



US Department of the Interior

Indian Affairs

Acquisitions Under the Buy Indian Act at Indian Affairs



Agenda

- Introduction
- Historical Numbers (obligated dollars, small business goals, and competition)
- Buy Indian Act Procedures at IA
- Current and Upcoming Opportunities



Introduction

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Mission Statement

The Bureau of Indian Affairs' mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives.



Obligations

Fiscal Year	Obligations to Indian Economic Enterprises (IEEs)
FY18	\$84.9M
FY19	\$123.9M
FY20	\$209.4M
FY21	\$279.5M
FY22	\$418.2M



Obligations

Fiscal Year	IEE Obligations	Total Obligations	IEE %
FY18	\$84.9M	\$207.3M	41%
FY19	\$123.9M	\$268.5M	46%
FY20	\$209.4M	\$348.3M	60%
FY21	\$279.5M	\$415.8M	67%
FY22	\$418.2M	\$583.6M	72%

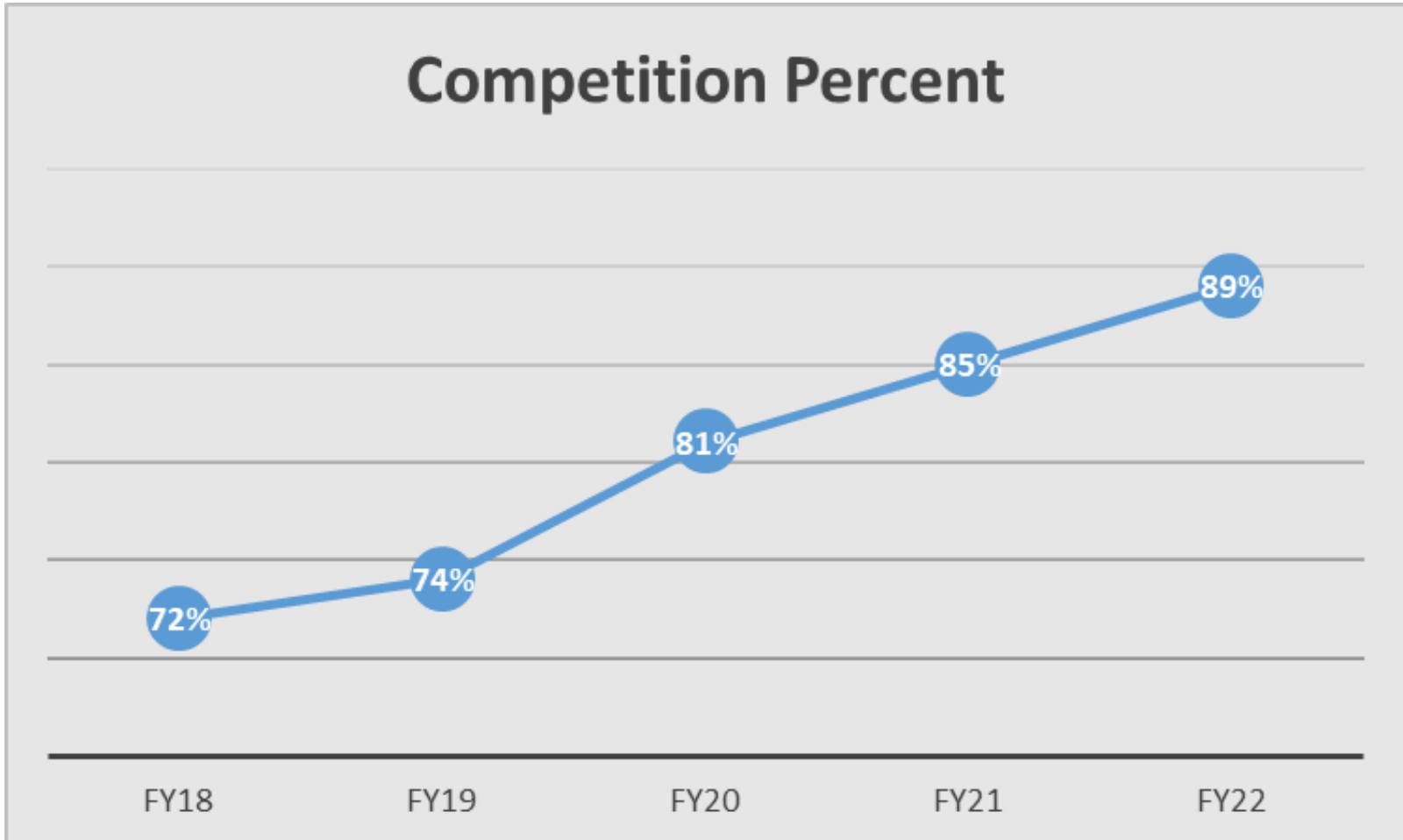


Small Business Obligations

Category	FY20	FY21	FY22
Small	72.6%	77.3%	81.8%
SDB	60.2%	68.0%	73.4%
HUBZone	10.9%	12.6%	15.1%
WOSB	8.5%	8.3%	11.2%
SDVOSB	6.2%	5.9%	4.6%



Competition





Buy Indian Act Applicability

Department of the Interior Acquisition Regulation (DIAR)

DIAR 1480.301: Except as provided in 1480.302, this part applies to all acquisitions, including simplified acquisitions, made by IA and by any other bureau or office of the Department of the Interior conducting acquisitions on behalf of IA or otherwise delegated the authority to conduct acquisitions under the Buy Indian Act.

In other words, all acquisitions carried out by, or on behalf of, IA Contracting Officers must follow the procedures set forth in DIAR 1480. All other Bureaus within DOI may use the Buy Indian Act.



Buy Indian Act Definitions

Indian Economic Enterprise (IEE)

Any business activity owned by one or more Indians or Federally Recognized Indian Tribes provided that:

- (1) The combined Indian or Federally Recognized Indian Tribe ownership of the enterprise constitutes not less than 51 percent;
- (2) The Indians or Federally Recognized Indian Tribes must, together, receive at least 51 percent of the earnings from the contract; and
- (3) The management and daily business operations of an enterprise must be controlled by one or more individuals who are Indians. The Indian individual(s) must possess requisite management or technical capabilities directly related to the primary industry in which the enterprise conducts business. Management may be provided by:
 - (i) Committees, teams, or Boards of Directors which are controlled by one or more members of Tribe, or;
 - (ii) Non-Tribal members if the enterprise can demonstrate that the Tribe can hire and fire those individuals, that it will retain control of all management decisions common to boards of directors, including strategic planning, budget approval, and the employment and compensation of officers, and that a written management development plan exists which shows how Tribal members will develop managerial skills sufficient to manage the enterprise or similar enterprises in the future.

Indian Small Business Economic Enterprise (ISBEE)

An IEE that is also a small business concern established in accordance with the criteria and size standards of 13 CFR part 121.



Buy Indian Act Definitions

Indian

A person who is an enrolled member of a Federally Recognized Indian Tribe.

Federally Recognized Indian Tribe

An Indian Tribe, band, nation, or other Federally recognized group or community on the List of Federally Recognized Tribes. This definition includes any Alaska Native regional or village corporation under the Alaska Native Claims Settlement Act (ANSCA).

List of Federally Recognized Tribes

See: <https://www.federalregister.gov/documents/2022/01/28/2022-01789/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>



Requirement for IEE Preference



Where to start:

The CO will give priority to ISBEEs for all purchases, regardless of dollar value.

If the CO determines after market research that there is no reasonable expectation of obtaining offers from ISBEEs that will be competitive in terms of market price, quality, and delivery.

When there is no reasonable expectation of obtaining offers that will be competitive in terms of market price, quality, and delivery from two or more responsible ISBEEs, IEEs, or direct negotiation with an IEE that is a certified 8(a) business.

What to do next:

If no ISBEEs submit a quote, the solicitation may then be set-aside for IEEs.

If no ISBEEs or IEEs submit a quote, the solicitation may then be open to all vendors after a deviation has been approved.

A Buy Indian Act Deviation is required unless an exception applies.

Examples:

IT supplies/services, HVAC maintenance, construction, tractors, commercial-grade refrigerators.

Large construction projects, fleet of maintenance trucks, feasibility study for all of IA.

Most utilities, cell phone service, proprietary licenses without resellers, manufacturer-specific maintenance.



Lookout on SAM.gov

Title	Description	Ceiling	Award
Business Support Services	Professional Services IDIQ including PM, Finance, HR, Acquisitions, and Admin Support Services	\$200M	FY23 Q2
Program Management and Industrial Engineering	PM, Management Analytics, and Industrial Engineering Consulting Services	\$95M	FY23 Q2
Construction MAC	General facilities construction for projects over \$5M	\$1.5B	FY23 Q3
ITSS	Information Technology Support Services IDIQ	TBD	FY23 Q4
Water and Power (Dams/Irrigation) MAC	IDIQ for Dam and Irrigation Projects (IA and BOR Only)	\$1B	FY24



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