

Tribal letter



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

August 30, 2010

Dear Tribal Leader:

On behalf of the Federal Acquisition Regulatory Council (FAR Council), I write to solicit your views as we develop regulations, pursuant to Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) establishes a new requirement for Federal agencies to justify a sole-source contract award to a business under the Small Business Administration's 8(a) business development program, including businesses owned by Indian Tribes and Alaska Native Corporations, if the sole-source award is to exceed \$20 million.

Section 811 requires that regulatory actions be taken to implement this provision in the Federal Acquisition Regulation (FAR) – the government-wide regulation governing the Federal acquisition process. The FAR is overseen by the FAR Council, whose members include the Administrator for Federal Procurement Policy, who serves as the chair of the Council and is a senior official in the Office of Management and Budget, and the Senior Procurement Executives from the Department of Defense, the National Aeronautics and Space Administration, and the General Services Administration.

The FAR Council believes that tribal consultation and outreach in connection with Section 811 will be a valuable component of its deliberations in preparing to implement this law. The FAR Council looks forward to constructive dialogue on how this law may affect the ability of Indian Tribes and Alaska Native Corporations to receive Federal contracts under the 8(a) Program. Officials from the Small Business Administration will also participate in the consultation.

The tribal consultation meetings will be held during the month of October in Fairbanks, Alaska, Albuquerque, New Mexico, and Washington, D.C. We have set up a website, www.acq.osd.mil/dpap/dars/section811.html, where more detailed information about the consultations registration procedures, dates, location, times, and agendas will be posted.

In order to give maximum consideration to tribal comments, we encourage you to participate in the consultation meetings. We hope to encourage your comment through dialogue but also welcome presentations during the consultation meeting and written comments in addition to, or in place of, your attendance at the meetings. This information will be taken into consideration by the FAR Council as it develops changes to the FAR to implement section 811. If you are interested in making a short formal presentation, please indicate this request when you register so that we may schedule time accordingly. If you wish to share a handout to accompany an oral statement, or provide written comments, please submit them in accordance with the

instructions provided on the website identified in the preceding paragraph so the materials may be downloaded by other attendees and interested parties.

I look forward to your participation in the upcoming meetings.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gordon', with a horizontal line extending to the right.

Daniel I. Gordon
Administrator