

APTAC Body of Knowledge Competency Guide

A. Program Requirements

A.7 Native American PTACs

Description

This section describes the major differences between the traditional SCAA and the Native American SCAA. The SCAA does not specify whether Tribal Governments are included when assisting clients in marketing to government. There is no provision in the 1806 Report for contracts and subcontracts in the Tribal Government market. (SCAA Sections III.F and G) There has been some discussion about including them in the State and Local section of the 1806. Further information is being sought to clarify this point.

Eligibility to host a PTAC.

In April 2011, the DLA issued a special SCAA applicable to Centers serving Native American clients, which states, “This SCAA solicits applications from Indian-owned Economic Enterprises and Tribal Organizations that will provide procurement technical assistance to Indian Reservations.” It is very similar to the other SCAA but it specifically states, “Any previous SCAA issued for the PTA Cooperative Agreement Program does not apply to any award made as a result of submitting an application in response to this SCAA. Applicants should not rely on the information or guidance contained in any previous versions of the SCAA when applying under this SCAA.”

Eligible entities to receive award under this SCAA are tribal organizations or Indian-owned economic enterprises. “Economic enterprise”, defined at 10 U.S.C. §2411, means any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for profit purposes or for nonprofit purposes. *Provided*, That such Indian ownership shall constitute not less than 51 per centum of the enterprise. No definition from Secretary of the Interior has surfaced. Any other eligible entity as defined in the SCAA may receive sub-agreements under a Native American PTAC’s Agreement.

In funding the PTAP for 2012, Congress specifies: “...of the funds provided under this heading, not less than \$34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D)...”. Thus, the Native American PTACs receive over ten per cent of the total amount appropriated. Each year, citizens may approach their representatives and senators about the adequacy of amounts budgeted, including this breakdown.

In arranging for matching funds from either the host organization or third parties, Sections III.A.2 through 4, which limit the types of “match” that are acceptable, are especially important to Native American host organizations.

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Host organizations must all submit a certificate of eligibility on the form provided in the SCAA. In addition, “applicants certifying that they are an Economic Enterprise must provide a copy [of] the Bureau of Indian Affairs cards of all owners/Board of Directors members.”

Service Area.

For the purposes of this SCAA, service areas are defined as the twelve BIA Regions, and funding limits are specified according to serving all or part of BIA Regions in generally the same way that they are specified according to serving all or part of a State. The SCAA (Section III.B.1) states: “An entity receiving an award under this SCAA shall provide services solely in distressed areas as defined in 10 U.S.C. §2411(2)(B).”

Reservations are designated both “Distressed Area” and “HUBzone”. Clients located on reservation land are counted as Distressed for the 1806 Report. Clients located on reservation land may apply for HUBzone certification through SBA if they meet the other criteria for that program (FAR 2.101).

The SCAA defines “Reservation” at #37: “Reservation, defined in section 3(d) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(d)), includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.” The SCAA further discusses service areas in Section IV

Since most Native American communities are located in rural areas, internet service may be an issue. Many requirements in the SCAA appear to necessitate reliable high-speed broadband internet service, including the requirement to maintain its own website, which may be difficult in remote rural areas. The host organization should consider how to ensure the online tasks can be performed in its center(s).

Clients served.

The Purpose and Objectives section of the SCAA includes this statement: “Participants in this program are expected to make a concerted effort to seek out and assist Small Businesses, Small Disadvantaged Businesses (SDB), Women-Owned Small Businesses (WOSB), Historically Underutilized Business Zone (HUBZone) Small Business Concerns, Service-disabled Veteran-owned Small Businesses, and Historically Black Colleges and Minority Institutions (HBCU/MIs).” Note that outreach to Native American firms is not mentioned here, nor are they included in the analysis of the area that applicants intend to serve.

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Note that Native American owners are designated as “disadvantaged” individuals but the company they own is not automatically a “Small Disadvantaged Business” unless it meets all other criteria in FAR 2.101, which refers to 13 CFR 124.1002 (the Small Business Administration definition).

The requirement for all PTACs to certify to non-discrimination practices might conflict with some Tribal traditions, which favor their own community. The host organization should examine how to satisfy both cultures in this and other matters.

In developing subcontracting opportunities for its clients, the Native American PTAC should emphasize the benefits of the Indian Incentive Act (Section 504 of the Indian Financing Act of 1974 (25 U.S.C. § 1544)), which offers prime contractors a financial incentive for including Native-American-owned companies in their subcontracting plans. Also, the Buy Indian Act (25 USC 47) provides that products of Indian industry may be purchased on the open market, and Indian labor shall be employed whenever practicable. It appears these programs are not well-known and need visibility in both buying and selling.

References:

SCAA April 12, 2011 for Economic Enterprises and Tribal Organizations

Public Laws as cited herein

FAR 52.226-1 and [DFARS Clause 252.226-7001](#) DoD Indian Incentive Program

“Subcontracting Under the Indian Incentive Act” http://www.ncmahq.org/files/Articles/E1D9B_CM_Jan05_p48.pdf