

Training Agenda
“Indian Reservation Roads Contracting (ARRA)
June 29 – 30, 2009 – Las Vegas, Nevada

Day One:

- 9:00 a.m. Module 1 - Pub. L. 111-5 American Recovery and Reinvestment Act Impacts on IRR Programs**
- Overview of ARRA
 - How Does the Economic Stimulus Act (ARRA) funding affect the Roads Program?
 - Highway Trust Funds (SAFETEA-LU) versus ARRA Funding (Funding Status)
 - Funding Distribution Methodologies for Construction and Road Maintenance Funds
 - Special Conditions under ARRA
 - Special BIA and FHWA Requirements
- 10:30 a.m. Break**
- 10:45 Module 1 – Pub. L. 111-5 American Recovery and Reinvestment Act Impacts on IRR Programs (Cont’d)**
- Special Timelines to Commit ARRA funds
 - Getting Your Projects “Shovel Ready”
 - Environmental Reviews, Control Schedules, TTIPs
 - Plans, Specifications and Estimates (PS&E’s)
 - Contracting and Compacting Requirements
 - Discussion on Expiration of SAFETEA-LU
 - High Priority Projects
 - Discussion on Highway Bill Reauthorization
- 12:00 p.m. Lunch Break**
- 1:30 p.m. Module 2 – Understanding the Indian Self-Determination Act (An Analysis of the Law)**
- Contract Relationship Model under ‘638
 - Overview of the Act
 - Key Principles under the Act
 - Tribal Rights under the Act
 - What are Contractible Functions (PFSAs)?
 - What are Inherent Federal Functions?
- 2:45 p.m. Break**
- 3:00 p.m. Module 3 – Construction Contracting Under the Act (Analysis of Subpart J)**
- Contract Relationship Model
 - What is a Construction Contract under the Act?
 - Fixed Price vs. Cost Reimbursement Contract
 - Statutory Definitions
 - Secretary’s Consultation Requirements
 - Do Federal Acquisition Regulations (FAR) Apply?
 - Construction Phases
 - Construction Contract Proposal Requirements
 - Construction Budget
 - Secretary’s Cost Estimate
 - Negotiation Tips and Considerations
 - Bonding Requirements
 - Subcontracting Rules and Contract Provisions
 - Responsibilities of Tribes
 - Responsibilities of the Secretary
- 4:30 p.m. Adjourn**

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Day Two:

9:00 a.m.

Module 4 - In-Depth Analysis of 25 CFR Part 170 Indian Reservation Roads Program

- Policies, Eligible Uses of Funds and Technical Assistance
- Regulatory Definitions
- Program Eligibility Guidelines
- IRR Funding Formula and Supplemental Funding
- Annual Tribal Transportation Allocation Methodology (TTAM)
- Relative Need Distribution Formula (RNDF)
- High Priority Projects
- IRR Inventory and Long Range Transportation Planning (LRTP)

10:30 a.m.

Break

10:45 a.m.

Continue Module 4 - In-Depth Analysis of 25 CFR Part 170 Regulations

- Flexible Financing and Borrowing Provisions
- Tribal Transportation Improvement Plans (TTIPs)
- Long Range Transportation Plans
- IRR Inventories
- IRR Bridge Program
- Plans, Specifications and Estimates (PSEs)
- Road Maintenance Issues
- Assuming IRR Program Funding through Self-Determination and Self-Governance Agreements
- Road Construction Contract Issues (Subcontracting, Statement of Assurances, FAR Clauses, etc.)

12:00 p.m.

Lunch Break

1:30 p.m.

The Acquisition and Contract Administration Processes

- Acquisition Process (Sealed Bidding, Negotiations, Bid Protests)
- Contract Administration (Express Changes, Excusable Delays, Constructive Changes, Termination for Default, Termination for Convenience, Inspection and Acceptance, Government Audit Rights)
- Subcontracting & Bond Requirements
- Contract Disputes Act Process
- Indian Preference Requirements, Davis-Bacon Act, etc
- Use of DOT/FHWA Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP-03)

3:00 p.m.

Break

3:15 p.m.

Contract Administration and Close Out Processes

- Acceptance of Work (Methods, Work Not Conforming, Materials, Measurement of Accepted Work)
- Progress Payments (Zero Estimates, Verification of Invoices, Receiving Report, Subcontractor Payments)
- Contract Documentation (FOIA, Project Files, Specifications and Drawings, Storm Water Pollution Prevention Plans, Construction Schedule, Quality Control Plan, Traffic Control Plan)
- Contract Modifications (Types of Modifications, Administrative Changes)
- Final Records (Final Quantities Check, Final Construction Report, Materials Certification, As-Constructed Plans, Final Payment)
- Contract Close Out

4:30 p.m.

Adjourn