

**BUREAU OF INDIAN AFFAIRS  
WESTERN REGIONAL OFFICE**

**REGIONAL INDIAN SELF-DETERMINATION  
IMPLEMENTATION PLAN**



Implementation of Delegation of Authority, Public  
Law 93-638, the Indian Self-Determination and  
Education Assistance Act, as amended

Fiscal Year 2015

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WESTERN REGIONAL OFFICE  
INDIAN SELF-DETERMINATION SERVICES  
IMPLEMENTATION PLAN**

1. **Purpose and Background:** The purpose of the Western Regional Office (WRO) Indian Self-Determination Services Implementation Plan (hereinafter referred to as "Plan") is to provide implementation procedures for Public Law 93-638 contracts/grants/cooperative agreements. This Plan establishes and outlines the relationship between the WRO Division of Indian Self-Determination and the Agency Indian Self-Determination Offices (hereinafter referred to as "Agencies").

In accordance with Indian Affairs Manual 13-03 (13 IAM), the Deputy Director, Indian Services has delegated authority to the Western Regional Director (hereinafter referred to as "Regional Director") to approve or decline all agreements including construction agreements under P. L. 93-638, the Indian Self-Determination and Education Assistance Act, as amended (hereinafter referred to as "Act"). By 13 IAM, the Regional Director is authorized to delegate the above authority to the Bureau Superintendents.

2. **Transfer of Responsibilities:** The following actions shall be taken to properly implement 3 IAM:
  - a. Delegation of Authority to Approve and Decline Contract Proposals: The Regional Director may delegate to the Indian Affairs Superintendents, the authority to approve and decline all proposals to contract programs, services, functions, activities or portions thereof within their area of jurisdiction. This may include construction agreements and discretionary grants except those grants awarded under the authority of Public Law 100-297.
  - b. Authority to Award Contracts/Grants: Authority to award all agreements rest with the Regional Director, Bureau of Indian Affairs. Upon recommendations from Regional Director and Bureau Superintendents those individuals designated shall follow the procedures to become a certified awarding official. These procedures are outlined in 13 IAM Chapter 3 and Chapter 4, and the "Delegation of Authority Handbook", which is available from the Regional Office or the Division of Indian Services, Washington, DC.

3. **Residual Regional Office Functions:** The following functions and responsibilities shall remain at the Regional Office:

a. Construction Contracts and Discretionary Grants: The Regional Office shall continue to review, approve or decline, award, administer, and ensure close out of all construction contracts, discretionary grants, and cooperative agreements under the Act. In addition, the Regional Office shall be responsible for providing coverage of awarding official duties when a vacancy occurs at an agency with delegated authority.

b. Contract Support Management: The Regional Office shall continue to administer the Regional Contract Support Costs (CSC) fund for all Agencies and shall coordinate the collection of pertinent contract funding data necessary to formulate the Regional CSC projections. The Regional Office shall ensure timely and equitable distribution of CSC to the Agencies. Agencies shall provide information as appropriate to ensure full participation in the forecasting of the annual projections; and timely distribution of the CSC.

The Regional Office shall distribute CSC amounts based on the reported needs to the Agencies concurrently with the allocation of direct program funds, or at the time of tentative distributions, whichever occurs first.

c. Training and Technical Assistance: The Regional Office shall provide necessary technical assistance to ensure successful implementation of the delegated authority. As such, assistance may occasionally be requested by the Agencies for technical support services and advice on all matters relating to delegated authority, such as review of contract proposals for trust and other specialized programs, and on-site training and assistance in preparing contract modifications and amendments.

Additional assistance for Awarding Officials Technical Representative (AOTR) duties in monitoring the contracted programs may be necessary where technical expertise is non-existent at the Agencies.

d. Management Reviews: To ensure successful implementation of delegated authority, the Regional Office shall provide routine monitoring and oversight of the Agency's performance in accordance with A-123 monitoring requirements

and in accordance with an established schedule to be negotiated at a later time, or as may be requested from time to time by the Agencies.

The Regional Office management review team shall, upon completion of each monitoring visit, conduct exit interviews with each Bureau Line Officer/Superintendent and provide a written report. The report shall contain findings and recommendations for corrective action or improvement. Each report shall contain an offer of technical assistance.

The Bureau Line Officer/Superintendent shall be responsible to take corrective action(s) as identified in the report.

4. **\*Agency Functions and Responsibilities:** Each Bureau Line Officer/Superintendent shall, in compliance with 13 IAM, Chapter 2 prepare an Agency Implementation Plan and as part of the Plan to develop internal operating procedures for review, award, administration and close out of all non-construction contracts. The procedures shall be designed to provide for the most effective and efficient processing of contract documents, and to ensure:
- a. Separation of Duties: Separation of key duties and responsibilities in authorizing, processing, recording, and reviewing contract transactions which are role mapped through the Federal and Business Management System (FBMS).
  - b. Waste Fraud and Abuse: Compliance with the OMB Circular A-123 to ensure appropriate management controls are in place to protect against fraud, waste, mismanagement, or misappropriation. Control system will provide for adequate:  
A) documentation; B) recording of transactions and events; C) execution of transactions and events; D) separation of duties; E) supervision; and F) access to and accountability for resources.
  - d. Maintenance of Contract Files: Agencies shall maintain original files of all non-construction contracts in full compliance with all applicable laws, regulations, policies and procedures.
  - e. Required Training for Approving Officials: Approving Officials are required to take a minimum of one training course per year relating to the following subjects; 1) Delegation of Authority; 2) Approving Official Training; and Basic P. L.

93-638 Law and Regulation. Courses are provided and scheduled through the BIA P. L. 93-638 training brochure.

f. Vacant Self-Determination Specialist Positions: When an Agency Self-Determination position becomes vacant, a decision must be made between the Regional Director, Superintendent and Senior Awarding Official as to who will provide the awarding official responsibility. It should be noted that the mandated system to complete P. L. 93-638 obligations is the Federal Business and Management System. The ability to access FBMS is structured on how the individual is role-mapped and completion of FBMS training.

g. Federal Business and Management System (FBMS):

Role Mapping Access for Awarding Officials: Completion of the UAR (User Access Request) form is required for access. This form is initiated by the user and the Bureau Line Officer/Superintendent and forwarded to the Regional UAR Coordinator (Accounting Officer) for final processing.

Role Mapping Access for Requisitioners, Fund Certifiers and Supervisor Approval: Due the mechanics of FBMS, agencies need to maintain sufficient staff that can access and manage the workload needs for obligating funds to their respective tribe's P. L. 93-638 contracts/grants.

5. **Agency Procedures for Review, Approval, Award, Administration, Close out**: Agencies shall develop and adopt procedures for review, award, administration, and close out of all non-construction contracts. Procedures shall be designed to provide for the most effective and efficient processing of proposals. Such procedures shall be shared with Agency staff and the tribes under the respective jurisdiction of each Agency. The procedures shall, at a minimum, provide for the following:

- Agency Superintendents will serve as the Approving Official with delegated authority to acknowledge receipt of a contract application; to review, approve, or decline an application within prescribed time frames; to determine funding amounts; and notify the Indian tribe(s) of his/her decision(s) within the prescribed time frames, etc.
- Awarding Official or Indian Self-Determination Specialist will negotiate, award, and administer an approved contract proposal; approve or deny any contract modification request; donate excess personal and real property to the tribe(s) for the purposes of the

contract; designate an Awarding Official's Technical Representative (AOTR); to close out expired contracts; to make findings and determination; to perform audit closeouts; and otherwise perform all duties required of the Bureau of Indian Affairs of a contracted program. Bureau Superintendents may recommend more than one awarding official at the respective agency.

- Branch Chief or other employee with subject matter expertise will serve as an AOTR upon designation by the Awarding Official, to serve as the designated representative of the Awarding Official to monitor the contracted program and provide reports to the Awarding Official and to provide technical assistance to the Tribe.
- The Agency Administrative Officer may serve as the Budget Officer to validate the funding authority, availability of funds; and serve as the Finance Officer to ensure the accuracy of the accounting data and recordation into FBMS.
- The Awarding Official/Indian Self-Determination Specialist shall prepare awards/modifications in PRISM/FBMS for obligation of funds into FBMS.

APPROVED:  Date: 2/12/15  
Director, Bureau of Indian Affairs

APPROVED:  Date: 2-3-15  
*Acting* Regional Director, Western Region

\*Each Agency with delegated authority shall provide an Implementation Plan to the Western Region.