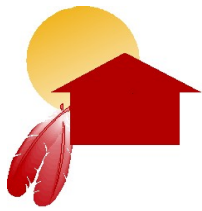


This monitoring plan is designed to assist a tribe or tribally designated housing entity to conduct self-monitoring of its performance and compliance with pertinent requirements and is virtually identical to the plan that the Office of Native American Programs uses.

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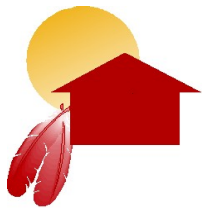
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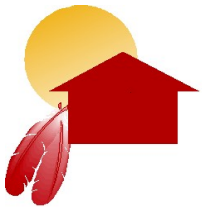
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<p>Section 7(b) of the Indian Self-Determination and Education Assistance Act provides that any contract, subcontract, grant, or subgrant pursuant to program requirements shall require that, to the greatest extent feasible, preference is given to Indian-owned economic enterprises.</p> <p>Section 3 of Housing and Urban Development Act of 1968 requires that employment and other economic opportunities generated by HUD programs shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.</p>	<p>24 CFR 1000.52 24 CFR 1003.510 Sec. 7(b) of P.L. 93-638</p> <p>24 CFR 1000.42 24 CFR Part 135</p>	<p>See Attached</p> <p>ICDBG NOFA</p>		<p>Yes, the Tribe implements Indian Preference – see Finance §4.009(b)(5)</p> <p>The Tribe has not yet had a project that required Section 3 compliance, but we are expecting to begin construction on our housing development in 2020-2021, so it is incorporated into a pending revision to our policy.</p> <p><small>NOTE: As of 12/14/2020, our HUD TA consultant has confirmed that Section 3 no longer applies to NAHASDA programs, and thus will not be included in procedures or policy as previously noted in this section</small></p>
<p><b>II. Pre-Review Preparation</b></p>				-
<p>A. If available, review the following documents:</p> <ol style="list-style-type: none"> <li>1. Most recent IHP, approved IHP amendments, IHP amendments in process</li> <li>2. Policies and procedures (see Section III for review instructions)</li> <li>3. Previous monitoring findings in the areas of procurement, Indian preference, contract administration, and/or Section 3</li> <li>4. Previous self-monitoring report(s)</li> </ol>				Read & Noted



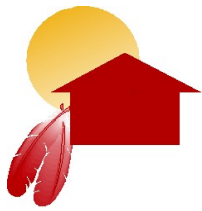
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5. Previous audit findings and/or work papers in the areas of procurement, Indian preference, contract administration, and/or Section 3 6. Corrective actions status for findings in any of these areas 7. Current enforcement actions 8. Valid complaints in the areas of procurement, Indian preference, contract administration, and/or Section 3 9. Relevant correspondence regarding any of these areas				Read & Noted
<b>III. Review</b>				-
A. The reviewer should select samples from each of the following: small purchases (less than \$100,000), micro purchases (less than \$5,000, if used), sealed bids, competitive proposals, and noncompetitive proposals. Review the sampling methods in the General Instructions.				Read & Noted
B. Is the tribe/TDHE's procurement policy sufficiently detailed to ensure compliance with the regulations and provide general direction to staff? In addition:	24 CFR 85.36(b)(1)		29- 39	Yes, Finance §4.009
1. Are there separate procedures established from the policy and do they reflect the details of how to perform specific tasks?				Yes, Samish contracting procedures are in place.



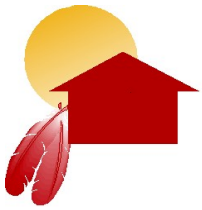
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2. Does the policy include formal protest procedures to handle and resolve disputes relating to its procurement transactions?	24 CFR 85.36(b)(12) 24 CFR 84.41			Not at this time, a separate clause addressing procurement complaints is being considered for a future revision to our policy.
C. Does the tribe/TDHE's procurement policy and procedures include provisions that:				-
1. Provide for review of proposed procurements to avoid purchase of unnecessary or duplicative items?	24 CFR 85.36(b)(4) 24 CFR 84.44(a)(1)		31	Yes, Finance §4.009 (a)(5)
2. Encourage the use of federal excess, surplus, value engineering clauses, and intergovernmental agreements for procurement or use of common goods or services?	24 CFR 85.36(b)(5), (6), & (7)		31	Yes, Finance §4.009 (a)(5)
D. Does the tribe/TDHE have a written code of conduct governing the performance of employees engaged in the award and administration of contracts, which includes, but is not limited to:	24 CFR 85.36(b)(3) 24 CFR 84.42		30- 31	Yes, Finance §4.009 (a)(4)
1. No employee, officer, or agent of the tribe/TDHE shall participate in the selection, award, or administer a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.	24 CFR 85.36(b)(3) 24 CFR 84.42		30- 31	Yes, Finance §4.009 (a)(4)(A)



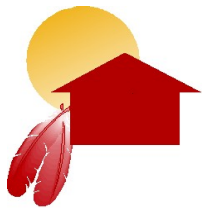
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2. A conflict would arise when an employee, officer, agent, or their immediate family, or partner has a financial or other interest in the firm selected for award.	24 CFR 85.36(b)(3) 24 CFR 84.42		31	Yes, Finance §4.009 (a)(4)(A)
3. To the extent permitted by State or local law or regulations, such standards will provide for penalties, sanctions, or other disciplinary actions for violations.	24 CFR 85.36(b)(3)(iv) 24 CFR 84.42		31	Yes, Finance §4.009 (a)(4)(B)
E. Does the tribe/TDHE's procurement policy have protest procedures in place to handle and resolve disputes relating to its procurements?	24 CFR 85.36(b)(12) 24 CFR 84.41			Not at this time, a separate clause addressing procurement complaints is being considered for a future revision to our policy.
1. Has the tribe/TDHE settled all contractual and administrative issues arising out of procurements, including source evaluation, protests, disputes, and claims?	24 CFR 85.36(b)(11) 24 CFR 84.41			N/A in 2020
2. For all disputes that have arisen, has the tribe/TDHE disclosed information regarding the protests to ONAP, if appropriate?	24 CFR 85.36(b)(12)(i) & (ii) 24 CFR 84.41			N/A in 2020
F. Does the tribe/TDHE's procurement policy set the small purchase threshold at \$100,000 or less?	24 CFR 85.36(d)(1)		34	Yes, Finance §4.009(c)(2)(A) has small purchases, at current threshold of \$250,000
G. Does the tribe/TDHE's procurement policy include a provision for micro purchases?	NAHASDA Sec. 203(g)		34	Yes, Finance §4.009(c)(1) and it has been updated to the current threshold of under 10k



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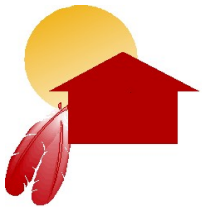
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H. Does the tribe/TDHE give preference in the award of contracts to Indian organizations or enterprises by following one of the required methods:	24 CFR 1000.52 24 CFR 1003.510(d)		33	Yes, Finance §4.009 (b)(5), but a more exhaustive draft is incorporated into a pending revision to our policy.
1. Certified that its policies and procedures will provide preference in its procurement activities. If so,			33	Yes, Finance §4.009 (b)(5)
a. Are the policy and procedures consistent with the requirements of Section 7(b) of the Indian Self-Determination and Education Act?	24 CFR 1000.52(c)(1)  25 USC 5307(b)		33	Yes
b. Was the policy previously approved by HUD?	24 CFR 1000.52(c)(1)			Yes
b. If so, identify the date of HUD approval and method approved.				In 2010
2. Advertised for bids or proposals limited to Indian firms.	24 CFR 1000.52(a)(2) 24 CFR 1003.510(d)(1)(i)			N/A in 2020 – only micro purchases
3. Used a 2-stage preference procedure.	24 CFR 1000.52(a)(3) 24 CFR 1003.510(d)(1)(ii)			N/A in 2020 – only micro purchases



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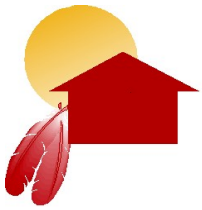
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I. Does the tribe/TDHE have procedures that comply with 24 CFR 1000.54 or 24 CFR 1003.510(e) for handling complaints that arise from the method they follow in providing for Indian preference?	24 CFR 1000.54 24 CFR 1003.510(e)			Not at this time, a separate clause addressing procurement complaints is being considered for a future revision to our policy.
NOTE: The tribe/TDHE can choose to adopt procedures that meet or exceed the procedures described in 1000.54 or 1003.510(e).				Read & Noted
1. Does the tribe/TDHE have either a separate policy on Section 3 or is it included in the procurement policy?	24 CFR Part 135			N/A in 2020; An addition of a specific section on Section 3 compliance will be included in our exhibits for VSA template for contracting and is being considered for inclusion in a future revision to policy.
1. Do the policy and procedures provide preference in procurement consistent with the requirements of Section 3?	24 CFR Part 135			See above
2. Does the policy include a provision for the applicable thresholds?	24 CFR 135.3(a)(3)			See above
<b>IV. Sealed Bids Method of Procurement</b>				-
This is the preferred method for procuring construction services. Invitations for Bids (IFB) are publicly solicited from an adequate number of known	24 CFR 85.36(d)(2)		37	Read & Noted, See Finance §4.009 (c)(3)(B)





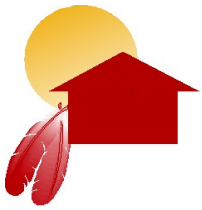
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suppliers, providing them sufficient time prior to the date set for the public opening of the bids. The IFBs are to include any specifications and pertinent attachments and are to define the items or services in order for the bidder to properly respond. The firm-fixed-price type of contract is awarded to the lowest responsive and responsible bidder.				
A. Select a sample of procurement transactions for construction services. Review the sampling methods in the General Instructions.				N/A in 2020
B. Was the appropriate procurement method used for each procurement transaction?	24 CFR 85.36(b)(9)			N/A in 2020
C. If errors were noted, determine whether the errors are an indication of a systemic problem or isolated incidents. (Note: ensure that an adequate number of procurements were sampled in order to render an opinion.)				N/A in 2020
D. Did the tribe/TDHE maintain adequate records in order to determine whether:	24 CFR 85.36(b)(9)			N/A in 2020
1. Cost or price analyses were conducted?	24 CFR 85.36(f)(1)			N/A in 2020
2. IFBs:				N/A in 2020
a. Were publicly advertised in a newspaper or other means that did not	24 CFR 85.36(d)(2)(i)(A)			N/A in 2020



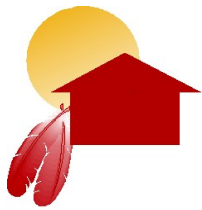
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limit the number of bidders that would respond?				
b. Clearly defined the items or services needed in order for the bidders to properly respond?	24 CFR 85.36(d)(2)(ii)(B)			N/A in 2020
c. Provided bidders with adequate time to respond?	24 CFR 85.36(d)(2)(ii)(A)			N/A in 2020
d. Indian preferences were publicly announced in the advertisement and bidding solicitation?	24 CFR 1000.52(d) 24 CFR 1003.510(d)(4)			N/A in 2020
e. They followed their Indian preference policy?	24 CFR 1000.52(a) 24 CFR 1003.510(d)			N/A in 2020
f. Section 3 preferences were publicly announced in the advertisement and IFB and incorporated the Section 3 clause?	24 CFR 135.32 24 CFR 135.38			N/A in 2020
3. Were an adequate number of bids obtained? (Note: there should be bids from at least two qualified bidders.)	24 CFR 85.36(d)(2)(i)(B)			N/A in 2020



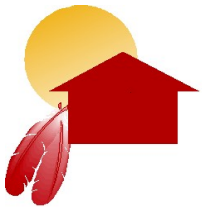
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4. Did the tribe/TDHE receive less than two approvable bids? Did the grantee either: (1) re-advertise the contract, (2) open the solicitation to Indian <u>and</u> non-Indian contractors or (3) request Area Office approval to award the contract to the single bidder or offeror. If the tribe/TDHE chooses option 2 for the subsequent solicitation, and the process <u>still</u> results in only one approvable response, the tribe/TDHE has satisfied HUD's Indian preference requirements and may award the contract to the single bidder or offeror with no Area Office review or approval. (Note: the procurement regulations only require awarding agency approval if the procurement is expected to exceed the small purchase threshold.)	24 CFR 1000.52(b)(3) 24 CFR 1003.510(d)(2) & (3)			N/A in 2020
5. Did the tribe/TDHE conduct a public opening of the bids (attendance sheets included in files)?	24 CFR 85.36(d)(2)(ii)(C)			N/A in 2020
6. Were the bidders provided the bid bond or other assurances prior to bid opening?	24 CFR 85.36(h)(1) 24 CFR 85.48(c)(1) 24 CFR 1000.26(a)(11)			N/A in 2020



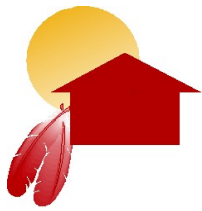
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	24 CFR 1003.501(a)(13)			
7. Did the tribe/TDHE check to ensure the contractors were not on the Limited Denial to Participate or Debarred lists?	2 CFR Part 2424 2 CFR Part 180 24 CFR 85.35 24 CFR 1000.44 24 CFR 1003.608			N/A in 2020
8. Were there any instances of conflict of interest in the award of any contracts?	24 CFR 85.36(b)(3) 24 CFR 84.42 24 CFR 1000.30 24 CFR 1003.606			N/A in 2020
9. Were the awards made only to responsive and responsible contractors possessing the ability to perform the work successfully?	24 CFR 85.36(b)(8) 24 CFR 84.44(d)			N/A in 2020
10. Did the tribe/TDHE provide a rationale for contractor or vendor selection?	24 CFR 85.36(b)(9) 24 CFR 84.46(a)			N/A in 2020
11. Were there sound, documented reasons for every bid that was rejected?	24 CFR 85.36(d)(2)(ii)(E) 24 CFR 84.43			N/A in 2020
<b>V. Competitive Proposals Method of Procurement</b>				-
Under this method of procurement, offers are submitted from more than one source. This method is generally used when conditions are not appropriate for the use of sealed bids and is generally for	24 CFR 85.36(d)(3)		37- 38	Read & Noted, see Finance §4.009 (c)(3)(D)



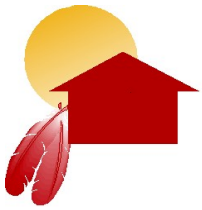
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<p>professional services, such as consultants, attorneys, etc. Requests For Proposals (RFP) will be publicized and identify all evaluation factors and their relative importance and will be solicited from an adequate number of qualified sources.</p> <p>A tribe/TDHE is to have a method for conducting technical evaluations of the proposals received and for selecting awardees. The tribe/TDHE is to award either a fixed-price or cost-reimbursement type contract to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Contingency arrangements are prohibited per OMB Circular A-87 when recovery of the costs is from the federal government. A tribe/TDHE may use competitive proposals procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services.</p>				



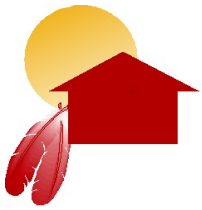
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A. Select a sample of procurement transactions for non-construction services. Review the sampling methods in the General Instructions.				N/A in 2020
B. Was the appropriate procurement method used for each procurement transaction?	24 CFR 85.36(b)(9)			N/A in 2020
C. If errors were noted, determine whether the errors are an indication of a systemic problem or isolated incidents. (Note: ensure that an adequate number of procurements were samples in order to render an opinion.)				N/A in 2020
D. Did the tribe/TDHE maintain adequate records in order to determine whether:	24 CFR 85.36(b)(9)			N/A in 2020
1. Cost or price analyses were conducted.	24 CFR 85.36(f) 24 CFR 84.45			N/A in 2020
2. RFPs:				N/A in 2020
a. Were publicly advertised, whether in a newspaper or other means, that did not limit the number of firms that would respond.	24 CFR 85.36(d)(3)(i)			N/A in 2020
b. Identified all significant evaluation factors, including price or cost, where required, and their relative importance.	24 CFR 85.36(d)(3)(i)			N/A in 2020



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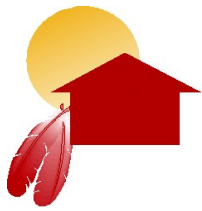
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c. Indian preferences were publicly announced in the advertisement and RFP.	24 CFR 1000.52(d) 23 CFR 1003.510(d)(4)			N/A in 2020
d. If applicable, Section 3 preferences were publicly announced in the advertisement and RFP and incorporated the Section 3 clause.	24 CFR 135.32 24 CFR 135.38 24 CFR 1000.42 24 CFR 1003.510(a)(2)			N/A in 2020
3. Were an adequate number of proposals obtained? (Note: there should be proposals from at least two qualified firms.)	24 CFR 85.36(d)(3)(ii)			N/A in 2020
4. Did the tribe/TDHE receive less than two approvable proposals? Did the tribe/TDHE either: (1) re-advertise the contract, (2) open the solicitation to Indian <u>and</u> non-Indian contractors or (3) request Area Office approval to award the contract to the single bidder or offeror. If the tribe/TDHE chooses option 2 for the subsequent solicitation, and the process <u>still</u> results in only one approvable response, the grantee has satisfied HUD's Indian preference requirements and may award the contract to the single bidder or offeror with no Area Office review or approval. (Note: the procurement regulations only require	24 CFR 1000.52(b)(3) 24 CFR 1003.510(d)(2) & (3)			N/A in 2020



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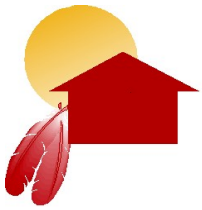
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awarding agency approval if the procurement is expected to exceed the small purchase threshold.)				
5. Did the tribe/TDHE's records contain a method for conducting technical evaluations of the proposals received and for selecting awardees?	24 CFR 85.36(d)(3)(iii)			N/A in 2020
6. Did the tribe/TDHE's records include documentation of the basis for negotiation of a fair and reasonable price?	24 CFR 85.36(d)(3)(v)			N/A in 2020
7. Do any of the proposals received include payment that is contingent upon recovery of the costs from the federal government (contingency arrangement)? Examples of contingency arrangements may be:	2 CFR 225, Appendix B, (32)			N/A in 2020
a. The professional gets paid a percentage of any successes it achieves for the tribe/TDHE, or				N/A in 2020
b. The professional gets paid a fixed amount only for its successes.				N/A in 2020





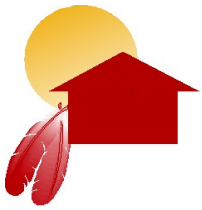
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8. Does the documentation verify that only A/E professional services excluded price as an evaluation factor?	24 CFR 85.36(d)(3)(v)			N/A in 2020
9. Were there any instances of conflict of interest in the award of any contracts?	24 CFR 85.36(b)(3) 24 CFR 84.42 24 CFR 1000.30 24 CFR 1003.606			N/A in 2020
10. Were awards made to responsive and responsible offerors whose proposals would be most advantageous to the tribe/TDHE after price and other factors were considered?	24 CFR 85.36(d)(3)(iv) 24 CFR 84.44(d)			N/A in 2020
11. Did the tribe/TDHE check to ensure the offerors were not on the Limited Denial to Participate or Debarred lists?	2 CFR Part 2424 2 CFR Part 180 24 CFR 85.35 24 CFR 1000.44 24 CFR 1003.608			N/A in 2020
<b>VI. Noncompetitive Proposals Method of Procurement</b>				-
Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. This method may only be used when the award of a contract is infeasible under	24 CFR 85.36(d)(4)		38- 39	Read & Noted. See Finance §4.009(c)(4)



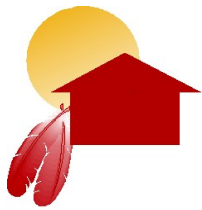
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<p>small purchase procedures, sealed bids, or competitive proposals. Also, it can only be used when the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; HUD authorizes noncompetitive proposals; or after solicitation of a number of sources, competition is determined inadequate. A tribe/TDHE is required to conduct a cost analysis, i.e., verifying the proposed costs data, the projections of the data, and the evaluation of the specific elements of costs and profits. Also, HUD may require a tribe/TDHE to submit the proposed procurement for pre-award review.</p>				
<p>A. Determine whether the tribe/TDHE awarded any contracts using the Noncompetitive Proposals method of procurement.</p>				N/A in 2020
<p>B. Did the tribe/TDHE maintain adequate records to determine whether:</p>	<p>24 CFR 85.36(b)(9) 24 CFR 84.46</p>			N/A in 2020
<p>1. It was infeasible to use the small purchase, sealed bid, or competitive proposals method.</p>	<p>24 CFR 85.36(d)(4)(i)</p>			N/A in 2020



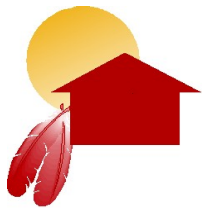
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<b>TRIBE/TDHE NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>Ref. Pg.</u></b>	<b><u>Remarks</u></b>
2. The item or service was available only from a single source.	24 CFR 85.36(d)(4)(i)(A)			N/A in 2020
3. There was an emergency that would not allow a delay by using another method.	24 CFR 85.36(d)(4)(i)(B)			N/A in 2020
C. Did review of the procurement actions indicate that any of the solicitations were too restrictive in competition (placing unreasonable requirements, requiring unnecessary experience and excessive bonding, etc.)? Also:	24 CFR 85.36(c)(1)(i)			N/A in 2020
1. Did ONAP authorize noncompetitive proposals? (If yes, stop here for this section.)	24 CFR 85.36(d)(4)(i)(C) 24 CFR 84.44(e)(2)			N/A in 2020
2. Was competition inadequate after the tribe/TDHE had solicited a number of sources?	24 CFR 85.36(d)(4)(i)(D)			N/A in 2020
3. Did the tribe/TDHE perform a cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation?	24 CFR 85.36(d)(4)(ii) 24 CFR 84.45			N/A in 2020
4. Were there any instances of conflict of interest in the award of any contracts?	24 CFR 85.36(b)(3) 24 CFR 84.42 24 CFR 1000.30 24 CFR 1003.606			N/A in 2020



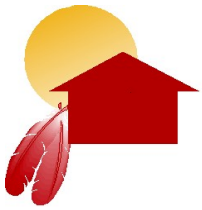
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<b>TRIBE/TDHE NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>Ref. Pg.</u>	<u>Remarks</u>
5. Did the tribe/TDHE check to ensure the offerors were not on the Limited Denial to Participate or Debarred lists?	2 CFR Part 2424 2 CFR Part 180 24 CFR 85.35 24 CFR 1000.44 24 CFR 1003.608			N/A in 2020
<b>VII. Small Purchase Method of Procurement</b>				-
This method of procurement is used for securing services, supplies, or other property that do not cost more than \$100,000 (or whatever a tribe/TDHE's policy sets as the threshold, provided it does not exceed \$100,000).	24 CFR 85.36(d)(1) 24 CFR 84.44(e)(2)	Updated to \$250k	34-35	Read & Noted, See Finance §4.009(c)(2)
A. Determine what the tribe/TDHE's small purchase threshold is set at.	24 CFR 85.36(d)(1) 24 CFR 84.44(e)(2)		34	\$250k in 2020 per current Federal thresholds
B. Select a sample of small purchases that were made using price or rate quotations. Review the sampling methods in the General Instructions.				N/A in 2020
C. Was the appropriate procurement method used for each item or service purchased?	24 CFR 85.36(b)(9)			N/A in 2020
D. If errors were noted, determine whether they are an indication of a systemic problem or isolated incidents. (Note: ensure that an adequate number of procurements were sampled in order to render an opinion.)				N/A in 2020



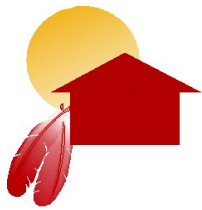
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E. Did the tribe/TDHE maintain adequate records in order to determine whether:	24 CFR 85.36(b)(9) 24 CFR 84.46			N/A in 2020
1. Was a cost or price analysis conducted?	24 CFR 85.36(f)(1) 24 CFR 84.45			N/A in 2020
2. Requests for quotes:				N/A in 2020
a. Were an adequate number of quotes obtained?	24 CFR 85.36(d)(1)			N/A in 2020
b. To the greatest extent feasible, did the tribe/TDHE provide Indian preference?	24 CFR 1000.52(c) 24 CFR 1003.510(d)(3)			N/A in 2020
c. To the greatest extent feasible, did the tribe/TDHE provide Section 3 preference?	24 CFR Part 135			N/A in 2020
d. For professional services, did any of the proposals include payment that is contingent upon recovery of the costs from the federal government (contingency arrangement)? Examples may be:	2 CFR 225, Appendix B (32)			N/A in 2020

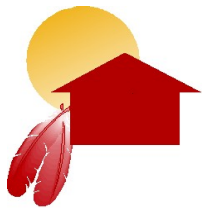


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<b>TRIBE/TDHE NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>Ref. Pg.</u></b>	<b><u>Remarks</u></b>
(1) The professional gets paid a percentage of any success it achieves for the tribe/TDHE, or				N/A in 2020
(2) The professional gets paid a fixed amount only for its successes.				N/A in 2020
3. Were awards made only to responsible contractors or vendors possessing the ability to perform the work successfully?	24 CFR 85.36(b)(8) 24 CFR 84.44(d)			N/A in 2020
4. Did the tribe/TDHE provide a rationale for contractor or vendor selection or rejection?	24 CFR 85.36(b)(9) 24 CFR 84.46(a)			N/A in 2020
5. Were there any instances of conflict of interest in the award of any contracts?	24 CFR 85.36(b)(3) 24 CFR 84.42 24 CFR 1000.30 24 CFR 1003.606			No, N/A in 2020
6. Did the tribe/TDHE check to ensure the suppliers or contractors were not on the Limited Denial to Participate or Debarred lists?	2 CFR Part 2424 2 CFR Part 180 24 CFR 85.35 24 CFR 1000.44 24 CFR 1003.608			N/A in 2020
7. Does it appear that the tribe/TDHE is breaking down requirements of a purchase				N/A in 2020



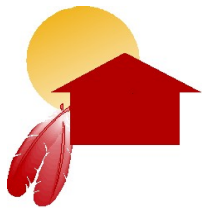
TRIBE/TDHE NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>Ref. Pg.</u>	<u>Remarks</u>
for the purpose of bid splitting to avoid the requirements that apply to larger purchases?				
<b>VIII. Micro Purchases Method of Procurement</b>				-
This method of procurement may be used for the purchases of goods or services with a value of less than \$5,000. The intent of micro purchasing is to reduce the burden of complying with the federal procurement process for goods and services of minimal cost. The provision allows a tribe/TDHE the ability to purchase without soliciting competitive quotations if the price is considered reasonable.	NAHASDA Sec. 203(g)	\$10k per Federal Threshold		Read & Noted
A. Has the tribe/TDHE adopted a micro purchase procurement clause in its Procurement Policy?				Yes, Finance §4.009(c)(1)
B. Select a sample of micro purchases that were made. Review the sampling methods in the General Instructions.				Noted
1. Is the amount the tribe/TDHE determined in its policy within the \$5,000 limit?				No, the Micro-purchase threshold was increased to 10K in June of 2018 by the Gov't, so all micro-purchases completed were under that current threshold published by the Gov't and approved in policy via Resolution by adopted by Tribal Council.



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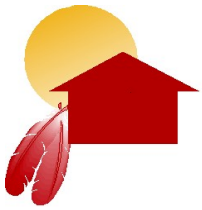
<b>TRIBE/TDHE NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>Ref. Pg.</u>	<u>Remarks</u>
2. Does the policy clearly describe the method to be used and the documentation to be maintained to support the action?				Yes
C. Does it appear that the tribe/TDHE is breaking down requirements of a purchase for the purpose of bid splitting to avoid the requirements that apply to larger purchases?				No
<b>IX. Contract Administration Review</b>				-
<p>A tribe/TDHE is to maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. A tribe/TDHE is required to perform a cost or price analysis for contract modifications. A tribe/TDHE will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where a cost analysis is performed. The cost plus a percentage of cost and percentage of construction cost methods of contracting are not allowed. Contracts with contingency arrangements are also prohibited when recovery of the costs are from the federal government.</p> <p>For construction or facility improvement contracts over the small purchase threshold, a tribe/TDHE must require bonding from its contractors to ensure that</p>	<p>24 CFR 85.36(b)(2) &amp; (f) 24 CFR 84.47</p>			<p>No construction contract in place in 2020, Read &amp; Reviewed</p> <p>Our Planning Director and Project Manager will be competing contract administration for the Tribe, so I will interview them once we begin construction.</p>





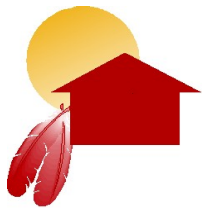
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HUD's interest is adequately protected. A tribe/TDHE's contracts must contain all the provisions required, including those for Indian preference and Section 3.				Yes, Finance §4.009(c)(1)  N/A in 2020
A. Is a review of the tribe/TDHE's technical specifications on proposed procurements needed to ensure that the item and/or service specified is the one being proposed for purchase? If no, go to item C, below.	24 CFR 85.36(g)(1) 24 CFR 84.44(e)			N/A in 2020
B. If yes, did the tribe/TDHE provide these documents?	24 CFR 85.36(g)(1)			N/A in 2020
C. Did ONAP request that the tribe/TDHE provide the IFBs or RFPs?	24 CFR 85.36(g)(2) 24 CFR 84.44(e)			N/A in 2020
D. Does the tribe/TDHE have an executed contract for every service or item acquired under the Sealed Bid, Competitive Proposals, or Noncompetitive Proposals method of procurement?				Yes, currently have A/E, Environmental, and Traffic contracts for 34 <sup>th</sup> St it is in place, some of which are micro-purchases but our procedure is to engage a VSA.



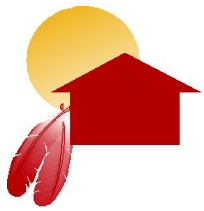
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E. Do the contracts contain all the required provisions, including those for Indian preference and Section 3?	24 CFR 85.36(i)(1) – (13) 24 CFR Part 84, Appendix A 24 CFR 1000.52(f)(1) – (4) 24 CFR 1003.510(d)(6)(i) – (iv) 24 CFR 135.38			The only applicable clause under Appendix II of 2 CFR 200 for this A/E contract is section (b) regarding termination for cause or convenience, which is properly addressed in Article 9 of the contract.
F. Has the tribe/TDHE conducted a cost analysis for all contract modifications?	24 CFR 85.36(f)(1) 24 CFR 84.45			Yes, in 2020 a contract revision was negotiated with our A/E contract. Cost price analysis was undertaken for the revision.
G. If the tribe/TDHE used the Small Purchase method of procurement:				Yes, it was a small purchase
1. Did the contract modification increase the contract amount by more than the tribe/TDHE’s small purchase threshold?				No modifications in 2020
2. If so, did the tribe/TDHE send the contract modification in for ONAP’s review and approval, if requested?	24 CFR 85.36(g)(2)(v)			N/A



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<b>TRIBE/TDHE NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>Ref. Pg.</u>	<u>Remarks</u>
H. Has the tribe/TDHE required some type of bonding from the contractors?	24 CFR 85.36(h) 24 CFR 84.48(h) 24 CFR 1000.26(a)(11) 24 CFR 1003.501(a)(13)			N/A for A/E, environmental, and traffic contracts in place in 2020
I. Has the tribe/TDHE awarded any cost plus percentage of cost or percentage of construction cost type contracts?	24 CFR 85.36(f)(4) 24 CFR 84.44(c)			No in 2020
J. Has the tribe/TDHE awarded any contracts that contain contingency arrangements?	2 CFR 225, Appendix B (32)			No in 2020
<b>X. Summary</b>				
Develop the monitoring report by summarizing the following: <ol style="list-style-type: none"> <li>1. Compliance with requirements</li> <li>2. Violations of the applicable statutes, regulations, or local laws and authorities</li> <li>3. Corrective actions that should be taken to address programmatic concerns</li> </ol>				Upon examination of the current Appeals Board Ordinance, we found that it was not a valid channel for processing vendor and complaints and disputes for procurement and/or Indian preference, which results in us not having met the requirement to have a formal process in place and documented. As a result, we will be taking the corrective action to get a revision to the finance policy in place that incorporates this requirement. <ul style="list-style-type: none"> <li>- Indian Preference Complaints: Under <i>24 CFR 1003.510(e)</i> and <i>24 CFR 1000.54</i></li> </ul>



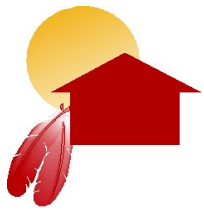
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				<p>- <i>Procedures for procurement dispute resolution. 24 CFR 84 no longer vialbe, instead see 2 CFR 200.318(k)</i></p> <p>Additionally, we found that the following edits would be recommended for inclusion in the finance policy as well:</p> <ul style="list-style-type: none"> <li>• Creation of a policy section requiring compliance with the Section 3 HUD requirements to create and foster economic opportunities for low and very-low income individuals</li> <li>• Creations of a policy section addressing Indian Preference in contracting more completely. <i>24 CFR 1003.510</i></li> <li>• including in that section the HUD only required 2-part system for ensuring proactive solicitation of Indian bidders. <i>24 CFR 1003.510(d)(1)</i></li> </ul>

Sharon Paskewitz, Housing Director

10-21-2020

<b>Reviewer Name:</b>	
<b>Review Date(s):</b>	10/01/2020



Procurement and Contract Administration  
Office of Native American Programs  
Monitoring Plan (Recipient)

<b>Supervisor Name:</b>	<i>Carney Thurston</i>
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*[Signature]* 11-09-2020

*Ryan Walter* 1-6-2021

# Procurement

Wednesday, August 7, 2019 13:09

## Spending/Bidding Thresholds

The following chart is based on interpretation of the Tribe's adopted finance policies and is intended only for internal Planning Department use.

Purchase Type	Amount	Procurement Required	Expenditure Authority
Micro	≤ \$10k	None	GM may sign contract on her own authority
Small	> \$10k and < \$50k	Three quotes	GM may sign contract on her own authority
Small	≥ \$50k and < \$250k	Three quotes	Council resolution required
Large	≥ \$250k	Sealed bid	Council resolution required

Exception: *any use* of Tye funds must be authorized by resolution (individual purchases pursuant to a resolution do not require individualized authorization unless they exceed another threshold above).

## Excluded Parties List

Check to see if your vendor is **suspended** or **debarred** from doing business with the federal government. Click **Search Records**, type in their name (possibly several names and spellings). Save your search results as a PDF with the rest of the contract documents.

<https://www.sam.gov/SAM/>

## Davis-Bacon Requirements

Follow the Davis-Bacon checkboxes in the Samish Vendor Services Agreement template. A contract is required, and the template exhibit for Davis-Bacon wages must be included, when:

- the purchase is paid for in any part by federal funds (including indirect) and
- it involves construction of \$2,000 or more

Wage determinations at <https://beta.sam.gov/help/wage-determinations>

## Competitive Contract Requirements

- VSA, filled out, with unnecessary exhibits deleted
- Certificate of Insurance
- Vendor W-9 (if new vendor)
- Davis-Bacon Wage Determination (if DBA applies)
- One-page selection memo describing why the vendor was selected over others, including bid breakdown

## 24 CFR § 905.316 - Procurement and contract requirements.

CFR Table of Popular Names

### § 905.316 Procurement and contract requirements.

**(a) General.** PHAs shall comply with 2 CFR part 200, and HUD implementing instructions, for all capital activities including modernization and development, except as provided in paragraph (c) in this section.

**(b) Contracts.** The PHA shall use all contract forms prescribed by HUD. If a form is not prescribed, the PHA may use any Office of Management and Budget (OMB) approved form that contains all applicable federal requirements and contract clauses.

**(c) Mixed-finance development projects.** Mixed-finance development partners may be selected in accordance with 24 CFR 905.604(h). Contracts and other agreements with mixed-finance development partners must specify that they comply with the requirements of §§ 905.602 and 905.604 of this part.

**(d) Assurances of completion.** Notwithstanding 24 CFR 85.36 (as revised April 1, 2013), for each construction contract over \$100,000, the contractor shall furnish the PHA with the following:

**(1)** A bid guarantee from each bidder, equivalent to 5 percent of the bid price; and

**(2)** One of the following:

**(i)** A performance bond and payment bond for 100 percent of the contract price;

**(ii)** A performance bond and a payment bond, each for 50 percent or more of the contract price;

**(iii)** A 20 percent cash escrow;

**(iv)** A 10 percent irrevocable letter of credit with terms acceptable to HUD, or

**(v)** Any other payment method acceptable to HUD.

**(e) Procurement of recovered materials.** PHAs that are state agencies and agencies of a political subdivision of a state that are using assistance under this part for procurement, and any person contracting with such PHAs with respect to work performed under an assisted contract, must comply with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered material practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that promotes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[78 FR 63770, Oct. 24, 2013, as amended at 80 FR 75942, Dec. 7, 2015]

## 24 CFR § 905.312 - Design and construction.

CFR Table of Popular Names

### § 905.312 Design and construction.

The PHA shall meet the following design and construction standards, as applicable, for all development and modernization.

**(a)** Physical structures shall be designed, constructed, and equipped to be consistent with the neighborhoods they occupy; meet contemporary standards of modest design, comfort, and livability (see also § 905.202(c) of this part); promote security; promote energy conservation; and be attractive so as to harmonize with the community.

**(b)** All development projects shall be designed and constructed in compliance with:

**(1)** A national building code, such as those developed by the International Code Council or the National Fire Protection Association; and the IECC or ASHRAE 90.1-2010 (both incorporated by reference, see § 905.110 of this part), for multifamily high-rises (four stories or higher), or a successor energy code or standard that has been adopted by HUD pursuant to 42 U.S.C. 12709 or other relevant authority;

**(2)** Applicable state and local laws, codes, ordinances, and regulations;

**(3)** Other federal requirements, including fire protection and safety standards implemented under section 31 of the Fire Administration Authorization Act of 1992, 15 U.S.C. 2227 and HUD minimum property standards (e.g., 24 CFR part 200, subpart S);

**(4)** Accessibility Requirements as required by section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and implementing regulations at 28 CFR part 35; and, if applicable, the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100; and

**(5)** Occupancy of high-rise elevator structures by families with children. Pursuant to 42 U.S.C. 1437d(a), a high-rise elevator structure shall not be provided for families with children regardless of density, unless the PHA demonstrates and HUD determines that there is no practical alternative.

**(c)** All modernization projects shall be designed and constructed in compliance with:

**(1)** The modernization standards as prescribed by HUD;

**(2)** Accessibility requirements as required by section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and implementing regulations at 28 CFR part 35; and, if applicable, the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100; and

**(3)** Cost-effective energy conservation measures, identified in the PHA's most recently updated energy audit.

**(d)** Pursuant to the Energy Policy Act of 2005, in purchasing appliances, PHAs shall purchase appliances that are Energy Star products or Federal Energy Management Program designed products, unless the PHA determines that the purchase of these appliances is not cost effective.



**(e) *Broadband infrastructure.*** Any new construction or substantial rehabilitation, as substantial rehabilitation is defined in [24 CFR 5.100](#), of a building with more than 4 rental units and funded by a grant awarded or [Capital Funds](#) allocated after January 19, 2017 must include installation of broadband infrastructure, as this term is also defined in [24 CFR 5.100](#), except where the [PHA](#) determines and, in accordance with § 905.326, documents the determination that:

- (1)** The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;
- (2)** The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or
- (3)** The structure of the housing to be rehabilitated makes installation of broadband infrastructure infeasible.

[[78 FR 63773](#), Oct. 24, 2013, as amended at [81 FR 92639](#), Dec. 20, 2016]

## CFR Toolbox

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## 24 CFR § 1003.510 - Indian preference requirements.

CFR Table of Popular Names

### § 1003.510 Indian preference requirements.

(a) Applicability. HUD has determined that grants under this part are subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). Section 7(b) provides that any contract, subcontract, grant or subgrant pursuant to an act authorizing grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:

- (1) Preference and opportunities for training and employment shall be given to Indians; and
- (2) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

#### (b) Definitions.

(1) The Indian Self-Determination and Education Assistance Act [25 U.S.C. 450b] defines "Indian" to mean a person who is a member of an Indian tribe and defines "Indian tribe" to mean any Indian tribe, band, nation, or other organized group or community including any Alaska native village or regional or village corporation as defined or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) In section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452) *economic enterprise* is defined as any Indian - owned commercial, industrial, or business activity established or organized for the purpose of profit, except that Indian ownership must constitute not less than 51 percent of the enterprise. This act defines *Indian organization* to mean the governing body of any Indian tribe or entity established or recognized by such governing body.

(c) **Preference in administration of grant.** To the greatest extent feasible, preference and opportunities for training and employment in connection with the administration of grants awarded under this part shall be given to Indians.

(d) **Preference in contracting.** To the greatest extent feasible, grantees shall give preference in the award of contracts for projects funded under this part to Indian organizations and Indian-owned economic enterprises.

(1) Each grantee shall:

(i) Advertise for bids or proposals limited to qualified Indian organizations and Indian-owned enterprises; or

(ii) Use a two-stage preference procedure, as follows:

(A) **Stage 1.** Invite or otherwise solicit Indian-owned economic enterprises to submit a statement of intent to respond to a bid announcement or request for proposals limited to Indian-owned firms.

(B) **Stage 2.** If responses are received from more than one Indian enterprise found to be qualified, advertise for bids or proposals limited to Indian organizations and Indian-owned economic enterprises; or

- (iii)** Develop, subject to Area ONAP one-time approval, the grantee's own method of providing preference.
- (2)** If the grantee selects a method of providing preference that results in fewer than two responsible qualified organizations or enterprises submitting a statement of intent, a bid or a proposal to perform the contract at a reasonable cost, then the grantee shall:
- (i)** Re-advertise the contract, using any of the methods described in paragraph (d)(1) of this section; or
  - (ii)** Re-advertise the contract without limiting the advertisement for bids or proposals to Indian organizations and Indian-owned economic enterprises; or
  - (iii)** If one approvable bid or proposal is received, request Area ONAP review and approval of the proposed contract and related procurement documents, in accordance with 2 CFR 200.320, in order to award the contract to the single bidder or offeror.
- (3)** Procurements that are within the dollar limitations established for small purchases under 2 CFR 200.320 need not follow the formal bid or proposal procedures of paragraph (d) of this section, since these procurements are governed by the small purchase procedures of 2 CFR 200.320. However, a grantee's small purchase procurement shall, to the greatest extent feasible, provide Indian preference in the award of contracts.
- (4)** All preferences shall be publicly announced in the advertisement and bidding or proposal solicitation documents and the bidding and proposal documents.
- (5)** A grantee, at its discretion, may require information of prospective contractors seeking to qualify as Indian organizations or Indian-owned economic enterprises. Grantees may require prospective contractors to include the following information prior to submitting a bid or proposal, or at the time of submission:
- (i)** Evidence showing fully the extent of Indian ownership and interest;
  - (ii)** Evidence of structure, management and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; and management salary or profit-sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest; and
  - (iii)** Evidence sufficient to demonstrate to the satisfaction of the grantee that the prospective contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.
- (6)** The grantee shall incorporate the following clause (referred to as the Section 7(b) clause) in each contract awarded in connection with a project funded under this part:
- (i)** The work to be performed under this contract is on a project subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (Indian Act). Section 7(b) requires that to the greatest extent feasible:
    - (A)** Preferences and opportunities for training and employment shall be given to Indians; and
    - (B)** Preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.
  - (ii)** The parties to this contract shall comply with the provisions of Section 7(b) of the Indian Act.
  - (iii)** In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians.
  - (iv)** The contractor shall include this Section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the grantee, take appropriate action pursuant to the subcontract upon a finding by the grantee or HUD that the subcontractor has violated the Section 7(b) clause of the Indian Act.

**(e) *Complaint procedures.*** The following complaint procedures are applicable to complaints arising out of any of the methods of providing for Indian preference contained in this part, including alternate methods enacted and approved in a manner described in this section:

- (1)** Each complaint shall be in writing, signed, and filed with the grantee.
- (2)** A complaint must be filed with the grantee no later than 20 calendar days from the date of the action (or omission) upon which the complaint is based.
- (3)** Upon receipt of a complaint, the grantee shall promptly stamp the date and time of receipt upon the complaint, and immediately acknowledge its receipt.
- (4)** Within 20 calendar days of receipt of a complaint, the grantee shall either meet, or communicate by mail or telephone, with the complainant in an effort to resolve the matter. The grantee shall make a determination on a complaint and notify the complainant, in writing, within 30 calendar days of the submittal of the complaint to the grantee. The decision of the grantee shall constitute final administrative action on the complaint.

(Approved by the Office of Management and Budget under control number 2577-0191)

[62 FR 12349, Mar. 12, 1998, as amended at 80 FR 75945, Dec. 7, 2015]

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## 24 CFR § 1000.54 - What procedures apply to complaints arising out of any of the methods of providing for Indian preference?

CFR

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### **§ 1000.54 What procedures apply to complaints arising out of any of the methods of providing for Indian preference?**

The following procedures are applicable to complaints arising out of any of the methods of providing for Indian preference contained in this part, including alternate methods. Tribal policies that meet or exceed the requirements of this section shall apply.

- (a)** Each complaint shall be in writing, signed, and filed with the recipient.
- (b)** A complaint must be filed with the recipient no later than 20 calendar days from the date of the action (or omission) upon which the complaint is based.
- (c)** Upon receipt of a complaint, the recipient shall promptly stamp the date and time of receipt upon the complaint, and immediately acknowledge its receipt.
- (d)** Within 20 calendar days of receipt of a complaint, the recipient shall either meet, or communicate by mail or telephone, with the complainant in an effort to resolve the matter. The recipient shall make a determination on a complaint and notify the complainant, in writing, within 30 calendar days of the submittal of the complaint to the recipient. The decision of the recipient shall constitute final administrative action on the complaint.

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