

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 13 IAM 2	SUBJECT Indian Self-Determination Awarding Official Implementation Plans	RELEASE NUMBER 122
FOR FURTHER INFORMATION Office of Indian Services		DATE MAY 11 2007

EXPLANATION OF MATERIAL TRANSMITTED:

This IAM chapter updates the implementation plans of the Indian Self-Determination program. At the same time, this chapter vests full responsibility for Indian Self-Determination contracts in the Office of Indian Service and BIA Self-Determination field employees. At the request of BIE, references to a duplicate system in the Bureau of Indian Education have been eliminated.



Signature
W. Patrick Ragsdale
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: 13 IAM 3 #01-02
Issued 08/02/01

Insert: 13 IAM 3 #122

INDIAN AFFAIRS MANUAL

2.1 Purpose. This chapter outlines the procedures for the implementation of the authority to administer contracts and grants, including construction contracts, at Agencies.

2.2 Responsibilities.

A. Deputy Director - Indian Services:

- (1) Provides direction and coordination of Indian Affairs responsibilities in the implementation of the Indian Self-Determination and Education Assistance Act, as amended;
- (2) Approves Implementation Plans for the exercise of contract and grant authority at the Agency level;
- (3) Conducts periodic reviews of Regional/Agency performance of Self-Determination responsibilities; and
- (4) Implements a training curriculum at Central Office to support effective administration of Self-Determination contracting, including training requirements for Awarding Officials, Awarding Official's Technical Representatives or Subordinate Awarding Official's Technical Representatives, Bureau Self-Determination and other staff, and tribal staff.

B. Regional Directors:

- (1) Provide technical assistance to Indian tribes and conduct periodic reviews of tribal implementation of Self-Determination awards;
- (2) Submit Implementation Plans to the Deputy Bureau Director-Tribal Services;
- (3) Oversee execution of approved Implementation Plans;
- (4) Provide for periodic reviews of Agency performance; and
- (5) Ensure corrective actions are taken to address any deficiencies identified during reviews of Agency and contractor performance.

C. Agency Superintendents:

- (1) Assess the readiness of the Agency to assume Self-Determination contract administration functions;
- (2) Prepare an Agency Implementation Plan for submission to the Regional Director.

D. Approving Officials. All Bureau Line Officers are Approving Officials for proposals to contract programs, services, functions, activities, or portions thereof within their area of jurisdiction. The responsibilities of Approving Officials include, but are not limited to:

- (1) Determining the contractibility of a program, service, function, activity, or portion thereof;
- (2) Identifying potential declination and/or trust protection issues;

INDIAN AFFAIRS MANUAL

Part 13
Chapter 2

Indian Self-Determination
Implementation

Page 2

- (3) Approving or declining the contract/grant proposal using one or more of the five specific reasons defined in CFR 25, Part 900.22 (a-e) and under the Act;
- (4) Ensuring program objectives are consistent within authorizing legislation and appropriation language;
- (5) Providing requested technical assistance to Indian tribes and tribal organizations in support of Self-Determination contracting;
- (6) Ensuring timely and effective return of program operations to the Federal government in the event of retrocession or reassumption of the contracted program, service, function, activity, or portion thereof, in whole or in part.
- (7) Maintain a 90 day proposal log to ensure compliance with section 102 of the Act and subpart E. The Secretary has 90 days after receipt of a proposal to review, approve and award the contract or decline the proposal.
- (8) Responsible for making reassumption decision regarding contracts, grants and cooperative agreements.

E. Awarding Officials:

- (1) Assist the Approving Official in the approval/declination process as defined in 2.2 (D) (3);
- (2) Negotiate and award contracts and Grants;
- (3) Negotiate and award contract modifications and amendments;
- (4) Represent the Government on contract management matters before the public, in litigation, and in administrative appeals;
- (5) Conduct final reviews of completed contracts, making adjustments or determinations on the allowability of costs;
- (6) Prepare and execute findings and determinations;
- (7) Ensure tribal contractor compliance with the Single Audit Act;
- (9) Evaluate and monitor the required contractor management systems of contract/grant activities;
- (9) Monitor contractor performance of contract activities;
- (10) Designate representative(s) to serve as the Awarding Officials Technical Representative (AOTR), or the Subordinate AOTR after consulting with the Approving Official in that jurisdiction.
- (11) Advises, notifies and recommends in writing to Approving Official of existing reassumption criteria for contracts, grants or cooperative agreements.

INDIAN AFFAIRS MANUAL

- F. **Awarding Official's Technical Representatives (AOTR) or Subordinate Awarding Official's Technical Representatives (SAOTR).** The Representatives carry out those duties identified in writing by Awarding Officials with concurrence from the appropriate Approving Official.

2.3 Preparation of Implementation Plans. Prior to transferring responsibility to Agencies for the administration of Self-Determination contracts, Regional Directors are to submit an Implementation Plan to the Deputy Bureau Director-(TS). This plan must include Agency Implementation Plans, the Regional Office assessment of the plans, the Regional Office plans for meeting identified needs (if any), and the time line for implementation. The following elements should be addressed:

- A. **Management Controls.** A description of the controls in place to meet the standards contained in 5 IAM 3.7.
- B. **Compliance with the Ethics In Government Act.** Identification of the practices and procedures in place to avoid a conflict of interest or the appearance of a conflict of interest.
- C. **Impact of Additional Workload on Agency Operations.** Factors to be considered include:
- (1) Experience and knowledge of staff;
 - (2) Restructuring or reorganization requirements; and
 - (3) Anticipated Regional Office technical assistance and support.
- D. **Reallocation of Agency Financial Resources.** Identify how the Agency will absorb increased costs which may be incurred in the following areas:
- (1) Provision of training and technical assistance to tribe(s) and tribal organization(s);
 - (2) Monitoring of contractor management systems;
 - (3) Monitoring of contractor performance of contracted activities;
 - (4) Single Audit issues resolution;
 - (5) Supplies and equipment;
 - (6) Personnel; and
 - (7) Travel.
- E. **Execution.** Describe the actions to be taken to ensure the orderly transfer of administrative responsibilities and the short-and long-term oversight and assistance that will be provided by the Regional Office.