

INDIAN AFFAIRS MANUAL

Part 80

Facilities Management Program

Chapter 11

Education Construction Site Assessment and
Capital Investment Program

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- 1.1 Purpose.** This chapter establishes the Indian Affairs (IA) policy for the Education Construction Site Assessment and Capital Investment (SA-CI) Program. The goal of the Program is to implement a comprehensive approach to assessing the conditions of Bureau of Indian Education (BIE)-funded schools, develop a holistic site-by-site solution to provide a safe, secure, healthy, operationally modern, and long-lasting campus to support BIE's mission in providing quality education opportunities. IA incorporated the areas of concern outlined in the Negotiated Rulemaking Committee Final Report (NRC Report) in developing this Program. IA incorporated the NRC Report's No Child Left Behind (NCLB) recommendations into this deliberate, data-driven, site-by-site school assessment process.
- 1.2 Scope.** This policy applies to all IA headquarters, field, and program offices under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).
- 1.3 Policy.** It is IA's policy to comply with federal laws, regulations, and policies regarding the allocation and execution of appropriated funds. IA implements the SA-CI Program to identify and prioritize resources to complete each site project plan. The procedures outlined in this chapter identify how schools will be assessed and subsequently selected for development of individual site project plans.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) 25 U.S.C. § 13, Expenditure of appropriations by Bureau
 - 2) 25 U.S.C. § 5351, School Construction, Acquisition, or Renovation Contracts
 - 3) 25 U.S.C. § 2005, Facilities construction
 - 4) 25 U.S.C. § 2006(e), Construction, improvement, operation, and maintenance of facilities
 - 5) 5 U.S.C. § 5911, Quarters and Facilities; Employees in the United States
 - 6) Public Law (P.L.) 93-638, Indian Self-Determination and Education Assistance Act
 - 7) P.L. 100-297, Tribally Controlled School Grants

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B. Guidance.

- 1) Broken Promises, Broken Schools: Report of the NCLB School Facilities and Construction Negotiated Rulemaking Committee, December 2011
- 2) BIE School Facilities Space Templates, March 30, 2007
- 3) OMB Circular A-11, Preparation, Submission and Execution of the Budget, August 6, 2021
- 4) OMB Circular A-45, Rental and Construction of Government Quarters, November 25, 2019
- 5) DOI Deferred Maintenance and Capital Improvement Planning Guidelines

C. Handbooks.

- 1) BIA School Facilities Design Handbook, March 30, 2007
- 2) 80 IAM 2-H: Indian Affairs Education Space Criteria Handbook, May 1, 2020
- 3) DOI "Housing Management Handbook" (DOI-AAAP-0170), October 8, 2020

1.5 Responsibilities.

- A. DOI PMB** Office of Policy Management and Budget is responsible for reviewing and approving the recommendation of projects with estimated costs greater than \$10 million.
- B. AS-IA** will submit the IA Facilities Investment Review Board (FIRB) recommended project plans with an estimated cost greater than \$10 million to DOI PMB for approval.
- C. FIRB** is responsible for reviewing and approving projects with estimated costs over \$2 million and reviewing and approving SA-CI project results and recommendations of the Division of Facility Management and Construction (DFMC). The FIRB will present recommendations over \$10 million to the AS-IA for concurrence and DOI approval.
- D. Deputy Assistant Secretary – Management (DASM)** is responsible for providing oversight and direction to the Office of Facilities, Property and Safety Management (OFPSM).

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- E. **Director, OFPSM** is responsible for providing executive direction and support for executing and coordinating the facilities, property, and safety management programs for IA.
- F. **Chief, DFMC, OFPSM** is responsible for providing direct oversight for implementing this policy, coordinating the DFMC execution of the SA-CI process, presenting results and recommendations to the FIRB, and coordinating each approved project.

1.6 Definitions.

- A. **Facilities Condition Index (FCI)**. The FCI for a facility is equal to the amount of Deferred Maintenance (DM) in dollars divided by the Current Replacement Value (CRV) of the facility. $FCI = DM/CRV$.
- B. **Program of Requirements (POR)**. The POR defines the scope and cost of a project.
- C. **Indian School Equalization Program (ISEP)**. Funds provided through Congressional Appropriation. Primary funding source for BIE-funded elementary and secondary schools.

1.7 Requirement and Procedures.

A. Methodology for Determining Eligibility and Selecting Schools for Annual Site Assessment

Each October, the DFMC will use the previous fiscal year (FY) fourth quarter Facilities Condition Index (FCI) data to determine the eligibility of schools to be assessed using the same criteria identified in the NRC Report, specifically:

- 1) Schools with an FCI Condition of "Poor" ($>.10$); or
- 2) Schools that are both 50 years or older AND educating 75 percent or more of students in portable units.

Schools currently undergoing replacement or major renovation and those which have already been selected for a site assessment will be excluded from eligibility. DFMC will rank the remaining list of eligible schools and select a number of schools with the highest FCI for the program. The number of schools will be determined by the DFMC, considering the feasibility to execute site projects based on the availability of annual appropriations. DFMC will publish the list of the schools selected for assessment on the

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Program's webpage: <https://www.bia.gov/as-ia/ofpsm/dfmc/site-assessment-capital-investment-project>.

B. Conducting School Site Assessments

DFMC will coordinate with Tribal, BIA, BIE, and local level representatives for each selected site. DFMC will provide program information including how the assessment will be completed, what the Tribe and school should expect both during the assessment and after approval of a project plan.

Each site assessment includes four (4) primary components:

- 1) **Preliminary information for each site.** In preparation for the initial briefing, DFMC will compile available information for each building at the site. This information includes:
 - a) General information on each building (age, FCI, current use, gross square footage, existing Deferred Maintenance (DM) work orders, Current Replacement Value (CRV), plot map, design charts, and most recent Facility Condition Assessment (FCA) documents); and
 - b) School information, including ISEP counts for each grade for the proceeding 10 years, BIE approved programs beyond the core programs, and identification of Tribal or non-BIE funded programs.

DFMC will utilize available information to develop an initial POR to compare the existing campus to the space authorized by 80 IAM 2-H: Indian Affairs Education Space Criteria Handbook. The initial POR will be refined during the site assessment process, in coordination with the school and Tribe, to develop the preliminary POR for the project planning phase.

- 2) **Third-party (contractor) technical assessments.** DFMC will retain a third-party Architect and Engineering (A-E) contractor to conduct a comprehensive technical review of each facility and its utility infrastructure. Areas to be assessed include, but are not limited to, structural integrity, geotechnical survey, energy efficiency, sustainability improvements, assessment of major systems and efficiencies, and overall site utility infrastructure condition and capacity. The third-party contractor will submit a comprehensive report to DFMC for inclusion into the overall site assessment analysis and DFMC will provide a copy of the report to the school and Tribe.

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- 3) **Assessment of employee housing conditions and needs.** A Housing Needs Analysis (HNA) will be conducted by DFMC, in consultation with the Tribe and school staff, to ascertain the need for proposed additional or replacement housing. New and replacement housing will not be provided unless it has been determined to be essential to the accomplishment of a bureau's/office's mission, is sustainable, and energy efficient.

Further, the need to construct, retain or acquire additional housing (including replacement units) is limited to circumstances where it is determined that 1) the employees must live at the station to provide necessary service or protection, or 2) adequate housing is not available in the local commuting area.

OMB Circulars A-11 and A-45 establish the policies, justifications, requirements, and restrictions associated with the construction of government-furnished housing (GFH).

- 4) **Coordinated on-site review of the campus.** A coordinated on-campus review will be conducted to:
- a) validate the A-E report;
 - b) assess existing and future needs, capabilities, operational deficiencies, and technical requirements for education delivery; and
 - c) identify other education program requirements.

DFMC will lead the assessment efforts, provide coordination with the Tribe, school representatives, team of subject matter experts, and review, approve and disseminate the final reports and recommendations.

C. Site Assessment Project Plans and Recommendations

DFMC will compile all available information and the results of the on-site assessment (A-E report, coordinated on-site review, and any others) to develop a site project plan and justification. Information and assessments will be shared with assessment team participants (BIE, BIA, Tribe, and school) and discussed prior to DFMC final site project plan and recommendations. Any expansion of BIE-funded programs, employee housing, etc. must be preliminarily approved by the BIE. Formal details and final

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approval of any preliminary program changes will then be completed during the formal planning phase. The site project plans will result in one of four (4) recommendations:

- 1) Full replacement of school facilities;
- 2) Replace and/or consolidate components of a school campus when full replacement is not required;
- 3) Initiate a Facilities Improvement & Repair (FI&R) project; or
- 4) Execute a combination of 2 and 3 above.

D. Facilities Investment Review Board (FIRB) Review

DFMC will present the results of the completed site project plans and recommendations to the FIRB. The FIRB will request any clarification and may modify the recommendations as appropriate. Once the FIRB agrees on a site project plan and recommendation, they will provide it to the AS-IA for concurrence. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI Office of Policy, Management and Budget (PMB). Approved site project recommendations will be publicly announced.

E. Approved Project Planning

Once a site project plan and recommendation are approved, DFMC will initiate a formal planning phase based on the availability of appropriate funding. DFMC will coordinate with the Tribe and school to determine if the planning phase will be managed by the Tribe or school as a Public Law (P.L.) 93-638 contract, P.L. 100-297, or as a DFMC-managed Federal Acquisition Regulation (FAR) project. DFMC will define the planning phase requirements and determine when the planning phase is complete. Once DFMC determines the planning phase is complete, the project will await availability of the appropriate funding (replacement school, replacement facility, or FI&R) before initiating the project. When funding becomes available, DFMC will coordinate with the Tribe and school to determine if the project will be managed by the Tribe or school as a P.L. 93-638 contract, P.L. 100-297, or as a DFMC managed FAR project.

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F. 5-Year Plan Alignment

Site project plans approved as capital improvements will be included in the IA-DOI 5-year plan. Site project plans that have begun the official planning phase will be included in the published 5-year plans and incorporated in the Education Budget Justification (i.e., Green Book).

Timeline of Events

October	<ul style="list-style-type: none">• DFMC will determine the eligible schools for assessment and select a set number of schools with the highest FCI's in the previous FY to be assessed.• DFMC will publish the results on the Program's webpage of the schools selected for assessment and others that were determined to be eligible but not selected.
October - September	<ul style="list-style-type: none">• DFMC will notify each selected school and schedule an initial onsite briefing to provide information on how the process will proceed.• DFMC will notify the third-party contractor of the list of schools to be assessed and give additional guidance as needed.• DFMC will coordinate with BIE, BIA, Tribes, and school personnel to coordinate all actions necessary to facilitate the site assessment, including the onsite review of the campus.• DFMC will compile the results of all information regarding the assessment, including the comprehensive report from the third-party contractor to develop the site project plan.• DFMC will share assessment results with other participants (BIE, BIA, Tribe, school) as information becomes available.
Quarterly FIRB	<ul style="list-style-type: none">• DFMC will present the results and recommendations to the FIRB of any site project plans, with estimated costs over \$2 million, that have been completed since the last FIRB meeting.• The FIRB will review the results and recommendations and request any clarifications or additional information from DFMC.• Projects that exceed the DOI threshold of \$10 million will be forwarded for AS-IA concurrence and DOI review and approval.

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Initiating Planning

- Once site project recommendations have been approved, DFMC will initiate a formal project planning phase.
 - Once planning is complete, as determined by DFMC, the project will await availability of the appropriate funding (replacement school, replacement facility, or FI&R) before initiating the design and construction phases.
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Approval

JASON FREIHAGE Digitally signed by JASON
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9/02/21

Jason Freihage
Deputy Assistant Secretary – Management

Date