

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter establishes the policy for Indian Affairs' (IA) Demolition Program (Program), which is administered by IA's Division of Facilities Management and Construction (DFMC).

A real property asset should be divested of either through transfer or demolition when: that asset has reached the end of its planned life; has been subject to significant deterioration, such that its condition no longer warrants capital investment; or the asset no longer supports the IA mission.

1.2 Scope. This chapter applies to all IA real property assets in the IA Demolition Program. The provisions of this chapter extend to all offices under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

1.3 Policy. It is IA's policy to support the divestiture of assets and to provide for the demolition of facilities in a safe, energy-efficient, cost-effective manner which minimizes impacts and is in accordance with applicable laws, regulations, and industry standards.

1.4 Authority.

A. Statutes and Regulations.

- 1) 25 U.S.C. § 450 et seq., Indian Self Determination and Education Assistance
- 2) 25 U.S.C. § 5351, School Construction, Acquisition, or Renovation Contracts
- 3) 40 U.S.C. § 101 et seq., Federal Property and Administrative Services
- 4) 42 U.S.C. 55, National Environmental Policy
- 5) 54 U.S.C. Subtitle III, Division A—Historic Preservation
- 6) 40 U.S.C. Subtitle I, Federal Property and Administrative Services
- 7) 25 CFR 900, Contracts under the Indian Self-Determination and Education Assistance Act (ISDEAA)
- 8) 40 CFR 1500 – 1508, Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA)

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- 9) 41 CFR Chapter 101, Federal Property Management Regulations
- 10) 43 CFR Part 12, Administrative and Audit Requirements and Cost Principles for Assistance Programs
- 11) 43 CFR Part 46, Implementation of the NEPA of 1969

B. Handbooks.

- 1) 27 IAM 15-H: Assets Under Construction (AUC) Accounting Management Handbook
- 2) 59 IAM 3-H: National Environmental Policy Act Guidebook

1.5 Responsibilities.

- A. Director, Office of Facilities, Property, and Safety Management (OFPSM)** reports to the Deputy Assistant Secretary - Management (DAS-M) and is responsible for developing and implementing policies and providing oversight for facilities, property, and safety management programs for IA.
- B. Chief, Division of Facilities Management and Construction (DFMC), OFPSM** is responsible for:
 - 1) overseeing policy and procedural guidance governing the Demolition Program;
 - 2) participating in the annual and five-year program budget processes;
 - 3) developing and monitoring Demolition Program performance metrics and fiscal oversight of functions related to the Program;
 - 4) executing Demolition Program budget funding; and
 - 5) maintaining responsibility for project management of selected projects not overseen by BIA, BIE, or a Tribe, and generally totaling \$5 million dollars or greater.
- C. Branch of Asset Management (BAM), DFMC** is responsible for:
 - 1) overseeing the IA-Facilities Management System, a suite of applications that provides asset management functions to IA;
 - 2) overseeing Facility Condition Assessments;
 - 3) coordinating with the Branch of Real Property and Leasing (RPL) and Regional Property Officers (RPOs) to ensure that demolished real property asset deletions (space reductions) are completed accurately and timely in the Financial and Business Management System (FBMS); and

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- 4) removing the operations and maintenance (O&M) requirements for the demolished assets from the budget process.

D. Chief, Branch of RPL, OFPSM is responsible for:

- 1) monitoring the recordkeeping requirements for documentation in support of real property transactions in FBMS, such as additions, transfers, deletions, disposals, and demolitions; and
- 2) coordinating the real property demolition process with the DFMC BAM and RPOs to ensure that demolished real property asset deletions are completed accurately and timely in FBMS.

E. Directors, BIA and BIE are responsible for:

- 1) ensuring appropriate organizational resources and personnel are available to oversee, implement, and administer the divestiture process, including the demolition, dismantling and removal, or transfer of buildings or structural assets; and
- 2) ensuring their respective activities meet statutory, regulatory, policy, and code/standard compliances in a timely manner.

F. BIA Regional Directors (RDs) and BIE Deputy Director, School Operations are responsible for:

- 1) ensuring implementation of the Demolition Program within their administratively jurisdictional areas pursuant to governing statutes, policies, and procedures; and
- 2) coordinating with their respective Divisions of Acquisition Management for the Federal Acquisition Regulation (FAR) system for commercial procurements, or with the appropriate awarding official for P.L. 93-638 ISDEAA contracts and P.L. 100-297 Tribally Controlled School Grants for grant projects.

G. BIA and BIE Regional Facilities Management Program staff are responsible for developing demolition and dismantling and removal projects, including all planning documents listed in section 1.7 B. of this policy. Therefore, staff is responsible for:

- 1) performing periodic site visits to assess facilities;
- 2) developing a prioritized listing of facilities to be divested (demolished or transferred) for their respective regional assets;
- 3) managing the asset management database for inventory and deferred maintenance backlogs within their respective jurisdiction, including scheduling and completing demolitions and monitoring field performance of demolition;

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- 4) providing the demolished real property assets documentation to the RPOs and to the RPL Branch Chief to ensure these assets are properly deleted in FBMS;
 - 5) canceling the outstanding work orders/requests, preventive maintenance activities, and cost estimates associated with the asset; and
 - 6) removing any outstanding project funding requests from the Budget and Project Execution, Ranking and Management (BPERM) system.
- H. RPOs** are responsible for deleting their region's demolished or transferred real property assets in FBMS.
- I. Awarding Officials (AOs) and Grant Officers (GOs)** provide for the operation and application of P.L. 93-638 contracts and P.L. 100-297 grants, as designated, for the oversight, monitoring, and award of contracts and grants.
- J. Awarding Official Technical Representatives (AOTRs) and Grant Officer Technical Representatives (GOTRs)** are responsible for providing programmatic and administrative support to Tribes as trained and designated in writing by the AO/GO for a specific Tribal contract/grant.

1.6 Definitions.

- A. Demolition** means the deconstruction, removal, or disassembly of an existing facility.
- B. Divestiture** is a Department of the Interior (DOI) investment category and work classification that is defined as: demolition, dismantling and removal, title transfer, or surplus of a deteriorated or otherwise unneeded asset, including associated site remediation.
- C. FBMS** is the Financial and Business Management System. It is the official system of record for real property and leases managed by the DOI. FBMS stores financial and property related information, and supports the processes used to ensure accurate, complete, and timely accountability for capital investments.
- D. Real property** is any land, buildings and other structures, fixtures, and improvements of any type located thereon. The term "real" should be associated with realty, land, or something attached thereto. Real property may also include heritage assets and land. Real property is capitalized at \$250,000.

1.7 Standards, Requirements, and Procedures.

When the BIA Program, BIE Program, or DFMC determines that the demolition or transfer of real property is in the best interest of the Federal Government (41 CFR Chapter 101) the responsible bureau will remove all hazardous building materials (e.g., asbestos, lead-based paint, etc.) prior to transfer. However, the bureau may schedule the demolition of the facility, if:

- the removal of hazardous material is not cost effective,
- the structure of the facility is compromised, or
- the Tribe declines ownership.

A. Standards and Requirements.

- 1) The DFMC funds and manages projects totaling \$5 million dollars or greater. However, the DFMC Demolition Program specifically funds *regional* demolition planning and related projects totaling less than \$5 million dollars.
- 2) The DFMC oversees the transfer of facilities determined to be in excess to program needs that are not economically feasible for renovation to an acceptable level of life/safety code compliance for their intended program use.

B. Procedures.

1) Planning

DFMC funds activities associated with the divestiture of structural assets and associated systems prior to removing them from the IA inventory. Planning is to be completed by the region, BIE, or DFMC *before* a project is submitted for funding.

Demolition funding is projected over five years as part of the DFMC's annual budget and planning process. The five-year plan provides for projects costing in excess of \$2,500 dollars, to demolish or transfer IA facilities (for the purposes of transferring title) where facilities and associated infrastructure are excess to IA's needs or the cost to repair exceeds the cost to replace. Key components of the planning process include:

- Excess Property Reports
- Fixed Asset System (FAS) within Property Management

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- Environmental investigation and remediation
- Historic preservation

The planning process includes:

I. Identifying/obtaining:

- a. confirmation of ownership;
- b. Statement of Excess approved by BIA or BIE. A letter or an email from a site requesting demolition or transfer, noting the specific buildings are excess to their needs;
- c. Report of Survey form (DI-103) provided by the regional Real Property Office;
- d. applicable codes/industry standards;
- e. archeological survey and clearances;
- f. environmental assessments and clearances;
- g. historical significance surveys and clearances;
- h. structure information (e.g., square footage, year built/age, as-built plans, and/or photos); and
- i. extent of required additional demolition (e.g., flatwork, fencing, foliage, tanks, etc.)

II. The designated Project Manager develops the overall project management plan that includes:

- a. initial project timeline and milestones;
- b. Identify and scope necessary support contracts such as:
 - quality assurance;
 - demolition administration;
 - Report of Survey form DI-103; and
 - demolition and other necessary activities to ensure timely completion of the work.
- c. initial stakeholder identification;
- d. project definition; and
- e. other essential information as appropriate.

2) **Funding**

Providing funding for facility demolition or transfer will be contingent on the region's Facilities Management Program (FMP) initiating a Report of Survey form (DI-130) with the RPO, as well as other associated requirements (i.e., archeological, environmental, and historical assessments as discussed above in 1) Planning). In addition, all environmental hazardous conditions will be abated in accordance with NEPA requirements prior to property, title execution, and donation.

The minimum and maximum funding levels are as follows:

- a. Minimum: \$ 2,500 per item.

Demolition requests less than \$2,500 are normally not considered. However, extenuating circumstances may necessitate a variance of funding level. The requestor must provide supporting documentation if a variance below the minimum funding limits is being requested. DFMC will evaluate variances on a case-by-case basis.

- b. Maximum: Per justified need within available appropriations.

Additional items to note:

- Demolition of a Tribally-owned asset is **not** covered under this program, and is **not** eligible for funding. The asset to be demolished must have a valid Fixed Asset System (FAS) number.
- Demolition projects are prioritized by all regions' prior fiscal year (FY) funding.
- Demolition projects must be on IA's approved five-year Demolition Plan. The exception: If the demolition project is an emergency, it will become a current year priority with approval from the DFMC.

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1.8 Reports and Forms.

The Report of Survey form (DI-103) can be found on DOI's website here:
<https://www.doi.gov/eforms> (scroll down and click on the "Official Files for Production folder" link).

Approval

JASON
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Jason Freihage
Deputy Assistant Secretary - Management

Date