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- 1.1 Purpose.** This chapter establishes the policy for requirements, authorities, and responsibilities of the Indian Affairs' (IA) Facilities Construction Program (FCP), which is administered by the Division of Facilities Management and Construction (DFMC).
- 1.2 Scope.** This chapter applies to all IA employees who participate in the IA FCP, including facilities construction by federally recognized Tribal governments and Tribal organizations. The provisions of this chapter extend to all offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), 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 provide for the construction and renovation of facilities that are safe, functional, energy-efficient, cost effective, and in accordance with applicable laws, regulations, and industry standards.
- 1.4 Authorities.**

A. Statutes and Regulations.

- 1) P. L. 107-217, Codifying Title 40, United States Code - Public Buildings, Property, and Works
- 2) P. L. 114-95, Every Student Succeeds Act (ESSA) of 2015
- 3) 25 U.S.C. § 13, Expenditure of appropriations by Bureau
- 4) 25 U.S.C. Chapter 46, Indian Self-Determination and Education Assistance
- 5) 25 U.S.C. § 2801 et seq., Indian Law Enforcement Reform
- 6) 25 U.S.C. § 5351, School construction, acquisition, or renovation contracts
- 7) 40 U.S.C. Subtitle 1 - Federal Property and Administrative Services
- 8) 42 U.S.C. § 4321 et seq., National Environmental Policy Act (NEPA)
- 9) 54 U.S.C. Subtitle III - National Preservation Programs, Division A - Historic Preservation
- 10) 25 CFR Part 900, Contracts under the Indian Self-Determination and Education Assistance Act
- 11) 41 CFR Chapter 101, Federal Property Management Regulations

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12) 41 CFR Chapter 114, Department of the Interior (DOI)

B. Guidance.

- 1) Office of Management and Budget (OMB) Circular A-11, Preparation, Submission, and Execution of the Budget, Appendix J - Principles Of Budgeting For Capital Asset Acquisitions v.3 2023
- 2) OMB Circular A-45, Rental and Construction of Government Quarters
- 3) Department of the Interior Capital Planning and Investment Control (CPIC) for Construction and Leased Space, Version 3.0 August 2020
- 4) Department of the Interior Lifecycle Investment Planning Guidance, Appendix G - DOI Scoring Methodology and Appendix H - Sustainability Requirements (Revised May 2022)
- 5) Executive Order (EO) 14057: Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, December 2021
- 6) [BIA Justice Detention Space Criteria](#)
- 7) [BIA Justice Detention Space Templates](#)
- 8) [BIE School Facilities Space Templates](#)
- 9) [Education Space Guidelines](#)

C. Handbooks.

- 1) [BIA Justice Detention Handbook](#)
- 2) [BIA School Facilities Design Handbook](#), March 30, 2007
- 3) 27 IAM 15-H: Assets Under Construction (AUC) Accounting Management Handbook
- 4) 80 IAM 2-H: Indian Affairs Education Space Criteria Handbook

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1.5 Responsibilities.

- A. Director, Office of Facilities, Property, and Safety Management (OFPSM)** reports to the Deputy Assistant Secretary – Management (DAS-M) and provides executive direction and support for execution and coordination of IA facilities management and construction, property, safety, and risk management, including the administration and management of the IA FCP.
- B. Chief, Division of Facilities Management and Construction (DFMC), OFPSM** is responsible for:
- 1) overseeing policy and procedural guidance governing IA’s FCP, and annual and five-year program budget planning and formulation;
 - 2) developing and monitoring FCP performance metrics and fiscal oversight of functions related to the IA FCP;
 - 3) executing construction program budget funding; and
 - 4) maintaining responsibility for project management of selected projects not overseen by BIA or BIE.
- C. Chief, Division of Safety and Risk Management (DSRM), OFPSM** is responsible for:
- 1) issuing Certificates of Occupancy, where applicable;
 - 2) maintaining records of all inspections, results, plans filed, surveys, and Certificates of Occupancy issued;
 - 3) reviewing architectural and engineering design documents for new construction, renovation, modification, reconstruction, change of use, change of occupancy, addition, new fire protection systems, new life safety systems, building systems, seating systems, and playground/play area equipment for compliance with federal laws, DOI policy, and the standards and codes adopted in this policy;
 - 4) conducting final inspections for new construction, renovation, modification, reconstruction, change of use, change of occupancy, and installation of new life safety systems, building systems, new seating systems, and playground/play area equipment; and
 - 5) completing the IA Final Inspection Report, and submitting it within 15 calendar days after the conclusion of the inspection to the appropriate IA Project Manager or Point of Contact for dissemination.

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D. Directors, BIA and BIE are responsible for:

- 1) ensuring the appropriate organizational resources and personnel exist to oversee the FCP execution, implementation, and administration;
- 2) ensuring FCP activities carried out by BIA and BIE meet statutory, regulatory, policy, and code/standard compliances in a timely manner; and
- 3) co-approving agreements between BIA and BIE for FCP execution, implementation, and administration in coordination with one another.

E. BIA Regional Directors and BIE Deputy Director, School Operations are responsible for:

- 1) providing for the application of overall policies and procedures;
- 2) ensuring implementation of the FCP within their administratively jurisdictional area(s) pursuant to governing statutes and established policies and procedures;
- 3) performing management of the Minor Improvement & Repair (MI&R) program for the correction of deferred maintenance backlogs;
- 4) overseeing and monitoring required annual prioritization and timely submission of selected backlogs to DFMC for funding consideration, based on established formula(s), policies, and procedures, and distribution of MI&R funding to BIA and BIE programs; and
- 5) coordinating with their respective Division of Acquisition Management for FAR process commercial procurements, P.L. 93-638 Indian Self-Determination and Education Assistance Act, and P.L. 100-297 Tribally Controlled School Grants for contracting and grant projects.

F. Regional Facilities Staff are responsible for:

- 1) performing periodic site visits to assess facilities;
- 2) monitoring progress of MI&R projects;
- 3) performing and managing the Boiler Improvement and Repair (BI&R) component for IA real property assets within their respective jurisdictions;
- 4) developing a MI&R prioritized listing for all programs based on the DFMC budget identification, and distributing sub-allocations to the local levels for MI&R programs;
- 5) providing major Facilities Improvement and Repair (FI&R) and Replacement Construction Program services as requested by DFMC, in concurrence with the Regional Director;

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- 6) managing the asset management database for inventory and deferred maintenance backlogs within the region, including scheduling and completion of improvements and repairs; and
 - 7) monitoring field performance of routine maintenance.
- 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.
- H. Awarding Official's Technical Representatives (AOTRs)** provide programmatic and administrative support as trained and designated, in writing, by the AOs, with concurrence from the appropriate Approving Official, for a specific contract/grant.

1.6 Definitions.

- A. Alteration** means work that changes the function of an existing facility or any of its components without expanding the capacity or size of the facility. Deferred maintenance of the original facility may be reduced or eliminated by an alteration.
- B. Capital improvement** is the construction, installation, or assembly of a new facility, or the alteration, expansion, or extension of an existing facility to accommodate a change of function or unmet programmatic needs.
- C. Capital improvement backlog** is the aggregate of all capital improvements that address unmet needs.
- D. Capital Planning and Investment Control (CPIC)** is a decision-making process for ensuring that investments integrate strategic planning, budgeting, procurement, and management of the asset in support of agency missions and business needs.
- E. Expansion** means the increase of the capacity or size of a facility to serve needs different from, or significantly greater than, those originally intended. Expansion is considered a capital improvement activity because it creates a new or expanded asset. Deferred maintenance needs for the original facility may be reduced or eliminated through an expansion.
- F. Facility Condition Index (FCI)** for a facility is equal to the amount of Deferred Maintenance (DM) in dollars divided by the Current Replacement Value (CRV) of the facility. $FCI = DM/CRV$.

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- G. New construction** is the erection, installation, or assembly of a new facility.
- H. Assets Under Construction (AUC)** is the process of capitalizing improvement or replacement expenditures to the value of a Federal Government asset.
- I. Rehabilitation** makes possible a compatible use for a building through a process of repairs, alterations, and/or additions while preserving the portions or features that convey historical, cultural, or architectural values.
- J. Repair** means to work to restore a damaged, broken, or worn-out facility or component to normal operating condition. Repairs are either annual maintenance or deferred maintenance activities. Repairs are usually smaller in scope than rehabilitations.
- K. Replacement** is the substitution or exchange of one existing facility or component for another facility or component having the capacity to perform the same function. Replacement for DFMC is construction-related; however, it does eliminate the need for deferred maintenance, and thus reduces the backlog. The decision to replace a facility is reached when replacement is more cost effective or in the best interest of the government, as opposed to repair or rehabilitation. The size of the existing facility is usually not expanded in a replacement.

1.7 Standards, Requirements, and Procedures.

- A. FCP's mission** is to regularly review and revise, as necessary, FCP guidance to maintain compliance with statutory and regulatory changes, and/or executive branch directives; and implement sustainable practices in all aspects of the FCP for real property asset management.
- B. Project identification and selection** occurs on a yearly basis, as part of the overall five-year programmatic goal. Sites are selected in accordance with the Department's Scoring Methodology, as outlined in Appendix G of the Department's Lifecycle Investment Planning Guidance.
- C. Planning** begins after a project is approved and funded. The Planning component includes:
 - 1) developing and outlining design requirements, features, and specifications by licensed, qualified architects and engineers consistent with industry standards and applicable DFMC Handbooks; and

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- 2) identifying:
 - a. applicable codes/industry standards;
 - b. sites;
 - c. archeological survey and clearances;
 - d. site legal surveys;
 - e. property/lease acquisition;
 - f. environmental assessments;
 - g. geotechnical reports;
 - h. topographic and utility surveys;
 - i. floodplain analysis;
 - j. historical clearances;
 - k. water source feasibility;
 - l. sewer disposal feasibility; and
 - m. utility feasibility.

- 3) planning, by the designated Project Manager, who develops the overall project management plan that includes:
 - a. initial project timeline and milestones;
 - b. necessary support contracts such as:
 - quality assurance;
 - construction administration;
 - commissioning;
 - e-services; and
 - construction 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.

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- D. Design** includes design documents prepared by professional architects and engineers beginning with conceptual or schematic drawings through complete construction plans and specifications sufficient to support construction activities. Design must conform to appropriate design standards of care and the requirements of IA-adopted codes and standards.
- E. Construction** begins after Planning is complete, and either through design-build (preferred) or design-bid-build (as necessary) delivery methodologies. The construction component includes all activities from obtaining building permits, project site preparation, and actual construction activity through final inspection and issuance of a Certificate of Occupancy. Additionally:
- 1) All IA-funded construction projects must adhere to the Guiding Principles (GP) for Sustainable Federal Buildings and Associated Instructions. The DOI's most recent Sustainability Plan specifies that compliance with the GP is mandatory for all new construction greater than 25,000 gross square feet, including major renovation projects.
 - 2) Construction complies with applicable statutes, regulations, Departmental guidance, DFMC handbooks, policies and directives, and industry standards.
 - 3) A final inspection and correction of punch list items should be completed before requesting the Certificate of Occupancy inspection.
 - 4) Buildings may only be occupied after issuance of a Certificate of Occupancy by the DSRM.
 - 5) Replacement construction or major FI&R must be in accordance with an established construction project priority list.
 - 6) All IA real property asset construction projects comply with requirements for AUC, requirements for reporting, reconciling, project closeout capitalized asset recording, and property management as detailed in 27 IAM 15-H: Assets Under Construction Accounting Management Handbook.
 - 7) Prior to the start of a replacement construction project, IA will work with the Tribe to develop a disposition plan for all existing real property assets anticipated to be excess as a result of the replacement projects. Additionally:
 - a. Disposition plans are developed in accordance with 25 U.S.C. § 450e-2: Use of excess funds, as a result of project savings on school replacement or major education FI&R, and must be allocated to other school construction projects.

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- b. Assets in excess of IA needs will be decommissioned through property procedures for transfer or demolition. See also 80 IAM 8: Demolition Program.
- F. Major FI&R** includes major improvements and renovation to existing IA real property assets costing in excess of \$250,000. The FI&R Program is projected by DFMC over a five-year period.
- G. MI&R** is projected over a two-year period and provides for minor improvement projects to repair, restore, or modify facilities and equipment, when projects cannot await the FI&R five-year cycle. MI&R projects cost in excess of \$2,500 and less than \$250,000, and must be designed to correct: (1) priority program, (2) structural, (3) mechanical, (4) electrical, (5) health, (6) safety, (7) accessibility, and (8) environmental conditions/deficiencies. Projects are prioritized by the BIA regions consistent with the DFMC MI&R procedures.
- H. Emergency reimbursement** provides financial reimbursement limited to the approved cost to alleviate immediate life-threatening or critical program deficiencies costing in excess of \$2,500 and less than \$250,000. The purpose of this component is to:
- 1) keep facilities in operation;
 - 2) correct life-safety deficiencies;
 - 3) prevent essential loss or damage to Federal Government property due to the loss of essential services; and/or
 - 4) eliminate health and safety hazards to personnel or equipment.
- This component does not fund those projects more appropriately covered by MI&R.
- I. Portable buildings** provide temporary space on a priority basis in direct support of approved primary and secondary education programs and public safety programs operated and/or funded by IA. This component will be primarily used for general classroom space. It is IA policy to rank projects through the application prioritization process.
- J. Seismic safety** addresses IA's responsibility to assess and mitigate the seismic safety deficiencies of existing DFMC-approved facilities that were constructed without adequate seismic design and construction standards. The scope of this component excludes Replacement Construction projects.

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- K. Environmental** includes all responsibilities for environmental investigations and assessment, remedial design, and remediation/abatement of environmental deficiencies for DFMC-approved facilities.
- L. Structural fire protection** supports the objective of providing fire-safe facilities for adequate fire suppression response, with special emphasis on educational facilities. This component provides structural fire protection by providing DFMC-approved facilities with fire alarms and sprinkler systems to comply with departmental directives.
- M. BI&R** provides for repairing, restoring, inspection, or modifying boilers, their appurtenances, and other pressure vessels where projects cannot await the FI&R five-year cycle. BI&R projects cost in excess of \$2,500 and less than \$100,000.
- N. Federal Quarters Improvement and Repair** provides for repairing, restoring, or modifying IA quarters.
- O. Energy Program** provides for the commissioning, re-commissioning, or retro-commission of IA real property assets to enhance energy conservation which includes renewable energy projects. This program also includes improve and repair projects to improve overall structure efficiency.

1.8 Reports and Forms.

- A. Five-Year Plan** provides a corporate methodology for implementing investment priorities across the diverse portfolio of capital assets. The methodology is executed through an annual process in which bureaus analyze, prioritize, and select capital investment projects that best support: (1) bureau missions, (2) DOI goals and objectives, and (3) the Administration's emphasis areas.
- B. OMB Exhibit 300 Capital Asset Plan and Business Case Summary** identifies projects that:
 - 1) have an initial estimated cost greater than \$5 million;
 - 2) possess a high degree of risk, or are of unique importance;
 - 3) are defined as major capital asset investments; and
 - 4) are required to follow the CPIC process.

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Completion of an OMB Exhibit 300 is required at the same time the project is incorporated into the first year of the Five-Year Plan. Projects with an estimated cost between \$5 million and \$20 million must follow the DOI CPIC for Construction and Leased Space guidance.

Projects with an estimated cost greater than \$20 million must complete and submit the CPIC Business Case Summary for DOI's review and approval prior to being submitted to OMB.

C. Emergency Reimbursement Checklist is a written request to DFMC. The region must submit a written request to DFMC for emergency funding, citing all the pertinent details including:

- 1) the location name and code where the emergency occurred;
- 2) backlog sequence number;
- 3) requested amount; and
- 4) verification that the emergency has been corrected.

The Emergency Checklist must accompany the request.

DOI's CPIC Portal on their SharePoint site contains many of the references, templates, and other guidance documents mentioned herein:

<https://doimsp.sharepoint.com/sites/DOICPICGuide>.

Approval

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Jason Freihage
Deputy Assistant Secretary - Management

Date