

4. CONSTRUCTION OF NEW OR REPLACEMENT QUARTERS

4.1 Purpose. This chapter provides information on the authority, policies, and general guidance on the Quarters Construction Program within the BIA, administered by the Office of Facilities Management and Construction. This component supports the Departmental goal to improve public safety and security, provide necessary services and protect resources from damage by ensuring Bureau employees required to live in remote areas are provided safe, functional, energy-efficient and cost-effective quarters. These program functions are interdependent and support the Quarters Operations and Maintenance Program as well as the total life-cycle management of the quarters' assets.

4.2 Scope. The Bureau has responsibility for establishing and implementing a nationwide Facilities Construction Function that includes Planning, Design, Construction, Repair and Improvement of Bureau-funded facilities for Education, Law Enforcement Services, and General Administration (non-education and employee housing). The Facilities Construction function is applicable to employee housing only in conjunction with a School Replacement Project. Therefore, the Quarters Construction Program addresses a dire need for new or replacement quarters where employee housing is not a part of a School Replacement Project or other related major projects. The Quarters Improvement and Repair will be the funding source for this function, subject to availability of funds. These projects may be implemented under the following methodologies: commercial contracts to include memoranda of agreement/understanding and interagency agreements; self-determination contracts and self-governance compacts; and tribally-controlled community school construction grants.

4.3 Bureau of Indian Affairs Guidance.

A. General Policy. It is the policy of the Bureau of Indian Affairs to construct safe, functional, energy-efficient and cost-effective quarters in accordance with applicable laws, regulations, codes, OMB Circular A-45, 400 DM, Quarters and adopted Bureau policies included in the Facilities/Quarters Management Program Handbooks.

B. Specific Policies.

(1) The Bureau of Indian Affairs Quarters Construction Component is a part of the Quarters Improvement and Repair Program and will be managed by the Office of Facilities Management and Construction on a case-by-case basis, subject to availability of funds.

(2) The Bureau of Indian Affairs Facilities Management Information System (FMIS) will be maintained on site by OFMC, and the data therein will be used in relation to all Bureau-funded Quarters Construction and Quarters Improvement and Repair budget requests from either OFMC or Field Managers.

(3) The Bureau's policy is that new or replacement employee housing will not be provided unless it has been determined by the Assistant Secretary for Indian Affairs that the housing units are essential to the accomplishment of the Bureau's mission.

(4) Bureau-funded programs—whether Bureau-operated, Pub. L. 93-638 contract/compact, or Pub. L. 100-297 grant—may request new or replacement quarters in

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support of Bureau-approved programs. In all cases, where programs are pursuing new or replacement quarters, preliminary approvals must be evident in the form of a Housing Requirements Analysis and Justification for New or Replacement Quarters (Form DI-1871) in accordance with 400 DM, Quarters, Chapters 4.1, 4.2, and 4.3. This constitutes a preliminary approval based on need for employee housing at the installation. The budget process, including construction planning with OFMC, can only proceed when the DI-1871 has been signed and approved by the Assistant Secretary – Indian Affairs.

(5) The deferred maintenance costs for an existing quarters over a three-year period will not exceed 50% of a current replacement cost of a quarters unit of the same functional use and size, without first conducting a feasibility study and cost analysis. The quarters unit will be replaced only if the study fully demonstrates that it is in the best interest of the Government to replace the unit. Any quarters unit that is expected to cost more than two-thirds of the cost of new construction will be considered for replacement.

(6) Construction of quarters may be undertaken at a given Location when specifically authorized through the normal budgetary process. Preliminary establishment and determination of need followed by ASIA approval of the need (Form DI-1871) is not a budgetary process.

(7) All quarters construction will adhere to the applicable operations and maintenance codes and standards adopted by the Bureau of Indian Affairs.

(8) Construction projects consist of three phases: Planning, Design and Construction.

(9) All applicants for quarters construction will certify their agreement to comply with assurance applicable to a construction project in the latest form of Standard Form 424D.

(10) Each tribal grant applicant for quarters construction will be subject to an external Organizational Capacity Review (OCR) regarding managerial capacity to perform construction activities. This will determine the performance, reporting, and funding schedules to be included as conditions of the award document.

(11) Prior to construction, the tribe and the Bureau will have agreed upon ownership and title to each quarters unit, and agreed to any required demolition of existing quarters units.

(12) All new or replacement quarters construction projects involving a tribal financial partnership contribution to the construction cost in the planning stage will require a formal written agreement and Irrevocable Letter of Credit prior to design or construction of the project.

(13) During the planning stage for new or replacement quarters, the Bureau must offer the choice of the type of construction vehicle and thus the management of the project to the tribe. For example, the tribe can take this project under a Pub. L. 93-638 Indian Self-Determination contract or compact, as a Pub. L. 100-297 grant, or the tribe can ask the Bureau to maintain management responsibility for the construction. In any case, once the tribe makes a

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determination regarding procurement, both BIA and the tribe are bound by this decision. If the decision is for the Bureau to manage the procurement and construction, the Bureau may at its discretion choose a commercial contract or an Interagency Agreement for construction.

(14) All quarters construction and project awards will adhere to the most current edition of applicable construction building codes and standards adopted by the Bureau of Indian Affairs.

(15) All quarters construction in excess of \$100,000 will adhere to 43 CFR Part 12 and applicable OMB Circulars. This language must be included in the contract, grant, or commercial contract.

(16) All quarters construction and project awards will comply with Bureau requirements for Construction in Progress (CIP) reporting, project closeout procedures, recording of capitalized assets, and property management reporting, including ownership and title issues.

(17) All facilities/quarters employees, including all program/project award recipients, will comply with written program and financial accountability performance standards to ensure quality control and efficiency of the program administered.

4.4 Program Components. Specific program information on the following components will be located in the Quarters Management Program Handbook.

A. New Quarters Construction. New quarters are additional employee housing units that have been justified and approved in accordance with the requirements of 400 DM, Chapter 4.1, 4.2, and 4.3. Construction of new quarters will be on a case-by-case basis and subject to availability of funds from the Quarters Improvement and Repair Program.

B. Replacement Quarters Construction. Replacement quarters are those new housing units targeted to replace existing quarters units that have been specifically identified for disposal by demolition, donation, or transfer. Replacement quarters must be justified and approved in accordance with the requirements of 400 DM, Chapter 4.1, 4.2, and 4.3. Quarters Improvement and Repair backlog totals greater than 50% of the replacement cost of the unit per year will be eligible for replacement. Construction of replacement quarters will be on a case-by-case basis and subject to availability of funds from the Quarters Improvement and Repair Program.