



United States Department of the Interior

OFFICE OF THE SECRETARY

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National Policy Memorandum

**Deputy Assistant Secretary – Management
Office of Facilities, Property, and Safety Management**

Number: NPM-OFPSM-2

Effective: 8/24/2020

Expires: 8/24/2021

Title: Education Construction Site Assessment and Capital Investment Program

1. Purpose

This memorandum establishes the procedures for the Education Construction Site Assessment and Capital Investment Program (Program). The goal of the Program is to implement a comprehensive approach to assessing the conditions of Bureau of Indian Education (BIE)-funded schools, develop a holistic site-by-site solution to provide a safe, secure, healthy, operationally modern, and long-lasting campus to support BIE's mission in providing quality education opportunities.

2. Scope

This policy applies to all Indian Affairs (IA) headquarters, field, and program offices under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the BIE.

3. Policy

It is IA's policy to comply with federal laws, regulations, and policies regarding the allocation and execution of appropriated funds. The procedures outlined in this memorandum will be used to identify schools to be assessed and subsequently for development of individual site project plans for selected schools. IA is implementing the Program to identify and prioritize the necessary resources to accomplish each site project plan. IA incorporated the areas of concern outlined in the Negotiated Rulemaking Committee Final Report¹ (NRC Report) in developing this Program. IA incorporated the spirit of the NRC Report's No Child Left Behind (NCLB) recommendations into this deliberate site-by-site school assessment process. As outlined below, the Program initially focuses on schools that meet one of the two eligibility criteria cited in the

¹ In December of 2011, the Negotiated Rulemaking Committee produced its final report, Broken Promises, Broken Schools: Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee.

NRC Report. In the event no sites meet either criteria, IA will then proceed to identify schools in fair condition.

The timely identification and prioritization of requirements for campus improvements will enable funds to be allocated and acquisition actions to be coordinated effectively and efficiently to execute each project plan.

4. Methodology

A. Determining Eligibility and Selecting Schools for Annual Site Assessment

Each October, the Division of Facilities Management and Construction (DFMC) will use the previous fiscal year (FY) fourth quarter Facilities Condition Index (FCI) data to determine the eligibility of schools to be assessed using the same criteria identified in the NRC Report², specifically:

- 1) Schools with an FCI Condition of “Poor” (>.10); or
- 2) Schools that are both 50 years or older AND educating 75% or more of students in portables.

Schools currently undergoing replacement or major renovation and those which have already been selected for a site assessment will be excluded from eligibility in this process. DFMC will rank the remaining list of eligible schools by FCI and will select those schools with the highest FCI for the program.³ DFMC will publish the list of the schools selected for assessment on the Program’s webpage.⁴

B. Conducting School Site Assessments

DFMC⁵ will schedule an initial onsite briefing and campus walk-through with each Tribe and school selected for a site assessment in that selection cycle. DFMC will provide program information including how the assessment will be completed, what the Tribe and school should expect both during the assessment and after approval of a project plan. DFMC will inform the Tribe and school that their participation is critical to both the success of their assessments and later implementation of project plans.

Each site assessment includes four (4) primary components:

- 1) preliminary information for each site;

² Ibid. p. 35.

³ As of October 2019, no eligible schools met criteria 2 and it is anticipated that moving forward none are likely to meet criteria 2. In the event schools meet Criteria 2 then a directly proportional amount of Criteria 1 and 2 schools will be selected ranked by FCI.

⁴ Education Construction Site Assessment and Capital Investment Program, <https://www.bia.gov/as-ia/ofpsm/dfmc/ecsap>

⁵ DFMC will invite representatives from BIA and BIE regional offices to attend each briefing.

- 2) third party (contractor) technical assessments;
- 3) coordinated on-site review of the campus; and
- 4) assessment of employee housing conditions and needs.

C. Preliminary information for each site

In preparation for the initial onsite briefing, DFMC will compile available information for each building at the site. This information includes:

- 1) General information on each building (age, FCI, current use, gross square footage, existing deferred maintenance (DM) work orders, current replacement value (CRV), plot map, design charts, and latest facility condition assessment (FCA) documents); and
- 2) School information (Indian School Equalization Program (ISEP) counts for each grade for the proceeding 10 years, BIE approved programs beyond the core programs, and identification of Tribal or non-BIE funded programs).

DFMC will utilize available information to develop an initial program of requirements (POR) to compare the existing campus to the space authorized by the BIE Education Space Guidelines. The initial POR will be refined during the site assessment process, in coordination with the school and Tribe, to develop the preliminary POR for the project planning phase.

D. Third-party (contractor) technical assessments

DFMC will retain a third-party Architect and Engineering (A-E) contractor to conduct a comprehensive technical review of each facility and its utility infrastructure. Areas to be assessed include but are not limited to: structural integrity, geotechnical survey, energy efficiency, areas for sustainability improvements, major systems condition and efficiencies, and overall site utility infrastructure condition and capacity. The third-party contractor will submit a comprehensive report to DFMC for inclusion in the overall site assessment analysis and DFMC will provide a copy to the school and Tribe.

E. Coordinated on-site review of campus

A coordinated on-campus review will be conducted to (a) validate the A-E report, (b) assess existing and future needs, capabilities, operational deficiencies, and technical requirements for education delivery, and (c) identify other education program requirements. DFMC will lead the assessment efforts, provide coordination with the Tribal and school representatives and diverse team of subject matter experts, and manage the final reports and recommendations.

F. Site Assessment Project Plans and Recommendations

DFMC will compile all available information and the results of the on-site assessment (A-E report, coordinated on-site review, and any others) to develop a site project plan and justification. Information and assessments will be shared with assessment team participants (BIE, BIA, Tribe, and school) and discussed prior to DFMC final site project plan and recommendations. Any expansion of BIE-funded programs, employee housing, etc. must be preliminarily approved by the BIE. Formal details and final approval of any preliminary program changes will then be completed during the formal planning phase. The site project plans will result in one of four recommendations:

- 1) Replace the school;
- 2) Replace/consolidate a limited number of buildings;
- 3) Initiate a major renovation and/or focused facilities improvement & repair (FI&R); or
- 4) Execute some combination of 2 & 3 above.

G. Facilities Investment Review Board (FIRB) Review

DFMC must present the results of the completed site project plans and recommendation to the FIRB. The FIRB will request any clarification and may modify the recommendations as appropriate. Once the FIRB agrees on a site project plan and recommendation, they must provide it to the Assistant Secretary – Indian Affairs (AS-IA) for approval. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI Office of Policy, Management and Budget (PMB) as required. Approved site project recommendations will be publicly announced.

H. Approved Project Planning

Once a site project plan and recommendation is approved, DFMC will initiate a formal planning phase using available funding. DFMC will coordinate with the Tribe and school to determine if the planning phase will be managed by the Tribe or school as a Public Law (P.L.) 93-638 contract, P.L. 100-297 grant amendment, or as a DFMC-managed Federal Acquisition Regulation (FAR) project. DFMC will define the planning phase requirements and determine when the planning phase is complete. Once DFMC determines the planning phase is complete, the project will await availability of the appropriate funding (replacement school, replacement facility, or FI&R for renovation) before initiating the design-build phase. When funding becomes available, DFMC will coordinate with the Tribe and school to determine if the design-build phase will be managed by the Tribe or school as a P.L. 93-638 contract, P.L. 100-297 grant amendment, or as a DFMC managed FAR project.

I. 5-Year Plan Alignment

Site project plans approved as capital improvements must be included in the IA-DOI 5-year plan. Site project plans that have begun the official planning phase will be included in the

published 5-year plans and incorporated in the Education Budget Justification (i.e. Green Book).

Time Line of Events

October	<ul style="list-style-type: none">• DFMC will determine the eligible schools for assessment and select the allocated number of schools with the highest FCI to be assessed in the FY.• DFMC will publish the results on the Program’s webpage of the schools selected for assessment and others that were determined to be eligible but not selected.
October-September	<ul style="list-style-type: none">• DFMC will notify each selected school and schedule an initial onsite briefing to provide information on how the process will work.• DFMC will notify the third-party contractor of the list of schools to be assessed and give additional guidance as needed.• DFMC will coordinate with BIE, BIA, Tribe, and school all actions necessary to facilitate the site assessment, including the onsite review of the campus.• DFMC will compile the results of all information regarding the assessment, including the comprehensive report from the third-party contractor to develop the site project plan.• DFMC will be share information with other participants (BIE, BIA, Tribe, school) as it becomes available.
Quarterly FIRB	<ul style="list-style-type: none">• DFMC must present the results and recommendations to the FIRB of any site project plans completed since the last FIRB meeting.• The FIRB must review the results and recommendations and request any clarifications or additional information from DFMC.• Once the FIRB has approved the site project recommendations, they will provide to the AS-IA for approval. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to DOI PMB as required.
Initiating Planning	<ul style="list-style-type: none">• Once site project recommendations have been approved, DFMC will initiate a formal project planning phase.• Once planning is complete, as determined by DFMC, the project will await availability of the appropriate funding (replacement school, replacement facility, or FI&R for renovation) before initiating the design-build phase.

5. Roles and Responsibilities

- A. **AS-IA** will provide the final approval of each site project plan recommendation for projects less than \$10 million.
- B. **FIRB** is responsible for reviewing the site project assessment results and recommendations by DFMC. The FIRB will present recommendations to the AS-IA for approval and the DOI for concurrence.
- C. **Deputy Assistant Secretary – Management (DASM)** is responsible for providing oversight and direction to the OFPSM.
- D. **Director, OFPSM** is responsible for implementing policies and providing oversight for facilities, property, and safety management programs for IA.
- E. **DFMC** is responsible for providing direct oversight for the implementation of this policy, coordinating the site assessment process, developing each site project plan, presenting results and recommendations to the FIRB, and coordinating the plan for each approved campus project.
- F. **Directors, BIA and BIE** are responsible for implementing policies within their areas of responsibility for IA.
- G. **Regional Directors** are responsible for executing policies and providing resources necessary implement procedures for IA.

6. Approval

JASON FREIHAGE

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8/24/20

Jason Freihage

Deputy Assistant Secretary – Management

Date