

1.1 Purpose. This chapter establishes a Bureau of Indian Affairs (BIA) Awarding Official

Certification System (AOCS) to guide the selection, designation, development, and restriction, suspension, or termination of Awarding Officials (AOs) for contracts, including construction contracts and grants, awarded under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), as amended.

1.2 Scope. Authority to award and administer Self-Determination (SD) contracts and grants to Indian tribes and tribal organizations is vested in BIA employees who are certified under the AOCS. There are no exceptions.

Certification of a BIA employee authorizes the employee to award, modify, and administer SD contracts, including construction contracts and grants. This designation does not alter the routine supervisor-employee relationship, except that designated Senior AOs will provide professional supervision of SD contracting duties and responsibilities.

1.3

Policy. AOs duties and responsibilities are viewed as a professional discipline. Employees must meet established standards of knowledge, training, performance, and experience prior to designation and certification as AOs.

1.4

Authority.

A. Statutes and Regulations.

- 1) U.S.C. §§450 et seq., 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) 5 U.S.C. Appendix, Ethics in Government Act of 1978
- 5) 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch
- 6) 25 CFR Chapter I, Subchapter M, ISDEAA Program
- 7) 25 CFR Chapter V, Part 900, Contracts Under the ISDEAA
- 8) 43 CFR Part 12, Administrative and Audit Requirements and Cost Principals for Assistance Programs
- 9) 43 CFR Part 20, Employee Responsibilities and Conduct

B. Guidance.

1) Executive Order 12731 Principles of Ethical Conduct for Government Officer and Employees, October 17, 1990

2) Cost Principals

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.

3) Audit Requirements

25 U.S.C. section 450c(f)(I) 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(6)(2) applies to tribal organizations that enter into ISDEAA agreements, OMB has interpreted 2 CFR section 200.512(6)(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 sets out the procedures to guide the actions of all agencies of the Department of the Interior and the Department of Health and Human Services to facilitate and enhance contracting with Indian tribes and tribal organizations.

2) **Awarding Official Certification System Handbook (AOCSSH).** The Handbook provides procedures to implement a certification system for those persons 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 Indian Affairs (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**, is responsible for:

- 1) Approving requests for AO certification;
- 2) Restricting, suspending, or terminating AO certification based on recommendations from the Deputy Bureau Director, Indian Services (IS).

B. **Deputy Bureau Director**, BIA, is responsible for:

- 1) Issuing and maintaining a Handbook to provide detailed administrative procedures to implement the AOCS, including qualifications, requirements, and requests for AO certification; Establishing training requirements and a curriculum of study;
- 2) Reviewing all requests for certification of AOs and making recommendations to the Director, BIA;
- 3) Issuing AO certificates;
- 4) Maintaining a system of records that accurately reflects the status of AOs' training, education, and experience;
- 5) Reviewing all Regional Directors' written recommendations for restriction, suspension, or termination of AO certification and making recommendations to the Director, BIA;
- 6) Terminating AO certification for administrative reasons, i.e., reassignment, Reduction-in-Force, retirement, or death.

C. **Regional Directors (RD)** are responsible for:

- 1) Submitting applications for AO certification, with recommendations for approval or denial, to the Deputy Bureau Director, IS;
 - 2) Ensuring that training and technical assistance is provided to AOs and other SD staff within the Region.
- D. Senior AOs or Regional SD designated contacts have the following responsibilities under the AOCS:**
- 1) Functioning as the regional certification system coordinator;
 - 2) Maintaining a staffing pattern designed to meet current and future workload needs in an efficient and effective manner, subject to available resources;
 - 3) Providing training and other information on AOCS requirements to employees;
 - 4) Counseling employees as to present and projected training requirements of the AOCS;
 - 5) Ensuring that recertification requirements are met;
 - 6) Providing written notification to the Deputy Bureau Director, IS through the RD that an AO will no longer be exercising certification authority due to transfer, reassignment, resignation, retirement, or death.

1.6 Requests for Certification of AOs.

- A.** A BIA employee is certified as an AO based on that employee meeting applicable training, experience, and work performance requirements, as well as a specific organizational need for the position. Qualifications for SD positions are outlined in Attachment I. AOs must occupy a SD position that Indian Affairs has classified in the General Schedule (GS) series, GS-I IO I.
- B.** RDs and Central Office Deputy Bureau Directors must submit written requests to the Deputy Bureau Director, IS. The request should include:
 - 1) A justification for the appointment of an AO;
 - 2) The name, classification series and grade of the nominee for whom the request is made, and the location and position that the individual will occupy;
 - 3) The nominee's application for certification (which at a minimum, must include

specification as outlined in A above); and

- 4) Verification that the nominee's Conflict-of-Interest Disclosure Statement is on file in the servicing Human Resources Office.
- C. The Deputy Bureau Director, IS reviews and evaluates the request, and either disapproves the request or forwards the request with a recommendation for approval to the Director, BIA. If the request is disapproved, the Deputy Bureau Director, IS will notify in writing this recommendation to the RD or Central Office Deputy Bureau Director, the supervisory official and the nominee, which will include the specific reason(s) for the declination.

1.7 Certification of Awarding Officials.

- A. If the minimum requirements are met, the Director, BIA approves the request and the Deputy Bureau Director, IS issues a certificate with an assigned AOCS number designating the individual as an AO and designating the level of authority.
- B. Certificates are effective for four (4) years unless otherwise restricted, suspended, or terminated by the Director, BIA.
- C. AOs are to include their AOCS number wherever their name/signature and title appear on official SD award documents.

1.8 Continued Certification as an AO. Employees who have received certification are subject to the following professional development requirements:

- A. Successful completion of a minimum of 80 hours every four (4) years of relevant SD and acquisition training provided by training sources approved by the Deputy Bureau Director, IS. The Deputy Bureau Director, IS may consider, on a case by case basis, to extend by one (1) year the completion of acquisition training.
- B. Evidence of satisfactory performance appraisals based on performance elements that reflect the employee's AO duties relating to SD contract planning and execution, compliance with Federal laws and regulations, and BIA policies.
- C. Requests for recertification of employees are submitted to the Deputy Bureau Director, IS by the RD or Deputy Bureau Director for review and evaluation at least three (3) months prior to the requested recertification date. If all requirements are met, the Deputy Bureau Director, IS will provide the submission to the Director, BIA for approval and recertification.

1.9 Change in Duty Station. If an employee has a change in duty station but still meets the requirements as outlined in this chapter, the employee must submit through his/her RD or Deputy Bureau Director to the Deputy Bureau Director, IS, a request for continued certification at the new duty station prior to any authorization to execute contracts/grants. The written request must include Position of Record, Position Number, and Position Description.

1.10 Restriction, Suspension, or Termination.

A. An AO's certificate may be restricted, suspended, or terminated by the Director, BIA, for any of the following reasons related to the performance of the employee:

1) Unsatisfactory performance of the designated AO duties and responsibilities, or, receipt of a less-than-satisfactory performance rating from the immediate supervisor; Failure of the employee to exercise good business judgment and to comply with the applicable Federal laws, statutes, Executive Order, regulations, Departmental, and IA policies or procedures;

2) Inability or unwillingness to institute appropriate corrective management actions to reconcile negative audit findings or internal SD contract management reviews;

3) Failure to properly exercise certification authority;

4) Failure to maintain certification system standards and successfully complete training requirements after appointment;

5) Violation of the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635); Executive Order 12731 (Oct. 17, 1990): Principles of Ethical Conduct for Government Officers and Employees; and/or Title 43 CFR, Part 20, Employee Responsibilities and Conduct;

6) Organizational need for a certified AO no longer exists.

B. The servicing Human Resources Officer should be consulted if restriction, suspension, or termination of certification is being considered and before a written recommendation is submitted to the Deputy Bureau Director, IS.

C. All requests for restriction, suspension, or termination of certification must be in writing and submitted by the RD or Deputy Bureau Director to the Deputy Bureau Director, IS, who reviews and forwards the request with written recommendations to the Director, **BIA**, for action.

D. The Deputy Bureau Director, IS, may terminate an AO's certification for administrative reasons when:

- 1) The effective period of the certification appointment has expired;
- 2) The appointee is voluntarily reassigned to another BIA position where the need for the certification does not exist;
- 3) The appointee is no longer employed by the BIA;
- 4) The appointee retires, resigns, or the appointee's employment is terminated;
- 5) Failure to maintain certification system standards and successfully complete training requirements after appointment;
- 6) Violation of the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635); Executive Order 12731 (Oct. 17, 1990): Principles of Ethical Conduct for Government Officers and Employees; and/or Title 43 CFR, Part 20, Employee Responsibilities and Conduct;
- 7) Organizational need for a certified AO no longer exists.

Approval



Michael Black

Michael Black
Director, Bureau of Indian Affairs

Date

Attachment 1

Qualifications for Self-Determination Awarding Official

(1) Self-Determination (SD) Specialist(GS-1101-11)- Level I Awarding Official. The Awarding Official (AO) is certified via written designation. AO authority covers all SD non-construction contracts, and grants. The minimum requirements below apply to those staff seeking designation as a Level I AO:

(a) Two (2) years of satisfactory performance in diverse progressively responsible, and increasingly complex full-time SD contract experiences involving the knowledge, skills, and abilities set for in the Awarding Officials Certification System Handbook (AOCSH);

(b) Successful completion of the six (6) required core courses (120 hours) of acceptable training, as outlined in the AOCSH;

(c) Satisfactory annual performance appraisal rating in SD contract duties including ethical conduct and the exercise of appropriate professional and business judgment;

(d) The individual's full-time position must be classified in the SD classification series (GS-II OI), excluded are the noted exceptions in 1.4 (B) and the entire portion of the employee's time must be dedicated to SD contract duties;

(e) Level I AO certification requires a minimum grade level of 11.

(2) SD Specialist/Officer (GS-I IO1-12) - Level II Awarding Official (AO): This is the journeyman level. The AO is certified. The AO authority covers all SD contracts and grants, including construction contracts and grants. The minimum requirements below apply to those staff seeking wishing to be a Level II AO:f

(a) Two (2) years of satisfactory performance in diverse progressively responsible, and increasingly complex full-time SD contract experiences involving the knowledge, skills, and abilities set forth in the AOCSH;

(b) In addition to completion of the training requirements for Level I certification, staff must have successful completion of the two (2) required courses for Level II certification (168 hours) of acceptable training as outlined in the AOCSH;

(c) One (1) year of concentrated experience in a SD contract subject area beyond the minimum two (2) year work requirement may be substituted for twenty-four (24) classroom hours of advanced training in that same subject area. The maximum credit for

the total of all additional year's work experience in separate concentrated SD contract subject areas is ninety-six (96) classroom hours;

(d) The individual's full-time position must be classified in the SD classification series (GS-IIIOI); excluded are the noted exceptions in 1.4 (B) and the entire portion of the employee's time must be dedicated to SD contract duties;

(e) Level II AO certification requires a minimum GS grade level of 12 in the designated series.

(3) Senior Awarding Official: {GS- 1 3/14 or the equivalent}: This is a Regional Office position. The Senior AO is a certified Level II AO. This authority covers all SD contracts and grants, including construction contracts and grants. The minimum requirements below apply to those persons wishing to be a Senior AO:

(a) One (1) or more years of satisfactory performance as a Level II AO; or

(b) Two (2) years of satisfactory performance in diverse progressively responsible, and increasingly complex full-time SD contract experiences involving the knowledge, skills, and abilities set forth in AOCSH.

(c) Successful completion of training requirements at section 2.1 A (I)(b) and section 2.1A(2)(b), above.

(d) One (1) year of concentrated experience in a SD contract subject area beyond the minimum two (2) year work requirement may be substituted for twenty-four (24) classroom hours of advanced training in that same subject area. The maximum credit for the total of all additional year's work experience in separate concentrated SD contract subject areas is ninety-six (96) classroom hours.

(e) The individual's full-time position must be classified in the SD classification series (GS-IIIOI); excluded are the noted exceptions in 1.4 (B) and the entire portion of the employee's time must be dedicated to SD contract duties;

(f) Senior AO status requires a minimum grade level of a GS 13.