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# 93-638 Overview

Eastern Region

Self Determination



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# Agenda

01 Introduction

02 Subpart F: Standards for Management Systems

03 Subpart C: Contract proposals

04 About TPA funding

05 Contracting with other Federal Agencies

# 01 Introduction

This is an overview of the process to enter into a contract with the Bureau of Indian Affairs and the requirements according to the law and regulations.

Please feel free to ask questions.



# 02

## Subpart F—Standards for Tribal or Tribal Organization Management Systems

When carrying out self-determination contracts, Indian tribes and tribal organizations shall develop, implement, and maintain systems that meet these minimum standards, unless one or more of the standards have been waived, in whole or in part, under section 107(e) of the Act and subpart K.

- STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS
- PROCUREMENT MANAGEMENT SYSTEM STANDARDS
- PROPERTY MANAGEMENT SYSTEM STANDARDS

When entering into new contracts, it is important to consider the number and type of contracts you are administering.

Your management systems must be sufficient to keep up with accounting and property management.

Plan for management systems to grow as you enter into new contracts.

# 03

## Subpart C—Contract Proposal Contents

An initial contract proposal must contain the following information:

- (a) The full name, address and telephone number of the Indian tribe or tribal organization proposing the contract.
- (b) If the tribal organization is not an Indian tribe, the proposal must also include:
  - (1) A copy of the tribal organization's organizational documents (e.g., charter, articles of incorporation, bylaws, etc.).
  - (2) The full name(s) of the Indian tribe(s) with which the tribal organization is affiliated.
- (c) The full name(s) of the Indian tribe(s) proposed to be served.
- (d) A copy of the authorizing resolution from the Indian tribe(s) to be served.
  - (1) If an Indian tribe or tribal organization proposes to serve a specified geographic area, it must provide authorizing resolution(s) from all Indian tribes located within the specific area it proposes to serve. However, no resolution is required from an Indian tribe located outside the area proposed to be served whose members reside within the proposed service area.
  - (2) If a currently effective authorizing resolution covering the scope of an initial contract proposal has already been provided to the agency receiving the proposal, a reference to that resolution.
- (e) The name, title, and signature of the authorized representative of the Indian tribe or tribal organization submitting the contract proposal.
- (f) The date of submission of the proposal.
- (g) A brief statement of the programs, functions, services, or activities that the tribal organization proposes to perform, including:
  - (1) A description of the geographical service area, if applicable, to be served.
  - (2) The estimated number of Indian people who will receive the benefits or services under the proposed contract.
  - (3) An identification of any local, Area, regional, or national level departmental programs, functions, services, or activities to be contracted, including administrative functions.
  - (4) A description of the proposed program standards;
  - (5) An identification of the program reports, data and financial reports that the Indian tribe or tribal organization will provide, including their frequency.
  - (6) A description of any proposed redesign of the programs, services, functions, or activities to be contracted,

- (7) Minimum staff qualifications proposed by the Indian tribe and tribal organization, if any; and
- (8) A statement that the Indian tribe or tribal organization will meet the minimum procurement, property and financial management standards set forth in subpart F, subject to any waiver that may have been granted under subpart K.
- (h) The amount of funds requested, including:
  - (1) An identification of the funds requested by programs, functions, services, or activities, under section 106(a)(1) of the Act, including the Indian tribe or tribal organization's share of funds related to such programs, functions, services, or activities, if any, from any Departmental local, area, regional, or national level.
  - (2) An identification of the amount of direct contract support costs, including one-time start-up or preaward costs under section 106(a)(2) and related provisions of the Act, presented by major categories such as:
    - (i) Personnel (differentiating between salary and fringe benefits);
    - (ii) Equipment;
    - (iii) Materials and supplies;
    - (iv) Travel;
    - (v) Subcontracts; and
    - (vi) Other appropriate items of cost
  - (3) An identification of funds the Indian tribe or tribal organization requests to recover for indirect contract support costs. This funding request must include either:
    - (i) A copy of the most recent negotiated indirect cost rate agreement; or
    - (ii) An estimated amount requested for indirect costs, pending timely establishment of a rate or negotiation of administrative overhead costs.
  - (4) To the extent not stated elsewhere in the budget or previously reported to the Secretary, any preaward costs, including the amount and time period covered or to be covered; and
  - (5) At the option of the Indian tribe or tribal organization, an identification of programs, functions, services, or activities specified in the contract proposal which will be funded from sources other than the Secretary.
    - (i) The proposed starting date and term of the contract.
    - (j) In the case of a cooperative agreement, the nature and degree of Federal programmatic involvement anticipated during the term of the agreement.
    - (k) The extent of any planned use of Federal personnel and Federal resources.
    - (l) Any proposed waiver(s) of the regulations in this part; and
    - (m) A statement that the Indian tribe or tribal organization will implement procedures appropriate to the programs, functions, services or activities proposed to be contracted, assuring the confidentiality of medical records and of information relating to the financial affairs of individual Indians obtained under the proposal contract, or as otherwise required by law

# The Short Version

- Notify the BIA of your intent to enter into a 638 contract
- Provide a Statement of Work
- Provide a budget
  
- This will begin the process for a Self Determination contract.
- Subpart C is a reference that should be used to ensure that your application is complete and thorough.

The Tribe may enter into a contract for any federal service that the BIA may provide. The Tribe must meet requirements for programs that are related to Trust agreements, or in some cases historic agreements.



# 04 TPA funds

26 Indian Affairs Manual – Chapter 3

Funds basic Tribal services and gives Tribes the opportunity to further Tribal self-determination by establishing their own priorities and reallocating federal funds among programs in this budget category.

Note: Three TPA programs (Road Maintenance, Welfare Assistance, and Housing) are formula-based programs that are calculated annually, and therefore are not able to be base-funded like the rest of the TPA programs.

# TPA funds

- Requests to change Base fund amounts
- *May take years to make changes*
- Budget Office is the best resource for questions regarding base fund changes
- *Moving base funds within current contracts*

# 05 Other Federal Agencies

- Many Federal Agencies have tribal relations departments
- Take note: combining funding from different agencies should be closely monitored by your accounting department

# Closing

We want every Tribe to succeed, and we are here to assist however we can.

Do not hesitate to contact us with any questions.