515

Bid Package for the Tonalea Chapter Replacement Building DO NOT OPEN

If the Bid is sent by mail, the sealed envelope shall be enclosed in a separate mailing envelope with the notation "BID ENCLOSED" on the face, thereof. Neither the Owner nor Architect assume responsibility for Bids delivered after the time and date of the Bid opening.

- B. Bids shall be deposited at the designated location prior to the time and date for receipt of Bids indicated in the Invitation to Bid, or any extension thereof made by Addendum. Bids received after the time and date for receipt of Bids will be returned unopened.
- Oral, telephonic, telegraphic, emailed, or faxed Bids are invalid and will not be considered.
- Failure to include all required Bid Documents as stipulated will be cause for disqualification.

4.4 Modification or Withdrawal

- A. A Bid may not be modified, withdrawn, or canceled by the Bidder during the stipulated time period following the time and date designated for the receipt of Bids, and Bidder so agrees in submitting the Bid.
- Bids submitted early may be modified or withdrawn prior to the time designated for receipt of Bids.
- C. Withdrawn Bids may be resubmitted up to the time designated for the receipt of Bids provided that they are then fully in conformance with these Instructions to Bidders.

4.5 Owner's Bid Declarations

A. It is the intent of the Owner to award a contract to the most qualified responsible Bidder, provided Bid has been submitted in accordance with the requirements of the Bid Documents and does not exceed the funds available. The Owner shall have the right to take such steps, as it deems necessary to determine the ability of the Bidder to perform the Project. Bidders shall furnish to the Owner such additional information and data for purpose as Owner may request.

Owner reserves the right to reject any or all Bids that in the Owner's sole judgment are in the Owner's best interest.

4.6 Pre-Bid Conference

A. The Owner has scheduled a non-mandatory pre-bid conference on February 15, 2017 at 11:00 am local time. It remains the responsibility of the Bidder to exhibit due diligence in determining specific criteria and requirements related to this Bid procurement process and submittal.

5.0 CONSIDERATION OF BIDS

5.1 Receipt of Bids

A. Bids will be received at the office of the Owner, on the date and time specified on the Invitation to Bid. The Bids will be opened and read aloud in the presence of the Owner's Representative. The Bids will be evaluated by the Owner thereafter to determine compliance with the bid documents.

5.2 Rejection of Bids

A. The Owner has the right to reject any or all Bids, reject a Bid not accompanied by any required Bid Security, or data required by the Bid Documents or a Bid, which is in any way incomplete or irregular. Conditional Bids will not be accepted.

5.3 Acceptance of Bid

- A. The Owner has the right to waive any informality or irregularity in any Bid received.
- B. It is the intent of the Owner to award a Contract to the most qualified responsible Bidder provided the Bid has been submitted in accord with the requirements of the Bid Documents and is judged to be reasonable.
- C. If the Bid is within the amount of the funds available to finance the construction contract, then the contract award will be made to that responsible Bidder submitting the low Bid.
- D. The Bid arena is open to all Navajo-owned general contractors who are registered with the Navajo Nation Business Regulatory Office in Window Rock, Arizona. Bids will be administered in direct compliance with the Navajo Nation Business Preference Law.

6.0 QUALIFICATIONS OF BIDDER

6.1 Submission of Qualification Information

A. The Bidder is required to submit a properly executed AIA Document A305, 1986 Edition "Contractor's Qualification Statement." The Owner reserves the right to reject any Bid if the evidence submitted by, or investigation of, such Bidder fails to satisfy the Owner that such Bidder is properly qualified to carry out the obligations of the Contract and to complete the Project contemplated herein.

7.0 SUB-BIDDERS

7.1 Listing of Subcontractors and Suppliers

- A. The Bidder shall list the Subcontractors or material suppliers they propose to use for all trades or items supplied, on the "Subcontractor List Form" attached.
 - The Bidder shall not list itself as the supplier or the Subcontractor for any trade unless he has previously performed Project of this type or can prove to the Architect's satisfaction that he/she actually has, or will obtain, fully adequate facilities and plans to perform the Project with his/her own forces.
 - Omission or non-compliance with the intent of the "Subcontractor List Form" will be grounds for considering a Bid as non-responsive.
 - 3. Subcontractors, Suppliers or other Bidders who feel that the apparent low Bidder has not complied with the intent of these listing requirements must notify the Architect within 24 hours after the Bid Opening of their intent to file an appeal, and submit their reasons in writing within 48 hours after Bid Opening. All decisions of the Architect will be final.
 - The apparent low Bidder's "Subcontractor List Form" may be divulged to interested parties following the receipt of Bids, or at the Owner's discretion.
 - 5. The Bidder will, upon request, be required to establish to the satisfaction of the Architect and the Owner the reliability and responsibility of the proposed Subcontractors to furnish and perform the Project described in the Sections of the Specifications pertaining to the proposed Subcontractors respective trades.
 - 6. Prior to the award of the Contract, the Architect will notify the Bidder, in writing, if either the Owner or the Architect, after due investigation, has reasonable and substantial objection to any person or organization on such list. If the Owner or Architect has a reasonable and substantial objection to any person or organization on such list, and refuses in

writing to accept such person or organization, the Bidder may, at their option, (1) withdraw their Bid, or (2) submit an acceptable substitute Subcontractor with no increase in the Bid price. In the event of withdrawal under this Subparagraph, Bid Security will not be forfeited, notwithstanding anything to the contrary in Paragraph above.

B. Subcontract awards shall be bound with the provisions outlined in the "Labor and Wage Standards", contained in the Contract Conditions section of the Bid Package.

8.0 PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND

8.1 Security for Faithful Performance

A. The Bidder shall furnish and maintain bonds covering the faithful performance of the Contract, and the payment of all obligations arising thereunder, in an amount equal to one hundred percent (100%) of the Contract Sum as adjusted, and with such sureties secured through the Bidder's usual sources, licensed to do business in the State of Arizona and as may be agreeable to the parties.

8.2 Time of Delivery and Form of Bonds

- A. The Bidder shall deliver the required bonds to the Owner within ten (10) calendar days of receipt of written notice of award. If the Project must commence prior thereto, in response to a letter of Notice to Proceed from the Owner, the Bidder shall, prior to commencement of Project, submit evidence satisfactory to the Owner that such bonds will be furnished.
- The bonds shall be written on the form(s) described under Bid Contract Documents.
- C. The Bidder shall require the Attorney-In-Fact that executes the required bonds on behalf of the surety to affix thereto a certified and current copy of his/her Power of Attorney.

8.2.1 Taxes

A. It is understood that the stipulated sum or contract amount will not include the cost of state and local taxes. Navajo Tribal Taxes will be required. The Bidder shall make certain of any applicable Navajo Tribal Taxes be included in the Bid. The Bidder shall make inquiries to the Navajo Tax Commission, Window Rock, Arizona (928) 871-7610.

8.2.2 Arbitration

- None of the "Arbitration" clauses or references in the General Conditions of the Contract for Construction (AIA Document A201) shall apply to this project.
- B. Neither Owner nor the Contractor shall be obliged to engage in or participate in any arbitration with respect to any dispute under this Agreement, nor shall the Architect be obliged to conduct or participate in any such arbitration.
- C. Disputes under this Agreement, which cannot be informally resolved by the parties, shall be addressed as provided below.

8.5.1 Claims and Disputes

A. Any claims, disputes and other matters in question between the parties to this Agreement, except those relating to aesthetic affect as provided in the <u>Navajo Nation Supplemental General Conditions</u> and except those which have been waived by the making or acceptance of final payment as provided in the Contract Documents, shall be referred to the Architect by written notice within three (3) weeks of the date when the claim, dispute or other matter in question became known or should have become known to the complaining party.

8.6 Acknowledgments

A. This Agreement represents the entire and integrated Agreement between Owner and Contractor and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Contractor.

9.0 SPECIAL BINDING AND CONTRACT PROVISIONS

9.1 Submission Materials

- Letter of certification from the Bidder, attesting to Bidder's compliance with Davis-Bacon Wage and Labor Standards as stipulated in the Bid Documents.
- B. Identification (Names, addresses, and telephone numbers) of declared Indian laborers or subcontractors for the Project to be performed, and the appropriate percentage (%) of total workforce in relation to the proposed Bid amount.

10.0 FORM OF AGREEMENT BETWEEN OWNER AND BIDDER

10.1 Form to be Used

 The Agreement for the Project will be written on the forms indicated under the Bid Contract Documents.

11.0 LIQUIDATED DAMAGES

11.1 Time of Completion and Liquidated Damages

A. Bidder must agree to commence Project on a date specified in a written "Notice to Proceed" issued by the Owner. The Bidder must agree to complete the Project within <u>365 calendar days</u> commencing on the date of the "Notice to Proceed".

11.2 Assessment

A. Liquidated Damages will be assessed on this project at a rate of \$250 per calendar day beyond the contract time agreed upon in the contract documents, unless amended due to delays beyond the control of the Bidder and/or Owner.

12.0 MISCELLANEOUS PROVISIONS

12.1 Permits and Fees

- A. Contractor shall pay for all permits and fees applicable to the project that is required by Government, State and Local municipalities. Bidders are encouraged to contact the Owner's Lead Agent for additional information.
- B. Bidder's attention is drawn to the Navajo Nation Gross Receipts Tax documents attached herein, for regulations and requirements related to business activities on the Navajo Reservation.

END OF INSTRUCTIONS TO BIDDERS

BID FORM

| Date of Bid: Bidder: | , 2017 | | |
|--|--|---|--|
| PROJECT NAME: | | r Replacement B Nation, Arizona ect No. 2016.07 | |
| Proposal of (compar- organized and existing Corporation, Partner | ny name): ng under the laws of ship or Individual. | of the State of Identify organizat | (hereinafter called the "Bidder"), doing business as a ion structure). |
| To: Tonalea Chapter | (hereinafter called | the "Owner"). | |
| compliance with the Bid Documents, and with all of the conditi the availability of lab materials and supplie documents at the pri | Invitation to Bid for having examined to one surrounding the or, materials and seles, and to construct ces stated below. | the Project identi he site of the projection of upplies, hereby protection ac the project in ac These prices are to | Bidder named above, in fied above having examined the cosed work, and being familiar the proposed project, including roposes to furnish all labor, cordance with the contract o cover all expenses incurred in ints, of which this proposal is a |
| The undersigned Bid Addenda, if applicab | der's representativ le: | e also acknowled | ges receipt of the following |
| Addendum No: | dated | , Addendum No: | , dated |
| Addendum No:, | dated | , Addendum No: | , dated |
| Addendum No:, | dated | , Addendum No: | , dated |
| both words and figure | Documents for the es. In case of a dis .) All sums included and fees if require | following lump su crepancy, the am de Navajo Nation | construction of PROJECT, as m: (Amounts to be shown in ount shown in words will Business Activity Tax, as ocal municipalities. |
| | | | |
| | T | | Dollars, |
| A | \$ | | |
| Amount for Navajo N | ation Business Act | ivity Tax, as inclu | ded in Base Bid: Dollars, |
| | (\$ | | - Jinar Si |

The Bidder understands that the contract will be awarded in accordance with the provisions of the Instructions to Bidders and that the Owner reserves the right to reject any or all bids and to waive any formalities in the bid process.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of ninety (120) calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of acceptance of this bid, Bidder will execute the final contract and deliver surety bonds as stipulated in the "Instructions to Bidders".

| i ne i | 3ID SECURITY attached in the sum of | | Dollars |
|--------|--|---|---------|
| | (\$ |) | |
| exec | shall become the property of the Owne uted within the time set forth herein, as conal expenses to the Owner caused the | s liquidated damages for the d | |
| Resp | ectfully Submitted, | | |
| Ву: | | | |
| | Authorized Agent (Typed/Printed) | | |
| | Signature | *************************************** | |
| | Date | Anna Maria Anna Agus Agus Agus Agus Agus Agus Agus Agus | |
| | Company Name | | |
| | | | |
| | Telephone: | | |
| | (Affix Corporate Sea | if bid by Corporation) | |

BID BOND

| KNOW ALL MEN BY THESE PRESENTS, T | hat we the undersigned, | |
|---|--|--|
| (Name of Principal) | arrown relines to consider the second | |
| as PRINCIPAL, and | | |
| 0) | , as SURETY | are held and |
| (Name of Surety) firmly bound unto the NAVAJO NATION TON \$_ sum will and truly to be made, we bind ourselve severally, firmly by these presents. | Dollars, lawful money of the U | Inited States, for the navment of which |
| THE CONDITIONS OF THIS OBLIGATION dated, 2 | IS SUCH, that whereas the Principal I 017 for the TONALEA CHAPTER R | has submitted the accompanying bid EPLACEMENT BUILDING Project. |
| same, or if no period be specified, within one his specified therefore, or, if no period be specified enter into a written contract with the Owner in a payment security, for the faithful performance a said bid within the period specified, or the failure if the Principal shall pay the Owner the different Owner may procure the required work or supplication shall be avid and of no effect, otherwall NUTINESS WHEREOF, the above-bounded day of, 2017, the presents duly signed by its undersigned represent in presence of | within ten (10) days after the prescrib accordance with the bid as accepted, a and proper fulfillment of such contract re to enter into such contract and give ace between the amount specified in sa- ties or both, if the latter amount to be in vise to remain in full force and virtue. parties have executed this instrument name and corporate seal of each corpo- | need forms are presented to for signature, and give the required performance and to or in the event of the withdrawal of such security within the time specified, and bid and the amount for which the n excess of the former, then the above under their several seals this |
| | (Individual Principal) | (SEAL) |
| | (Business Principal) | |
| ATTEST: | | |
| | (Corporate Principal) | |
| | | |
| | (Business Address) | |
| | BY: | The state of the s |
| | Affix Corporate Seal | |

| AllESI: | | |
|--------------------------------|---|--|
| | (Corporate Surety) | and any facilities of the second |
| | | |
| | (Business Address) | |
| | BY: | and the second of the second o |
| | Affix Corporate Seal | |
| (Power of Attorney for perso | n signing for Surety Company must be attached to Be | ond) |
| | CERTIFICATE AS TO CORPORATE PRIN | ICIPAL |
| I, | , certify that I am the | (Title) |
| behalf of the Principal was th | Principal in the within Bond; that, of said Corporation, of said Corporation, of said Bond was duly signed, sealed, and attestion body. | on; that I know his signature, and his |
| | | (Corp. Seal) |
| | | Andrew Course ber seneral |

BID BOND

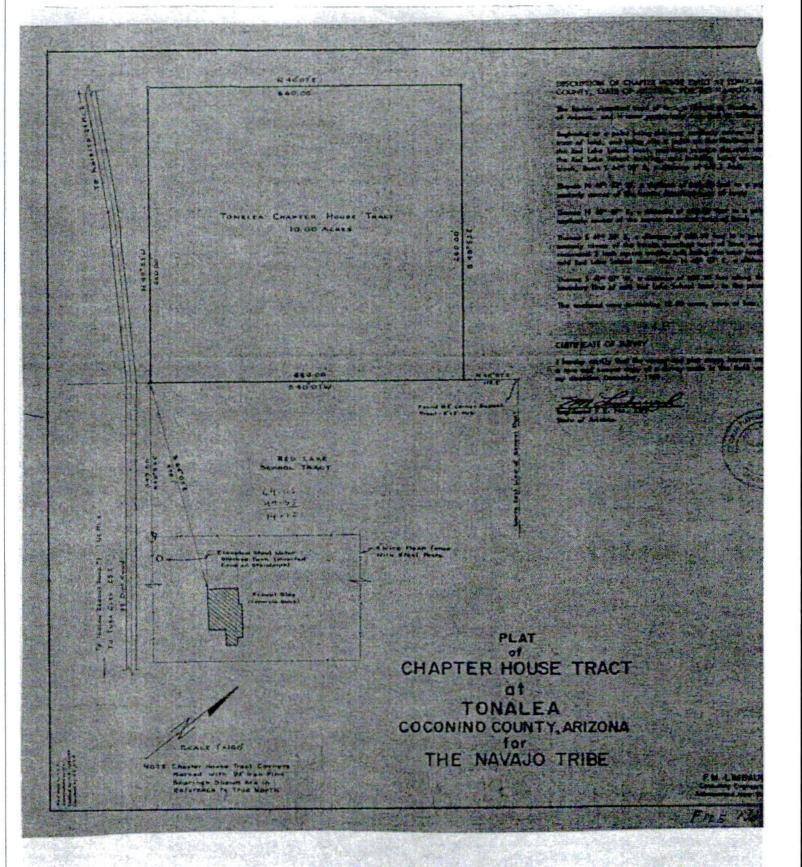
SUBCONTRACTOR LIST FORM

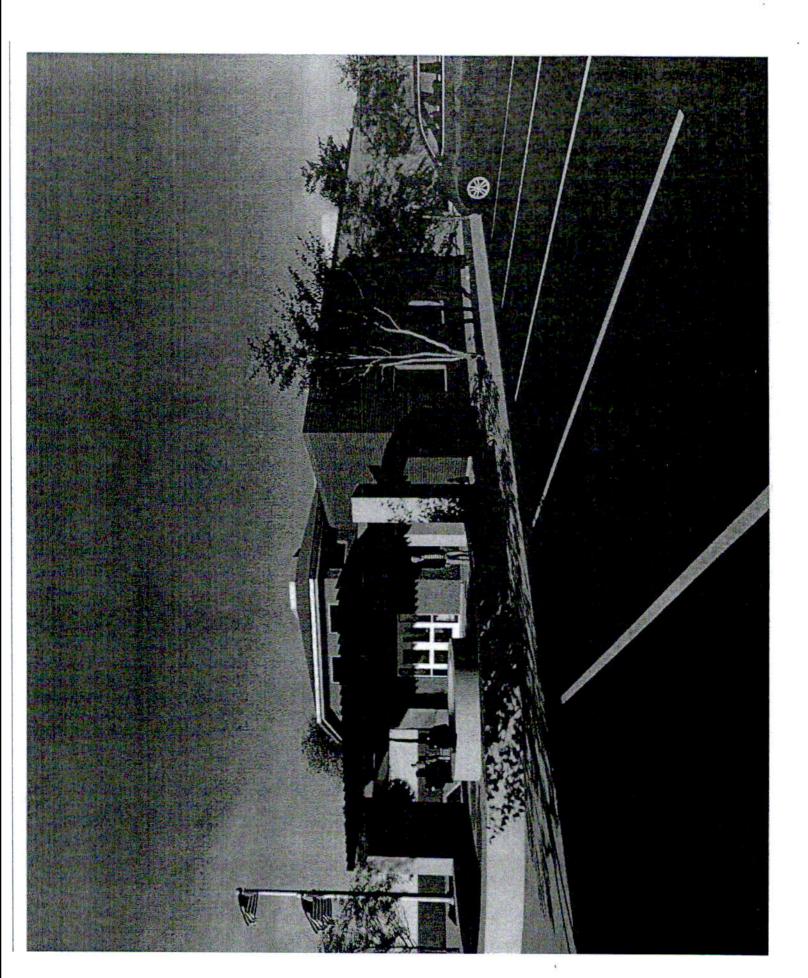
1. GENERAL:

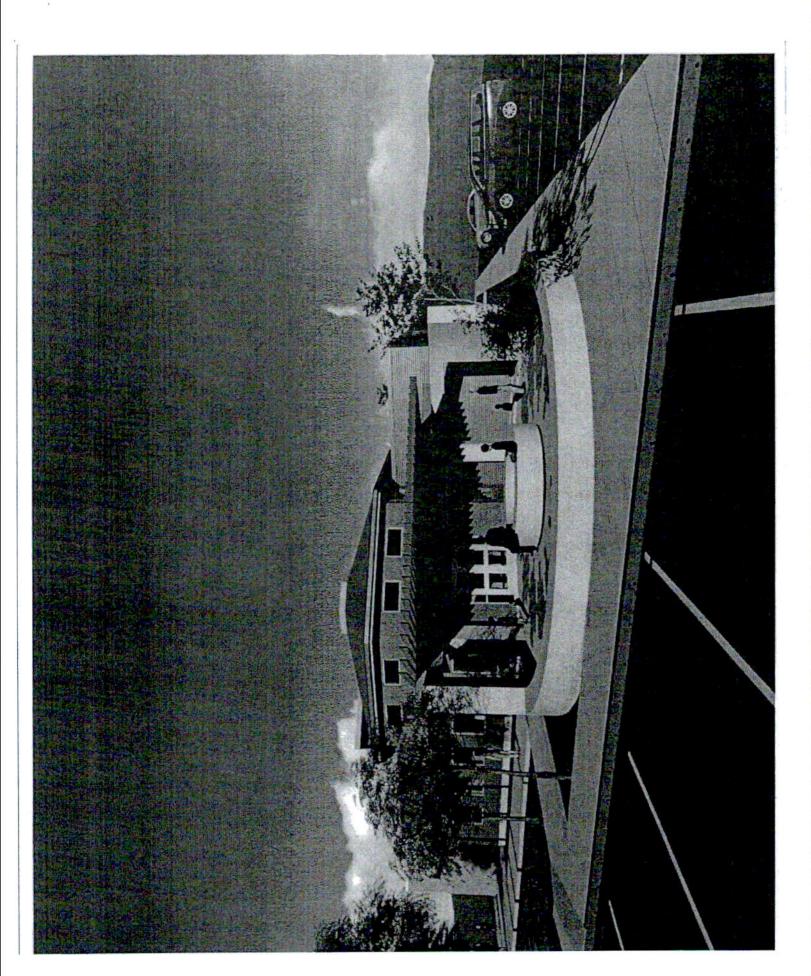
- A. The Contractor must list below the name and address of all qualified Subcontractor's or suppliers he/she will employ for the various portions of the work indicated. Failure on the part of the Contractor to complete or property complete this list will constitute sufficient grounds to reject his/her bid. Additionally, the Contractor shall declare whether subcontractors listed herein are Navajo-Owned businesses.
- B. The Contractor may list him/herself to perform one or more of the listed categories of work for which he has any requisite state licenses when required. In this case, all personnel performing such work at the site shall be carried on his/her own payroll, except that he/she may sublet those portions of the work that are traditionally and commonly sublet by the representative Subcontractor in the community. If equipment is leased with operators, the operators need not be carried on the Contractor's payroll.
- C. List only a single name for each listing. If a change occurs in the list, brought about by the exercising of any of the alternates involved in the Bid Form, the Bidder must show this change on the list. If no name appears other than those listed under the base bid, adherence to those names will be required no matter which alternate, if any, is exercised.

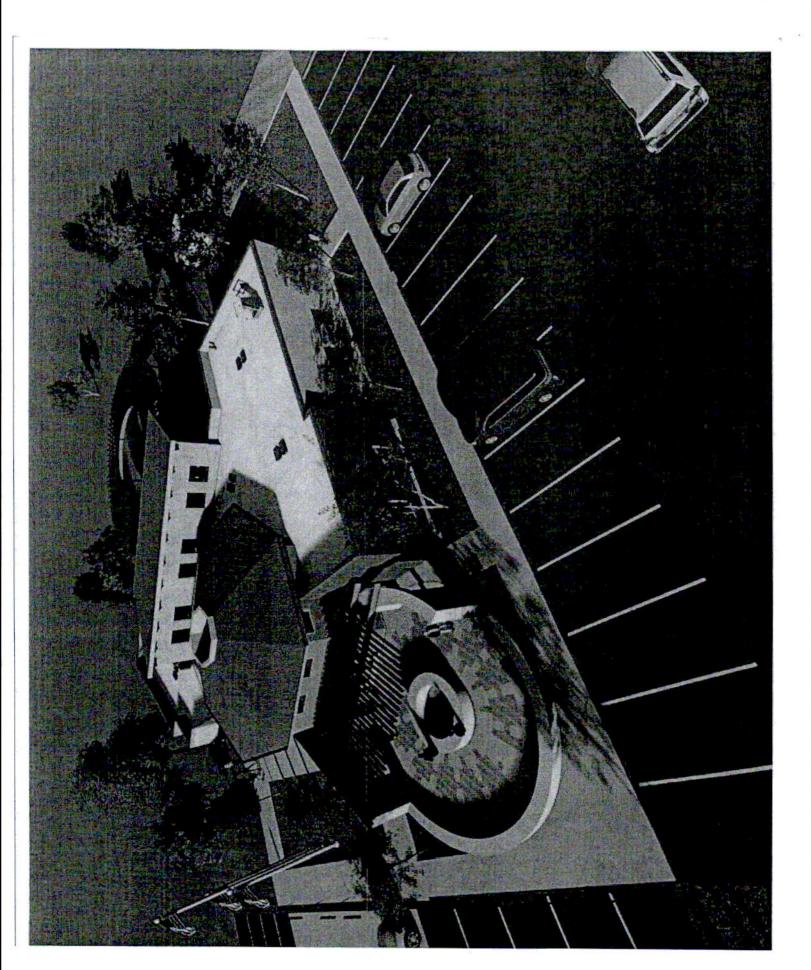
II. LISTING

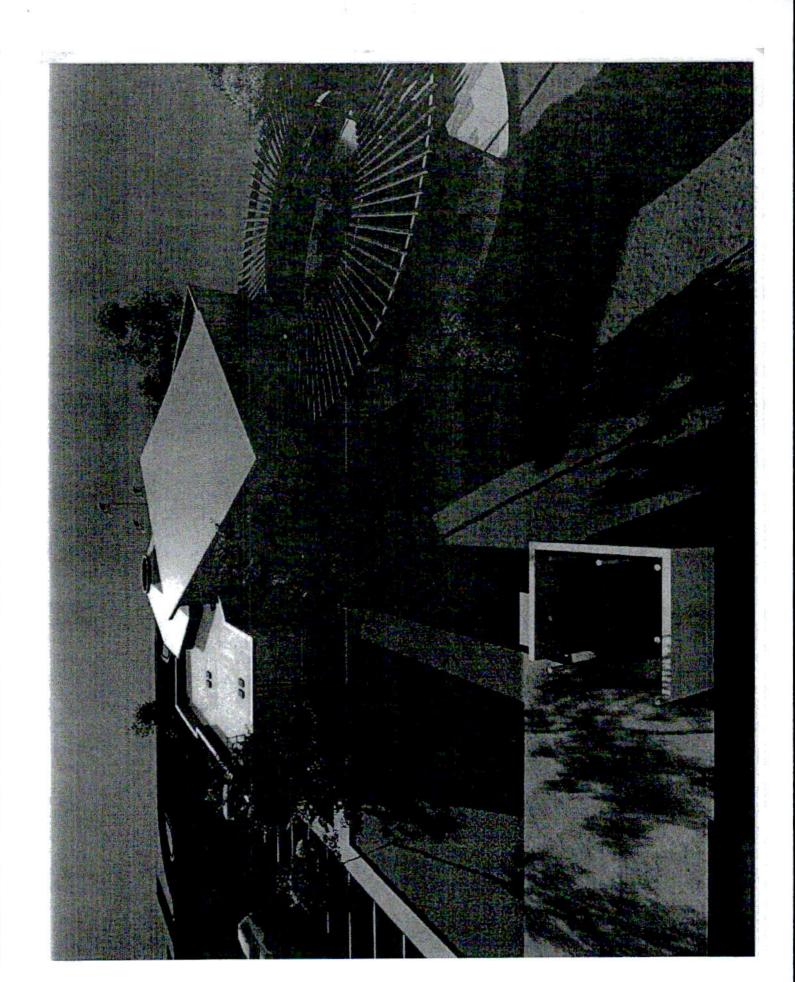
| TRADE | SUBCONTRACTOR/SUPPLIER NAME/ADDRESS | Navajo-Owned? Y/N |
|-------------------|-------------------------------------|----------------------|
| Earthwork | | |
| Asphalt Paving | | |
| Site Utilities | | |
| Site Concrete | | |
| Building Concrete | | |
| Structural Steel | | |
| Masonry | | |

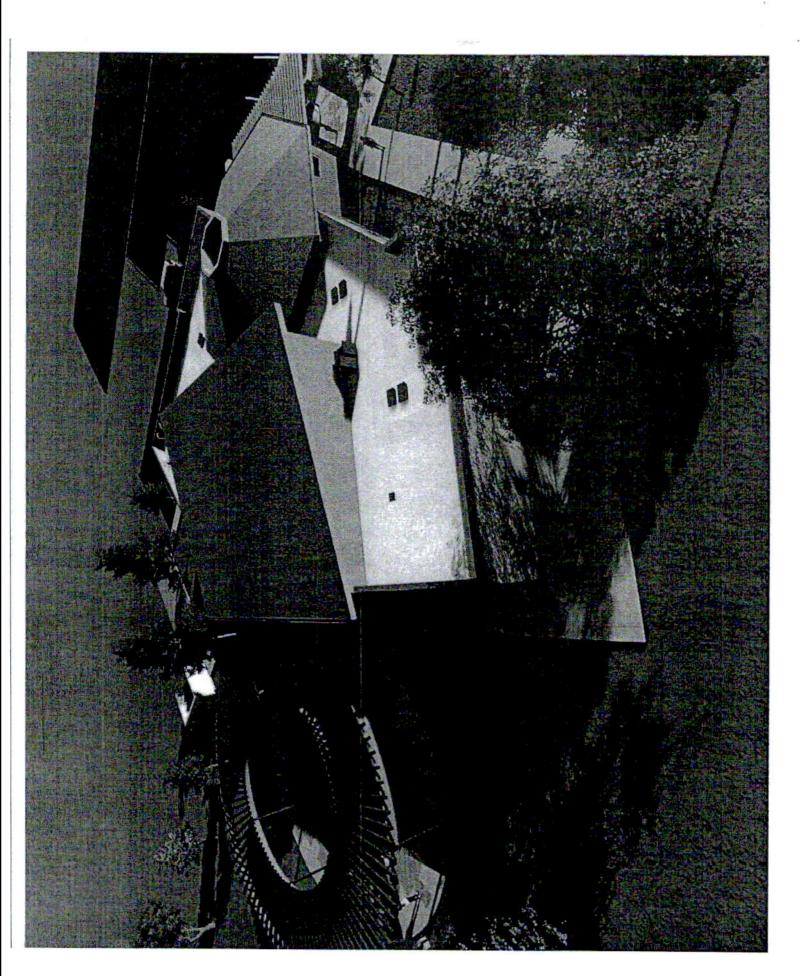


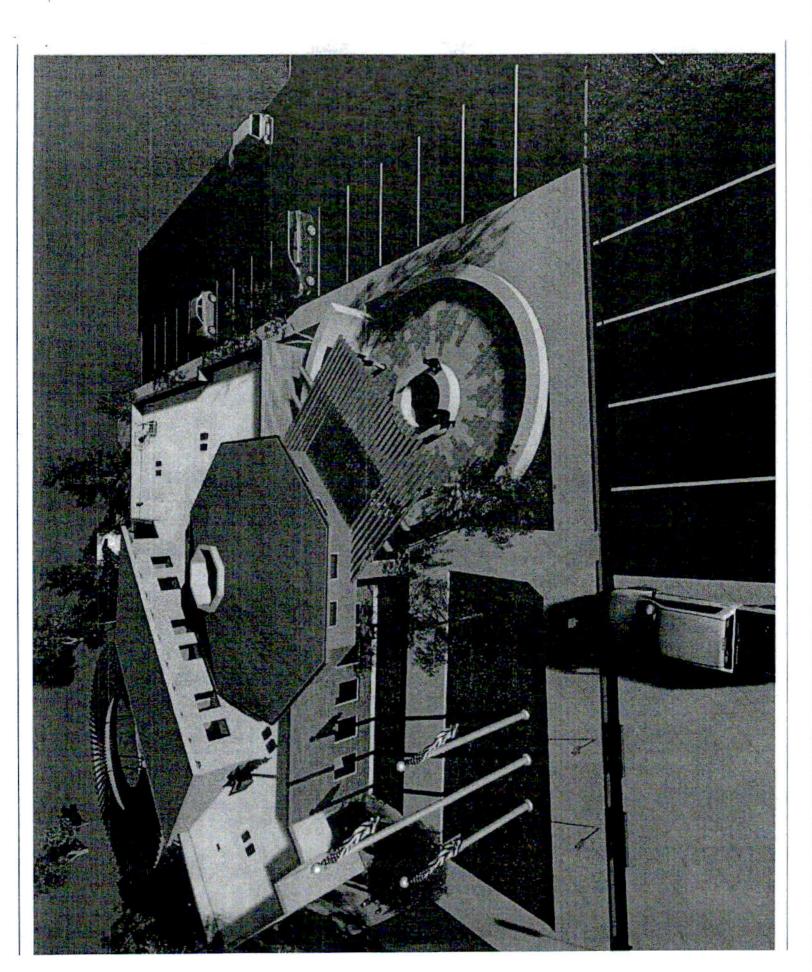


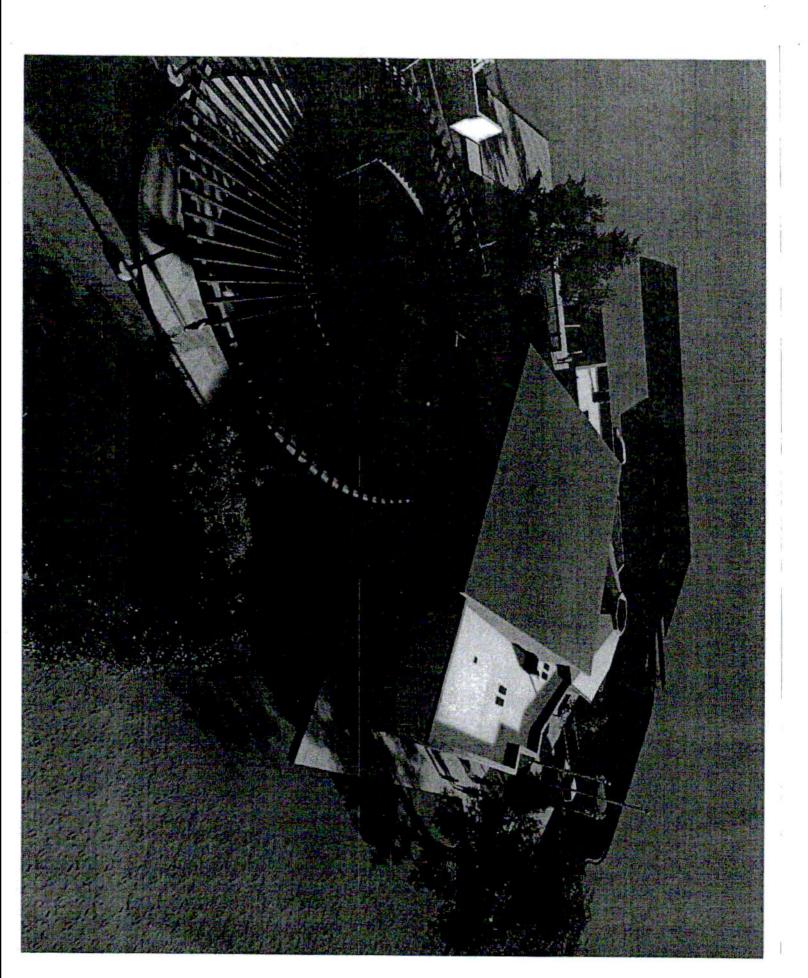












THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT | MYRON LIZER | VICE PRESIDENT



DCDA-M19130

MEMORANDUM

TO

Department and Program Staff

Division of Community Development

FROM

Pearl Yellowman, Division Director
Division of Community Development

DATE

August 6, 2019

SUBJECT

Delegation of Authority

In my absence from the office on August 7, 2019 at 8:00am to 5:00pm, Mr. Patrick Dalgai shall be delegated in the capacity of the Division Director for Division of Community Development. The delegation includes handling administrative matters and signatory authority for routine documents, except those matters he feels requires my attention.

Your assistance and cooperation are appreciated. Thank you.

ACKNOWLEDGED BY:

Patrick Dalgai, Acting Department Manager II

Community Housing & Infrastructure Department

Le. 8.7.19

Division of Community Development

C

2

THE NAVAJO NATION PROJECT PROCESS SCHEDULE

Page of _____ of ____

| DART Business Int No - NEW | | | | | | | | PART II. | Project Information | |
|---|----------------|--|---|-------------------|------------------|---|---|-------------------------------|-----------------------------|------|
| Project Title: Tonalea Ch | apter-Communit | Tonalea Chapter-Community Building Replacement | ement | | | | | pe. | Design & Construction | |
| 킁 . | ct New Chaper | Building | | | | | | 0 | ate: 19-Aug | |
| | | | | | | | | Planned End Date: | | |
| Check one bax: | Original | Revision | | Reallocation | □ Modification | fication | | Project Manage Edward Preston | Edward Preston | |
| PART III. | PARTIV. U | se Fiscal Year (F) |) Quarters to co | mplete the inform | ation below: 0 = | Use Fiscal Year (FY) Quarters to complete the information below: O = Oct.; N = Nov.; D = Dec., etc. | = Dec., etc. | | Expected Completion Data if | N ob |
| Task List: such as Plan, | | FY_20 | 0 | | | FY_21 | | | exceeds 8 FY Qtrs | |
| Design, Construct, Equip or Furnish. | 1st Otr | 2nd Ob. | 3rd Otr. | 4th Qtr. | tst Otr. | 2nd Qtr. | 3rd Otr | 4th Otr. | Date 2020 | |
| | 0 N | ~ 'n | > K | S W INC | 0 N | - E | > K | A S | 0 N 0 L | K |
| Design Phase-Architect Legal Advertisement, Bidding/ Negotiation, Construction Administration GC-164B Process; Monitoring of Construction to General Contractors- shop dwgs, submittals | dion | | | | | 100 (100 (100 (100 (100 (100 (100 (100 | | | And the second | |
| Construction-General Contractor Issue Notice to Proceed (NTP), | 3. | | | | | | | | | |
| work and start construction. And to Furnish | umish | | | | | | | | | |
| of Occupancy. | | | | | - 1 | | *************************************** | en che en en en en | | |
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| PART V. | S | S | 5 | S | S | 5 | s | s | PROJECT TOTAL | |
| Expected Quarterly Expenditures | | | | 600,000.00 | 600,000.00 | 600,000.00 | 600,000.00 | 600,000.00 | \$3,000,000.00 | |

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OMB Analyst

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 4 BUDGET FORM 1

| | OVED BY: Division Director/Branch Chief's Signature and | Birector/Branch Ch | Vision C | OVED BY: DI | | Date | ture and | nager's Signa | Program Ma | SUBMITTED BY: Program Manager's Signature and Date | |
|-------------|--|-------------------------------------|----------|--|--------------------------|----------|-------------------|-------------------------------|---|---|------|
| | Pearl Yellowman, Executive Director PROVED BY: Division Director/Branch Chief's Printed Na | Pearl Yellowman, Executive Director | Divisio | PROVED BY: | | Φ | er II nted Nan | rtment Manag Manager's Pri | James Adakai, Department Manager II SUBMITTED BY: Program Manager's Printed Name | Jame | |
| | PLETE AND ACCURATE. | IS COMPLETE AN | KAGE | BUDGET PAC | NED IN THIS | ONTAI | MATION | THE INFORM | WLEDGE THA | PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COM | PAF |
| | 0 | | hicles: | al # of Permanently Assigned Vehicles: | Permanent | al#of | 100% | \$3,000,000 | TOTAL: | | |
| | 0 | | geted: | Total # of Positions Budgeted: | Total # of | | | | | | |
| | (E) | (0) | IICLES | POSITIONS AND VEHICLES | | PART IV. | | | | | |
| 3,000,000 | 3,000,000 | \$0.00 | TOTAL | | | | | | | | |
| 0 | | | | ist | Indirect Cost | 9500 | | | | | |
| 0 | | | | unds | Matching Funds | 9500 | | | | | |
| 3,000,000 | 3,000,000 | | - | tlay | Capital Outlay | 9000 | | | | | |
| 0 | | | | stance | Public Assistance | 8000 | | | | | |
| 0 | | | | insactions | Special Transactions | 7000 | | | | | |
| 0 | | | | Services | Contractual Services | 6500 | | | | | |
| 0 | | | | Repairs and Maintenand | Repairs an | 6000 | | | | | |
| 0 | | | | Communications and Ut | Communic | 5500 | | | | | |
| 0 | | | | Rental | Lease and Rental | 5000 | | | | | |
| 0 | | | | | Supplies | 4000 | | | | | |
| 0 | | | | penses | Meeting Expenses | 3500 | | | | | |
| 0 | | | | enses | Travel Expenses | 3000 | | | | | |
| 0 | | | | Expenses | Personnel Expenses | 2001 | | | | | |
| A) | Original Budget Proposed Budget | Original Budget | Code | | | | | | | | |
| (Column B - | 1 | NNC Approved | Type | | | | 100% | 3,000,000 | 2020 | Sihasin Funds | Siha |
| Difference | (B) | (A) | Fund | | ARY | SUMMARY | 1 | Amount | Пеrm | SOURCE(S) | SOL |
| 2 | | | | | PART III. BUDGE | PART | % of | | Fiscal Year | PART II. FUNDING | Ad |
| cd org | Email Address: acody@navajo-nsn.gov/bholgate@nndcd.org | acody@navajo-nsr | dress: | Email Ad | 928/326-6919 | 928/ | Vo.: | nas Phone No.: | gate/Andy Thor | Prepared By: Brenda Holgate/Andy Thomas | ס |
| cutive | Division/Branch: Development/Executive | Division/Branch: | | Chapter | Tonalea/Red Lake Chapter | Tonale | | Program Title: | NEW | RT Business Unit | PART |
| | Community | | | | | | | | | | 1 |

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 2 of 4 BUDGET FORM 2

| | | | | | | _ | | - | entre montes | | | | _ | |
|--|------------------------------|-------------------|------------------------------|-------------------|------------------------------|-------------------|------------------------------|-------------------|--|---|---|--|--|------------------------------|
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. Pearl Yellowman, Experiment Manager II Program Manager's Printed Name Program Manager's Printed Name Program Manager's Signature and Date Program Manager's Signature and Date | Program Performance Measure: | # Goal Statement: | Program Performance Measure: To assist/monitor/execute the construction phase/activities for the Chapter Replacment Building. | # Goal Statement: To complete the Construction Phase/Schedule by the end of 3rd Qtr of FY 2021 | PART III. PROGRAM PERFORMANCE CRITERIA: | PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: CAP-34-98: To direct the chapter administration and management control system, by promoting efficiency and accountability effectuate plans of action to improve the standard of living for the chapter membership. | Business Unit No.: NEW Program Name/Title: | PART I. PROGRAM INFORMATION: |
| EEN THOROUGH | | | | | | | | | | | 1st QTR Goal Actual | AM: omoting efficiency | | |
| 010- 170 | | | | | | | | | | | 2nd QTR Goal Actual | rand accountability t | Tonalea/Red Lake Chapter | |
| cutive Director hief's Printed Namo \$\frac{9}{7} - \frac{9}{9} \$\text{if s Signature and I} | | | | | | | | | - | | 3rd QTR Goal Actual | to the chapter membership, and to | Chapter | |
| | | | | | | | | | | | 4th QTR Goal Actual | ership, and to | | |

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 4 BUDGET FORM 4

| TOTAL 3,000 | Building 9052 Building Constitution Services for new Tonalea Chapter replacement building for the community members to host their meetings, events etc. Includes Site Prep, CWI, Parking Lot, Infrastructure hook-ups and building structure to be upright constructed. | Object Code Description and Justification (LOD 7) | PART II. DETAILED BUDGET: (B) | |
|--------------|---|---|-------------------------------|--|
| AL 3,000,000 | | Total by DETAILED Object Code (LOD 6) | (C) | |
| 3,000,000 | | Total by MAJOR Object Code (LOD 4) | (D) | |



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service Health Services Administration

U.S. Public Health Service Tuba City Indian Medical Center P.O. Box 600 167 North Main Street Tuba City, AZ 86045-0600

Office of Environmental Health and Engineering

November 25, 2001

George Betoney, Chapter President Tonalea Chapter P.O. Box 207 Tonalea, AZ 86044

Dear Mr. Betoney:

On November 20, 2001 Donna Gilbert, Tuba City Service Unit Sanitarian, and Timothy Vanek, Field Sanitarian conducted a comprehensive environmental health survey at the Tonalea Chapter House. The purpose of the survey was to evaluate the total facility environment. In addition, to make recommendations for the improvement of existing services such as sanitation, safety practices, food protection, and management practices related to public health and safety at this facility.

Ms. Gilbert and Mr. Vanek contacted Renda L. Fowler, Community Service Coordinator, and Jerry Whiterock, Grazing Committee member, during the survey.

The Tonalea Chapter House meeting hall was constructed in 1959, the remaining portion of the building was added-on during the 1970s. The Chapter House was last surveyed August 3, 1998. The areas examined during this survey were the building exterior, the entrance hall, restrooms, furnace closet, janitor's closet, storage closet, kitchen, meeting hall and three offices.

In the interest of improving environmental health related to the Tonalea Chapter House, please address the following concerns: lighting and electrical, kitchen, safety, general environmental, and structural.

If you have any questions regarding this environmental health survey, or if you would like information regarding compliance with the recommendations, please call our office at (928) 283-2843.

Sincerely,

Angie Maloney, RS, MPH

District Sanitarian Tuba City District

Xc:

Ralph Fulgham, Director, DEHS, NAIHS, OEHE, Window Rock, AZ 86515

Lyndon Endischee, NDOH, OEH

Herman Shorty, Navajo Division of Health, P.O. Box 1390, Window Rock, AZ 86515

Renda Fowler, Community Coordinator, Tonalea Chapter House, P.O. Box 207 Tonalea, AZ 86044

File (80871850)

LIGHTING/ELECTRICAL

- Electrical plate above the GFCI in the female restroom is missing. Recommendation: replace the missing plate.
- Electrical outlet within six feet of wet area in janitor's closet is not GFCI type.
 Recommendation: have a qualified, licensed electrical contractor replace this outlet with a ground fault correction indicator outlet.
- Electrical wire connections in the ceiling of the furnace closet are exposed.
 Recommendation: have a qualified, licensed electrical contractor inspect wire splices for safety, and junctions for appropriate covers.
- Outlet in the east wall of the meeting hall is not flush with the wall.
 Recommendation: (note: heritor "contractor" will refer to a qualified, licensed tradesperson) have an electrical contractor inspect outlets and ensure that they meet the current National Electrical Code.
- The ventilation fan in the female restroom is inoperative.
 Recommendation: have an electrical contractor repair or replace the fan.
- The janitor's closet does not have an exhaust fan and has strong chemical odors.
 Recommendation: have an electrical contractor install an exhaust fan in the janitor's closet.
- 7. The hardwired exit sign above the northeast exit of the meeting hall is not illuminated. Recommendation: inspect the sign for burned out bulbs. For deficiencies related to faulty wiring, have an electrical contractor repair or replace the sign.
- There are exposed wire splices above the double door entrance to the meeting hall.
 Recommendation: have an electrical contractor inspect the exterior wiring and make repairs as necessary.
- All of the exterior security light sockets are either empty, have remains of broken bulbs, or in one case, has interior bulbs installed.

Recommendation: use only all weather security lights in these sockets.

KITCHEN

- There is gas odor evident upon entering the kitchen.
 - Recommendation: have a gas appliance contractor inspect the stove to ensure it is installed and functioning correctly.
- 2. The three-compartment sink splashguard is flaking.
 - Recommendation: replace the splashguard with a one-piece, waterproof unit. Suitable splashguards are typically plastic or stainless steel.
- The under -the- sink cabinet has a bottom panel which does not allow unobstructed access to the floor. Additionally, there are several small openings in this panel.
 - Recommendation: the cabinet design does not allow cleaning of the floor beneath the sink; it creates a dark, undisturbed environment for pests to negotiate. If the cabinet bottom is needed for storage, seal off all openings through the panel so pests cannot gain access to work areas.
- 4. There was food debris on the floor under and around the sink area.
 Recommendation: keep the floor and cabinet surfaces free of food residue. Incorporating a pre-and post-use checklist of the condition of food contact and non-food contact surfaces

in the kitchen will ensure that food is prepared in a sanitary environment. Clean these surfaces on a regularly scheduled basis or as necessary.

5. The cabinets, shelves, drawers and pantry area are constructed of either 1/4" inch plywood or paneling material. These surfaces are very rough, in some cases flaking, the joints are uneven and they tend to absorb water. The pantry shelves have exposed nails and other hardware.

Recommendation: use kitchen-grades cabinets and storage units. Surfaces need to be smooth, easily cleanable and sturdy. The current storage areas appear to be temporary, home-constructed fixes.

Floor tiles along the south side of the kitchen stove are damaged

Recommendation; replace all damaged or missing floor tiles.

The center worktable is homemade construction and is covered with a cracked vinyl sheet. It is not smooth, easily cleanable and is no longer sturdy.

Recommendation: use only commercial-grade equipment for food preparation surfaces. A stainless steel table will remain sturdy, smooth and easily cleanable after years of use.

 There is a roof leak in the northwest corner of the kitchen above the stove fire extinguisher.

Recommendation: have a roof contractor inspect the roof in this area and all other suspect areas for leaks and determine an appropriate repair.

9. The stove hood fan is inoperative.

Recommendation: have an electrical contractor or an appliance technician inspect the stove hood fan and repair or replace the unit.

The stove surfaces are coated with grease, dust and food debris.

Recommendation: clean the stove and incorporate cleaning it in a regularly scheduled cleaning regimen, or as often as necessary.

11. There is blown sand along the windowsill.

Recommendation: clean the windowsills and include them in the regular cleaning schedule of other kitchen surfaces.

- 12. The counter top along the west wall is worn and is no longer smooth and easily cleanable. Recommendation: replace the counter with suitable counter-top material.
- 13. Kitchen equipment and food preparation items are stacked on the floor.

Recommendation: store all kitchen equipment off the floor, and arrange to avoid contamination by dust and cleaning chemicals.

14. The freezer door in the (home type) refrigerator/freezer unit is cracked.

Recommendation: replace the cracked door.

15. The insulation along the bottom of the same unit is exposed.

Recommendation: have an appliance repair technician inspect this unit for serviceability and repair the loose insulation where necessary.

16. There are many non-kitchen items stored in the kitchen. The northeast corner of the kitchen has non-kitchen items stacked floor to ceiling. The closet is also filled to the ceiling with non-kitchen items.

Recommendation: store only kitchen items in the limited, kitchen storage space.

SAFETY

 The portable fire extinguisher in the entrance hallway is not charged to the appropriate level. -4.

Recommendation: contract with fire safety equipment servicing company to inspect your fire extinguishers and recharge them as necessary.

2. The kitchen does not have a portable, 12lb. ABC type fire extinguisher.

Recommendation: provide one for the kitchen. Mount the fire extinguisher so that the top of the bottle is 5' from the floor and clearly label its location.

3. Stored items are too close to the water heater in the hall closet.

Recommendation: keep a clear zone of 12" all around the water heater.

4. The carpet on the meeting hall podium is worn.

Recommendation: replace the worn carpet.

- The modern cables for the computers in the meeting office are across the walkway. Recommendation: re-route the cables so they do not pose a tripping hazard.
- There is propane gas odor near the regulator on the 1000 gal propane tank.
 Recommendation: have a LP-GAS technician inspect the tank and its delivery/pressure regulating equipment to ensure its serviceability and safety.
- The 1000 gal propane tank is not posted with "WARNING FLAMMABLE" "NO SMOKING" signs.

Recommendation: consult with a LP-GAS technician for the appropriate size and placement of warning signs.

8. The front concrete steps are deteriorating and the sidewalks are uneven.

Recommendation: repair or replace the damaged or shifted concrete so that it no longer poses a tripping hazard.

 Grazing committee member Jerry Whiterock reported that the gutter over the southeast (double door) entrance to the meeting hall leaks. Subsequently, the concrete surface in front of the doors becomes iced-over during the winter months.

Recommendation: replace the leaky gutters and use ice melt, (i.e. rock salt) as necessary during icy conditions.

GENERAL ENVIRONMENTAL

The male restroom window is not screened.

Recommendation: install a screen in this window.

2. The left hand sink in the male restroom was inoperative.

Recommendation: have a plumbing contractor repair the sink.

The female restroom has an opening into the ceiling drywall, the sink counter is damaged, a wall panel is coming apart and the toilet stall door is damaged (the resulting surface is jagged).

Recommendation: patch all holes in the drywall, repair or replace the sink counter so that it is smooth and easily cleanable, and replace the damaged toilet stall door.

4. The janitor's closet faucet does not have a vacuum breaker.

Recommendation: if a hose is used with this faucet, install a screw-on vacuum breaker on the end of the faucet before using a hose. You may also replace the faucet with a unit that has an internal vacuum breaker.

There are openings in the janitor's closet drywall along the ceiling and the walls. The drywall near the utility sink is not finished.

Recommendation: patch any openings in the drywall, finish and paint the unfinished drywall near the utility sink.

There is water damage in the janitor's closet near the utility sink.

Recommendation: replace the water damaged drywall and ensure that the utility sink splash guard is a sufficient size and is installed correctly.

7. The janitor's closet lacks racks to hang/store equipment and supplies.

Recommendation: install a suitable number of racks and shelves to accommodate all of the cleaning equipment and supplies.

8. The wall/floor junction in the janitor's closet is not sealed.

Recommendation: install baseboard molding in the janitor's closet.

A 2-gal water heater provides hot water to the janitor's closet and the restrooms.
 Recommendation: have a plumbing contractor plumb the janitor's closet and restrooms to the 30-gal hot water heater in the hall storage closet.

10. There are openings in the ceiling drywall of the furnace closet.

Recommendation: patch all openings in the drywall of the furnace closet.

11. There are cleaning chemicals stored in the hall storage closet.

Recommendation: store cleaning chemicals in the janitor's closet once it has been appropriately vented.

12. There are rodent droppings in the hall storage closet.

Recommendation: follow the attached guideline entitled "CLEAN-UP OF RODENT CONTAMINATED AREAS" before cleaning up the affected area.

13. The baseboard doesn't meet the floor along the west wall of the meeting hall.

Recommendation: install baseboard molding that completely seals the floor/wall. junction.

14. There are cracks and a hole in the meeting hall (south) wall drywall.

Recommendation: repair the damaged drywall.

There are no screens in any windows along the meeting hall (south) wall.

Recommendation: if these windows are opened for ventilation screen them.

16. Firewood is stored in the meeting hall.

Recommendation: Store the firewood outside.

17. The meeting hall double door exits are not self-closing. On of these doors is bent along the bottom edge allowing a gap beneath the door sweep.

Recommendation: install self-closing devices on the doors and repair the bent portion of the door so the gap along the bottom of the door is no more than 1/4".

There is evidence of a roof leak above the meeting hall podium.

Recommendation: have a roofing contractor inspect the suspected leaky areas and make the appropriate repairs.

There are openings in the drywall behind the podium from empty electrical outlets.

Recommendation: patch the openings.

20. Podium counter surface is flaking off in spots.

Recommendation: repair or replace the counter surface so that is smooth and easily cleanable.

21. Arm rest surfaces of the meeting hall podium chairs are cracked and damaged. Recommendation: re-surface the arm rests so that they are smooth and easily cleanable or replace the chairs.

22. The shelving in the conference room is homemade plywood construction, it has uneven joints and is not smooth and easily cleanable.

Recommendation: use shelves that can be cleaned effectively.

23. There are utility piping holes through the exterior north wall which are excessively large.

Recommendation: fill these holes with a weather resistant grout or seal them with a collar fashioned from galvanized flashing material.

24. The seating benches in front of the announcement gazebo are warped/buckled and are not a suitable seat.

Recommendation: replace or remove the benches.

25. The building is not handicapped accessible.

Recommendation: detailed handicapped accessibility design criteria can be obtained from the ADA information line 1-800-514-0301. The same information can be downloaded in PDF format from the Americans with Disabilities Act homepage at: www.usdoi.gov/crt/ada/adahom1.htm. Please refer to the accessibility design criteria before completing any renovations.

STRUCTURAL

Upper southwest exterior corner of the building is cracked. The crack extends the length
of the wall to the foundation.

Recommendation: have a qualified building inspector examine the damage to the building and recommend the appropriate repairs.

2. There are numerous cracks throughout the exterior west wall.

Recommendation: see recommendation #1 STRUCTURAL.

The upper northwest corner of the building is severely cracked. The load bearing triple layered roof truss is no longer supported by the wall.

Recommendation: see recommendation #1 STRUCTURAL.

4. There are numerous cracks throughout the exterior north wall.

Recommendation: see recommendation #1 STRUCTURAL

5. The downspouts are buried immediately below the roof termination.
Recommendation: connect the downspouts to buried drain tile that empties down gradient away from the building foundation. The downspouts can terminate above ground as long as you add a suitable extension to the end of the downspout to direct the water down gradient away from the building foundation.

Attachment: MMWR Clean-up of Rodent Contaminated Areas

| Submitted by: | Concurred by: |
|------------------|---|
| Timothy Vanek | Donna Gilbert |
| Field Sanitarian | Service Unit Sanitarian Tuba City Service Unit |



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service Health Services Administration

U.S. Public Health Service Tuba City Indian Medical Center P.O. Box 600 167 North Main Street Tuba City, AZ 86045-0600

Office of Environmental Health and Engineering

December 7, 2001

Joe Dayzie, Council Delegate Tonalea Chapter P.O. Box 207 Tonalea, AZ 86044

Dear Mr. Dayzie:

Enclosed is a copy of the comprehensive environmental health survey report on the Tonalea Chapter House that you requested.

I have reviewed and concur with this report.

Please submit a copy of the architectural plans to our office for review before any extensive remodeling or construction. Please contact our office at (928) 283-2843, if you have any questions concerning this report.

Sincerely,

Angle Maloney, RS, MPH

District Sanitarian Tuba City District

Xa

Renda Fowler, Community Coordinator, Tonalea Chapter House, P.O. Box 207 Tonalea, AZ 86044 George Betoney, Chapter President, Tonalea Chapter House, P.O. Box 207, Tonalea, AZ 86044 Ratph Fugham, Director, DEHS, NAIHS, OEHE, Window Bock, AZ 86515 Lyndon Endischee, NDOH, OEH File (80871850)

TONALEA CHAPTER HOUSE COMPREHENSIVE ENVIRONMENTAL HEALTH SURVEY REPORT November 2001

On November 20, 2001, Division of Environmental Health Services (DEHS) conducted a comprehensive environmental health survey at the **Tonalea Chapter House**. The purpose of the survey was to evaluate the total facility environment. Tonalea Chapter was seeking funding for a new building. The following DEHS and Tonalea Chapter personnel assisted with the survey or were contacted during the survey:

Donna Gilbert, Service Unit Sanitarian, DEHS, Tuba City Tim Vanek, Field Sanitarian, DEHS, Tuba City Renda L. Fowler, Tonalea Community Service Coordinator Jerry Whiterock, Tonalea Grazing Committee Member

Tonalea Chapter House meeting hall was constructed in 1959 the remaining portion of the building was added-on during the 1970s. The Chapter House was last surveyed August 3, 1998. The areas examined during the survey were the building exterior, the entrance hall, restrooms, furnace closet, janitor's closet, storage closet, kitchen, meeting hall and three offices. The structural integrity of the building is questionable and needs immediate attention. All the furnishings, plumbing and electrical fixtures, water, sewer, and gas piping were obsolete and may not be found on the market for repairs or replacement. There are leaks in the gas piping in several locations placing the Chapter members at risk of possible injury.

SUMMARY AND RECOMMENDATION:

THE DIVISION OF ENVIRONMENTAL HEALTH SERVICES, OEHE, NAIHS, ACTING AS THE APPOINTED HEALTH ADVISORS FOR THE NAVAJO NATION SUPPORT THE TONALEA CHAPTER TO REPLACE THEIR CHAPTER BUILDING.

The following is our findings:

STRUCTURAL

- The southeast meeting hall wall was severely cracked. The load bearing triple layered roof truss had separating approximately 2 inches and along both corners of the south wall. Two supports were built outside along the south wall to hold the building together.
- There were numerous cracks throughout the whole exterior walls from the foundation to the roof.
- 3. It was apparent that the roof leaked in numerous places.
- A thorough inspection of the roof and ceiling was not conducted. Leaks and cracks were noted only from the inside.
- There were outer openings in the following areas: ladies restroom ceiling, the janitor's and furnace closet ceiling and walls, behind the podium from empty electrical outlets, along the south meeting hall wall, and underneath the entrance double doors.
- 6. A floor area of approximately 10-ft had sunk about 2 inches along the center of the

- south wall in the meeting room and the baseboard was not flush with the floor.
- Our office has no documentation of conducting plan reviews on 1970 addition or any renovation that might have been made.
- 8. The front concrete steps were deteriorating and the sidewalks were uneven.
- Staff reported that the rain gutter over the southeast entrance to the meeting hall leaks. Subsequently, the concrete surface in front of the doors becomes iced-over during the winter months.
- 10. All the downspouts were extending into the ground.
- All of the exterior security light sockets were either empty, have remains of broken bulbs, or had interior bulbs installed.

LIGHTING/ELECTRICAL

- Ground Fault Circuit Interrupter (GFCI) outlet cover in the ladies' restroom was missing.
- Electrical outlet within six feet of wet area in the janitor's closet was not GFCI type.
- 3. Electrical wire connections in the ceiling of the furnace closet were exposed.
- Electrical outlet along the east meeting hall wall was not flush with the wall.
- 5. The mechanical ventilation in the ladies' restroom was inoperable.
- The janitors closet did not have mechanical ventilation, and there were strong chemical odors in this closet.
- The hardwired exit sign above the northeast exit of the meeting hall was not illuminated.
- 8. There were exposed wire splices above the double door entrance to the meeting hall.

KITCHEN

- 1. There was gas odor evident upon entering the kitchen.
- The cabinets, counters, shelves, drawers and pantry area were constructed of either ¼ inch plywood or paneling material. These surfaces were very rough, and the joints were uneven. The pantry shelves had exposed nails and other hardware. The center worktable was covered with cracked wallpaper.
- The freezer door in the (residential) refrigerator/freezer unit was cracked and insulation was exposed underneath.
- 4. The splashguard above three-compartment sink was deteriorating.
- 5. The stove hood fan was inoperable.
- Floor tiles around the kitchen stove were damaged.
- Outer openings into the bottom cabinet were seen under the kitchen sink.
- 8. There were food debris on the floor, under and around the kitchen equipment.
- All kitchen equipment surfaces were coated with grease, dust and food debris.
- 10. There was blown sand along the windowsill.
- There were kitchen equipment, utensils, and non-kitchen items stacked floor to ceiling in the northwest comer and closet.

SAFETY

- The portable fire extinguisher by the entrance hallway was not charged to the appropriate level.
- The kitchen did not have a portable ABC type fire extinguisher.

- 3. Items were stored too close to the water heater in the hall closet.
- 4. The carpet on the meeting hall podium was worn.
- 5. The modern cables for the computers in the meeting office were crossing the walkway.
- 6. There was propane gas odor near the regulator on the 1000-gallon LPG gas tank.

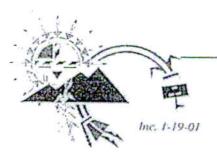
GENERAL ENVIRONMENTAL

- 1. Only the building addition made since 1970 had central heating.
- The meeting hall was heated with a wood stove without a safety barrier. Piles of firewood were stored in the meeting hall.
- There were no screens on all the windows along the south meeting hall windows and the male restroom window.
- One of the sinks in the male restroom was inoperable.
- The ladies restroom sink counter was damaged, the wall panel was coming apart and the toilet stall door had sharp edges.
- 6. The janitor's closet floor sink faucet did not have a vacuum breaker.
- 7. The wall was water damaged near the janitor's closet floor utility sink.
- 8. The baseboards were missing in the janitor's closet.
- There were rodent droppings in the hall storage closet.
- 10. The meeting hall double door exits were not self-closing.
- 11. There was evidence of a roof leak above the meeting hall podium.
- 12. Podium counter surface was flaking off in spots.
- 13. The podium chairs armrest was cracked and deteriorating.
- The shelves in the conference room was homemade plywood construction, it had uneven joints.
- 15. The old utility piping through the north exterior wall was excessively large.
- 16. The wooden benches in front of the announcement gazebo were warped/buckled.
- 17. The building was not handicapped accessible although they had handicapped signs.

Please contact our office at (928) 283-2843, if you have any questions.

| Submitted by: | Concurred by: | | | |
|------------------------|-------------------------|--|--|--|
| Timothy Vanek | Donna Gilbert | | | |
| Field Sanitarian | Service Unit Sanitarian | | | |
| Tuba City Service Unit | Tuba City Service Unit | | | |

TUBA CITY REGIONAL HEALTH CARE CORPORATION Division of Environmental Health Services



167 North Main Street, P.O. Box 600 Tuba City, Arizona 86045-0600 (928) 283-2844

February 7, 2007

Vincent Denetdeal, Chapter Coordinator Tonalea Chapter P.O. Box 207 Tonalea, Arizona, 86044

Dear Mr. Denetdeal:

Per your request on February 6, 2007, Lyndon Endischee, Environmental Health Officer II conducted a comprehensive environmental health survey at the **Tonalea Chapter House**. The purpose of the survey was to evaluate the integrity of the existing chapter building for a proposed addition on the southwest corner of the building. The evaluation emphasis was limited to the building structure (exterior and load bearing walls, roof, wiring, etc.), sidewalk, and the parking lot.

Tonalea Chapter House meeting area was constructed in 1959 and has severely dilapidated over the years, evident by the cracks in the walls. In 1970's, the building occupying the chapter's secretary office, conference room, and restrooms, was addedon. There are no documented plan reviews on the initial construction of the Chapter building or any other renovations and additions. The Chapter House was last surveyed November 20, 2001.

Our findings during the survey are, but not limited to:

- There were numerous cracks from foundation to the top of the exterior walls around the entire building structure, most prominent in the southeast corner of meeting hall.
- The load bearing triple layered roof truss along the east wall of the meeting hall was separating. The truss support walls had cracked and two supports were built against the east wall to hold the roof and building together.
- It was apparent that the roof leaked in numerous places. A thorough inspection of the roof and ceiling was not conducted. Leaks and cracks were noted only from the inside.
- The sources of heat for the building are a wood stove and space heaters. At the
 beginning of the survey at 10:10 am, there was no fire in the stove and the building
 was cold. The temperature appeared to be below 50 degrees. It was reported that
 when two or more space heaters are on at the same time, it trips the breaker, which
 is a clear indication of power overload.
- Although no dust or sand was observed in the southwest corner of the meeting hall during the survey, reportedly blow sand comes in under the wall during high winds.

- Majority of the furnishings, plumbing and electrical fixtures, water, sewer, and gas
 piping were obsolete and spare parts may not be found on the market for repairs or
 replacements.
- The front concrete steps, sidewalks, and parking lots do not comply with the Uniform Federal Accessibility Standards (UFAS). The steps were deteriorating, and numerous sidewalks were cracked and uneven, potential of trip hazards.

AS THE APPOINTED HEALTH ADVISOR TO THE NAVAJO NATION, TUBA CITY REGIONAL HEALTH CARE CORPORATION, OFFICE OF ENVIRONMENTAL HEALTH, DIVISION OF ENVIRONMENTAL HEALTH SERVICES RECOMMENDS THE TONALEA CHAPTER, HAVE A CERTIFIED/LICENSED STRUCTURAL ENGINEER CONDUCT A THROUGH EVALUATION OF THE EXISTING BUILDING, SO THE CHAPTER CAN MAKE A COST EFFICIENT DECISION FOR AN ADDITION TO THE BUILDING.

If you have any questions concerning this report, please contact our office at (928) 283-2844.

Submitted by:

hander Erclash

Environmental Health Officer II

Concurred by:

Angie Maloney, RS, MPH

District Sanitarian

Cc: Joseph Engelken, Chief Executive Officer, TCRHCC David Shortey, Navajo Risk Management, PO Box 1690, Window Rock, AZ 86515 Ken Secord, Director, OEHE-Division of Environmental Health Services, NAIHS, Window Rock, AZ File-Tonalea Chapter House

TUBA CITY REGIONAL HEALTH CARE CORPORATION Division of Environmental Health Services



167 North Main Street, P.O. Box 600 Tuba City, Arizona 86045-0600 (928) 283-2844

Inc. 1-19-01

October 15, 2012

Mr. Chester Claw, Chapter President Mr. Steven Arizana, Chapter Vice-President Nora Fowler, Chapter Secretary Tonalea Chapter P.O. Box 207 Tonalea, AZ 86044

Tonalea Chapter Officials:

On October 15, 2012, Mr. Lyndon Endischee, Environmental Health Officer II, Ms. Angelita Chee, Environmental Health Technician, and I surveyed the Tonalea Chapter House. The purpose of the survey was to evaluate the structural integrity of the facility environment. In addition, to make recommendations for the improvement of existing services such as sanitation, safety practices, and management practices related to public health and safety at this facility.

The Tonalea Chapter meeting hall was constructed in 1959, and the remaining portion of the building was added-on during the 1970s. It appeared that the chapter house had undergone some recent renovations, but our office did not conduct plan reviews and approval. Copies of the Chapter House surveys on November 2001, December 2001 and February 2007 are attached. Pictures of the chapter house are also enclosed. The recommendation that a structural engineer evaluate the structural soundness of the chapter building was not done prior to the chapter renovations. The structural concerns that were addressed in the previous environmental health surveys in 2001 and 2007 have come to a point of being unsafe for the chapter employees, and the community at large.

The chapter compound to the south, west, and northwest is unsafe because of several abandoned buildings. A trailer on the south, storage building(s) on the west, and a Hogan structure to the northwest of the chapter house present safety hazards such that the structures are dilapidated, not repairable, and provide harborages (shelter) for animals and rodents. There were also numerous inoperable farm equipment and vehicles on the chapter compound that are beyond repair. Photos of the dilapidated structures are attached.

SUMMARY AND RECOMMENDATION:

THE TUBA CITY REGIONAL HEALTH CARE CORPORATION, DIVISION OF ENVIRONMENTAL HEALTH SERVICES, ACTING AS THE APPOINTED HEALTH ADVISORS FOR THE NAVAJO NATION RECOMMENDS:

- 1. THAT THE TONALEA CHAPTER BE CLOSED DUE TO NUMEROUS INTER-RELATED CONTRIBUTING FACTORS THAT CAN ADVERSELY AFFECT THE CHAPTER STAFF AND THE GENERAL PUBLIC:
- 2. SEEK FUNDS TO REPLACE THE CHAPTER HOUSE FACILITY;
- 3. SUBMIT AS-BUILT PLANS FOR ANY NEW BUILDINGS TO OUR OFFICE;
- 4. THAT CONSTRUCTION NOT COMMENCE UNTIL A PLAN REVIEW OF THE BUILDING AS-BUILTS ARE REVIEWED AND APPROVED.
- THAT CONSTRUCTION BE DONE BY PROFESSIONALS WITH WARRANTY COVERAGE AND RECOURSE FOR CORRECTIONS IF NECESSARY.
- 6. REMOVE ALL UNSAFE, DILAPIATED STRUCTURES, INOPERABLE HEAVY EQUIPMENT AND VEHICLES FROM THE CHAPTER COMPOUND TO ELIMINATE HEALTH AND SAFETY HAZARDS.

If you have any questions regarding this environmental health survey, call our office at (928) 283-2844.

Sincerely,

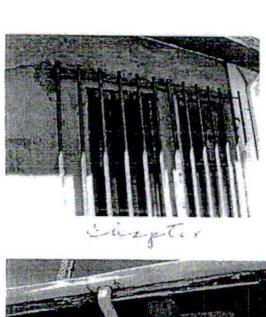
Angie Maloney, RS, MPH

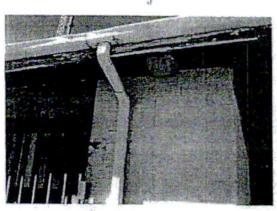
District Sanitarian

Tuba City Regional Health Care Corporation

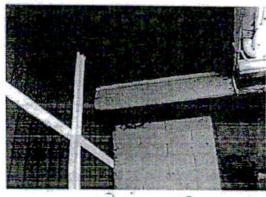
Xc: Director, DEHS, NAIHS, OEHE, Window Rock, AZ 86515
Herman Shorty, Navajo Division of Health, P.O. Box 1390, Window Rock, AZ 86515
Betty Tso, Community Service Coordinator, Tonalea Chapter House, P.O. Box 207, Tonalea, AZ 86044
File (80871850)

1 . Lonaler Chapter House Clasure 10/15/12





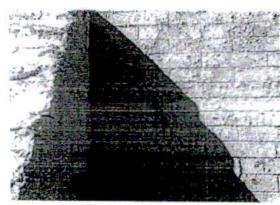
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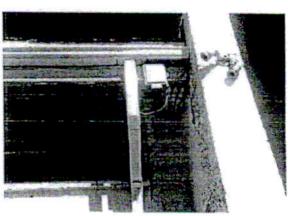
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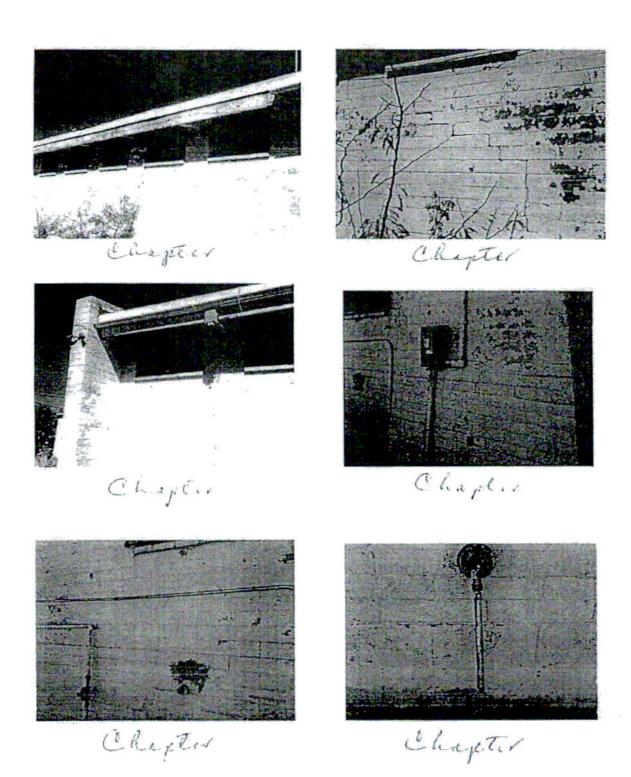


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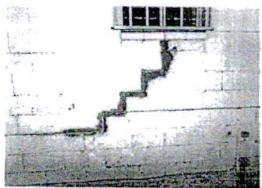


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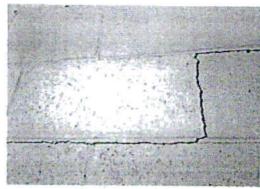
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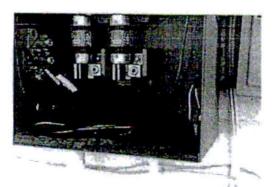
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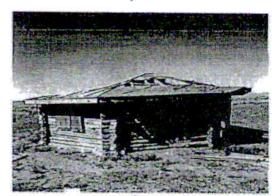
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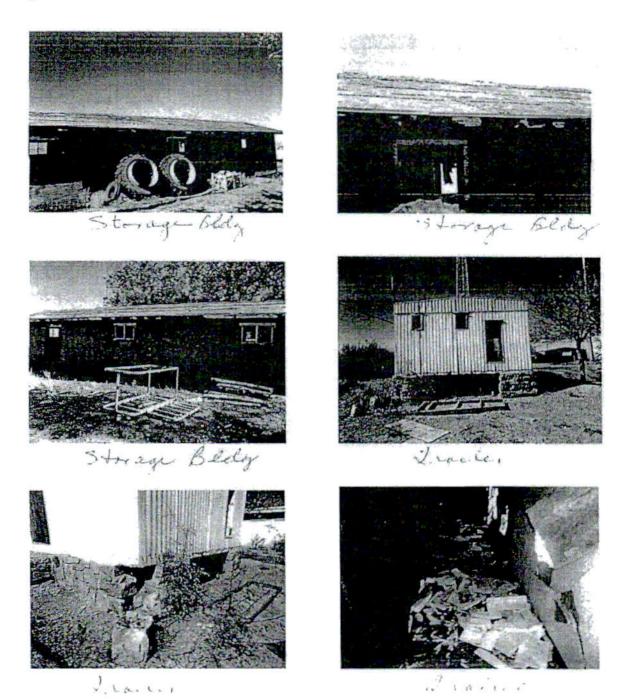
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BEN SHELLY President

REX LEE IIM Vice President

MEMORANDUM

July 23, 2012

TO

: Ms. Dorothy Scott

Community Services Coordinator

Cameron Chapter House

FROM: Shawnevan Dale

Senior Safety Officer

Navajo Occupational Safety & Health Administration

: Order of Closure

This letter shall serve as notice to the Building Owners/Occupants that the Navajo Occupational Safety & Health Administration (NOSHA) has closed your facility for the following reasons:

Lack of Cooling.

- No adequate cooling for staff members assigned to work location. Temperatures were in excess of 90 degrees which could lead to dehydration, fatigue as well as trigger health related illness (Especially in people with compromised immune systems)
- Lack of Potable water.
 - o It was reported that the Tuba City Health Care Environmental Health Staff suggested closure of the kitchen & restrooms. Though "Porta-Johns" were provided, there was no potable water source for staff to sanitize and disinfect after facility uses. There was also a lack of hot water, which is required by Health Care Standards for such cleanup.

It is the responsibility of NOSHA to ensure that employers provide their employees a workplace free from recognized hazards and provides adequate toilet facilities. NOSHA's priority is to protect the general health and safety of employees; I also observed that Food Distribution Staff were also utilizing the meeting room facilities, which had a swamp cooler that was ineffective. The General public was also exposed to high temperatures in the facility while conducting business there. NOSHA will lift the order of closure once the facility is made occupiable by providing adequate cooling/heating, providing potable water and facilities.

We look forward to working with you in resolving this matter, please don't hesitate to contact me or the Director with any further questions or concerns pertaining to any safety related matter. I would strongly advise working with the Navajo Nation Safety Loss Control Program to address this matter in a timely and expeditious matter, they can be reached at (928) 871-6085.

Xo:

Mr. William Lynch, PSI SLCP

Files



SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN

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| Warehouse Renovation | Conetoy | Backetall Court Development | Head Start Project | Covernment Building | Kalbeto Design Infrastructure | Western Navajo Pipeline, Firečow, Storage Tank | Multipurpose Building | Pottiski a | Senior Center Building | Chapter Warehouse | Chapter Building Randwatton | Old Chapter Removation (Stone Bldg.) | Rathroom Addition (Upper Highland) String Rk) | Batteroom Addition (Colibrater Loop) | Backhoe Purchase | Chapter House Parking Los | Creen House | Sackhoe Purchase | Rigal Address (RAC Egn) | Scorise Low Water Grossing (Road) | PROJECT DESCRIPTION |
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| Stroom P. | s) months | Supurate to | Signom Si-s | September 21-9 | 15-24 months | 18-24 months | 18-24 months | 4-6 months | 18-24 months | of 14 months | stanom ke ge | \$-9 mooths | \$14 months | appropriet. | 6 months | to 24 months | stinom u | 6 months | SUPPOSE CI | 16-yé months | PROJECT |
| \$68,795.00 | \$0.00 | 10.00 | \$0.00 | \$1,050,000.00 | 50.00 | 20.00 | \$0.00 | \$56,000.00 | \$0.00 | \$2.00 | \$0.00 | \$120,000.00 | \$0.00 | \$0.00 | \$107,054.56 | 194,730,30 | \$1,000.00 | \$40,000.00 | \$10,000,00 | 90.00 | YEAR I FUNDING |
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| \$68,795.00 | \$100,000.00 | 853,795.00 | \$400,000.00 | \$1,050,000,00 | \$170,000.00 | \$400,000.00 | 86,000,0005 | \$50,000,00 | HIERES | GEFER | \$400,000.00 | 92.000,000.00 | 8363,134,34 | EE TAIN TOPES | 1107,064,05 | 194775.52 | \$1,000.00 | 340,000.00 | 69'000'005 | 1366,000.00 | REQUESTED REPORTS |

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| r.I. | | \$25,000.00 | | | 525,000.00 | 525,000.00 | 6 B N | CAP-Pro Tech Services | 9070 |
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Resolution CAP-35-18 set up October 2018.

EXHIBIT 5

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|--------------|--------|---------------------|
| Document No. | 013108 | |
| | | ALC: NAME OF STREET |

Date Issued: 08/07/2019

SECTION 164 REVIEW FORM

| | SECTION TO THE VIE | W. C. C. | |
|--------------------|--|-----------------------------|-------------------------|
| Title of Document: | Tonalea Chapter-New Chapter House | Contact Name: CODY | , ANGELA |
| Program/Division: | DIV. OF COMMUNITY DEVELOPMENT | | * |
| Email: | acody@navajo-nsn.gov | Phone Number: | (928) 362-6919 |
| Division Director | Approval for 164A: OHAD | • | |
| except Rusiness Ru | category; only submit to category reviewers, egulatory Department which has 2 days, to review ient. If deemed insufficient, a memorandum expli | and determine whether the | document(s) are |
| Section | 164(A) Final approval rests with Legislati | ve Standing Committee(| s) or Council |
| Statement of | f Policy or Positive Law: | Date: | Sufficient Insufficient |
| IGA, Budget | Resolutions, Budget Reallocations or amenda | | |
| 1. OMB: | 1834 al - See Mario | Date: 8-16-19 Date: 8-20-19 | |
| 2. OOC: | (Rot Ch | | |
| 3. OAG: | BISTON | Date: 8-22-1 | 5 1 |
| | ection 164(B) Final approval rests with the | Date: Date: Date: Date: | |
| Subcontract | /Contract expending or receiving funds or am | endment: | |
| 1. Division: | | Date: | |
| 2. BRD: | | Date: | |
| 3. OMB: | | Date: | |
| 4. OOC: | | Date: | |
| 5. OAG: | | Date: | |
| Letter of Ass | surance/M.O.A./M.O.U./Other agreement not ex | opending funds or amendn | nent: |
| 1. Division: | | Date: | - - - |
| 2. OAG: | | Date: | |
| M.O.A. or Le | etter of Assurance expending or receiving fund | ds or amendment: | О . О . |
| 1. Division: | | Date: | |
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| 4. OAG: | | Date: | _ ⊔ ⊔ |

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Memorandum:

To:

2 NNC § 164 Reviewers

Delegates & 2 NNC '164 Reviewers

Navajo Nation Government

From:

Robert Willie, Accounting Manager

Office of the Controller

Rober Wille

Date:

August 20, 2019

Subject:

164- 013108- Tonalea Chapter-New Chapter House.

The Office of the Controller has reviewed the above referenced document.

- 1. The balance of the UUFB is \$37,960,422 as of June 20, 2019. Within the Three Branch Chief agreement an amount of \$21,000,000 is intended to be set aside as part of the FY 2020 comprehensive budget to address the impending FY 2021 projected General Fund Revenue decrease. Unmet needs amounts have yet to be determined but would also reduce this available amount. In addition, there are requests from the UUFB for water rights and DALTC that would further reduce the amount of the UUFB.
- The amount of the Sihasin Fund is \$341,623,953 as of the last Controller's report dated July 12, 2019 for the NN Council Summer Session.
- Supplemental Funding Proposal Summary form indicates the Sihasin or Undesignated, Unreserved Fund Balance as the funding source. The budget forms attach indicate Sihasin Fund. This would need to have correct funding source identified.
- This funding request is in the amount of \$3,000,000, for construction of a new Tonalea Chapter replacement building.
- This request would be considered a non-recurring expense.

If you should have any questions you can contact me at tribal extension X6125

THE NAVAJO NATION



IONATHAN NEZ | PRESIDENT | MYRON LIZER | VICE PRESIDENT

August 16, 2019

MEMORANDUM

To:

Executive Order 164 Reviewers

From:

Dominic Beyof, Executive Director Office of Management and Budget

Subject:

164 Review Document No. 013108-Funding Proposal by Tonalea/Red Lake Chapter for the

New Chapter Replacement in the amount of \$3,000.000

Pursuant to Presidential Executive Order 07-2013 requiring review, OMB provides the following comments.

- It is not clear on the funding amount(s). The Supplemental Form and Budget Form 1 states \$3M, but the proposal narrative, page 9, also shows \$3M as the total need. However, \$1,050,000 from Sihasin Funds was allocated to this project (see attachment) and Tonalea Chapter will provide match funding in the amount of \$263,203.33.
- The Office of the Controller says the UUFB has an amount of \$37,960,422 available at this time. This project appears to be eligible for funding from this source.
- OMB did an earlier review of a similar proposal and it appears this document is the corrected version.
- 4. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to FY 2019 Budget Resolution CS-68-18 (paragraph 'M'), the FY 2019 Budget Instructions Manual Section XIV, and the Appropriations Act. This activity should be completed by each Branch Chief to determine priorities.

Should there be any questions, contact Selena Begay, Senior Budget Analyst at 928 871-6470.

Attachments:

xc; OMB File



NAVAJO NATION DEPARTMENT OF JUSTI

DOCUMENT
REVIEW
REQUEST
FORM



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

| C | LIENT TO COMPLETE |
|-------------------------------|---|
| | ENTITY/DIVISION: DCD DEPARTMENT: Tonalea Chapter E-MAIL: acody c navago-nsn.gov |
| TITLE OF DOCUMENT: 164 Revie | w-Tonalea Chapter - New House House |
| DOJS | ECRETARY TO COMPLETE |
| DATE/TIME IN UNIT: 8/21/19@3p | REVIEWING ATTORNEY/ADVOCATE: RESIDENCE |
| DATE/TIME OUT OF UNIT: | |
| DOJ ATTO | RNEY / ADVOCATE COMMENTS |
| logally sufficient because . | it is ann-recurring expense for use of the |
| | in use of Sihasin Funds. DOJ otherwise |
| | ATE / TIME SURNAMED BY: (PRINT) DATE / TIME |
| Rodgende Began ? | 8-72-19 Par Been 8-72-19 11:0Za |
| 9 | for Document Pick Up on 8/20/19 at 11:45 By: 65 |
| PICKED UP BY: (PRINT) | DATE / TIME: |
| NDOJ/DRRF-July 2013 | |

notes that the total estimate from the Archested

13 43.485,125. 64 but the Chapter Proposed reards it as 3.000,000,00

Additumly, under a prior Si has in award (CAP-35-15), the Chapter

was awarded \$1,050,000 for a "Government Buildies" which many or may

not be the subject Chapter Birdies. The Marajo Notice Council many

need to return the avance of a manual of the subject Chapter Birdies.

NAVAJO NATION

177

NNC 2019 FALL SESSION

10/22/2019 05:08:56 PM

Amd# to Amd#

Legislation 0262-19: Allocating

PASSED

MOT Walker, T

\$3,000,000 from the Sihasin Fund

SEC Slater, C

to the Division of Community

Development on Behalf of Tonalea

Yea: 18

Nay:1

Excused: 3

Not Voting: 1

Yea: 18

Begay, K Begay, P

Charles-Newton

Freeland, M

Brown

Halona, P Henio, J

James, V Nez, R

Slater, C

Stewart, W

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Tso, D

Walker, T

Wauneka, E Yazzie

Yellowhair

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Excused: 3

Daniels

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Not Voting: 1

Begay, E

Presiding Speaker: Damon