



**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 020905 / Contract

Dear Mr. Baca:

Attached please find your copy of the approved Contract (CO16300) with the Navajo Nation Division of Transportation. The Contract has been awarded in the amount of \$498,902.01. 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 that reads "Darlene Begay".

Darlene Begay, Senior Accountant  
OOC – Contract Administration

xc: Ardaniel Joe Begay, Navajo Nation DOT  
Contract Folder: CO16300

## **EXHIBIT A**

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

#### **Authority:**

This Exhibit A 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 A has been requested by NDOT and Bááháálí 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 A. (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 a portion of CR-10A Pinehaven Road a portion of which (approximately 1.1 miles) is under the control of the Navajo Division of Transportation, within the Bááháálí Chapter, and which is within the territorial jurisdiction of the Navajo Nation; and a portion of which is Indian Allotment within purview of the BIA (approximately 0.5 miles). The road Improvements 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, reshape road and ditches, placing base course, prep for stabilizer, and double-pin chip seal. Navajo Nation will be utilizing Sihasin funding Project No. C01805.9024 to carry out this project.

For Project 1: McKinley County's status is that of Contractor, and for the portion under the jurisdiction of NDOT McKinley County will continue to maintain the road that has historically been on our Road Inventory and aid the Bááháálí Chapter for the Right-of-Way (1.1 miles and 0.5 miles). McKinley County is interested in taking future action on accepting the 1.6 miles of 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 improve 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.

"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."

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 \$470,662.27 plus the applicable 6% Navajo Nation tax estimated to be \$28,239.74 dollars.

The Scope of Work as listed herein shall not exceed \$498,902.01 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-10A Pinehaven	Sihasin	C01805.9024	\$470,662.27
		6% NN TAX	\$28,239.74
<b>TOTAL AMOUNT NOT TO EXCEED:</b>			<b>\$498,902.01</b>


The signing of this Exhibit "A" is: 1) permission for McKinley County to enter the project location (portion of Tribal Trust for 1.6 miles), 2) acknowledgement by NDOT of the Scope of Work and as set forth herein including the attachments.

IN WITNESS WHEREOF, the PARTIES have executed this EXHIBIT "A" 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  
 pursuant to Approval of the Board of County  
 Commissioners on September 6, 2022

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 25, 2023

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

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



RE: Scope of work for Exhibit A CR-10A Pinehaven, IGA Navajo Division of Transportation and McKinley County.

Mr. Garret Silversmith and Ms. Pricilla Lee,

Exhibit A to the most current IGA with Navajo Nation regarding the improvement to CR-10A Pinehaven:

*Project 1: ... CR-10A Pinehaven Road, a portion of which (approximately 1.1 miles) is under the control of the Navajo Division of Transportation, within the Bááhááli Chapter, and which is within the territorial jurisdiction of the Navajo Nation; and a portion of which is Indian Allotment within purview of the BIA (approximately 0.5 miles). The road Improvements will be used by citizens of the Navajo Nation and McKinley County.*

*... This project includes the improvements as described: Placement of culverts, signage, reshape road and ditches, placing base course, prep for stabilizer, and double-pin chip seal... -- [See, Exhibit A 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/repair/replace drainage pipes (culverts) as needed to be compatible with the size of wash to allow proper drainage and to prevent backup or overflow of the roadway.

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

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

**ATTACHMENT 'A' Pg. 1 of 4**

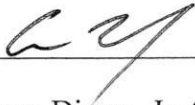
BOARD OF COMMISSIONERS/ MANAGER'S OFFICE

207 W. HILL AVE. GALLUP NM 87301 P.O. BOX 70 GALLUP NM 87305

T: 505.722.3868 EXT.1053 F: 505.863.6362

The County does not maintain fences.

Again, McKinley County is building a Type "C" County Road and therefore will not be bound to any design or standards of NDOT or engineering company (Wilson and Company).

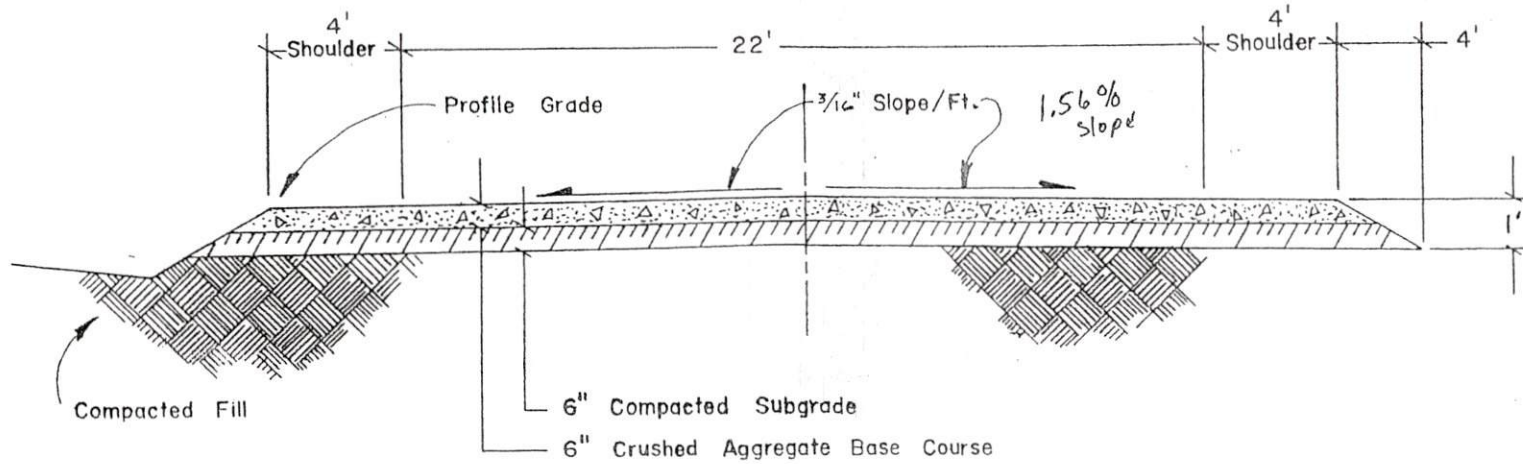


Anthony Dimas, Jr. County Manager



Rodney Skersick, County Road Superintendent.

# 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

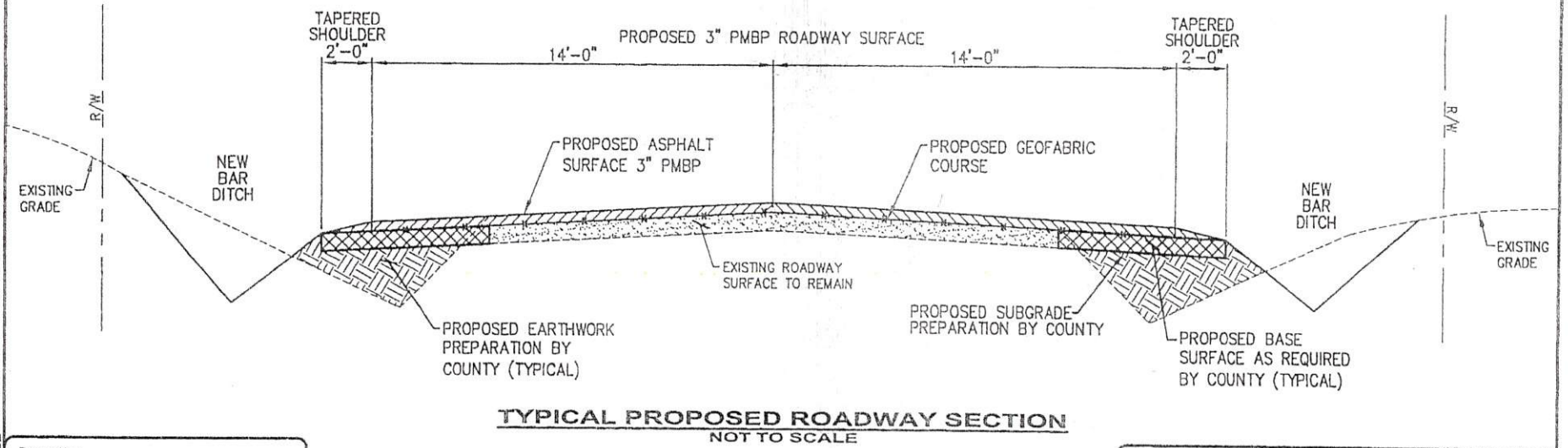
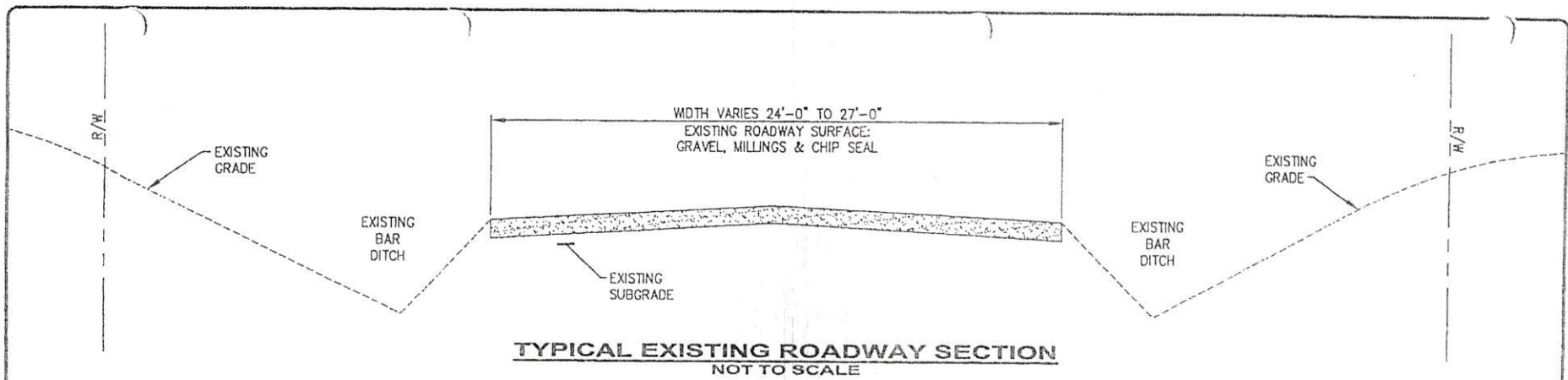
4:1 0' To 5' Depth  
 2:1 Over 5' Depth  
 1/4:1 Rock

TYPE "C" ROADWAY

DESIGN SPEED

25 M.P.H. MIN.

Fig. 4.3



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  
 das@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.: CR10 Est. Date: 4/24/2023 Proj. Date: \_\_\_\_\_  
 Rd Name: PINEHAVEN Road No: CR10A  
 Starting Pt: BREAD SPRINGS RD  
 Ending Pt: PANTHER ROAD Area: E Distance: 1.6  
 SOW: CONSTRUCTION/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	200		\$ 300.00	\$ 64,987.50	\$ -
2		County Equipment	TOTAL				\$ 73,068.48	\$ -
2a		Motor Grader	HOUR	80		\$67.50	\$ 5,848.88	\$ -
2b		Water Wagon	HOUR	80		\$115.00	\$ 9,964.75	\$ -
2c		Scraper	HOUR			\$155.50	\$ -	\$ -
2d		Backhoe	HOUR	80		\$43.91	\$ 3,804.80	\$ -
2e		Loader	HOUR	100		\$ 104.00	\$ 11,264.50	\$ -
2f		Compactor	HOUR	80		\$92.75	\$ 8,036.79	\$ -
2g		Truck+Trailer (\$52.75+\$28.35)	HOUR	40		\$81.10	\$ 3,513.66	\$ -
2h		Water Truck	HOUR	100		\$50.00	\$ 5,415.63	\$ -
2i		Tandemn Truck	HOUR	140		\$67.70	\$ 10,265.86	\$ -
2j		Chip Box	HOUR	40		\$ 85.85	\$ 3,719.45	\$ -
2k		Distributor	HOUR	50		\$83.20	\$ 4,505.80	\$ -
2l		Excavator	HOUR	40		\$52.70	\$ 2,283.23	\$ -
2m		Dozer	HOUR			\$201.10	\$ -	\$ -
2n		Broom	HOUR	40		\$27.60	\$ 1,195.77	\$ -
2o		Roller	HOUR			\$60.77	\$ -	\$ -
2p		Units (#*miles*days)	MILE	200		\$15.00	\$ 3,249.38	\$ -
2q		Skid Steer	HOUR			\$36.05	\$ -	\$ -
3		Labor/Equip	EA			8.3%	\$ 138,055.98	\$ -
3a		Materials	EA			8.3%	\$ 332,606.30	\$ -
4	47120	Rental Equipment	TOTAL	# of equip		XXXXXXXXXX	\$ 6,882.18	\$ -
4a		Pneumatic Roller	MNTH	1		\$ 2,909.00	\$ 3,150.81	\$ -
4b		Smooth Drum	MNTH	1		\$ 3,445.00	\$ 3,731.37	\$ -
4c		Truck	MNTH				\$ -	\$ -
4d		Trailer	MNTH				\$ -	\$ -
5		Striping		1			\$ -	\$ -
6		Traffic Control	HRS				\$ -	\$ -
7	44030	Water	k GALS	150		\$ 11.00	\$ 1,787.16	\$ -
8	44030	Basecourse	TNS	4,000		\$ 27.00	\$ 116,977.50	\$ -
9	44030	Soil Stabilizer	GALS	1500		\$ 40.00	\$ 64,987.50	\$ -
10	44035	Culverts	TOTAL	# of culv		XXXXXXXXXX	\$ 32,114.66	\$ -
10a		size 18X24	EA	7		\$850.00	\$ 6,444.59	\$ -
10b		size 24X24	EA	18		\$1,050.00	\$ 20,471.06	\$ -
10c		size 36X24	EA	4		\$1,200.00	\$ 5,199.00	\$ -
11	44037	Patch Material	TNS			\$ 74.00	\$ -	\$ -
12	44037	HFE100P	TNS	95		\$745.21	\$ 76,679.78	\$ -
13	44037	CSS1P	TNS	15		\$495.42	\$ 8,049.03	\$ -
14	44030	3/4" Chips	TNS	400		\$ 27.00	\$ 11,697.75	\$ -
15	44030	1/2" Chips	TNS	400		\$ 27.00	\$ 11,697.75	\$ -
16	44030	3/8" Chips	TNS			\$ 27.00	\$ -	\$ -
17	44038	Permanent Signage	EA	8		\$ 200.00	\$ 1,733.00	\$ -
18		Fencing	LNFT				\$ -	\$ -
19	45030	Professional Services (PORTAPOTTY)	MNTH				\$ -	\$ -
20		Total for Labor/Equip & Materials					\$ 470,662.27	\$ -
21		NN Tax				6%	\$ 28,239.74	\$ -
Total Cost							\$ 498,902.01	\$ -

Rodney 4/24/2023

**ATTACHMENT 'B'**