



KIVA INSTITUTE'S AWARDING OFFICIALS CERTIFICATION SERIES

ABSTRACT

The KIVA Institute, LLC developed recommended training courses that would provide Awarding Officials and their subordinate technical representatives with the knowledge to effectively award and perform oversight on agreements under the Public Law 93-638, Indian Self-Determination Education & Assistance Act. The list of KIVA's recommended courses is intended to complement, not replace, the courses required by the Federal agencies to satisfy Awarding Officials' annual certification requirements. KIVA also provides a portfolio of its training seminars.

KIVA Institute, LLC

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"Building Capacity in Indian Country"

KIVA INSTITUTE, LLC's AWARDING OFFICIALS' CERTIFICATION SERIES



The KIVA Institute, LLC announces its new training series designed to satisfy the training certification requirements for individuals who have been delegated the authority to negotiate, award and monitor Federal awards under Public Law 93-638, the Indian Self-Determination & Education Assistance Act. The courses are available to Awarding Officials (AO), Awarding Officials' Technical Representatives (AOTR), Subordinate Awarding Officials Technical Representatives (SAOTR); and appropriate Line Officers in the Department of Interior and Department of Health & Human Services. The courses are also available to other appropriate officials of Indian tribes and tribal organizations operating Federal awards under Pub. L. 93-638. The listing of courses are the recommendations of the KIVA Institute, LLC, and intended to complement the required courses of the affected Federal agencies. Course exams are administered to ensure attendees fully comprehend course content and can apply the training in performing their duties. Attendees are awarded certificates upon satisfactory completion of each course. These courses are scheduled each year as public sessions; and are also available as on-site training.

Module 1 Roles & Responsibilities of Awarding Officials/AOTR/SAOTR; and Standards of Professional Conduct (Code of Ethics) - (3 Days – 24 Hours)

Awarding Officials play a vital role in many aspects of contracts awarded under Pub. L. 93-638 (Act), including awarding, administering, monitoring, ensuring proper closeout; and taking remedial action to address contract compliance issues when necessary. Awarding Officials serve as the official agent of the Federal government with authority to commit the Federal government to legal contracts and agreements. Awarding Officials are responsible for ensuring annual audits are conducted and that audit findings are addressed; and issuing determinations and findings; and taking appropriate action to address contract compliance issues.

Serving as Awarding Official under the Act requires a formal designation and Delegation of Authority from the appropriate Federal supervisory Line Officer. The Awarding Officer has the authority to designate subordinate representatives to assist in monitoring the Federal awards. Awarding Officials and subordinates are subject to strict Federal codes of ethics and business conduct rules. Awarding Officials are protected by appropriate Federal regulations and polices from interference or influence by higher level Federal officials to render appropriate decisions and to take appropriate action to remedy contract compliance issues.

To perform properly, an Awarding Official must have detailed and working knowledge of applicable Federal statutes and regulations, Federal contract rules, Federal appropriations, financial management and reporting requirements. The

Awarding Officials must have a thorough understanding of the Act as it is a unique statute that acknowledges the sovereignty of Indian tribes, and provides special waivers of Federal procurement regulations. Decisions of Awarding Officials are subject to critical review by tribes and tribal organizations; and may be disputed by tribes and tribal organizations under the Contract Disputes Act, and which may result in legal action in Federal district courts and by the U. S. Supreme Court.

This course provides an overview of the authorities, duties and responsibilities of Awarding Officials and their subordinates. It also provides information on special Federal code of ethics and rules that govern the conduct of Awarding Officials and their subordinates. This course is a prerequisite to all of the training courses included in this memorandum. It can also be substituted to satisfy the annual certification or renewal training. More detail instruction is provided in each training module included in the training series.

Module 2 Indian Self-Determination Act: Law & Administration - (3 Days – 24 Hours)

The Indian Self-Determination Act (Act) is about tribal sovereignty. It recognizes and affords the sovereign rights of tribes to exercise their right to self-determination. The Act affords tribal nations the right to enter into Title I Self-Determination contracts to assume total or partial control of programs from agencies within the Department of the Interior and Department of Health and Human Services, “because of their status as Indians”. The Act also affords tribal nations the right to enter into Self-Governance compacts under Title IV for Department of Interior programs; and Title VI for Department of Health and Human Service programs.

The Act is unique in that Federal procurement regulations are waived, making agreements under the Act very different from typical Federal procurement contracts. For example, tribes are presumed to be capable of operating programs and, thereby, are not required to “compete for and qualify for” contracts (or compacts). The Secretary is required by the Act to enter into a contract (or compact) upon receipt of an application complete with an authorizing tribal council resolution, unless there are declination issues. Tribes are entitled to technical assistance; and Federal agencies are mandated, by the Act, to provide technical assistance on a non-reimbursable basis. The Act also provides that tribes are entitled to Secretarial funding levels, which means full funding for direct costs and indirect costs. Tribes are entitled to pre-award appeals and post-award disputes, with rights to a hearing on the record. There are many other special and unique provisions in the Act that requires Awarding Officials and their subordinates to be thoroughly familiar with the provisions.

This 3 – day course begins with a brief history of the Evolution of Federal-Indian Law and Policy that provides an overview of the legislative history of the Act. It provides a comprehensive and thorough instruction on the rationale and meaning of the statutory provisions of the Act and its implementing regulations (25 CFR Part 900). The course is unique in that instruction is focused on tribal rights under the Act, explained in a manner that provides specific references the statutes and regulations.

Outlined in the instruction are the Federal agency’s obligations throughout the contract preparation, application, administration, and closure of the contracts. There is a special session on the funding aspects including Secretarial funding levels and funding protections; and special cost principles under the Act. The course provides an overview indirect costs and Contract Support Costs appropriations; and how indirect cost rates work. It also provides guidance on the declination, appeals, and disputes processes.

This should be a required course for all Awarding Officials, AOTRs and SAOTRs. It is also recommended that key Federal Line Officers and appropriate staff of tribes and tribal organizations attend this course. It is important that Federal officials have a thorough understanding of Congress’ intent in passing the Indian Self-Determination Act.

Module 3 An Overview of the Indian Self-Determination Act: Contracts and Compacts (3 Days – 24 Hours)

The Indian Self-Determination Act (Act) provides, in Titles IV and VI, for tribes and tribal organizations to enter into “Self-Governance Compacts” with the Secretary of Interior and Secretary of Health and Human Services. The Act provides that tribes that have demonstrated financial stability and financial management capability by not having significant material audit exceptions in the preceding three (3) years of audits, are eligible to enter into Self-Governance Compacts. These tribes typically have successfully operated programs under Title I of the Act for at least three (3) preceding years; and have conducted planning activities to transition to Compacts.

Titles I of the Act provides a statutory foundation for Titles IV and VI Self-Governance Compacts. In fact, the Act provides that tribes that may decide to adopt some, or all of the provisions of Title I into their Self-Governance Compacts. Thus, it is encouraged that attendees should first receive training under Module 2 of this series (**Indian Self-Determination Act: Law and Administration**) in order to gain a better understanding of the differences between contracts and compacts. In the alternative, Awarding Officials who monitor Self-Governance Compacts, should attend this course instead of Module 2.

This 3-day course begins with an overview of the history of the Evolution of Federal-Indian Law and Policy; and an overview of the legislative history of the Act. Similar to Module 2, the course provides, detailed instruction on the statutory provisions of the Act and its implementing regulations at 25 CFR Part 900. Then the course proceeds to a full discussion on the unique provisions of Titles IV and VI, as appropriate, and the implementing regulations at 25 CFR Part 1000. Finally, the course concludes with a side-by-side analysis of Title I, Title IV and Title VI, to afford the attendee a better understanding of the differences between Self-Determination Contracts and Self-Governance Compacts; and the differences between Titles IV and VI as they relate to Department of Interior programs and Department of Health and Human Services programs.

This course is also recommended for tribes and tribal organizations (and their Federal agencies) that contemplate converting to Self-Governance Compacts, to learn the fundamentals of Titles IV and VI before they enter into planning activities.

Module 4 Indirect Cost Principles (Contract Support Costs/Direct Contract Support Costs) - (2 Days - 16 Hours)

Module 4 is a specialized course that provides for a greater understanding of governmental accounting principles, with a special focus on administrative, or overhead costs commonly referred to as “indirect costs”. Tribes, tribal organizations, universities, hospitals and non-profit organizations all incur administrative costs as part of administering programs. The manner in which they recover their costs is through a negotiated indirect cost rate agreement. Tribes and tribal organizations have all experienced difficulties throughout the years for not receiving their full entitlement to indirect costs. Some Federal agencies do not pay indirect costs; while other agencies have statutory limitations for paying the full indirect costs. The Bureau of Indian Affairs and Indian Health Service have also not provided full funding for tribal indirect costs resulting in a number of class action lawsuits by tribes and tribal organizations. The most recent is the *Salazar vs. Ramah Navajo Chapter (Oglala Sioux Tribe and Pueblo of Zuni)* lawsuit where the U. S. Supreme Court ordered the Bureau of Indian Affairs and Indian Health Service to provide full indirect cost funding.

The Act requires that tribes and tribal organizations are entitled to full “Secretarial” Funding Levels” for direct costs and indirect costs. Contract Support Costs is a term that refers to several pools of funds that provide funding for tribal indirect cost rates, direct contract support costs, start-up funds, and pre-award funds under the Act.

This course provides a special presentation and explanation of the statutory funding provisions of the Act regarding direct and indirect cost funding. It also provides instruction on the Contract Support Cost policies of the Bureau of Indian Affairs and

Indian Health Service. KIVA developed a special guidance memorandum on how to apply Contract Support Costs to their agreements under the Act. The guidance memorandum provides instruction on how tribes can calculate Direct Contract Support Cost amounts to add to their contracts and compacts.

KIVA provides an easy-to-understand instruction on indirect cost rates and how indirect cost rates work. The training explains the concepts of an indirect cost pool, versus the direct cost base; and explains the different types of indirect cost rates. Training emphasizes that preparing an indirect cost rate requires careful thought on how tribal governments are organized; and how it is important to correctly classify costs (cost allocation) that would lead to full recovery of indirect costs.

KIVA presents this course in an easy-to-understand manner, but KIVA provides key accounting concepts on how indirect cost rates work; and how such rates apply under Self-Determination contracts as compared to how the rates apply to discretionary grant programs, This course should be a required course for all Awarding Officials and their subordinates. Tribal officials

Module 5 OMB Super Circular (Single Audit & Cost Principles) - (2 Days – 16 Hours)

The Office of Management and Budget (OMB) issued new regulations (2 CFR Part 200) on December 26, 2013, to provide Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards. The provisions of the Super Circular did not become effective and applicable to tribes and tribal organizations until December 26, 2014. Commonly referred to as the “Super Circular”, the new regulations consolidate several circulars previously administered by OMB, and which applied to organizations like state governments, local governments and Indian tribes that receive Federal funds for their programs.

Indian tribes operate two basic types of Federally funded programs: (1) Entitlement Programs, like programs funded under the Indian Self-Determination Act; and (2) Discretionary Programs, such as competitive grants funded by various Federal agencies. Federal rules differ under the two types of programs, yet there are similarities. KIVA developed a unique method of teaching the Super Circular. KIVA provides a comparison between Entitlement Programs and Discretionary Programs, identifying the differences in the regulations and how the differences impact the tribes and tribal organizations.

The Super Circular provides certain exceptions such as at 2 CFR §200.101(b)(2) where, if provisions of Federal statutes or regulations differ from the provisions of the regulations, the provision of the Federal statute or regulation govern. A good example of the “exceptions” are programs funded under the Indian Self-

Determination Act (Act) because the Act has its own statute and regulations. However, there are no exceptions regarding the Single Audit Act (Subpart F).

The course focuses on the special provisions during the pre-award and post-award phases of grants; and how the rules will impact tribes, particularly those tribes that may be experiencing performance issues under other Federal awards. Instruction focuses on the development of indirect cost rate proposals and annual audits.

The Super Circular provides, in Subpart E, cost principles that apply to Federal awards. However, as it relates to tribes operating programs under the Act, there are separate and unique cost principles in section 106(k) of the Act that provides additional cost principles for Indian tribes operating programs under the Act. KIVA developed a special guidance memorandum for tribes and tribal organizations, by merging the cost principles contained in the Super Circular with those contained in the Indian Self-Determination Act. This guidance is important to tribes because tribes and tribal organizations are culturally different and these differences reflect how tribes operate their programs.

Module 6 Single Audit Act: Audit Preparation, Resolution & Follow-Up - (2 Days – 16 Hours)

The Single Audit Act of 1984 (Pub. L. 98-502; and as amended by the Single Audit Act Amendments of 1996) provides that tribes and tribal organizations that expend at least \$750,000 annually in Federal funds (new threshold under the Super Circular), must conduct single audits, or program specific audits, at least 9 months after the end of their fiscal year. The Indian Self-Determination Act (Act), in section 5(f), requires that tribes and tribal organizations operating programs under the Act, must conduct annual audits in compliance with chapter 75 of Title 31 of the United States Code. The Department of Interior is often designated as the Cognizant Agency for Audit for the tribes because of the amount of funds provided to tribes and tribal organizations for their programs. However, in certain instances the Department of Health and Human Services may be designated as such.

The new OMB Super Circular, at Subpart F, replaced the previous OMB Circular A-133, to provide for consistency and uniformity among Federal agencies. Each year the OMB updates a special audit compliance supplement that requires the tribes and their auditors to pay special attention to certain critical aspects of Federal programs. OMB issued its Compliance Supplement 2016 in August 2016.

Awarding Officials have a responsibility to ensure tribes complete their annual audits; and if tribes are delinquent in their audits, then the Awarding Official has the duty to ensure technical assistance is afforded the tribes so that tribes can come into compliance. However, if problems persist, then the Awarding Official has a

regulatory mandate under the Single Audit Act and Subpart D of the OMB Super Circular to address the situation, and if necessary, impose sanctions which may include withholding Contract Support Costs, and which may eventually lead to a reassumption of the tribe's contracted programs. The Awarding Official may take other remedial action including temporarily suspending contract activities.

Awarding Officials also have post-audit responsibilities to ensure audit findings are addressed timely, and that management decisions are issued timely. It is important that determinations and findings are issued timely to identify and resolve disallowed costs; and if necessary, take action to recover the disallowed costs, particularly in light of the requirement at section 106(f) of the Act which prohibits any right of action or remedy pertaining to disallowed costs by the Federal agency unless a tribe is notified of any disallowed costs within 365-days of the receipt of the audit.

The above responsibilities require Awarding Officials and their subordinates to become thoroughly familiar with audits, how audits are conducted, what all is involved in audits; and what their responsibilities are in the pre-audit and post-audit phases.

Awarding Officials and their subordinates should have a thorough understanding of the Federal audit requirements and their respective roles to assist tribes to remain in compliance with the audit requirements. This course covers the full spectrum of the audit process, identifying the responsibilities of Awarding Officials and Indian tribes; and how auditors determine major programs and program risks. It covers the requirements of the OMB Audit Compliance Supplement.

This course should be a required course for all Awarding Officials and their subordinates.

Module 7 Financial Management Systems & Reporting Requirements: GASB 34 - (2 Days - 16 Hours)

The Indian Self-Determination Act (Act), in section 5, requires that tribes and tribal organizations maintain financial records to document how funds are used in the agreements under the Act; and that such records are maintained in a manner that will facilitate annual audits. The Act's implementing regulations at 25 CFR Subpart F – Standards for Tribal or Tribal Organization Management Systems, prescribes minimum standards for tribal financial management systems, including: financial reporting, accounting records, internal controls, budget controls, allowable costs, source documentation, and cash management. Financial reporting requirements include submitting quarterly and annual financial reports on the OMB Federal Financial Report SF-425.

The General Accounting Standards Board (GASB) was created in 1984 to establish generally accepted accounting principles (GAAP) for state and local government entities. Its standards guide the preparation of external financial reports of those entities. In June 1999, GASB made changes, through GASB Statement 34, in how tribes will now submit financial reports. GASB 34 now requires an accrual-basis accounting versus the former cash-basis accounting; and report on the value of their infrastructure assets, which most tribes have not adopted. To comply with the single audit requirements, some tribes have been compelled to prepare separate financial statements of only those programs applicable organizational units to include in the single audit reporting package. Further, there is debate that perhaps tribal organizations that operate programs under the Act should not be subject to single audits as required under GASB 34, but instead follow the accounting standards prescribed by the Federal Standards Advisory Board (FASB), and conduct program specific audits.

In Fiscal Year 2010, OMB combined the Financial Status Reports (SF-269 and SF-269A) and the Federal Cash Transactions Report (SF-272) into one form, the Standard Form 425 (SF-425). These changes have an effect on quarterly and annual financial reporting; and consequently, on annual audits. The audited financial statements no longer have the detailed program information needed to compile indirect cost rate proposals. The Act requires tribes to submit SF-425's on a quarterly basis and an annual report.

The above financial reporting requirements affect all tribes and tribal organizations that operate Federal programs under the Act and their discretionary grants. There are distinct differences in the treatment of costs under the Self-Determination contracts and discretionary grants that impose challenges for tribes on how they prepare and submit their financial reports.

This course will provide Awarding Officials and their subordinates an understanding of the financial reporting requirements under the Act; and what information is reported on the SF-425's. It is important that SF-425's are completed accurately because of the carryover provisions in the Act, and the requirement for separate reporting on direct costs and Contract Support Costs. Armed with a better understanding of SF-425's, Awarding Officials can provide effective guidance to tribes in completing the reports. Attendees will receive instruction on the basics of governmental accounting and how accounting practices affect awards under the Act. Attendees will gain an understanding of how GASB 34 impacts tribes and tribal organizations.

This course should be a required course for all Awarding Officials and their subordinates.

Module 8 Construction Contracting under Pub. L. 93-638 (Subpart J) - (3 Days - 24 Hours)

Until the 1988 Amendments to the Indian Self-Determination Act (Act), tribes were not permitted to contract for construction programs under the Act. Now with the 1988 and 1994 amendments, tribes and tribal organizations have contracted under the Act to build projects such as highways, bridges, jails, schools, health facilities, sanitation and water systems, irrigation and agricultural work, and flood control facilities. Some tribal water rights settlement acts provide for tribes to build dams and water delivery systems under the Act. Construction contracts include planning and architectural design work, including performing the environmental and cultural preservation assessments and clearances, rights-of-way; etc.

Separate and stand-alone implementing regulations were developed, in Subpart J – Construction, to regulate construction projects under the Act. Because contracts under the Act are not procurement contracts, tribes and tribal organizations are not required to “compete for and qualify” to receive construction contracts. The Federal Acquisition Regulations (FAR) do not automatically apply to construction contracts unless the special provisions at section 105(3)(A) of the Act are met.

This 3-day intensive training provides guidance in all phases of construction contracting, including the pre-planning, planning, design and construction phases. Instruction include such topics as developing master plans, engineer’s cost estimates, use of licensed architects, preparing the project plans, specifications and estimates (PSEs), subcontracting; and contracting for construction management services (CMS).

Special focus is made on the unique statutory and regulatory time frames that govern the construction contract application, negotiation and award phases; and the unique contract declination procedures that apply to construction contract applications. Construction contract application requirements differ from non-construction contract applications; thus, time will be allotted to address the unique requirements.

Subcontracting the construction projects, or portions thereof, is a significant topic in construction contracting because tribes usually do not have the in-house capacity to perform certain construction functions. Tribes must utilize their procurement policies and procedures in advertising and selecting the most responsive bidder for the project(s). Tribes then must have regulations and procedures in place to protect their rights and interests such as invoking bonding requirements, ensuring sovereign immunity protections, prescribing contract disputes and resolution procedures; requiring tribal employment preferences, and assessing TERO fees; etc.

Monitoring subcontractor performance and project management then becomes an important function.

The course will cover subcontracting rules and oversight, suggested subcontract provisions, subcontractor payments, etc. The course will include an overview of various types of contracts, e.g. design-build, design-bid-build, lump sum, cost-plus-fee, and construction management (CMS). It will cover tribal and Federal oversight responsibilities; and the implications of the Davis-Bacon Act, tribal preference policies.

This is a highly specialized course and should be required for all Level II and Senior Level Awarding Officials. Employees that service as Awarding Official's Technical Representatives or subordinates, should also attend this course.

Module 9 Developing Program Standards and Contract Statements of Work - (2 Days – 16 Hours)

The Indian Self-Determination Act (Act) provides that tribes and tribal organizations are not subject to unpublished regulations, program guidelines, manuals or policy directives unless otherwise agreed to by the tribe or tribal organization. The Act also provides that a tribe may propose a redesign of a program, activity, function or service to best meet the needs of the tribe. And, implementing regulations at 25 CFR §900.8(g)(4), provides that a tribe may submit a description of program standards it proposes to utilize under the contract. With the exception of perhaps a internal program operating and procedures manual used by the Federal agency, program standards, applicable Federal regulations typically do not include program standards and specifications.

Tribes and tribal organizations proposing to contract a program may request technical assistance from the Federal agency for help in developing program standards, contract scopes of work and technical specifications. A tribe or tribal organization also has the option to adopt, in total, or in part, an existing national, regional or local professional standard to use in operating its program under the Act. In the alternative, tribes have the right under the Act to request third party technical assistance for developing program standards and contract scopes of work from technical assistance providers.

Writing a Statement of Work (SOW) is one of the most important aspects of contracts, including contracts under the Act. It is most important, especially for construction contracts under the Act where structural integrity of a project is of critical importance. A SOW is a definition of requirements under a contract. It is a written description of the work to be performed under a contract to satisfy

particular needs. A good SOW starts with a “Why”, then moves to the “How” and “What”, followed by the “When”, and “How Much”. The SOW must include, at a minimum: (1) a detailed statement of the purpose, objective or goals; (2) identification of all significant material to be developed or delivered; (3) completion and acceptance criteria; (4) delivery timeframe; (5) estimated time schedule (start date, end date, milestones); (6) estimated number of work hours; (7) fixed cost for each task; and (8) everything pertinent to the successful completion of the contract.

This course will teach Awarding Officials and their subordinates the art of developing program standards, contract statements of work and technical specifications. It is important that program staff that also serve as AOTRs and SAOTRs to attend this important course. This course is also recommended for tribal personnel, such as project managers, who will be involved in construction contracts under the Act.

Module 10 Appeals and Disputes under Pub. L. 93-638 - (2 Days – 16 Hours)

The Indian Self-Determination Act (Act) provides that tribes and tribal organizations are entitled to filing administrative appeals and contract disputes to object to decisions and actions that affect, or may affect, their awards under the Act. Section 110 of the Act provides that the United States district courts have original jurisdiction over any civil action or claim filed against the Secretary arising under the Act. The Act, in section 110, also provides that tribes, when they prevail in legal challenges, may file claims under the Equal Access to Justice Act (Pub. L. 95-563) to seek payment of attorney’s fees.

The regulations at 25 CFR Part 900, Subpart L – Appeals, identifies ten decisions that may be appealed by tribes and tribal organizations, including the decision to decline to enter into a non-construction and construction contract under the Act; and a decision to decline a proposed amendment to the contract and a decision to reassume a contract. Specific procedures and steps are prescribed in the regulations. The regulation requires the Federal agency to advise the tribe of its decision and afford the tribe of its rights to an appeal and a hearing on the record. Tribes then have a right to either proceed with an informal appeal, a formal appeal, or file action directly in the Federal district court. The Federal agency has the burden of proof for rendering its decision(s) that is the subject of the appeal.

While contracts and agreements under the Act are not “Federal procurement agreements”, the Act provides that the Contract Disputes Act (Pub. L. 95-563) shall apply to Self-Determination Contracts and Self-Governance Compacts. Subpart N – Post-Award Contract Disputes, prescribes rules and procedures for filing disputes.

These provisions allow tribes and tribal organizations that operate Federal programs under the Act to file action(s) against the Awarding Officials for decisions made by such Awarding Official. Claims under the Contract Disputes Act are written demands to the Awarding Official seeking as a matter of right, payment of money in a sum certain, an adjustment or interpretation of contract terms; or relief arising under or relating to a contract; and seeking a final decision. The tribe and the Federal agency may also agree to follow the alternative dispute resolution process instead of filing a Contract Disputes Act claim to resolve the dispute. The Administrative Disputes Resolution Act (Pub. L. 101-552) prescribes procedural requirements and techniques for the disagreeing parties to come to an agreement short of litigation, with or without the help of a third party.

This course provides a detailed instruction on the pre-award decisions of Federal officials that may be appealed by tribes and tribal organizations; and post-award decisions of Awarding Officials that may be disputed under the Contract Disputes Act. The course provides a step-by-step instruction to ensure that appropriate Federal officials and Awarding Officials have a complete knowledge of the procedures they must follow; and that they are aware of the rights of tribes and tribal organizations in these instances.

This course should be a required course for all Awarding Officials and their subordinates.

KIVA recommends the above list of courses to assist in satisfying the certification requirements of Federal Awarding Officials, Awarding Official's Technical Representatives (AOTRs) and Subordinate AOTRs. The courses are also recommended for Federal line officers and representatives and employees of tribes and tribal organizations. The list is, by no means, intended to supersede the courses required by the respective Federal agencies, but instead are meant to complement the course requirements. Training can be offered to be held on-site, at locations designated by the Federal agencies; and Indian tribes and tribal organizations. Training can also be offered through video conferencing or webinars. KIVA will also include these courses as part of its annual training calendar; and will be held as scheduled.

In addition to the above ten (10) modules, KIVA has a portfolio of additional training courses that will be scheduled each year to be offered to the general public, or can be held on-site as requested. KIVA can also customize training seminars as needed. Please refer to the attached list of the KIVA Seminars.

KIVA Institute, LLC

KIVA Institute, LLC is a 100% Native American owned and operated training and consulting firm with a mission of “Building Capacity in Indian Country”. KIVA has unique, unparalleled experience and expertise in the Indian Self-Determination Act. KIVA provides the most comprehensive and training on the Indian Self-Determination act and related topics not found anywhere else in Indian Country. KIVA’s instructors teach from years of practical experience and knowledge, not theory. KIVA’s Founder and President/CEO was directly involved on developing the technical amendments to the Act; and serving as project leader for the Department of Interior – Bureau of Indian Affairs in the development of implementing regulations. KIVA’s founder also led the development of the Bureau of Indian Affairs’ Self-Determination policies, such as Delegation of Authority for Awarding Officials and the Contract Support Cost policy. He also developed the Indian Self-Determination Act training curriculum for the Bureau of Indian Affairs. KIVA’s staff and associates have over 75 years of experience in the Indian Self-Determination Act and related topics.

Contact Us for Additional Information and to Register

For more information and to register for the KIVA courses, contact the KIVA Institute, LLC by visiting our website: www.kivainstitute.com; or by calling our toll-free telephone number: 1-866-202-5482. Visit our website for a calendar of the above courses. KIVA also provides customized on-site training.

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KIVA Courses

See the attachment list KIVA’s courses. If you do not find the courses on our annual training schedule, please contact us and we can hold a special, on-site session.

KIVA Consulting Services

KIVA provides consulting services in a variety of areas including: Contracting Programs under Pub. L. 93-638; Conversion of Self-Determination Contracts to Self-Governance Compacts; Assistance in Contract Declination Issues; Capacity Development Projects such: as Leadership Training, Land Use Planning, and Tribal Budget Development; Development of Tribal Management Systems; Audit Preparation; Audit Resolution and Follow-Up; Organizational Assessments and Development; Strategic Planning; Assessment of Tribal Enterprises; Assisting Sanctioned and “High Risk” Tribes; Assisting in Alternative Dispute Resolution Processes; Indirect Cost Rate Proposals; Tribal Court Reviews; and Economic Development; and Renewable Energy Development.



KIVA INSTITUTE, LLC TRAINING SEMINARS “Building Capacity in Indian Country”™

Indian Self-Determination Act & Related Courses

- Indian Self-Determination Act: Law & Administration
- Self-Governance Compacts under Pub. L. 93-638
- Overview of Indian Self-Determination Act: Contracts & Compacts (Title I, Title IV, Title VI)
- Awarding Officials’ Roles & Authorities & AOTRs
- Indirect Cost Principles (Contact Support Costs)
- Preparing Indirect Cost Rate Proposals
- Single Audit Act: Preparation & Follow Up
- OMB Super Circular
- Financial Management Systems & Reporting Requirements: GASB 34
- Construction Contracting under Pub. L. 93-638
- Construction Contracting in Indian Country
- Construction Project Management
- Developing Program Standards & Contract Statements of Work
- Appeals and Disputes under Pub. L. 93-638
- Historic Preservation Programs under Pub. L. 93-638
- Archaeological Resources Protection Act
- Contracting Health Programs under Pub. L. 93-638
- Tribally-Controlled Grant Schools (Pub. L. 100-297)
- Indian Child Welfare Act under Pub. L. 93-638
- Tribal Transportation Programs under Pub. L. 93-638
- Federal Tort Claims Act (FTCA)
- Fair Labor Standards Act (FLSA)
- Developing & Financing Renewable Energy Projects
- Financing Economic Development Projects

Contact Us:

We also provide specialized and customized on-site training. Visit our website for training schedules; or contact us for special on-site courses.

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Tribal Governance

- Tribal Council Orientation (Roles & Responsibilities)
- Board of Directors’ Roles & Responsibilities
- Robert’s Rules of Order (Parliamentary Procedures)
- Robert’s Rules of Order for Parliamentarians
- Tribal Constitutional Law & Fundamentals
- Developing Annual Tribal Budgets
- Strategic Planning in Indian Country
- Meeting Your Fiduciary Responsibilities
- Developing Civic Leadership Skills
- Promoting Civility & Ethics in Native Professional Environment
- Tribal Enrollment Programs
- Art of Grant Writing & Grants Administration
- Writing Successful CTAS Grants
- System for Award Management (SAM.Gov)

Tribal-Federal Law & Policy

- Federal Indian Law & Policy
- Tribal Attorney Boot Camp
- Tribal Law & Order Act (TLOA)
- Violence Against Women Act (VAWA)
- Tribal Employment Law
- Indian Civil Rights Act (ICRA)

Administrative & Organizational Management

- Tribal Management Policies & Procedures
- Tribal Executive Management Institute
- Administrative Professionals Symposium
- Management & Supervision
- Human Resources Management
- Rebuilding a Problem Organization
- Records Management Principles
- Federal Travel Regulations
- Fundamentals of Project Planning & Management
- QuickBooks™ & Accounting Principles for Tribal Programs
- QuickBooks™ for Entrepreneurs
- Technology for Service & Business
- Problem Solving Techniques