



KIVA Institute's Seminar on: "Construction Contracting Under P.L. 93-638: (Subpart J)"

3 Days/24 Hours

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For dates and locations

Construction contracting under Public Law 93-638, the Indian Self-Determination & Education Assistance Act, is very different from typical commercial construction contracting. Contracts entered into between tribal nations and the federal government under Public Law 93-638 are not "procurement contracts" so federal procurement rules like the Federal Acquisition Regulations (FAR) do not apply to these contracts. Stringent rules are avoided for construction contracts under the Indian Self-Determination Act.

The Indian Self-Determination Act provides many benefits for Indian tribes. This course provides special insight into the unique provisions for construction programs under the Indian Self-Determination Act. It provides guidance on how to apply and exercise tribal sovereign rights and protections, tribal employment and contracting laws; waiver of tribal sovereign immunity, contract dispute resolution processes.

You will learn the various phases of the construction process including preconstruction planning, design, NEPA process, contract proposal process, subcontracting rules, bonding requirements (Miller Act), Indian preference, engineers' cost estimates, fixed price vs. cost reimbursement contracts, advance payment schedules, indirect costs vs. fixed fees, Contract Disputes Act. And much more!



You Will Learn:

- Overview of the Indian Self-Determination Act with a special focus on Construction Contracting and differences between commercial contracting and contracting under the Indian Self-Determination Act.
- In-depth review of 25 CFR Part 900, Subpart J – Construction Contracting regulations.
- Roles and responsibilities of tribes and federal funding agencies, including role of the Awarding Official & Awarding Officials' Technical Representative (AOTRs).
- Different types of construction contracts and types of fixed price contracts; and how each type may be of benefit to you.
- Contract bidding process including development of bid specifications, conducting bid opening, contract negotiation and award.
- Technical aspects of Construction Management and Oversight during construction and during close out.
- General Contractors' perspectives and promoting LEED certification objectives.
- Tribal subcontracting and oversight; addressing tribal sovereign immunity issues, tribal dispute resolution processes, tribal laws (TERO and environmental and cultural preservation laws) and construction standards, bonding and insurance requirements.
- Contract administration and oversight, including monitoring, inspections, payment requests; changes, claims, dispute management, subcontract management; building systems and warranties and closeout.

Who Should Attend?

This course satisfies the required training curriculum for federal Awarding Officials and their subordinates; and is recommended for federal line officials and tribal construction personnel, tribal finance and accounting staff, tribal administrators, tribal attorneys and consultants. It is also recommended for construction firms interested in doing business with tribal nations.

The course is intended for tribal administrators, tribal contracting officers, project managers, project engineers, transportation boards, school boards, health boards, tribal enterprise boards, tribal accountants and bookkeepers. Federal project managers, Awarding Officials and Awarding Officials' Technical Representatives (AOTRs) will also benefit from this course. This is an excellent course for private construction companies to learn about federal and tribal rules and protocols when doing work in Indian Country.

Register and Contact Us: Register by visiting our website: www.kivainstitute.com; or mail to: KIVA Institute, LLC, P.O. Box 1320; Pinetop, Arizona 85935. Contact us via our toll-free telephone: 1-866-202-KIVA (5482) for group discounts and on-site seminars.