

**NAVAJO NATION
PROCUREMENT &
CONTRACTING
SESSION 1**

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AGENDA

Session 1

1. Navajo Nation Procurement Process
2. Document Review Process

Session 2

1. Services Contracts/Modifications (Templates)
2. Legally Sufficient Contract Packet (Checklists)



NAVAJO NATION PROCUREMENT ACT 12 N.N.C. §§ 301-80

Amended via Resolution CO-81-23, effective November 3, 2023

Chapter 3. Navajo Nation Procurement Act

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GOVERNMENTS PROCURE?

- What is Procurement?
 - Governments issue requests to the public seeking the best offer to meet its needs for a purchase of a good or service.
- Why is it important?
 - To simplify, clarify, and provide for consistent practices across the public sector
 - To foster effective, broad-based competition
 - To provide for increased public confidence
 - To ensure fair and equitable treatment of all persons dealing with the procurement system

WHEN DOES THE NNPA APPLY?

to EVERY expenditure of public funds (all agreements), regardless of the fund source or procuring party, UNLESS

- Selection of expert witnesses for Navajo Nation litigation*;
- Agreements for the provision of governmental Services on the Navajo Nation between the Navajo Nation and any federal, state, and local governments; or
- Procurements for permits, licenses, or leases of real estate.

*Attorney General selection of & contracting with outside counsel is also exempt per legal analysis

WHEN DOES THE NNPA APPLY?

When funds from external source & funding agreement:

- Requires compliance with source's procurement laws, NNPA says follow only mandatorily applicable laws
- Allows for choice between source or NNPA, must follow NNPA

WHEN DOES THE NNPA APPLY?

Does NNPA apply to Navajo Nation Chapters?

Does NNPA apply to Navajo Nation Enterprises?

Is a Purchase Order a contract?

NAVAJO NATION PROCUREMENT REGULATIONS

- Amended May 9, 2023, via resolution BFMY-07-23
 - Note: before NNPA amendments
- Limited Changes
 - Added Micro-Purchases Procurement
 - Removed Newspaper Requirement for public notice
 - Corrected numbering errors
 - Removed Small Purchases purchase discrepancies

BFMY-07-23

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

25TH NAVAJO NATION COUNCIL - First Year, 2023

AN ACTION

RELATING TO THE BUDGET AND FINANCE COMMITTEE; APPROVING CERTAIN
AMENDMENTS TO THE NAVAJO NATION PROCUREMENT RULES & REGULATIONS
ADOPTED IN BFD-192-03, TO ALLOW FOR MICRO-PURCHASES OF \$10,000
OR LESS, TO CLARIFY THE DEFINITIONS OF "GOODS" AND "SERVICES"
AND TO APPROVE OTHER REVISIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the responsibility to "protect the interests of the Navajo People through the prudent management of the financial reserves of the Navajo Nation and the use of funds available for expenditure by the Navajo Nation." 2 N.N.C. § 300(C)(4).

B. The Budget & Finance Committee has authority over the Navajo Nation's Procurement Regulations, as delegated by the Navajo Nation Council in the Navajo Nation Procurement Act. 12 N.N.C. § 320(A).

SECTION TWO. FINDINGS

A. In 2003 the Budget & Finance Committee adopted the Navajo Nation Procurement Rules & Regulations in Resolution No. BFD-192-03, which Regulations govern all procurements by the Navajo Nation and Chapters that have not been local-governance certified under 26 N.N.C. § 102. BFD-192-03 is incorporated herein by this reference.

B. Over the past two decades, the Purchasing Department and other Navajo Nation programs have experienced problems and delay with respect to their procurements of goods and services. The Navajo Nation's current version of the Procurement Rules

HOW DO WE UNDERSTAND THE NNPA AND PROCUREMENT REGULATIONS?

- Read “in concert”
 - What governs if there is a conflict?
- Also, we read both in concert with other Navajo Nation laws and regulations, including but certainly not limited to:
 - Navajo Business and Procurement Act, 12 N.N.C. §§ 1501-16
 - Navajo Business and Opportunity Act, 5 N.N.C. §§ 201-15
 - Navajo Preference and Employment Act, 15 N.N.C. §§ 601-19

THE STEPS TO PROCURE

Following Navajo Nation laws, regulations, and guidelines:

1. Pre-solicitation activities
2. Issuing a solicitation
3. Receiving Offers: Opening and Evaluating
4. Making a contract award
5. Creating the Contract Packet
6. Submitting the Contract Packet review and execution
7. Overseeing the procurement; modification; completion



PRE-SOLICITATION ACTIVITIES

STEP 1: WHAT ARE WE BUYING?

- First, we determine the procurement:
 - **Good:** “all property, tangible or intangible, which includes but is not limited to supplies, products, equipment, materials, printing, software, and insurance.”
 - **Service:** “the furnishing of labor, time, or effort by a Contractor, not involving the delivery of Goods other than those incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.”
 - **Construction:** “the process of building, altering, repairing, improving, installing, renovating, or demolishing any structure or building, or other improvements of any kind to any real property. It does not include the activities necessary to sustain routine operation, routine repair, or routine maintenance of existing structures, buildings, or other improvements to any real property.”

PRE-SOLICITATION ACTIVITIES

STEP 2: WHAT DO WE (NEED TO) KNOW?

- **Research!**
 - What's required for a procurement of this type?
 - What's should be included in the description of the project or of the goods?
 - What's should an expected cost be?
 - What quality are you looking for?
 - How long will it take to complete the work or to make the delivery?
 - What kind of delays could arise?
 - How soon do we need it completed?
 - How many funds do we have available?
 - Have we done other procurements like this that we can use as a starting basis?



PRE-SOLICITATION ACTIVITIES

STEP 3: HOW MUCH WILL IT COST?

- Establish your **Maximum Feasible Price (MFP)**
 - In writing—sign and date it.
 - Keep it secret!
- Show your work.
 - What research did you do?
 - What expertise did you rely on?
 - What funding sources are you using?
 - When do your funds expire?



PRE-SOLICITATION ACTIVITIES PROCUREMENT FILE

Start the Record!

- Digital, paper – must be all together,
 - official recordkeeping of division, not personal work
- Documents the life of the procurement: pre-solicitation activities to expiration of contract warranties
- Collectively, not a public record.



PRE-SOLICITATION ACTIVITIES

STEP 4: WHICH METHOD TO USE?

Make your determination based on:

1. the MFP
2. goods, services, or construction sought
3. details surrounding the procurement

**You cannot change
methods once you start**

Available methods of source selection:

- Competitive Sealed Bidding
- Competitive Sealed Proposals
- Competitive Selection for Professional Services
- Small Purchases Procurement
- Micro-Purchase Procurement
- Emergency Procurement
- Direct Source Procurement
- Solo Source Procurement
- Construction Services Procurement

COMPETITIVE SEALED BIDDING

- Utilized when making the selection is based on:
finding the lowest price

COMPETITIVE SEALED PROPOSALS

Utilized when making the selection is based on:

- finding the most advantageous Contractor
- as established by pre-determined qualifying factors
- including price

COMPETITIVE SELECTION FOR PROFESSIONAL SERVICES

Utilized when making the selection is based on:

- finding the most advantageous Contractor
- According to pre-determined qualifying factors
- does NOT include price
- does require the final agreed upon compensation after Contractor award be fair and reasonable
 - Note: still cannot exceed MFP

SMALL PURCHASES PROCUREMENT

- Utilized when the established MFP is between \$10,000.01 and \$50,000.00
- No Procurement can be artificially divided in any manner to create one or multiple Small Purchases

MICRO-PURCHASE PROCUREMENT

- Utilized when the established MFP is less than \$10,000.00
- No Procurement can be artificially divided in any manner to create one or multiple Micro Purchases.

EMERGENCY PROCUREMENT

Utilized when making the selection is based on

- the need to address an emergency
- for only the goods, services, or construction for the immediate need created by the emergency

What is an Emergency?

“a need, following an unexpected occurrence or occasion, that requires immediate action to protect the public health, welfare, or safety of the Navajo Nation or its property.”

Use requires justification memo concurred by Purchasing Services & NNDOJ

DIRECT SOURCE PROCUREMENT

Utilized when making the selection is based on one of the following:

1. prior competitive selection attempt(s) did not result in an award or executed contract;
2. the procurement is for a utility provider in a place where there is only one or where NTUA is preferred; or
3. The selected Contractor has past experience with or direct knowledge of the procurement and selecting it would be in the best interest of the Navajo Nation.

Use requires justification memo concurred by NNDOJ

SOLO SOURCE PROCUREMENT

Utilized when making the selection is based on one of the following:

1. there is only one source available; and
2. no reasonable alternative exists to meet the intended purpose of the procurement

Use requires justification memo concurred by Purchasing Services & NNDOJ

CONSTRUCTION SERVICES PROCUREMENT

Utilized when procuring construction services.

- preferred method is Competitive Sealed Proposals with additional requirements:
 - Construction management selection
 - Offer security & bonding:
 - required MFP >\$50,000.00
 - Retainage, and
 - Insurance
- Prohibits use Competitive Sealed Bidding (ITBs)



PRE-SOLICITATION ACTIVITIES

WHICH METHOD TO USE: CHEAT SHEET

Method	General Rule
Competitive Sealed Bidding	Lowest Price
Competitive Sealed Proposals	Most Qualified; Lowest Price
Competitive Selection Professional Services	Most Qualified; Reasonable Price
Small Purchases	MFP = \$10,000.01-\$50,000.00
Micro-Purchase	MFP < \$10,000.00
Emergency	Emergency exists
Direct Source	1 of 3 Conditions: <ol style="list-style-type: none">1. Prior attempts at competitive selection failed2. Procuring a utility provider3. Contractor has prior experience/direct knowledge
Solo Source	Only 1 provider exists for procurement
Construction Services	Buying construction (as defined by the NNPA)

WHAT HAVE WE DONE SO FAR?

1. Determined what we're procuring.
2. Researched what to expect for a procurement like this.
3. Established our MFP.
 - a. Wrote it down, explained why, signed, and dated it.
4. Chosen which procurement method to use.

What's next?

REMEMBER: THE STEPS TO PROCURE

Following Navajo Nation laws, regulations, and guidelines:

1. Pre-solicitation activities
2. Issuing a solicitation
3. Receiving Offers: Opening and Evaluating
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6. Submitting the Contract Packet review and execution
7. Overseeing the procurement; modification; completion

PRE-SOLICITATION ACTIVITIES

STEP 5: CREATE YOUR SOLICITATION

Solicitation is a blanket term:

- Written document(s) issued to obtain information or pricing from an Offeror:
Invitation for Bid; Request for Proposal; Request for Statement of Qualifications; Quote; Estimate

The NNPA dictates the types we use and the content of each based on the chosen source selection method; has minimum requirements that apply to all

PRE-SOLICITATION ACTIVITIES

STANDARD SOLICITATION REQUIREMENTS

- Details of the procurement, including:
 - Product description and specifications
 - project scope and project duration
 - contractor minimum qualifications
 - mandatory service standards
 - required warranties
- Time and date deadline for submission of offers
- Notification to Offerors that the Navajo Nation:
 - is not required to enter a contract
 - may issue a subsequent solicitation for the same procurement
 - is a sovereign government, and
 - any resulting contract must comply with Navajo Nation Law, rules, and regulations

PRE-SOLICITATION ACTIVITIES

STANDARD SOLICITATION REQUIREMENTS

- Name and contact details for individual to submit an offer--- including physical or electronic address for delivery
- Form and format required for submitted Offers
- Instructions to mark Offer exterior with NBOA Priority status, if applicable
- Instructions to mark confidential portions of the offer as “proprietary”
- Contractual terms and conditions
- Evaluation Factors establishing how you’ll determine an offer best meets the standards for which you are looking

PRE-SOLICITATION ACTIVITIES

INVITATION FOR BIDS: REQUIREMENTS

Instruction to Offerors concerning submission requirements, including:

- All standard solicitation requirements
- date, time and location of the Bid opening,
- the date and time of any pre-bid conference(s) and whether such conference(s) is mandatory or voluntary
- any other special information necessary for the procurement

PRE-SOLICITATION ACTIVITIES

REQUEST FOR PROPOSALS: REQUIREMENTS

Instruction to Offerors concerning submission requirements, including:

- All standard solicitation requirements
- date, time, and location of the proposal opening, if available to the public
- the date and time of any pre-offer conference(s) and whether such are mandatory or voluntary
- any other special information necessary for the procurement
- Whether discussions with Offerors may occur to clarify any issues in a Proposal and assure full understanding of the Solicitation requirements
- Construction: bonding, security, and insurance requirements
- RSQ: instructions that only offerors to the RSQ will be able to submit an offer on any RFP issued under the RSQ

PRE-SOLICITATION ACTIVITIES

REQUEST FOR PROPOSALS: REQUIREMENTS

- Evaluation criteria by which Navajo Nation will evaluate Proposals
 - determine the factors necessary for Offeror to receive Contract Award
 - determine the standards for acceptability of the final work product:
 - quality, workmanship, delivery, suitability for a particular purpose
 - specify in writing the scoring system specific to the standards established
 - CANNOT include NBOA Priority status

PRE-SOLICITATION ACTIVITIES

REQUESTS FOR STATEMENTS OF QUALIFICATIONS: REQUIREMENTS

- Issued the same as RFP
- Professional Services:
 - architects, engineers, dentists, physician, land surveyors, attorneys, accountants, trainers or workforce education specialists, **and**
 - other professional positions requiring specific expertise, certification, or licensing

PRE-SOLICITATION ACTIVITIES

Requesting Quotes; Estimates Requirements

NOTE: These need not be as formal as an ITB, RFP, or RSQ.

- Details of the procurement, including product description, specifications, and project scope duration
- Time and date deadline for submission of quotes
- Name and contact details of the individual to whom the quote is to be submitted
- Evaluation Factors: establish how you'll determine an offer best meets the standards for which you are looking

PRE-SOLICITATION ACTIVITIES

FORMS OF SOLICITATION: CHEAT SHEET

Method	Solicitation Form
Competitive Sealed Bidding	Invitation for Bids (ITB)
Competitive Sealed Proposals	Request for Proposal (RFP)
Competitive Selection Professional Services	Request for Statement of Qualifications (RSQ)
Small Purchases	Quote; Estimate
Micro-Purchase	Quote; Estimate
Emergency	Quote; Estimate
Direct Source	Quote; Estimate
Solo Source	Quote; Estimate
Construction Services	Request for Proposal (RFP)

ISSUING A SOLICITATION

STEP 1: ISSUE AS METHOD REQUIRES

What is competitive selection?

The process of choosing the best option from multiple choices, where the process is structured in a transparent manner that ensures fairness and identifies the most suitable fit

Requires public manner of requesting offers – Public Notice, Source List

Required

Competitive Sealed Bidding

Competitive Sealed Proposals

Competitive Selection
Professional Services

Small Purchases

Construction Services

Not Required

Micro-Purchase

Emergency

Direct Source

Solo Source

ISSUING A SOLICITATION

PUBLIC NOTICE

“Shall last a reasonable period as is appropriate for procurement”

- Lasts from the time of first Publication to the deadline for submission of Offers

“Made via publication providing notice to the Navajo Nation and general public”

- OOC: <https://www.nnooc.org/request-for-proposals/>
- DED: <https://navajoeconomy.org/division-administration/contracts/>

ISSUING A SOLICITATION

NBOA SOURCE LIST

- a resource listing all current certified Priority 1 and 2 Businesses on the Navajo Nation.
 - Inclusion does not speak to the capability, qualification, or good standing of the Business to perform the work in the category listed.
- Priority 1:** 100% Navajo owned & controlled
- Priority 2:**
- 51%-99% Navajo owned & controlled
 - 51%-100% other Native American owned & controlled
 - 100% Navajo Nation owned & controlled enterprise
 - 51%-99% Navajo or other Native American owned & controlled partnership/ joint venture
 - 51% Navajo or other Native American control & Management



ISSUING A SOLICITATION

ISSUE PER METHOD: CHEAT SHEET

Method	Solicitation Form
Competitive Sealed Bidding	Public Notice
Competitive Sealed Proposals	Public Notice
Competitive Selection Professional Services	Public Notice
Small Purchases	Direct Contact ALL Relevant NBOA Source List Vendors
Micro-Purchase	Direct Contact Vendors (Focus on NBOA Source List)
Emergency	Direct Contact Vendors (Focus on NBOA Source List)
Direct Source	Direct Contact Vendors (Focus on NBOA Source List)
Solo Source	Direct Contact the 1 Available Vendor
Construction Services	Public Notice



ISSUING A SOLICITATION

CORRECTING, “ADDEND-ING,” OR CANCELLING

“A Solicitation may be cancelled, or any or all Offers may be rejected in whole or in part, when it is in the best interests of the Navajo Nation.”

Procuring Party may withdraw, correct, or cancel a solicitation before or after award

Prior to Offer Submission Deadline (While open)

- Issue as indicated in solicitation; in same manner as original solicitation
 - ITB, RFP, RSQ: if submission deadline or opening date, must publish same as original.

After Offer Submission Deadline (After Closed)

- Directly notify all Offerors having provided an offer.
- Once an offer is opened, cannot change solicitation project price or criteria



RECEIVING OFFERS ACCEPTING & OPENING

Accepting

- Accept unconditionally without altering
- Keep protected from review until Offer Submission Deadline
- Offeror may submit corrected, amended offers; rescind offer.

Opening – Competitive Selection

- **Bids** opened publicly in presence of one or more witnesses
- **RFP/RSQs** *only* opened publicly if identified in the solicitation;
 - **MUST** be opened without disclosure contents to competitors during evaluation and discussions



RECEIVING OFFERS OPENING & EVALUATING

Open consistent with the requirements of the NBOA

- Priority 1: Evaluate and select, if none;
- Priority 2: Evaluate and select, if none:
- Non-priority: Evaluate and select

Evaluating

- Against the Solicitation--if not in the Solicitation, it doesn't count!
 - Reject offers modifying the scope, specifications, and criteria
- Goal: responsive offers from responsible offerors – REJECT otherwise



RECEIVING OFFERS

EVALUATING

What is Responsive?

- “a Person who has submitted an Offer that conforms in all material respects to the requirements of the respective Solicitation for which it is submitted”
- Meets all the criteria of the Solicitation

What is Responsible?

- “a Person who has the capability in all respects to perform fully the Contract requirements noted in the Solicitation, and the integrity and reliability that will assure good faith performance”
- In good standing, not debarred or suspended: Check Sam.gov, OOC website for debar/suspension list



RECEIVING OFFERS EVALUATION RESULTS

“Low Tie Bids” -- 2+ qualified Bids at same lowest price offered.

- May break tie and select offeror in accordance with the best interest of the Navajo Nation, considering quality of the goods or services proposed and delivery time.

ITB/RFP: Negotiation only allowed when:

- If ALL offers exceed the MFP AND the lowest qualified offer does not exceed the MFP by 10%,
- Then can negotiate with *any* of the qualified Offerors not exceeding 10% of the MFP to adjust the offer price and solicitation scope to be within the MFP.



MAKING A CONTRACT AWARD

TIMELINESS, FORM OF AWARDS

Award with “reasonable promptness” to responsible and responsive offeror – think “qualified”

- NNPA: Issue Contract Award in writing
- Regulations: Issue Contract Award through written notice delivered by hand or first-class mail for competitive sealed bidding and proposals.

QUICK DETOUR: RECOURSE

NNPA (&
Regulations) have
mechanisms for
failures to comply



- Protest Solicitations/Awards
 - By Offeror/Contractor
 - Against Procuring Party
- Debarment & Suspension
 - By Navajo Nation
 - Against Business
- Administrative Review
 - For Protest decisions

PROTESTS

SOLICITATIONS & AWARDS

- By any “Offeror or Contractor aggrieved in connection with a solicitation or award of a Contract” if:
 - In writing
 - To the Procuring Party
 - Within (14) [calendar] days of when they
 - “*Know or should have known*” of the facts for the reason of the protest.
- Procuring Party, with approval of NNDOJ, has authority to:
 - Determine timeliness of protest
 - Investigate & resolve protest



I protest!

DEBARMENT & SUSPENSION

AUTHORITY

Office of Controller, with concur of NNDOJ, authorized to

- “debar or suspend for cause a Person” from contracting with or otherwise receiving a business opportunity from the Navajo Nation
- Notifies of debar/suspend by issuing a written decision of noting its decision and the duration to the debarred/suspended person.

NNPA requires additional guidance to be included in Procurement Regulations

DEBARMENT & SUSPENSION

DEBARMENT & SUSPENSION LIST

OOC to maintain on publicly available website

- List of all debarred/suspended persons
 - Noting date added and date to be removed
 - OOC to update monthly
- Debarred/Suspended Person may protest to BRD, within 30 calendar days of written notice. BRD has authority to:
 - Determine timeliness of protest
 - Investigate & resolve protest

ADMINISTRATIVE REVIEW

OFFICE OF HEARINGS & APPEALS

- Granted jurisdiction to decide appeals of NNPA protest decisions:
 - Solicitations, awards, debarment, & Suspensions
- Appeal filed within 20 calendar days of protest decision
- OHA decision presumed final and conclusive

REMEMBER: THE STEPS TO PROCURE

Following Navajo Nation laws, regulations, and guidelines:

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7. Overseeing the procurement; modification; completion

WHERE ARE WE?

What we've done

1. Pre-solicitation activities
 - a. Determined procurement
 - b. Established & documented our MFP
 - c. Chose procurement method
 - d. Developed and issued our Solicitation
2. Received Offers
 - a. Opened, evaluated, and selected
3. Issued Contract Award

Steps to procure

1. Pre-solicitation activities
2. Issuing a solicitation
3. Receiving Offers: Opening & Evaluating
4. Making a contract award
5. Creating the Contract Packet
6. Submitting the Contract Packet review and execution
7. Overseeing the procurement; modification; completion

DOCUMENT REVIEW

THE PROCESS

Administrative review process for documents requiring:

- Execution by the Navajo Nation President (or Branch Chief) and/or
- Review/approval by the Navajo Nation Council and/or Standing Committee

DOCUMENT REVIEW

WHERE IT COMES FROM

EO 06-2023 with attached Guidelines, but it's not a new process

Addresses reviews required by:

- Statute
- Regulation
- Policy
- Guidance
- Leasing Plans
- Intergovernmental Agreements
- It's probable a good idea
- We're not sure

Separated into

- 164 Review
- Executive Official Review

DOCUMENT REVIEW

164 STATUTORY REVIEW

2 N.N.C. § 164

- (A) Navajo Nation Council/Committee
- (B) Navajo Nation President

- NNPA Contracts Mandated Reviewers (next slide)
- 5 business days time limit

EO 06-2023 & Guidelines provide clarity

- Required signature form
- Details what to do when...

[Click here to enter text.](#) Date Issued: [Click here to enter a date](#)

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SECTION 164 REVIEW FORM

Number of Document: [Click here to enter text.](#) Contact Name: [Click here to enter text.](#)

Program/Division: [Click here to enter text.](#) Email/Phone Number: [Click here to enter text.](#)

Division Director Approval for 164A: _____

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

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

Statement of Policy or Positive Law: _____ Sufficient

1. OAG: _____ Date: _____

IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)

1. OMB: _____ Date: _____

2. OOC: _____ Date: _____

3. OAG: _____ Date: _____

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

Grant/Funding Agreement or amendment:

1. Division: _____ Date: _____

2. OMB: _____ Date: _____

3. OOC: _____ Date: _____

4. OAG: _____ Date: _____

Subcontract/Contract expending or receiving funds or amendment:

1. Division: _____ Date: _____

2. BRD: _____ Date: _____

3. OMB: _____ Date: _____

4. OOC: _____ Date: _____

5. OAG: _____ Date: _____

Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:

1. Division: _____ Date: _____

2. OAG: _____ Date: _____

M.O.A. or Letter of Assurance expending or receiving funds or amendment:

1. Division: _____ Date: _____

2. OMB: _____ Date: _____

3. OOC: _____ Date: _____

4. OAG: _____ Date: _____

DOCUMENT REVIEW

164(B) STATUTORY REVIEWERS + BRD

Submitted for review in order:

1. **Division Director** *164(B)*
2. **Business Regulatory Department** *NBOA*
3. **Office of the Controller**, for financial impact *164(B)*
4. **Office of Management & Budget**, for financial impact *164(B)*
5. **Attorney General** *164(B)*

Section 164(B) Final approval rests with the President

Grant/Funding Agreement or amendment:

1. Division: _____
2. OMB: _____
3. OOC: _____
4. OAG: _____

Subcontract/Contract expending or receiving funds or amendment:

1. Division: _____
2. BRD: _____
3. OMB: _____
4. OOC: _____
5. OAG: _____

Letter of Assurance/M.O.A./M.O.U./Other agreement not expending

1. Division: _____
2. OAG: _____

M.O.A. or Letter of Assurance expending or receiving funds or amend

1. Division: _____
2. OMB: _____
3. OOC: _____
4. OAG: _____

Section 164 No. [Click here to enter text.](#) Date Issued: [Click here](#)

EXECUTIVE OFFICIAL REVIEW

Title of Document: _____ Contact Name: [Click here to enter text.](#)
Program/Division: [Click here to enter text.](#) Email/Phone Number: [Click here to e](#)

Business Site Lease
 1. Division: _____ Date: _____
 2. Office of the Controller: _____ Date: _____
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)
 3. Office of the Attorney General: _____ Date: _____

Business and Industrial Development Financing, Veteran Loans, Credit Services Loans (i.e. Loan, Loan C Investment) or Delegation of Approving and/or Management Authority of Leasing transactions
 1. Division: _____ Date: _____
 2. Office of the Attorney General: _____ Date: _____

Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications
 1. Office of Management and Budget: _____ Date: _____
 1. Office of the Controller: _____ Date: _____
 2. Office of the Attorney General: _____ Date: _____

Navajo Housing Authority Request for Release of Funds
 1. NNEPA: _____ Date: _____
 2. Office of the Attorney General: _____ Date: _____

Lease Purchase Agreements
 1. Office of the Controller: _____ Date: _____
(recommendation only)
 2. Office of the Attorney General: _____ Date: _____

Grant Applications
 1. Office of Management and Budget: _____ Date: _____
 2. Office of the Controller: _____ Date: _____
 3. Office of the Attorney General: _____ Date: _____

Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Star Legislation Initiated by Executive Branch Entity, Local Ordinances (Local Government Units), or Plans or Operation/Division Policies Requiring Committee Approval
 1. Division: _____ Date: _____
 2. Office of the Attorney General: _____ Date: _____

Relinquishment of Navajo Membership
 1. Land Department: _____ Date: _____
 2. Elections: _____ Date: _____
 3. Office of the Attorney General: _____ Date: _____

DOCUMENT REVIEW

EXECUTIVE OFFICIAL REVIEW

- Not the review for NNPA contracts!
- Established by EO 06-2023 & Guidelines
 - Documents not listed or clarified in § 164
 - No time limit for review
 - Required signature form (2 pages)
 - Details what to do when...

WHO EXECUTES THE CONTRACT?

Per 2 N.N.C. § 222, all contracts entered under the NNPA executed as follows:

- Executive Branch → Navajo Nation President or the Vice-President
- Judicial Branch → Chief Justice
- Legislative Branch → Speaker of the Navajo Nation Council
- LGA Governance Certified Chapters → Chapter President*

*LGA non-governance certified chapters → follow executive branch

THANK YOU

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REMINDER:

This presentation is intended for general information purposes only and should not be considered legal advice or opinion on any specific facts or circumstances.

Consult the Navajo Nation code and regulations for specific information and submit questions to the Purchasing Services Department and the Navajo Nation Department of Justice.