1.1 Purpose. To institutionalize training requirements for Bureau of Indian Affairs (BIA) personnel designated as an Approving Official, Awarding Official Technical Representative (AOTR), or Subordinate Awarding Official's Technical Representative (SAOTR) on contracts and/or grants as authorized by Public Law (P.L.) 93-638, as amended.

1.2 Scope. This policy applies to all BIA personnel designated as an Approving Official, AOTR or SAOTR to SD contracts and grants as authorized by P.L. 93-638, as amended.

1.3 Policy. IA supports and assists efforts of Federally recognized Indian tribes to plan, conduct, and administer programs and services provided for the benefit of the Indian tribe or members of the Indian tribe.

1.4 Authority.

A. Statutes and Regulations.

1) 25 U.S.C. §§450 et seq., Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, as amended

2) Public Law (P.L.) 104-156, Single Audit Act Amendments of 1996

3) 41 U.S.C. §§601-613, Contract Disputes Act of 1978, as amended

4) 25 CFR, Chapter I, Subchapter M, ISDEAA Program

5) 25 CFR, Chapter V, Part 900, Contracts Under the ISDEAA

6) 43 CFR Part 4, Subpart D, Rules Applicable in Indian Affairs Hearings and Appeals

7) 43 CFR Part 12, Administrative and Audit Requirements and Cost Principals for Assistance Programs

B. Guidance.

1) Cost Principles

25 CFR 900.45(e) requires each tribal organization to have a financial management system from which the Secretary can determine the reasonableness, allowability and allocability of SD contract costs based upon the terms of the

contract and the tribal organization's applicable Office of Management and Budget (OMB) cost principles.

Awarding Officials (AO) are encouraged to negotiate the cost principles of 2 CFR 1402 into new ISDEAA awards. 2 CFR part 1402 contains the cost principles adopted by the Department for non-ISDEAA awards.

2) Audit Requirements

25 U.S.C. section 450c(f)(1) requires a tribal organization to submit the audit report required by the Single Audit Act, 31 U.S.C. section 7501 *et seq.*, for each fiscal year during which the tribal organization received or expended funds pursuant to a SD contract.

OMB has implemented the Single Audit Act through 2 CFR part 200 subpart F. Therefore, 2 CFR part 200 subpart F applies to all ISDEAA awards and annual funding agreements, as a matter of law. 2 CFR section 200.512(b)(2) applies to tribal organizations that enter into ISDEAA agreements, OMB has interpreted 2 CFR section 200.512(b)(2) to apply only to Indian tribes, as defined at 2 CFR 200.54.

C. Handbooks.

1) **Internal Agency Procedures Handbook for Non-Construction Contracting Under Title I of the ISDEAA.** This Handbook provides procedures to facilitate and enhance contracting with Indian tribes and tribal organizations.

2) **Awarding Official Certification System Handbook (AOCSH).** The AOCSH provides procedures to implement a certification system for those Bureau of Indian Affairs (BIA) officials designated and delegated authority to function as AOs for contracts, including construction contracts, awarded under the authority of the Act and all grants, except for those grants awarded under the authority of the Tribally Controlled Schools Act of 1988, as amended (P.L. 100-297).

3) **Delegation of Authority Handbook.** The Handbook provides procedures to implement the delegation of authority to IA line officers to approve, decline, award, modify, and perform all other functions in the administration of contracts, including construction contracts under the Act and all grants, except for those grants awarded under the authority of P.L. 100-297.

1.5 Responsibilities.

A. Director, BIA discharges the duties delegated from the Principal Deputy Assistant Secretary – Indian Affairs to provide oversight to the Office of Indian Services (OIS).

B. Deputy Bureau Director, IS provides direction and support for the execution and coordination of IA responsibilities in the implementation of the ISDEAA.

C. Chief, Division of Self-Determination Services (SDS), provides for the monitoring, guidance technical support and advisory services, including the development of BIA processes and procedures for SD pursuant to governing statutes and policies. Provides technical assistance and training on program specific components; monitoring of compliance with applicable program requirements, such as A-133 Single Act Audits and field/office performance reviews; approval of Regional Implementation Plans for the exercise of contract and grant authority at the field level; certification recommendations; and a training program for Federal and tribal officials in support of the execution of SD program(s) and services.

D. Regional Directors, BIA provide for the application of overall policies, procedures and implementation of SD awards within their administrative jurisdictional area(s) pursuant to governing statutes and established policies and procedures.

E. Superintendents/Field Representatives, BIA provide for the daily operations of the field site SD responsibilities as designated by the Regional Director (with administrative jurisdiction) pursuant to governing statutes and established policies and procedures.

F. Approving Officials All Line Officers are considered Approving Officials for proposals to contract programs, services, functions, activities, or portions thereof within their area of administrative jurisdiction. The responsibilities of Approving Officials range from determination of the contractibility of a program, service, function, and/or activity pursuant to statute and requirements outlined in 25 CFR §900. Once an individual is hired as a Line Officer, they are automatically assigned as the Approving Official.

G. Awarding Officials (AOs) provide for the operation and application of P.L. 93-638, as designated, for the oversight, monitoring and award of contracts and grants. AOs are certified using the AOCSH as guidance to meet the minimum qualifications.

H. Awarding Officials Technical Representatives (AOTRs) provide programmatic and administrative support as trained/designated by the AO(s) for a specific contract/grant. The AOTR are appointed by the AO with a designation letter.

I. **Subordinate Awarding Officials Technical Representatives (SAOTRs)** provide programmatic and administrative support as trained/designated by the AO(s) for a specific contract/grant. The SAOTR is appointed by the AO with a designation letter.

1.6 Training.

A. Mandatory Training.

All Approving Officials must complete 40 hours of basic training every four (4) years.

All staff is to be designated in writing as an AOTR or SAOTR on a contract and/or grant as authorized by P.L. 93-638, as amended, and must complete 40 hours of basic training in the following courses:

Course	Mandatory Attendance	Hours
Public Law 93-638, as amended, And the Implementing Regulations*	Approving Official AOTR SAOTR	24 hours (3 days)
Awarding Official's Technical Representative (AOTR/SAOTR) and Approving Official Training 1/	Approving Official AOTR SAOTR	24 hours (3 days)
Single Audit Act	Approving Official AOTR SAOTR	16 hours (2 days)
Section 102 of the Act 2/	Approving Official AOTR SAOTR	2 hours
Alternative Disputes Resolution (CDA/ADR) and Appeals Training 2/	Approving Officials AOTR SAOTR	8 hours
Section 108 of the Act 2/	Approving Officials AOTR SAOTR	3 hours
Program Standards and Statement of Work	Approving Officials AOTR SAOTR	4 hours
Construction Contracting Under Pub. L. 93-638-Section 105, 25 CFR, Part 900, Subpart J	Approving Officials AOTR 3/ SAOTR 3/	24 hours (3 days)

1/Must be a 24-hour teacher-trained course; online courses do not meet the training requirement.
2/Available through Webinar.
3/Mandatory for approving AOTR and/or SAOTR on construction contracts.

No staff may undertake the duties of an AOTR or SAOTR until the mandatory training has been completed and the individual is designated in the specific role by

the AO. The AO will issue a designation letter to the staff upon completion of the mandatory requirements.

B. Refresher Courses.

Refresher courses to maintain certification as an Approving Official, AOTR or SAOTR must be taken no later than two (2) years after the basic training courses as described above have been completed. Approving Officials must complete 24 hours of maintenance training every four (4) years to maintain their appointment. AOs must complete 80 hours of maintenance training every four (4) years. These 80 hours of maintenance training is required to include Contract Administration I, II, and III. AOTRs/SAOTR must complete 40 hours of maintenance training every two (2) years to maintain their appointment. Failure to maintain the maintenance training requirement may result in an individual losing their designation. The maintenance training subject matter can be determined by the staff and their Supervisor.

C. Employees are encouraged to complete additional Federal Acquisition courses to strengthen their knowledge and capabilities serving Federally recognized Indian tribes.

Approval

1/27/16

Michael Black Date
Director, Bureau of Indian Affairs