



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

## National Policy Memorandum

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

**Number: NPM-OFPSM-4**

**Effective: 10/19/2021**

**Expires: 10/19/2022**

**Title: Public Safety and Justice Construction Site Assessment and Capital Investment Pilot Program**

### 1. Purpose

This memorandum establishes the procedures for the Public Safety and Justice (PS&J) Construction Site Assessment and Capital Investment (SA-CI) Pilot Program. The goal is to implement a comprehensive approach to assessing conditions of PS&J-funded facilities, based on empirical data, with an emphasis on improving detention, law enforcement, and judicial facilities.

### 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). The facilities covered under this policy are all PS&J facilities listed on the IA inventory, which includes all BIA-owned facilities, as well as a several Tribally-owned facilities used in the operation of BIA-funded PS&J programs through a Public Law (P.L.) 93-638 self-determination contract.

### 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 PS&J facilities to be assessed and subsequently for development of individual site project plans for selected PS&J facilities. IA is implementing the Program to identify and prioritize the necessary resources to accomplish each site project plan.

## 4. Procedures

### A. Methodology for Determining Eligibility and Selecting PS&J Facilities for Annual Site Assessment

The first quarter of each fiscal year (FY), the Division of Facilities Management and Construction (DFMC) and the Office of Justice Services (OJS) will assess the most recent Facility Condition Index (FCI) rankings. The eligibility criteria to determine SA-CI eligible locations for the FY is identified below and is listed by priority:

- 1) Facility has an FCI > 0.10 (for those facilities which have data entered in IA Facilities Management System (IA-FMS)).
- 2) Facility is 50 years old or older and does not meet space requirements as outlined in current edition of the BIA Justice/Detention Facilities Space Criteria.
- 3) Facility was recently closed, condemned or not in service due to serious life safety and/or health issues.
- 4) Facility is an adaptive re-use/renovation of existing buildings.

Subsequently, the ranking criteria for Detention Center facilities only will also be considered in the order below:

- 5) Based on analysis of inmate population and number of admissions/intakes over the most recent five (5) years data, facility is consistently at or over design capacity.
- 6) Lack of proximity to one (1) or more of the following:
  - a) Indian Health Service (IHS) healthcare facility,
  - b) Other public healthcare facility, or
  - c) Tribal court facilities as established by each jurisdiction.

Facilities currently undergoing replacement or major renovation and those which have already been selected for a site assessment will be excluded from eligibility. DFMC will publish a list of the facilities selected for assessment on the Program's website:

<https://www.bia.gov/as-ia/ofpsm/dfmc>

### B. Conducting PS&J Facility Site Assessments

DFMC will schedule onsite briefings and facility walk-throughs with each Tribe and facility 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 facility program should expect both during the assessment and after approval of a project plan. Tribal and local-level participation is critical to both the success of the assessments and implementation of project plans.

Each site assessment includes four (4) primary components:

## 1) **Preliminary Information for Each Facility**

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

- a) General information of building age, FCI, current use, gross square footage, existing deferred maintenance (DM) work orders (safety, health, environmental, structural, etc.), current replacement value (CRV), site map, facility condition assessment (FCA).
- b) List of historic trends on number of detainees and average length of stay in facility.
- c) Date facility was originally constructed or renovated to become a PS&J facility.
- d) Any recent closures of the facility due to life safety issues, or other unforeseen circumstances.
- e) Travel distance to healthcare facilities (either IHS or public/private), as well as locations of Tribal court facilities. Available information will be used to develop an initial program of requirements (POR) to compare existing facility to space requirements outlined in the BIA Justice/Detention Facilities Design Handbook (latest edition). The POR will be refined during the site assessment process, in coordination with the facility and the Tribe, to develop the preliminary POR for the project planning phase

## 2) **Third-Party Technical Assessments**

A third-party Architect and Engineering (A/E) contractor will be retained to conduct comprehensive technical reviews of each selected facility and its utility infrastructure. Areas that will be assessed include but are not limited to structural integrity, geotechnical survey, energy efficiency, areas for sustainability improvements, major systems condition, and efficiencies, and over all site utility infrastructure condition and capacity. OJS Officials will work closely with the third-party contractor to ensure specific issues unique to each facility are addressed. 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 facility and the Tribe.

## 3) **Coordinated On-site Review of the Facility**

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

#### **4) Site Assessment Project Plans and Recommendations**

DFMC will compile all available information and results of the on-site assessment (A/E report, coordinated on-site review, and other information) to develop a site project plan and justification, in coordination with OJS. Summary of the site assessment report and assessments will be shared with assessment team participants (BIA, OJS, Tribal law enforcement, Tribal courts, etc. as applicable) and discussed prior to DFMC final site project plan and recommendations. Any expansion of PS&J/OJS – funded programs, employee housing, etc. must be preliminarily approved by OJS. 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:

- a) Replace the facility;
- b) Replace/consolidate a limited number of buildings;
- c) Initiate a major renovation and/or focused facilities improvement & repair (FI&R); or
- d) Execute a combination of b & c above.

#### **C. Facilities Investment Review Board (FIRB) Review**

DFMC must present the results of the completed site project plans and recommendations 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 recommendations, they must provide it to the Assistant Secretary – Indian Affairs (AS-IA) for concurrence. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI Office of Policy Management and Budget (PMB) for their review and approval. Summary of approved site project recommendations, indicating only the state and Tribal location, will be publicly announced. Additional detailed information will be excluded from Freedom of Information Act (FOIA) requests as permitted under the exemptions outlined in FOIA regulations.

#### **D. Approved Project Planning**

Once a site project plan and recommendation are approved, DFMC must initiate a formal planning phase utilizing available funding. DFMC will coordinate with the Tribe to determine if the planning phase will be managed by the Tribe as a Public Law (P.L.) 93-638 contract 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 appropriated funding before initiating the design-build phase. When funding becomes available, DFMC will coordinate with the Tribe to determine if the design-build phase will be managed by the Tribe as a P.L. 93-638 contract, or as a DFMC-managed FAR project.

## E. 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 DFMC Budget Justification (i.e., Green Book.)

### Timeline of Events

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<b>First Quarter of each FY</b>	<ul style="list-style-type: none"><li>• DFMC will determine the eligible PS&amp;J facilities and select the allocated number of facilities which meet the criteria as outlined in section 4 A. above.</li><li>• DFMC will inform OJS which facilities have been selected for assessment, as well as other which are determined to be eligible but were not selected during the current assessment cycle.</li></ul>
<b>October – September of each year</b>	<ul style="list-style-type: none"><li>• DFMC will notify each selected facility and schedule an initial briefing to provide information on how the process will work.</li><li>• DFMC will notify the third-party contractor of the list of facilities to be assessed and give additional guidance as needed.</li><li>• DFMC will coordinate with OJS, BIA, Tribal government, and Tribal Justice organizations on all actions necessary to facilitate the site assessment, including onsite review of the facility.</li><li>• DFMC will compile the results of all information regarding the assessment, including the comprehensive report form the third-party contractor to develop the site project plan.</li><li>• DFMC will share information with other participants as it becomes available.</li></ul>
<b>Quarterly FIRB</b>	<ul style="list-style-type: none"><li>• DFMC will present the results and recommendations to the FIRB of any site project plans, with estimated costs over \$2 million, that have been completed since the last FIRB meeting.</li><li>• The FIRB must review the results and recommendations and request any clarification or additional information from DFMC.</li><li>• Once the FIRB agrees on a site project plan and recommendation, they will provide it to the AS-IA for concurrence. Projects that exceed the DOI approval threshold of \$10 million will be forwarded to the DOI PMB for review and approval.</li></ul>
<b>Initiating Planning</b>	<ul style="list-style-type: none"><li>• Once site project recommendations have been approved, DFMC will initiate a formal project planning phase.</li><li>• Once planning is complete, as determined by DFMC, the project will await availability of the appropriated funding (replacement facility, or FI&amp;R for renovation) before initiating the design-build phase.</li></ul>

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## 5. Roles and Responsibilities

- A. **DOI PMB** is responsible for reviewing and approving the recommended projects with estimated costs greater than \$10 million.
- B. **AS-IA** will submit the IA FIRB recommended project plans with an estimated cost greater than \$10 million to DOI PMB for approval.
- C. **FIRB** is responsible for reviewing and approving projects with estimated costs over \$2 million and reviewing and approving SA-CI project results and recommendations of the DFMC. The FIRB will present recommendations over \$10 million to the AS-IA for concurrence and DOI approval.
- D. **Deputy Assistant Secretary – Management (DASM)** provides direction and oversight to Office of Facilities, Property, and Safety Management (OFPSM).
- E. **Director, OFPSM** is responsible for policy implementation, and oversight of facilities, property, and safety management programs for IA.
- F. **DFMC, OFPSM** is responsible for providing direct oversight for implementing this policy, coordinating the DFMC execution of the SA-CI process, presenting results and recommendations to the FIRB, and coordinating each approved project.
- G. **Director, Office of Justice Services, BIA** is responsible for implementing this policy within their areas of responsibility, including coordinating with DFMC.
- H. **Regional Directors** are responsible for executing policies and providing resources necessary to implement procedures for IA.

## 6. Approval

**JASON FREIHAGE** Digitally signed by JASON FREIHAGE  
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Jason Freihage  
Deputy Assistant Secretary – Management

Date