TITLE: An Action Relating to the Resources and Development, Budget and Finance and Naabik'íyáti' Committees: Approving the Navajo Division of Transportation BIA Indian Highway Safety Program (IHSP) Child Passenger Safety Grant and waiver of the indirect cost rate.

Date posted: May 7, 2020 at 5:12PM

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
DATE: April 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCE AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE AND NAABIK'ÍYÁTI'; APPROVING THE NAVAJO DIVISION OF TRANSPORTATION BIA INDIAN HIGHWAY SAFETY PROGRAM (IHSP) CHILD PASSENGER SAFETY GRANT AND WAIVER OF THE INDIRECT COST RATE.

PURPOSE: This resolution, if approved, will accept the BIA Indian Highway Safety Program Child Passenger Safety Grant for $9675.00 and for a waiver of the indirect cost rate by Navajo Division of Transportation, Department of Highway Safety.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Sponsor)

TRACKING NO. 0114-20

AN ACTION

RELATING TO THE RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE NAVAJO DIVISION OF TRANSPORTATION BIA INDIAN HIGHWAY SAFETY PROGRAM (IHSP) CHILD PASSENGER SAFETY GRANT AND WAIVER OF THE INDIRECT COST RATE.

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resource and Development Committee is a standing committee of the Navajo Nation Council and exercises oversight authority over transportation and planning and coordination of all transportation activities of the Navajo Nation. 2 N.N.C. § 500 (A) (C) (6).

B. The Resource and Development Committee is empowered to review and recommend to the Navajo Nation Council resolutions to accomplish the committee’s purpose and to represent Navajo Nation in cooperation and coordination with the President of the Navajo Nation and the appropriate committees of the Navajo Nation Council to propose resolutions relating to and affecting transportation matters, the Navajo Division of Transportation. 2 N.N.C. § 501 (B) (5) (12).

C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and is empowered to authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or
regional authority upon the recommendation of the standing committee which has oversight over the division, department or program which has applied for the agreement. 2 N.N.C. §§ 300 (A) and 301 (B) (15).

D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council and among other statutory powers, the committee has the delegated responsibility to review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. §§ 700 (A) and 701 (A)(7).

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

F. The Naabik'iyáti' Committee of the Navajo Nation Council reviews and approves "the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent. 2 N.N.C. § 701 (A)(10).

SECTION TWO. FINDINGS

A. The Navajo Nation Division of Transportation’s Department of Highway Safety (NNDTDHS) applied and was awarded the FY2020 BIA Indian Highway Safety Program, Child Passenger Safety Grant in the amount of $9,675.00. Exhibit “A”.

B. The NNDTHS will be utilizing the awarded grant funding for the purchase of car seats, child safety passenger safety technician fees and supplies for the Department of Highway Safety’s Child Passenger Safety Program. Exhibit “B”.

Page 2 of 3 20-054-1
C. The FY2020 BIA Indian Highway Safety Program, Child Passenger Safety Grant does allow for indirect costs of $75.00, which is to be claimed on a monthly basis at the Indirect Cost Rate per the grant general clauses. See page 6 of the Grant Agreement #21, Exhibit “A”.

D. The Office of Management and Budget, Request for Service form, Exhibit “C”, notes the following:

1. The document in regards to Request for 164 Review on Funding Contract/Agreement in the amount of $9675.00 for the BIA Indian Highway Safety Program’s Child Passenger Safety Grant, 11/11/2019 through 06/30/2020 has gone through the 164 Executive Review process based on, 2 N.N.C. § 164, review requirements.

2. The Indirect Cost (IDC) rate 15.85% was not originally included in grant application. The grant was awarded to NNDTDHS in November 2019 and is still in the Nation’s acceptance process review and action (acceptance by resolution) by Naabik’iyáti’ Committee.

3. 164 E.O.R. #13686 packet (attached) NNDTDHS, for the BIA Indian Highway Safety Program’s Child Passenger Safety Grant No. OP-20-03 was provided by NNDTDHS for legislation on February 4, 2020.

E. The NNDTHS requests for a limited waiver of the indirect cost rate of 15.85% for the 2020 the BIA Indian Highway Safety Program’s Child Passenger Safety Grant.

SECTION THREE. APPROVE INDIRECT COST WAIVER

The Navajo Nation hereby approves the Navajo Nation Division of Transportation, Department of Highway Safety request to waive the indirect cost rate of 15.85% for the BIA Indian Highway Safety Program’s Child Passenger Safety Grant.