INDIAN RESERVATION
ROADS
GOVERNMENT – GOVERNMENT AGREEMENT
Overview

- Authority
- Separation of Duties
- Risk Assessment
- Disputes
- Monitoring
- Administrative Funding
- Advantages
Authority

(b) Use of Funds

(2) Contract. – In connection with any activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to such activity with (A) a state (including a political subdivision of a state): or (B) an Indian tribe.
Technical Expert/Point of Contact
- Technical Assistance
- Pre-construction meetings (as requested)
- Periodic Project oversight
- Final Inspections
- Review semi-annual progress statements

Regional Road Engineer (RRE)
- Performs risk assessment
- Negotiates RFA
- Provides Technical Assistance
- Administers Program Reviews
- Reviews/makes recommendations on disputes
Separation of Duties

- **Regional Director (RD)**
  - Signs RFA
    - RFA will be signed by Director during first year
  - First-level decision maker on disputes

- **Director**
  - Signs multi-year agreement
  - Second-level decision maker on disputes

- **Division of Transportation (BIADOT)**
  - Verifies risk assessment
  - Maintains consistency
  - Fund obligation
Review of annual “single-audit”
Review of current Self-Determination “Risk” status
Review of Tribal Program capabilities
Review of Tribal financial tracking procedures
Review of Tribal contracting/procurement procedures
Disputes

• “... in the event of a dispute arising under this Agreement, the Tribe and the Director agree to use mediation, conciliation, arbitration and other dispute resolution procedures authorized under 25 CFR § 170.934. The goal of these dispute resolution procedures is to provide an inexpensive and expeditious forum to resolve disputes. The Director agrees to attempt to resolve disputes at the lowest possible staff level and by consent whenever possible.”
Oversight

- Pre-assessment
- Technical Expert/Point of Contact - periodic site visits/oversight
- Semi-annual progress reports
- Final Inspections
  - Acceptance of Projects
- Annual Program reviews
Administration responsibilities will continue to fall under Program Management & Oversight (PMO) and Project Related Administrative Expenditures (PRAE).

Adjustments to the PMO/PRAE distribution formula will be made if necessary.
Advantages

- Tribal Administration of Program
  - More control @ tribal level
  - Flexibility between projects/activities
- Less Administrative paper shuffle between entities
  - No more payment requests
    - Lump sum payment
  - No more modifications
    - Funds can be expended on any activity on an approved TIP
- BIA can still provide direct service
  - Direct Service Agreement
- Will free-up BIA staff to provide additional technical assistance