

**Department of the Interior
MEMORANDUM OF UNDERSTANDING**

Between

**THE BUREAU OF INDIAN EDUCATION (BIE)
and**

**THE BUREAU OF INDIAN AFFAIRS (BIA)
OFFICE OF INDIAN SERVICES (OIS)**

For

***[PUBLIC LAW 93-638, as amended,]*
INDIAN SELF-DETERMINATION CONTRACTING**

I. Preamble

The Bureau of Indian Affairs (BIA) through the Office of Indian Services (OIS) certifies Awarding Officials who award and administer P.L. 93-638, the Indian Self-Determination and Education Assistance Act of 1975, contracts, grants and cooperative agreements with tribal governments on behalf of the federal government.

Presently, several tribal governments operate self-determination contracts awarded by BIA Awarding Officials for the performance of the BIE programs.

II. Purpose and Scope

It is the purpose of this Memorandum of Understanding (MOU) to ensure that tribal self-determination contracts for the BIE programs are executed in an accurate and timely manner. This will require close coordination and cooperation between BIA OIS and BIE.

BIE personnel will work closely with the BIA OIS Awarding Officials to conduct pre-award, award, administration and closeout, negotiation, technical assistance and appeal activities including any audit resolution that might arise. The BIA OIS will bear the full responsibility for these activities; to include the provision of training for BIE staff as it does for the BIA staff.

Upon the written approval of a contract proposal by the Approving Official, who is the BIE Education Line Officer, the BIA Awarding Official, with input from the Education Line office, will negotiate and award the contract. The BIE will provide the appropriate accounting code(s) to the BIA; and, the BIA Awarding

Official will in-turn modify the contract and transmit the funds to the contractor in compliance with the terms of the contract.

III. BIE Self Determination Specialists

Two Self Determination Specialists currently employed by the Bureau of Indian Education will be transferred to the BIA OIS and will be supervised by the Office of Indian Services, Division of Self-Determination. However, the positions will remain in their current duty location in Oklahoma City, Oklahoma. BIE will provide the necessary salaries, fringe benefits, office space and other related business expenses.

They will take the appropriate training to become certified Awarding Officials for the P.L. 93-638 contracts.

They will perform 93-638 awarding official work for education 93-638 contracts in the Southern Plains Region and will assist other regions with education 638 contracts as necessary.

IV. Duties and Responsibilities

A. BIE Approving Officials will have the following duties and responsibilities

Note: Education Lines Officers are Approving Officials and are to perform the functions as defined in 13 IAM, Chapter 2.2 (E) (1-6). This authority is delegated to the position and is not transferable. The following information identifies the duties of the Approving Official.

1. Provide OIS with name of the Education Line Officer who will be the Approving Official for a particular Education Line Office and recognized contracting entities in that region.
2. Approve or disapprove contract proposals submitted by recognized contracting entities; Approving Official may seek Technical Assistance from the Awarding Official as necessary.
3. Schedule the necessary training of and dissemination of information to their personnel within 90 days of signing this MOU, provided funds are available for this purpose.
4. Inform and forward a copy of all contract proposals or renewals to the appropriate Awarding Official or Self-Determination office. New date stamp the proposal when received.
5. Within two days, of receipt, notify the contracting entity in writing that the proposal has been received in accordance with 25 CFR Part 900.15.

6. Provide copies of the two-day acknowledgement letter to the BIA Awarding Official.
7. Approve or decline the proposal in writing within a reasonable time frame to allow the Awarding Official to award within 90 days of receipt.
8. Determine award amount in conjunction with the BIA, if necessary.
9. Provide appropriate financial and payment information between BIA, BIE and contractors. Issue the appropriate funding documents and/or requisitions when necessary.
10. Recommend an Awarding Official's Technical Representative (AOTR) to the BIA Awarding Official.
11. Assist BIA Awarding Officials in negotiation of contracts with contractor.
12. Require all Approving Officials and AOTR's to attend training courses in P.L. 93-638, as amended, the Law; 25 CFR Part 900, the Regulations; and in Awarding Official Technical Representative responsibilities.

B. BIA Awarding Officials will have the following duties and responsibilities:

1. Provide BIE with the names of Awarding Officials responsible for awarding contracts for particular Education Line offices.
2. Oversee and evaluate contract performance with assistance from the BIE AOTRs.
3. Schedule the necessary training and assimilation of information to their personnel within 90 days of signing this MOU.
4. Review single audit reports, resolve findings, develop corrective action plans, and monitor contractor performance thru a coordinated effort with the BIE AOTR.
5. Notify BIE Approving Official of any contractor requests to Awarding Officials for proposed new contracts, renewals or modifications of contracts for BIE programs, issue 2 day receipt letter with a courtesy copy to the Approving Official.
6. In consultation with Approving Official appoint Awarding Officials Technical Representatives (AOTR's) and notify in writing of the appointment to the appropriate Approving Official.

7. In coordination with the Approving Official, negotiate 638 contracts with contractors; award contract and obligate funds.
8. Provide prompt payment to contractors in the allowable contract amount upon BIE transmittal of funding codes to BIA or in accordance with the contract.
9. Provide notice to the BIE Approving Official when negotiating contracts and when payment is made.
10. All other duties of the Awarding Official shall be carried out in accordance with 13 IAM, 5 IAM and 25 CFR.

IV. Duration

This Memorandum of Understanding shall remain in effect until further notice. Any modifications(s) will be mutually agreed to in writing by the designated representatives of BIA OIS and BIE.

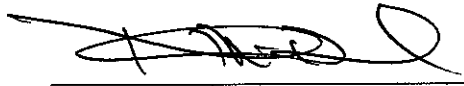
Each party must respond to request for modification(s) within thirty (30) days of receipt.

V. Signature

This MOU becomes effective on the 1st day of May, 2007.

Bureau of Indian Education

Office of Indian Services



Director, Bureau of Indian Education



Deputy Bureau Director
of Indian Services

Date: 5/3/07

Date: 5/1/07