

**Program**

15.062 Replacement and Repair of Indian Schools

**Federal Agency**

BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

**Authorization**

Indian Self-Determination and Education Assistance Act, Public Law 93-638, 25 U.S.C. 450 et seq., as amended, Title IV; Tribal Self-Governance Act of 1994, Public Law 103-413; Tribally Controlled Schools Act of 1988, as amended, Public Law 100-297, 25 U.S.C. 2501 et seq.

**Program Number**

15.062

**Last Known Status**

**Active**

**Objectives**

To provide safe, functional, code-compliant, economical, and energy-efficient education facilities for American Indian students attending Bureau of Indian Affairs owned or funded primary and secondary schools and/or residing in Bureau owned or funded dormitories.

**Types of Assistance**

Direct Payments for Specified Use.

**Uses and Use Restrictions**

Replacement School Construction: Funds are provided for advanced planning, design, and construction of major expansions or major replacements of Bureau of Indian Affairs owned or funded education facilities for the direct support of primary and secondary schools and/or dormitories. An education facility may include an entire school facility or building, or a component(s) of a school facility or building, such as, classrooms, multi-purpose rooms or gymnasiums, or cafeteria/kitchens; and may include other improvements to real property such as, water storage tanks, water and sewer distribution lines, parking lots, and other site improvements. School facilities are replaced only in those instances where rehabilitation and upgrading are not feasible because of eligible American Indian student capacity needs, functional changes or costs. Facilities Improvement and

Repair: Funds are provided for advanced planning, design, and construction for facilities improvement and repair of education facilities for the direct support of primary and secondary schools and/or dormitories and the Bureau's two post secondary schools. Funds are used to improve, repair and rehabilitate facilities and in some instances replace components of education facilities and may include other improvements to real property as noted under Replacement School Construction.

## **Eligibility Requirements**

### **Applicant Eligibility**

Federally Recognized Indian Tribal Governments and Tribal Organizations, including School Boards, who have a prioritized Replacement School Construction or Facilities Improvement and Repair project for which funds have been appropriated.

### **Beneficiary Eligibility**

American Indian children attending Bureau owned or funded primary and secondary schools and/or American Indian children residing in Bureau owned or funded dormitories.

### **Credentials/Documentation**

An initial application must be accompanied by a copy of the authorizing resolution from the Federal Recognized Indian Tribal Government to be served. If a currently effective authorizing resolution covering the scope of a project has already been provided, a reference to that resolution.

## **Application and Award Process**

### **Preapplication Coordination**

An informal conference with Bureau agency representatives is strongly recommended to determine the application and award procedures to be followed. This program is excluded from coverage under E.O. 12372.

### **Application Procedure**

Applications must be filed in accordance with 25 CFR Part 900 "Contracts under the Indian Self-Determination and Education Assistance Act," 43 CFR Part 12, Subpart C "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or the Tribally Controlled Schools Act of 1988, as amended, 25 U.S.C. 2501 et seq., as applicable.

### **Award Procedure**

Projects are prioritized before the funds are appropriated. Funds must be appropriated before the award can be made. The award is made in accordance with the procedures contained in 25 CFR Part 900 "Contracts under the Indian Self-Determination and Education Assistance Act," 43 CFR Part 12, Subpart C "Uniform Administrative Requirements for Grants and Cooperative Agreements

to State and Local Governments," or the Tribally Controlled Schools Act of 1988, as amended, 25 U.S.C. 2501 et seq., as applicable.

#### **Deadlines**

Applications must be submitted in accordance with applicable procedures.

#### **Range of Approval/Disapproval Time**

#### **Appeals**

An unsuccessful applicant may request an informal conference with the deciding official, or may appeal the denial of the application to the Interior Board of Indian Appeals, or may bring suit in U.S. District Court. Full appeal procedures are found in 25 CFR Part 900.

#### **Renewals**

Depending upon the size and complexity of the construction project, it may take several increments of funding assistance to complete the project. The initial award is issued as a new contract/grant, with second and subsequent funding increments issued as renewals to existing contracts/grants.

#### **Assistance Considerations**

#### **Formula and Matching Requirements**

Not applicable.

#### **Length and Time Phasing of Assistance**

Funds remain available until expended in accordance with terms of the award.

#### **Post Assistance Requirements**

#### **Reports**

Financial status reports, SF 269A, are required. Program progress reporting requirements will be negotiated with the Self-Determination contractor/grantee.

#### **Audits**

For awards made under this program grantees/contractors are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501 et seq.).

#### **Records**

Financial records must be retained for 3 years from the date of submission of the single audit report. Procurement records must be retained for 3 years from the

date of final payment. Property records must be retained for 3 years from the date of disposition, replacement, or transfer. Records pertaining to any litigation, audit exceptions or claims must be retained until the dispute has been resolved.

## **Program Accomplishments**

Replacement School Construction: A grades 9 through 12 junior/senior high school in Arizona and a grades pre-K through 8 in Iowa were recently completed. Facilities Improvement and Repair: Funds are used to address environmental projects, AHERA requirements, minor repairs, emergency repairs, major repair/replacement projects and safety and health and other code deficiencies.

## **Financial Information**

### **Account Identification**

14-2301-0-1-452.

### **Obligations**

Replacement School Construction: FY 02 \$112,463,000; FY 03 est \$109,480,000; and FY 04 est \$124,392,000. Facilities Improvement and Repair: FY 02 \$81,403,000; FY 03 est \$82,312,000; and FY 04 est \$74,285,000.

### **Range and Average of Financial Assistance**

Replacement School Construction: The amount of financial assistance can range from approximately \$6 million to \$25 million depending on the size of the school, both grade level and student enrollment, the program requirements, and the location. For the higher amounts, funding may be incremental over 2, 3, or even 5 years. Because of the limited number of schools that have received funding in the last few years and the increasing costs for construction, there is no way to determine a true representative "average" of financial assistance for this program. Facilities Improvement and Repair: The amount of financial assistance can range significantly from a few thousand dollars to approximately \$7 million. There are several categories of projects that are included under Facilities Improvement and Repair, such as, Emergency, Roofing Replacement/Repair, Portable Classrooms. The average amount of financial assistance can vary depending on the category.

## **Regulations, Guidelines and Literature**

25 CFR Part 900 "Contracts under the Indian Self-Determination and Education Assistance Act," 43 CFR Part 12, Subpart C "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or the Tribally Controlled Schools Act of 1988, as amended, 25 U.S.C. 2501 et seq., as applicable; OMB Circulars No. A-87, "Cost Principles for State, Local, and Indian Tribal Governments," A-122, "Cost Principles for Non-Profit Organizations," A-21, "Cost Principles for Educational Institutions," as applicable; and Bureau of Indian Affairs Manual, Chapter 25, Supplements 18 and 19; Bureau of Indian Affairs Education Space Guidelines.

## Related Programs

None.

## Information Contacts

### Regional or Local Office

Applications may be filed with the local Bureau of Indian Affairs agency or regional office as listed in Appendix IV.

### Headquarters Office

Director, Office of Facilities Management and Construction, Bureau of Indian Affairs, 201 Third Street, NW, Suite 500, P. O. Box 1248, Albuquerque, NM 87103. Telephone: (505) 346- 6522. Use the same number of FTS.

### Web Site Address

<http://www.doi.gov/bia/ofmc/cm.htm>

## Examples of Funded Projects

Replacement School Construction: A pre-Kindergarten through Grade 12 school complex was funded in the State of Washington. Because of the size of the project, funds were appropriated in increments for this project. In recent years funds have been provided to build elementary and middle schools in North Dakota, New Mexico, and Mississippi, a high school in South Dakota and a library in Mississippi. Facilities Improvement and Repair: The emphasis of this program is minor replacement construction, major and minor repairs, and emergency projects to remedy life safety and health related deficiencies in facilities. Examples of projects include: boiler repair and replacement; roofing repair and replacement of gymnasium; removal of underground storage tanks; installation of fire exit lights, emergency lights, fire rated doors, and other safety related items; and replacement of water storage tanks.

## Criteria for Selecting Proposals

Replacement School Construction: Funds are appropriated based on the "Education Facilities Replacement Construction Priority List as of 2000," published in the FEDERAL REGISTER on Monday, January 31, 2000, at 65 FR 4623. The list contains 13 schools for construction/replacement. The three schools on the "Education Facilities Construction Priority List as of FY 1993" that were not yet fully funded were included in order as the first three schools on the fiscal year 2000 list. The application deadline for inclusion on the fiscal year 2000 list was July 16, 1999. Criteria emphasizes providing safe, functional, code-compliant, economical and energy-efficient educational facilities that meet applicable accreditation standards and space guidelines. Facilities Improvement and Repair: Criteria to evaluate projects emphasize eliminating critical health and safety-related deficiencies and reducing the substantial backlog of needed improvements and repairs. Potential projects are identified by facility users, regional office facilities personnel and the Office of Facilities Management and

Construction. Facilities Improvement and Repair projects are then prioritized on a Bureau-wide basis using a computerized formula that evaluates the seriousness of the deficiencies and the relative risks of those deficiencies to facility users. To be considered it is essential that deficiencies and projects for a Bureau funded school or dormitory be identified in the automated inventory of Bureau facilities. In addition there are limited funds provided under this program to address safety and health deficiencies on an immediate or interim basis as well as funds for emergency repairs under certain conditions, and for other purposes. For more information on these other programs or on the priority ranking process for Replacement School Construction or Facilities Improvement and Repair projects, contact the Headquarters Office listed above or the local Bureau of Indian Affairs agency or regional office as listed in Appendix IV of the Catalog.