§ 170.600 What must BIA include in the notice of availability of funds?

(a) Upon receiving the total fiscal year of IRR Program funding from FHWA, BIA will publish a notice of availability of funds in the FEDERAL REGISTER that includes the following:

1. The total funding available to each region for IRR transportation planning, design, and construction projects based on each region’s Relative Need Distribution Factor (RNDF) defined in subpart C;
2. The total funding available to each tribe based on its RNDF, along with prior year information on IRR Program funding by tribe that identifies over-funded or advance-funded tribes; and
3. A listing of FHWA-approved IRRTIP projects for each State within each BIA region.

(b) Upon publication of the notice under this section, each BIA Regional Office must provide to each tribe within its region:

1. A proposed project listing used to develop the region’s control schedule;
2. An offer to provide the tribe with technical assistance in preparing contract proposals;
3. The various options available to the tribe for IRR construction projects (force account methods, direct service, self-determination contract, and self-governance agreement); and
4. A request for a response from the tribe within 30 days.

§ 170.601 What happens to the unused portion of IRR Program management and oversight funds reserved by the Secretary?

BIA distributes any unused IRR Program management and oversight funds to its Regional Offices using the RNDF (see subpart C). The Regional Offices use the funds for additional construction activities.

§ 170.602 If a tribe incurs unforeseen construction costs, can it get additional funds?

Yes. To the extent feasible, the Secretary must pay for all costs incurred