

INDIAN AFFAIRS MANUAL

Part 80

Facilities Management Program

Chapter 12

Public Safety and Justice Construction Site Assessment
and Capital Investment (SA-CI) Program

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1.1 Purpose. This chapter establishes Indian Affairs' (IA) policy and procedure for the Public Safety and Justice (PS&J) Construction Site Assessment and Capital Investment (SA-CI) Program. The procedures outlined herein are used to identify PS&J facilities to be assessed and subsequently developed into individual site project plans, and identify and prioritize the necessary resources to accomplish each site's project plan. The goal is to implement a comprehensive approach to assessing conditions of PS&J-funded facilities, and develop a holistic site-by-site solution based on empirical data with an emphasis on improving detention, law enforcement, and judicial facilities.

1.2 Scope. This chapter applies to IA headquarters, field, and program offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA). The facilities covered under this policy are all PS&J facilities listed on the IA inventory, which includes all Bureau of Indian Affairs (BIA)-owned facilities, as well as Tribally-owned facilities used in the operation of BIA-funded PS&J programs through a Public Law (P.L.) 93-638 self-determination contract.

1.3 Policy. It is IA's policy to comply with Department of the Interior (DOI) guidance and policy as well as with federal laws, regulations, and policies regarding the allocation and execution of appropriated funds.

1.4 Authority.

A. Statutes and Regulations.

- 1) 5 U.S.C. § 5911, Quarters and facilities; employees in the United States
- 2) 25 U.S.C. § 13, Expenditure of appropriations by Bureau
- 3) 25 U.S.C. § 2005, Facilities construction
- 4) 25 U.S.C. § 2006 (e), Construction, improvement, operation, and maintenance of facilities
- 5) P.L. 93-638, Indian Self-Determination and Education Assistance Act, as amended

B. Guidance.

- 1) BIA Justice/Detention Facilities Space Criteria, June 30, 2011
- 2) BIA Justice/Detention Design Handbook, June 30, 2011

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- 3) Office of Management and Budget (OMB) Circular A-11, Preparation, Submission and Execution of the Budget
- 4) OMB Circular A-45, Rental and Construction of Government Quarters
- 5) Department of the Interior Lifecycle Investment Planning Guidance

C. Handbooks.

- 1) 400 Departmental Manual 3 (400 DM 3), Quarters Management

1.5 Responsibilities.

- A. **Office of Policy Management and Budget (PMB), DOI** 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 IA Office of Facilities, Property, and Safety Management's (OFPSM) 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 OFPSM.
- 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.
- G. **Director, Office of Justice Services (OJS), BIA** is responsible for implementing this policy within his/her areas of responsibility, including coordinating with DFMC.

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H. Regional Directors (RDs) are responsible for executing policies and providing resources necessary to implement procedures for IA.

1.6 Definitions.

A. Facilities Condition Index (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. $FCI = DM/CRV$. The FCI is generated in the IA Facilities Management System (IA-FMS).

B. Deferred Maintenance (DM) is maintenance that was not performed when it should have been or was scheduled to be, but was put off or delayed until a future period.

C. Program of Requirements (POR) defines the scope and cost of a project.

1.7 Standards, Requirements, and Procedures.

A. Methodology for Determining Eligibility and Selecting PS&J Facilities for Annual Site Assessment.

During the first quarter of each fiscal year (FY), the DFMC and the OJS will assess the previous fourth quarter's FCI rankings. The eligibility criteria to determine SA-CI eligible locations for the FY are identified below and in order of priority:

- 1) Facility has an $FCI > 0.15$ (for those facilities which have data entered in the IA-FMS).
- 2) Facility is 50 years old or older *and* does not meet the space requirements as outlined in the current edition of the BIA Justice/Detention Facilities Space Criteria.
- 3) Facility was recently closed, condemned, or not in service due to serious life safety and/or health issues.
- 4) Facility is an adaptive re-use/renovation of an existing building(s).

The first four ranking criteria apply to all PS&J facilities. The next two ranking criteria apply only to detention centers, and they will be considered in the order below:

- 5) Facility is consistently at or over design capacity.
- 6) Lack of proximity to one or more of the following:

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- a) Indian Health Service (IHS) healthcare facility;
- b) other public healthcare facility; or
- c) Tribal court facilities as established by each jurisdiction.

Facilities currently undergoing replacement or major renovation and those which have already been selected for a site assessment will be excluded from eligibility. DFMC will publish a list of the facilities selected for assessment on the Program's website: <https://www.bia.gov/as-ia/ofpsm/dfmc>.

B. Conducting PS&J Facility Site Assessments.

DFMC will schedule briefings with each Tribe and facility selected for a site assessment in that FY's cycle. DFMC will provide program information including how the assessment will be completed, and what the Tribe and facility program should expect during the assessment as well as after approval of a project plan. Tribal and local-level participation is critical to the success of the assessments and implementation of project plans.

Each site assessment includes four primary components:

1) Preliminary information for each facility

In preparation for the initial onsite briefing, DFMC will compile available information for each building at the site. This information includes:

- a) General information of building age, FCI, current use, gross square footage, existing DM work orders (safety, health, environmental, structural, etc.), CRV, site map, and facility condition assessment (FCA).
- b) List of historic trends on number of detainees and average length of stay in facility.
- c) Date facility was originally constructed or renovated to become a PS&J facility.
- d) Any recent closures of the facility due to life safety issues, or other unforeseen circumstances.
- e) Travel distance to healthcare facilities (either IHS or public/private), as well as locations of Tribal court facilities.

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Available information will be used to develop an initial POR to compare the existing facility to the space requirements outlined in the BIA Justice/Detention Facilities Design Handbook (latest edition). The POR will be refined during the site assessment process, in coordination with the facility and the Tribe, to develop the preliminary POR for the project planning phase.

2) **Third-party technical assessments**

A third-party Architect and Engineering (A/E) contractor will be retained to conduct comprehensive technical reviews of each selected facility and its utility infrastructure. Areas that will be assessed include, but are not limited to: structural integrity, geotechnical survey, energy efficiency, areas for sustainability improvements, major systems condition and efficiencies, and overall site utility infrastructure condition and capacity.

OJS officials will work closely with the contractor to ensure specific issues unique to each facility are addressed. The contractor will submit a comprehensive report to DFMC for inclusion in the overall site assessment analysis and DFMC will provide a copy to the facility and the Tribe.

3) **Coordinated on-site review of the facility**

A coordinated on-site facility review will be conducted to:

- a) validate the A/E report;
- b) assess existing and future needs, capabilities, operational deficiencies, and technical requirements for a safe, secure facility; and
- c) identify other facility program requirements.

DFMC will lead the assessment efforts; provide coordination with the Tribe, facility representatives, and a diverse team of subject matter experts; and manage the final report(s) and recommendations.

4) **Site assessment project plans and recommendations**

DFMC will compile all available information and results of the on-site assessment (A/E report, coordinated on-site review, and other information) to develop a site project plan and justification in coordination with OJS. The summary of the site assessment report and assessments will be shared with assessment team participants

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(BIA, OJS, Tribal law enforcement, Tribal courts, etc. as applicable) and discussed prior to DFMC finalizing the site project plan and submitting recommendations.

Any expansion of PS&J/OJS-funded programs, employee housing, etc. must be preliminarily approved by OJS. Formal details and final 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 recommendations:

- a) replace the facility;
- b) replace/consolidate a limited number of buildings;
- c) initiate a major renovation and/or focused facilities improvement & repair (FI&R); or
- d) execute a combination of b & c above.

C. 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 recommendations, they will submit it to the AS-IA for concurrence. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI PMB for their review and approval.

The summary of approved site project recommendations, indicating only the state and Tribal location, will be publicly announced. Additional detailed information will be excluded from Freedom of Information Act (FOIA) requests as permitted under the exemptions outlined in FOIA regulations.

D. Approved Project Planning.

Once a site project plan and recommendation are approved, DFMC will initiate a formal planning phase utilizing available funding. DFMC will coordinate with the Tribe to determine if the planning phase will be managed by the Tribe as a P.L. 93- 638 contract or as a DFMC-managed Federal Acquisition Regulation (FAR) project.

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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 appropriated funding before initiating either the design-build or design-bid-build phase. When funding becomes available, DFMC will coordinate with the Tribe to determine if the design-build or design-bid-build phase will be managed by the Tribe as a P.L. 93-638 contract, or as a DFMC-managed FAR project.

E. 5-Year Plan Alignment.

Site project plans approved as capital improvements must 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 DFMC Budget Justification (i.e., Green Book.)

F. Timeline of Events.

First Quarter of each FY

- DFMC will determine the eligible PS&J facilities and select the allocated number of facilities which meet the criteria as outlined in section 1.7 A. above.
- DFMC will inform OJS which facilities have been selected for assessment, as well as any other facilities which are determined to be eligible but were not selected during the current assessment cycle.

Second Quarter of each FY

- DFMC will notify each selected facility, and schedule an initial briefing to provide information on how the process will work.
- DFMC will notify the third-party contractor of the list of facilities to be assessed and give additional guidance as needed.
- DFMC will coordinate with OJS, BIA, Tribal government, and Tribal justice organizations on all actions necessary to facilitate the site assessment, including an on-site review of the facility.
- DFMC will compile the results of all information regarding the assessment, including the comprehensive report from the contractor to develop the site project plan.
- DFMC will share information with other participants as it becomes available.

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Quarterly FIRB

- DFMC will present to the quarterly FIRB the results and recommendations of any site project plans with estimated costs over \$5 million that have been completed since the last FIRB meeting.
- The FIRB must review the results and recommendations, and request any clarification or additional information from DFMC.
- Once the FIRB agrees on a site project plan and recommendation, it must be provided to the AS-IA for concurrence. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI PMB for review and approval.

Initiating Planning

- Once site project recommendations have been approved, DFMC will initiate a formal project planning phase.
- Once planning is complete, the project will await availability of the appropriated funding (replacement facility, or FI&R for renovation) before initiating the design-build or design-bid-build phase.

Approval

**JASON
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Jason Freihage

Deputy Assistant Secretary – Management (DAS-M)

Date