



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

## National Policy Memorandum

**Assistant Secretary – Indian Affairs  
Deputy Assistant Secretary – Indian Affairs (Management)  
Office of the Chief Financial Officer**

**Number:** NPM-FIN-14

**Effective:** 1/12/2016

**Expires:** 1/12/2017

**Title:** Implementation of the Buy Indian Act

### 1. Purpose

The purpose of this memorandum is to improve implementation of the Buy Indian Act, and to ensure that the acquisition actions made to Indian Economic Enterprises (IEEs) are maximized to the fullest extent allowed by the Act. Increasing the number of acquisition actions awarded to IEEs will strengthen Indian Affairs' (IA) commitment to "enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives."

### 2. Scope

This policy applies to all acquisitions, including simplified acquisitions, made by IA, which includes the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and the offices of the Assistant Secretary – Indian Affairs (AS-IA).

### 3. Policy

All acquisitions, including simplified acquisitions, made by IA shall be made under the Buy Indian Act set-aside authority whenever the use of that authority is authorized and practicable. Acquisitions include supplies, services, and covered construction (as defined in 48 CFR 1480.201).

#### Deviations

Any deviation from this policy for an IA acquisition must be approved by an authorized official and documented in the contract file. The basis for any deviation must be documented in writing and supported by verifiable evidence (e.g., market research, determinations and findings).

The following officials may authorize a deviation for an IA acquisition:

- Contracting Officer: Up to \$25,000.
- Supervisory Contracting Officer (Chief Contracting Officer): \$25,001 up to \$550,000.
- Competition Advocate: \$550,001 up to \$11.5 million.
- Bureau Procurement Chief: Over \$11.5 million up to \$57 million.
- Department of the Interior (DOI) Senior Procurement Executive: Above \$57 million.

Approval and signature(s) must be obtained by the official next-in-line before submission to the authorized official for approval. For example, a deviation for an acquisition above \$57 million must first be approved by the Supervisory Contracting Officer, Competition Advocate, and Bureau Procurement Chief before obtaining approval from the Department's Senior Procurement Executive. If a deviation for an IA acquisition is approved, the acquisition must then be made in accordance with the order of priority at Federal Acquisition Regulation 8.002. Examples of deviation documentation can be viewed on the CFO website here:

<http://iamabqzucmw01p.ia.doi.net:16200/inside.indianaffairs/Org/AS-IA/OCFO/index.htm>

#### Quarterly Reporting of Deviations and Challenges

Tracking deviations will facilitate IA in determining the number of awards being made to IEEs. Supervisory Contracting Officers shall track and report the number of deviations and challenges to the Bureau Procurement Chief each quarter.

Deviation reports should include, at a minimum, the name of the contractor, name of the Contracting Officer, North American Industry Classification System (NAICS), date of award, dollar amount awarded, and a reason why the Buy Indian Act couldn't be applied to the award. Also, any challenges to authenticate IEEs ownership need to be tracked and reported each quarter. Both the deviation report and the challenges report should be prepared using a spreadsheet format located at the CFO website.

Both reports must be submitted to the Bureau Procurement Chief no later than 15 calendar days after the end of each quarter.

#### **4. Roles and Responsibilities**

**A. Chief Financial Officer, Indian Affairs** is responsible for the implementation of the Buy Indian Act.

**B. Supervisory Contracting Officer** is also the Chief Contracting Officer and is responsible for ensuring that acquisition personnel adhere to subject policy.

**C. Contracting Officer** is responsible for the adherence of subject policy.

- D. **Competition Advocate** is responsible for signing and approving deviations over \$550,001 up to \$11.5 million.
- E. **Bureau Procurement Chief** is responsible for signing and approving deviations over \$11.5 million up to \$57 million.
- F. **DOI Senior Procurement Executive** is responsible for signing and approving deviations above \$57 million.

**5. Approval**

  
James N. Burckman

Acting Deputy Assistant Secretary – Indian Affairs (Management)

1/12/16

Date