



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

January 3, 2024

McKinley County
PO Box 70
Gallup, NM 87305

ATTENTION: Robert Baca, Chairperson

REFERENCE: 164 Review 020871 / Contract

Dear Mr. Baca:

Attached please find your copy of the approved Contract (CO16299) with the Navajo Nation Division of Transportation. The Contract has been awarded in the amount of \$2,300,003.25. The term of the contract will commence on December 20, 2023, and expires May 30, 2025.

Reference above contract number on all invoices, documents, and correspondence as it relates to this contract.

Should you have any questions, please contact Ardaniel Joe Begay at 505-371-8351.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darlene Begay".

Darlene Begay, Senior Accountant
OOC – Contract Administration

xc: Ardaniel Joe Begay, Navajo Nation DOT
Stacy Manuelito, CA / Navajo Nation OOC
Contract Folder: CO16299

EXHIBIT B

To Intergovernmental Agreement between The NAVAJO NATION and MCKINLEY COUNTY, NEW MEXICO McKinley County IGA No. 21-APR-020 (MOA 258)

Authority:

This Exhibit B to the underlying “Master Agreement” (McKinley County IGA No. 21-APR-020), is added to the Master Agreement as contemplated in paragraphs 2, 3, 4, and 10 of the Master Agreement. This Exhibit B has been requested by NDOT and Tsayatoh Chapter and have obtained construction funding for this project.

Per correspondence with the Navajo Nation Department of Justice, the following provision applies to the PROJECT described in Exhibit B. (Email sent 10/19/2023 from Veronica Blackhat, Assistant Attorney General).

The roads to be maintained by the COUNTY are located within the territorial jurisdiction of the Navajo Nation, as such, the Navajo Nation hereby grants permission to the COUNTY and its employees, consultants, contractors, subcontractors, or agents to enter upon the Navajo Nation to perform and complete PROJECTS pursuant to the Scope of Work identified in this Exhibit.

Scope of Work:

Project 1: McKinley County shall improve and extend Tsayatoh West Road which is under the control of the Navajo Division of Transportation on behalf of Tsayatoh Chapter, which is within the territorial jurisdiction of the Navajo Nation. The road extension will be used by citizens of the Navajo Nation and McKinley County.

Further construction details of the Scope of Work are stated in the Recitals below.

Recitals:

Project 1: This project includes the improvements as described: Placement of culverts, signage, fencing, reshape road and ditches, placing base course, prep for stabilizer, and double-pin chip seal. Navajo Nation will be utilizing HW2LP60017 funding Project to carry out this project.

For Project 1: McKinley County’s status is that of Contractor only, and McKinley County will not be responsible for maintaining this project (3.7 miles). McKinley County may in the future take action on accepting the road for maintenance once express Right-of-Way is applied for through the BIA process and is approved.

This Project 1: is for the County to build and construct the road to a county Type “C” road, with the addition of a Double-pin Chip Seal – more detailed in Attachment A and made a part by reference.

Should any of this Scope of Work or any additional work exceed the amount of the funding source as described herein, the Chapter and Navajo Nation shall find additional funding sources.

Budget:

Project 1: McKinley County has had an estimated cost prepared for the Scope of Work listed above consisting of improvement of the road. The stated estimate is \$2,169,814.39 plus the applicable 6% Navajo Nation tax estimated to be \$130,188.86 dollars.

The Scope of Work as listed herein shall not exceed \$2,300,003.25 dollars. [The Estimated Summary of Costs and Quantities for the Scope of Work as stated herein, is attached hereto as **Attachment B**].

Term: Beginning December 20, 2023 and Ending May 30, 2025

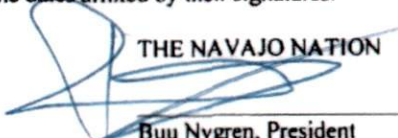
ROUTE	FUNDING SOURCE	ACCOUNT NO.	AMOUNT
CR-1C Tsayatoh West Extension	TRANSPORTATION PROJECT FUND	K223023	\$2,169,814.39
		6% NN TAX	\$130,188.86
TOTAL AMOUNT NOT TO EXCEED:			\$2,300,003.25

This road extension will require a Navajo Nation EPA 401 permit provided by NDOT. The signing of this Exhibit "B" is: 1) permission for McKinley County to enter the project location and, 2) acknowledgement by NDOT of the Scope of Work and the Status of McKinley as set forth herein including the attachments.

IN WITNESS WHEREOF, the PARTIES have executed this EXHIBIT "B" to the Navajo Nation IGA and, McKinley County IGA No. 21-APR-020, on the dates affixed by their signatures.

MCKINLEY COUNTY


 Robert Baca, Chairperson
 McKinley County Board of Commissioners
 P.O. Box 70
 Gallup, NM 87305

THE NAVAJO NATION

 Buu Nygren, President
 The Navajo Nation
 P.O. Box 7440
 Window Rock, AZ 86515

Date Signed 11/13/23

Date Signed NOV 20 2023

THIS CONTRACT HAS BEEN REVIEWED AND IS IN ACCORDANCE WITH NAVAJO NATION LAW

BY 
 Navajo Nation Legal Counsel

11/14/23
 Date Signed



MCKINLEY COUNTY

April 18, 2023

Garret Silversmith
Executive Director
Navajo Division of Transportation
#16 Old Coalmine Road
Mentmore, NM 87319

Priscilla Lee, SPPS
Navajo Division of Transportation
#16 Old Coalmine Road
Mentmore, NM 87319



RE: Scope of work for Exhibit B CR-1C Tsayatoh West Extension, IGA Navajo Division of Transportation and McKinley County.

Mr. Garret Silversmith and Ms. Priscilla Lee,

Exhibit B to the most current IGA with Navajo Nation regarding the extension of Tsayatoh West states:

Project 1: ... Tsayatoh West Road, which is under the control of the Navajo Division of Transportation on behalf of Tsayatoh Chapter, which is within the territorial jurisdiction of the Navajo Nation in the Tsayatoh Chapter area. The road extension will be used by citizens of the Navajo Nation and McKinley County. ...This project includes the improvements as described: Placement of culverts, signage, fencing, reshape road and ditches, place base course, prep for stabilizer, and double-pin chip seal. ...is being built to a county Type "C" road, with the addition of a Double-pin Chip Seal ... -- [See, Exhibit B to the Master IGA with its attachments which includes this letter].

McKinley County builds local community roads to a Type "C" standard, which consists of at least a 22-foot roadway with four-foot shoulders on each side with six-inch crushed aggregate base course. Roadway will be constructed using materials that are on site (cuts and fills) to shape a roadway to slopes 4:1 being 2 to 5-foot in height.

In building this type of road, we install drainage pipes (culverts) to be compatible with the size of wash to allow proper drainage and to prevent backup or overflow of the roadway.

Riprap may also be installed at the site of culverts depending on need.

The county plans to install signage to meet Type "C" guidelines of design, curve, bridge, speed, stop, etc.

ATTACHMENT 'A'

The driving surface is planned as a double pin chip seal applied after basecourse and stabilizer has been put on the roadway.

McKinley County does not install fencing. For any fencing the county may use professional subcontractors to install the fencing. Any fencing will be placed just outside of the roadway dimensions (planned Right-of-Way) and the County does not maintain fences.

Road striping is also planned to be placed on the roadway if needed, required, or requested.

McKinley County understands that NDOT has obtained a Road Design for this project from their "On-Call" contractor Wilson and Company. This design and specifications are for a road equivalent to a State Highway or Interstate Highway. Again, McKinley County is building a Type "C" County Road and therefore will not be bound to the Wilson and Company Road Design. McKinley County may use parts of the design as a guide to the extent it aids the construction of a Type "C" County Road.

PLEASE NOTE: For us to begin construction activities we request that you obtain a Navajo Nation EPA 401 permit which will allow us to be down in the wash to travel through with equipment and if needed, to make a temporary construction road.

Thank you for your attention and understanding to this matter.



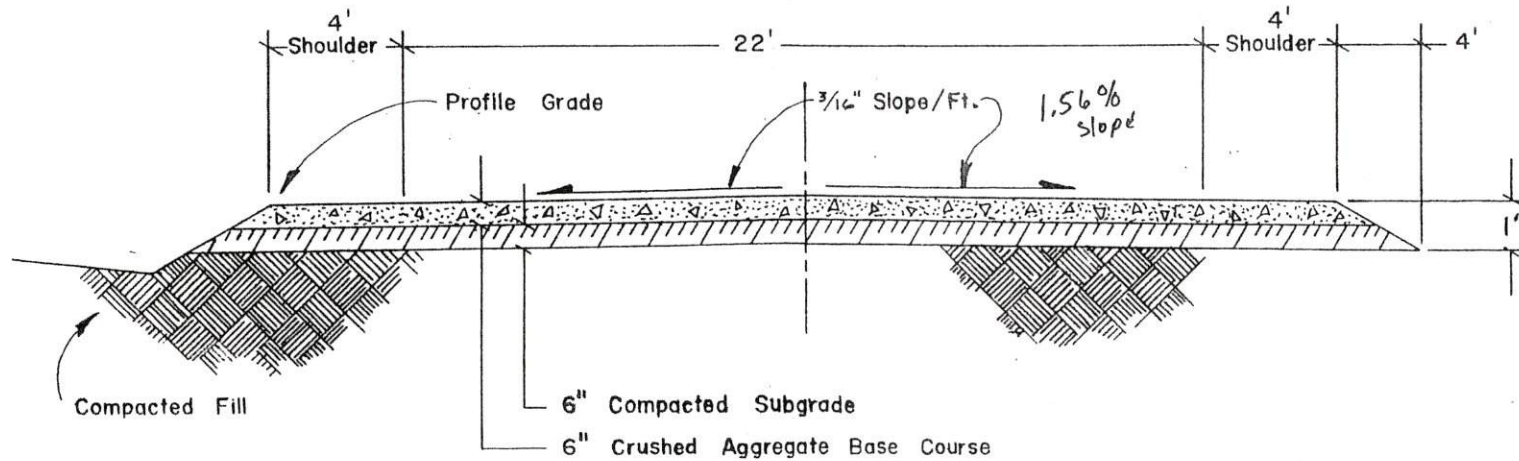
Anthony Dimas, Jr. County Manager



Rodney Skersick, County Road Superintendent.

ATTACHMENT 'A'

TYPICAL ROAD SECTION



-51-

FILL SLOPES

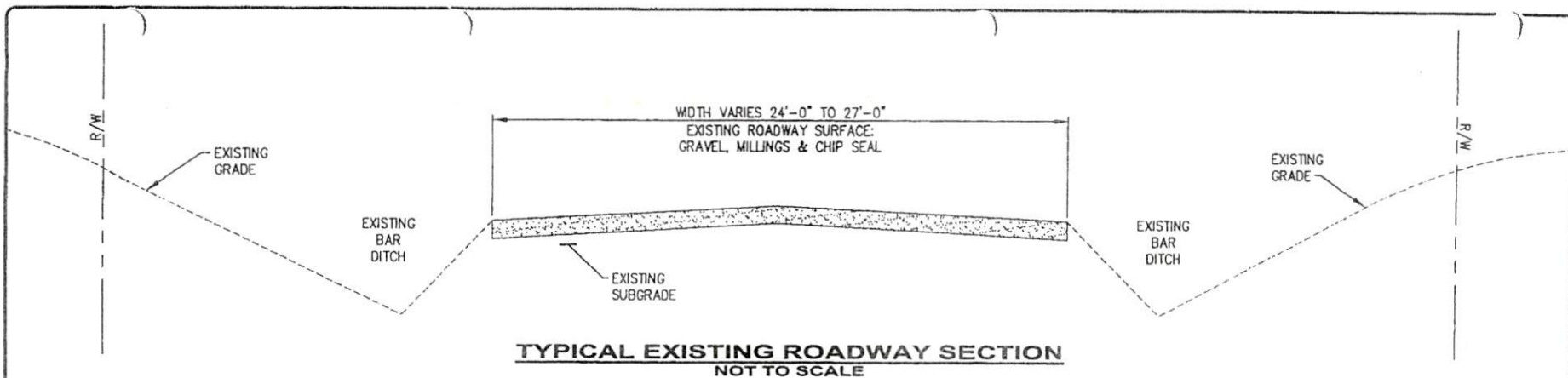
- 6:1 0' To 2' Height
- 4:1 2' To 5' Height
- 2:1 Over 5' Height

CUT SLOPES

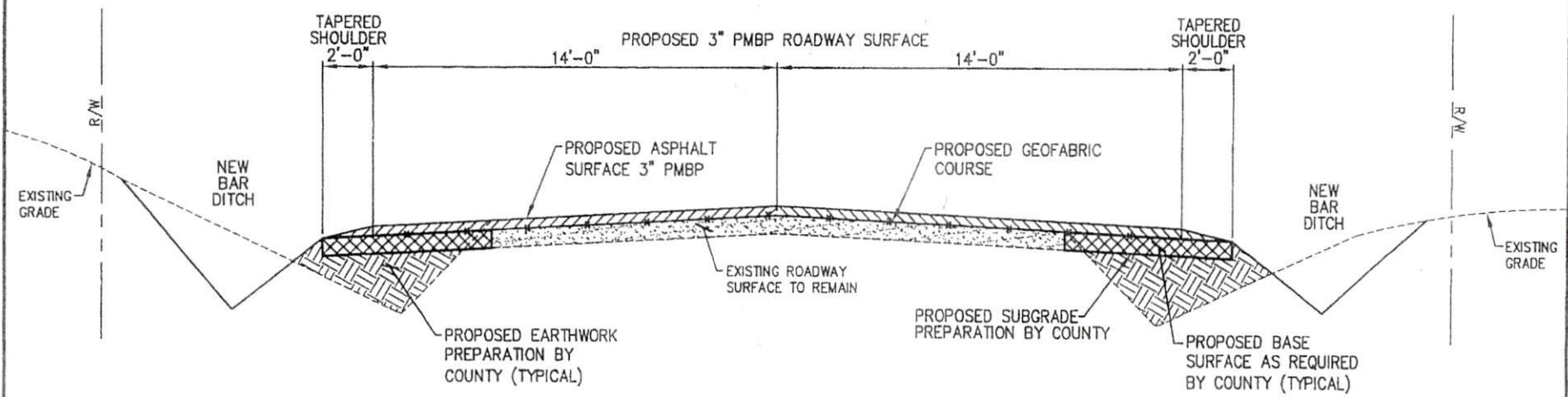
- 4:1 0' To 5' Depth
- 2:1 Over 5' Depth
- 1/4:1 Rock

TYPE "C" ROADWAY
DESIGN SPEED
25 M.P.H. MIN.

Fig. 4.3



TYPICAL EXISTING ROADWAY SECTION
 NOT TO SCALE



TYPICAL PROPOSED ROADWAY SECTION
 NOT TO SCALE

Prepared by:
 DePauli Engineering & Surveying LLC
 - Civil Engineers and Land Surveyors -
 102 West Hill AVE. Gallup, New Mexico 87301
 Tel: (505) 863-5440
 Fax: (505) 863-1919
 des@cnetco.com



TYPICAL SECTIONS
McKINLEY COUNTY ROAD
IMPROVEMENTS AND UPGRADES
 McKINLEY COUNTY, NEW MEXICO

ESTIMATED SUMMARY OF COSTS AND QUANTITIES

ENTITY: McKinley County Acct: _____ CN: RS
 PROJ _____
 No.: _____ Est. Date: 1/26/2023 Proj. Date: _____
 Rd Name: TSE YAH TOH ROAD WEST Road No: CR1C
 Starting Pt: MM1 CR1C
 Ending Pt: MM 3.7 CR1C, Hunters Point RD Area: 2 Distance: 3.7
 SOW: Build Road Shape Chipseal

NO.	Line Item	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	FINAL QUANTITY	UNIT COST	EST COST	FINAL COST
1		County Labor (Avg Salary) \$25 x12 of employees = \$300.00	HRS	591		\$ 300.00	\$ 192,038.06	\$ -
2		County Equipment	TOTAL				\$ 841,911.53	\$ -
2a		Motor Grader	HOUR	600		\$100.61	\$ 65,383.92	\$ -
2b		Water Wagon	HOUR	600		\$117.41	\$ 76,301.82	\$ -
2c		Scraper	HOUR	1180		\$213.55	\$ 272,935.59	\$ -
2d		Backhoe	HOUR	300		\$43.91	\$ 14,268.01	\$ -
2e		Loader	HOUR	300		\$ 104.00	\$ 33,793.50	\$ -
2f		Compactor	HOUR	600		\$97.46	\$ 63,336.82	\$ -
2g		Truck+Trailer (\$52.75+\$28.35)	HOUR	400		\$95.00	\$ 41,158.75	\$ -
2h		Water Truck	HOUR	640		\$60.00	\$ 41,592.00	\$ -
2i		Tandemn Truck	HOUR	500		\$73.18	\$ 39,631.54	\$ -
2j		Chip Box	HOUR	100		\$ 85.85	\$ 9,298.63	\$ -
2k		Distributor	HOUR	100		\$88.36	\$ 9,570.49	\$ -
2l		Excavator	HOUR	100		\$82.48	\$ 8,933.62	\$ -
2m		Dozer	HOUR	600		\$223.35	\$ 145,149.58	\$ -
2n		Broom	HOUR	80.1324		\$83.53	\$ 7,249.85	\$ -
2o		Roller	HOUR	78.758		\$60.77	\$ 5,183.97	\$ -
2p		Units (#*miles*days)	MILE	500		\$15.00	\$ 8,123.44	\$ -
2q		Skid Steer	HOUR			\$36.05	\$ -	\$ -
3	Labor/Equip		EA			8.3%	\$ 1,033,949.59	\$ -
3a	Materials		EA			8.3%	\$ 1,135,864.80	\$ -
4	47120	Rental Equipment	TOTAL	# of equip		XXXXXXXX	\$ 27,528.71	\$ -
4a		Pneumatic Roller	MNTH	4		\$ 2,909.00	\$ 12,603.24	\$ -
4b		Smooth Drum	MNTH	4		\$ 3,445.00	\$ 14,925.46	\$ -
4c		Truck	MNTH				\$ -	\$ -
4d		Trailer	MNTH				\$ -	\$ -
5		Striping	1	1		\$30,000.00	\$ 32,493.75	\$ -
6		Traffic Control	HRS	400		\$ 75.00	\$ 32,493.75	\$ -
7	44030	Water	k GALS	1000		\$ 11.00	\$ 11,914.38	\$ -
8	44030	Basecourse	TNS	10,000		\$ 27.00	\$ 292,443.75	\$ -
9	44030	Soil Stabilizer	GALS	3500		\$ 40.00	\$ 151,637.50	\$ -
10	44035	Culverts	TOTAL	# of culv		XXXXXXXX	\$ 242,620.00	\$ -
10a		size	EA	40		\$1,500.00	\$ 64,987.50	\$ -
10b		size	EA	40		\$1,100.00	\$ 47,657.50	\$ -
10c		size	EA	40		\$3,000.00	\$ 129,975.00	\$ -
11	44037	Patch Material	TNS			\$ 74.00	\$ -	\$ -
12	44037	HFE100P	TNS	222		\$745.21	\$ 179,188.54	\$ -
13	44037	CSS1P	TNS	33		\$495.42	\$ 17,707.86	\$ -
14	44030	3/4" Chips	TNS	925		\$ 27.00	\$ 27,051.05	\$ -
15	44030	1/2" Chips	TNS	925		\$ 27.00	\$ 27,051.05	\$ -
16	44030	3/8" Chips	TNS			\$ 27.00	\$ -	\$ -
17	44038	Permanent Signage	EA	30		\$ 100.00	\$ 3,249.38	\$ -
18		Fencing	LNFT	13,000		\$ 3.00	\$ 42,241.88	\$ -
19	45030	Professional Services (PORTAPOTTY)	MNTH	4		\$ 185.00	\$ 801.51	\$ -
20		Other (CONTINGENCY 5.635%)					\$ 47,441.71	\$ -
21		Total for Labor/Equip & Materials					\$ 2,169,814.39	\$ -
22		NN Tax				6%	\$ 130,188.86	\$ -
Total Cost							\$ 2,300,003.25	\$ -

Rodney 1/26/2023

ATTACHMENT 'B'