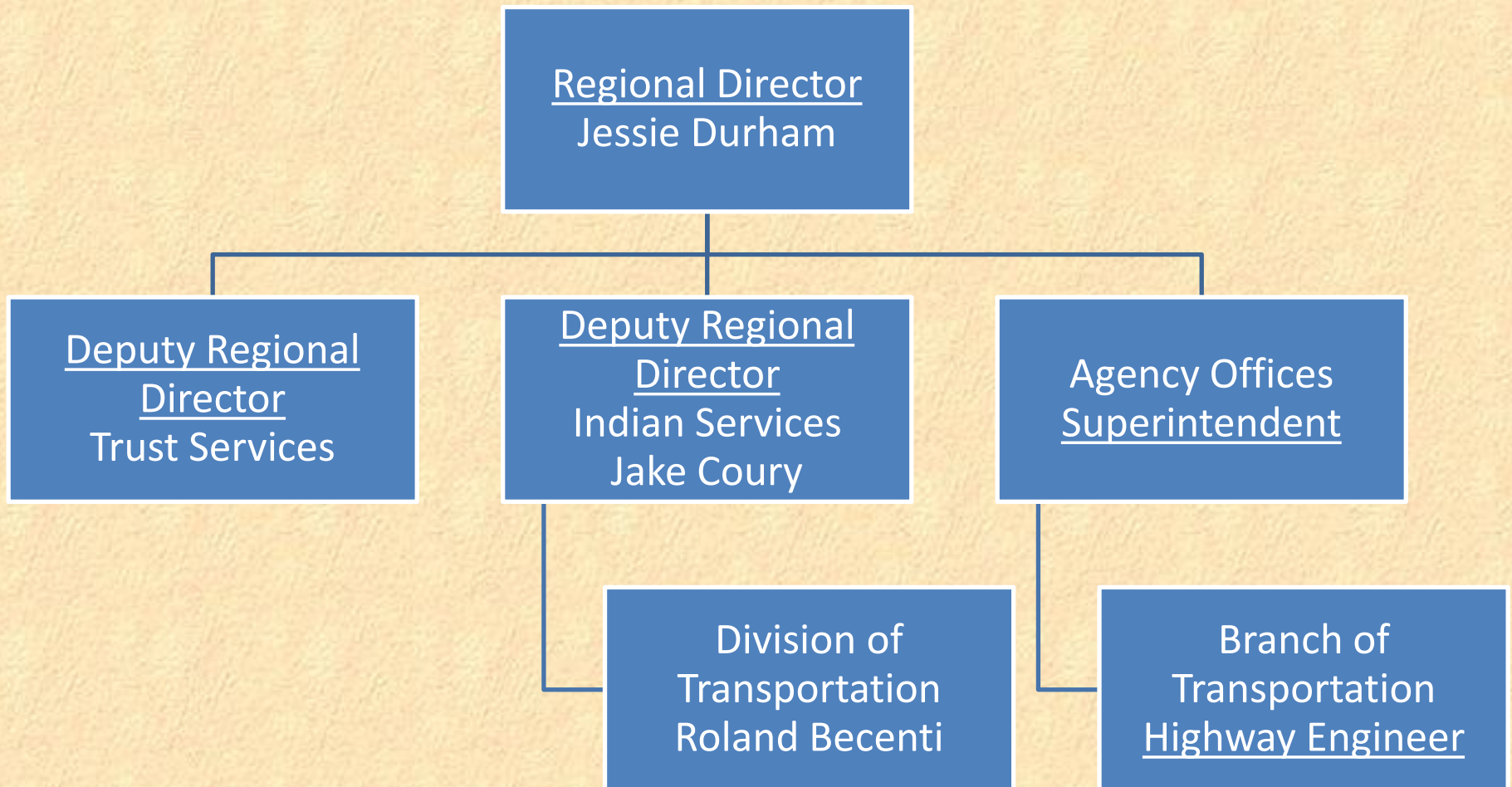


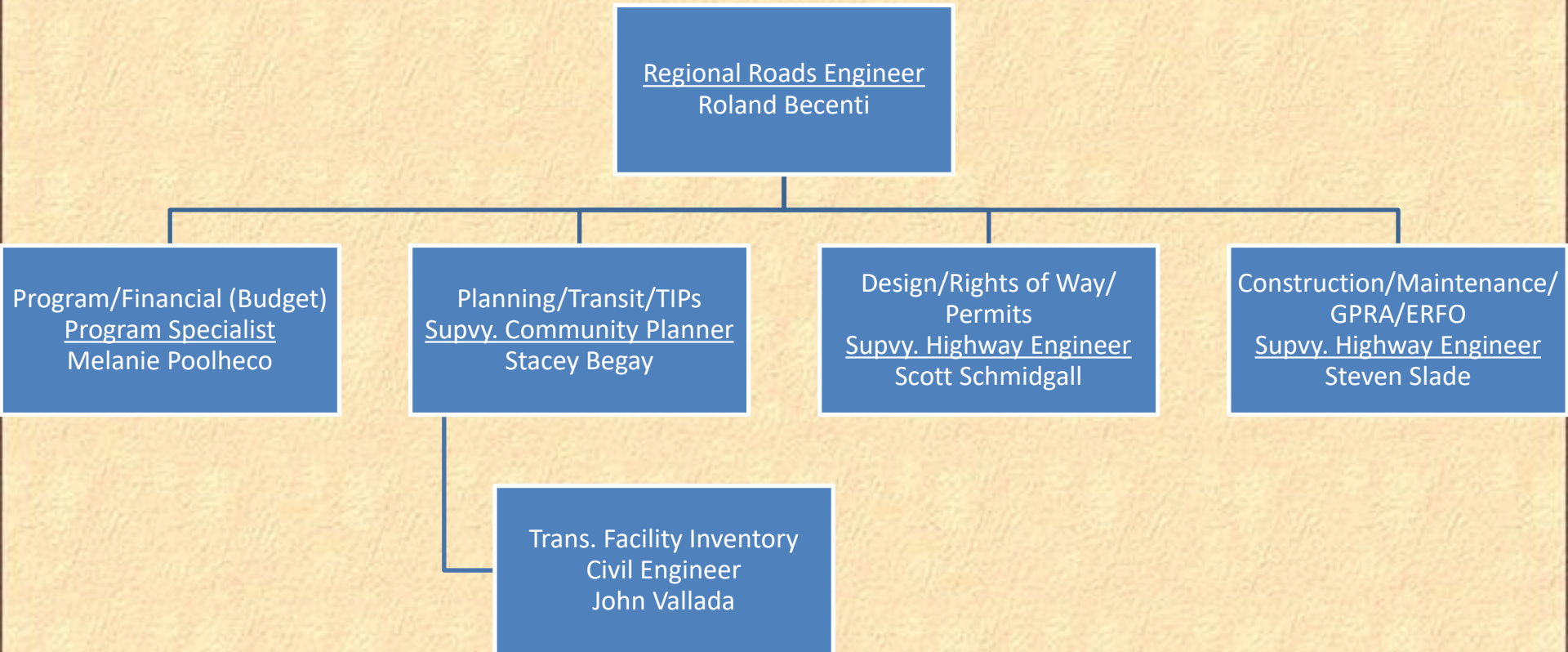
# **Western Regional Office Division of Transportation**

**Roland Becenti  
Regional Roads Engineer  
Fiscal Year 2024**

# Western Region Organizational Chart



# Division of Transportation



# Contracting Mechanisms

- **Direct Services**
  - BIA carries out TTP on behalf of and in consultation with a Tribe.
  - BIA is responsible for all aspects of TTP, including delivery, stewardship, and oversight.
- **Self-Determination Contracts**
  - Generally, each contract is for a specific project or activity.
  - The Tribe is provided TTP funding on a contract-by-contract basis from BIA and is responsible for carrying out the work identified.
  - The BIA is responsible for the stewardship and oversight of the provided funds and ensures that the program is carried out in accordance with the contract and statutory and regulatory requirements.

# **Contracting Mechanisms (Continued)**

- **Self-Governances Agreements**
  - **Agreements are developed between the Tribe and Department of Interior's Office of Self-Governance.**
- **BIA Program Agreements**
  - **A Tribe operating under these agreements receives its funding in advance from BIA and is responsible for managing its TTP.**
  - **BIA is responsible for the stewardship and oversight of the provided funds.**
  - **BIA ensures that the program is carried out in accordance with statutory and regulatory requirements.**

## Program Agreement

- **Advanced Lump Sum Payment**
- **RFAs for funding increases**
- **Semi-Annual Reporting**  
*(submitted within 60 days of the reporting period)*
- **Annual Program Reviews**
- **For Construction: Oversight required at Final Inspection**
- **Tribal Administration of Program**
  - **More control at Tribal Level**
  - **Flexibility between projects/activities**

## Self Determination Contract

- **Reimbursement Payment requests**
- **Contract modifications for funding changes**
- **Quarterly Reports**
- **Annual Program Reviews**
- **Oversight as necessary throughout period of performance of a contract**
- **BIA Administration of Program**
  - **Request for modifications for changes in SOW**
  - **All changes have to be approved by AO(Awarding Official)**

# **Program Agreement**

## **Key Points**

- **Dedicated checking, savings or investment account Required.**
- **Funds transferred under the Agreement are available until expended.**
- **Reallocation of funds allowed among projects on approved TIP.**
- **Prior year funds may be included in Program Agreements.**
- **New RFA submitted to add current year funds.**
- **Tribe submits Semi-Annual Reports.**
- **Preconstruction – Tribe submits a Project Package. No required milestone reviews.**
- **BIA will conduct joint final inspections with Tribe to accept construction project or activity.**
- **Oversight by Regional Transportation**

# **Program Agreement Risk Assessment – 10 Factors**

- **Single Audits**
- **Contract Deliverables**
- **Quarterly Reports**
- **Past Performance**
- **Administrative Capacity**
- **Contract Sanctions**
- **Contract Management Systems**
- **Financial Management Systems**
- **Certifications of Non-Audit Requirements**
- **Qualified Personnel, Equipment, Resources**



# **Tribal Transportation Program (TTP) Agreements with the Government**

- **These Agreements became effective upon the date of their approval and execution by authorized representatives of the Tribe and the (Bureau) Director (Agreement, Article II, Section 1. Effective Date and Term).**
- **These Agreements authorize the Tribe to perform planning, research, design, engineering, construction, and maintenance of highway, road, bridge, parkway, or transit facility programs or projects that are located on, or which provide access to, an Indian Colony, Reservation or a community of the Tribe that are eligible for funding pursuant to 25 CFR Part 170 (Agreement, Article I, Section 1. Authority).**

# Existing

## P.L. 93-638 Contracts/Grants

- **Options**

- **The Tribe can fulfill their contract commitment and complete the contract through final deliverable(s) and acceptance by the Awarding Official.**
  - **Upon closure of the contract, the balance of funds can be de-obligated from the contract and re-obligated to your Program Agreement.**
- **If there has been no payment activity or if the contract is at a reasonable stopping point, The Tribe can request that the contract be closed.**
  - **Upon closure of the contract, the balance of funds can be de-obligated from the contract and re-obligated to your Program Agreement.**
- **A letter from Tribal leadership expressing the Tribe's wishes to de-obligate funds and the re-obligation of the funds to your Program Agreement would be needed to initiate either option.**

# **What Restrictions apply to TTP funds provided to Tribes**

- **TTP Funds can be expended only on eligible activities included in an FHWA-approved TIP (25 CFR 170.204 – TTP Reg.)**

# **Program Agreement Tribes (Reporting)**

- **Reporting**

- **The Tribe shall provide a courtesy copy of its annual single audit report within 30 days of its submission to the Federal Audit Clearinghouse.**
- **The Tribe shall provide annual and semi-annual financial status reports for the TTP and other funds awarded under this Agreement**
  - **Report using the Federal Financial Report, SF-425;**
  - **Reports are due within 60 days following the conclusion of the reporting period; and**
  - **Reporting periods are October 1 – March 31 and April 1 to September 30 of any given year.**
- **Submit reports to the Regional Roads Engineer or if the Tribe prefers to the Regional Director, attention Regional Roads Engineer.**
  - **Emailing of scanned reports to the Regional Roads Engineer is acceptable**

# **Program Agreement Tribes (Reporting, Cont.)**

- **Additional Reporting**
  - **The BIA will establish an electronic data reporting system.**
    - **This system is known as PORT or Program Online Reporting Tool.**
  - **The Tribe shall be responsible for inputting its data into the PORT system;**
  - **The Tribe shall submit its reports no later than December 31 of each year;**
  - **The Tribe acknowledges its understanding that the submittal of its data is mandated by statute; and**
  - **Non-compliance with this requirement may be the sole basis for termination of this Agreement and/or the withholding of funds until the PORT requirement has been met.**

# **Program Agreement Tribes (Pre-Construction Deliverable)**

- **Project Package**
- **A project package shall include** (25 CFR 170.460 – TTP Reg.)
  - **Plans, Specifications and Engineer’s Estimate**
    - **Stamped and signed by a civil engineer licensed by the State in which the project is located**
  - **Tribal resolution supporting the project**
  - **Certification of compliance with the requirements of 25 CFR 169 (i.e., right-of-way), as well as any additional public taking documentation clearances if applicable**
  - **Required environmental, archeological and cultural clearances**

# **Program Agreement Tribes (Post Construction)**

- **Once a TTP construction project is completed**
  - **All project information shall be made available during the final inspection** (25 CFR 170.473 – TTP Reg.)
  - **Provide a copy of the as-built plans for final inspection**  
(25 CFR 170.473 – TTP Reg.)
  - **Provide a certification from the licensed engineer of record that the project has been completed in reasonable conformity with the PS&E**
    - **Only the licensed professional engineer of record may change TTP project plans, specifications and estimates during construction** (25 CFR 170.471 – TTP Reg.)

# **Program Agreement Tribes (Post Construction)**

- The BIA shall conduct the final inspection jointly with the Tribe and facility owner (if other than the BIA or Tribe) for purposes of acceptance of the construction project and for the purposes of including the completed project in the TTP Inventory (25 CFR 170.473 TTP Reg.)**
- Project information shall be available during the final inspection**
  - Project information (i.e., Project File) (25 CFR 170.473 – TTP Reg.)**
    - Daily diaries**
    - Weekly progress reports**
    - Materials certification**
    - Materials test results**
    - Notes from safety meetings**
    - As-built drawings**
    - Final quantities and costs (TTP expenditures)**
    - Etc.**



# **Program Agreement Tribes (Post Construction)**

- **After the Final Inspection and acceptance of the project by the Facility Owner**
  - **The Tribe shall complete a final project closeout report and final accounting of all TTP construction project expenditures** (25 CFR 170.473 – TTP Reg.)

# Contact Information

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- Design/Right of Way/Permits:  
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- Planning/Transit/TIPs:  
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