§ 137.270

incurred after the effective date of re-

Subpart N—Construction

PURPOSE AND SCOPE

§ 137.270 What is covered by this sub-
part?

This subpart covers IHS construction projects carried out under section 509 of the Act [25 U.S.C. 458aaa-8].

§ 137.271 Why is there a separate sub-
part in these regulations for con-
struction project agreements?

Construction projects are separately defined in Title V and are subject to a separate proposal and review process. Provisions of a construction project agreement and this subpart shall be liberally construed in favor of the Self-
Governance Tribe.

§ 137.272 What other alternatives are
available for Self-Governance
Tribes to perform construction
projects?

Self-Governance Tribes also have the option of performing IHS construction projects under a variety of other legal authorities, including but not limited to Title I of the Act, the Indian Health Care Improvement Act, Public Law 94–
437, and Public Law 86-121. This sub-
part does not cover projects con-
structed pursuant to agreements en-
tered into under these authorities.

§ 137.273 What are IHS construction
PSFAs?

IHS construction PSFAs are a com-
bination of construction projects as de-
finite in §137.280 and construction pro-
grams.

§ 137.274 Does this subpart cover con-
struction programs?

No, except as provided in §137.275, this subpart does not cover construction programs such as the:

(a) Maintenance and Improvement Program;
(b) Construction program functions; and,
(c) Planning services and construction management services.

§ 137.275 May Self-Governance Tribes
include IHS construction programs in a construction project agreement or in a funding agreement?

Yes, Self-Governance Tribes may choose to assume construction programs in a construction project agreement, in a funding agreement, or in a combination of the two. These pro-
grams may include the following:
(a) Maintenance and improvement program;
(b) Construction program functions; and
(c) Planning services and construction management services.

CONSTRUCTION DEFINITIONS

§ 137.280 Construction Definitions.

ALJ means administrative law judge.
AP means Administrative Proce-
Budget means a statement of the funds required to complete the scope of work in a construction project agree-
ment. For cost reimbursement agree-
ments, budgets may be stated using broad categories such as planning, de-
sign, construction, project administra-
tion, and contingency. For fixed price agree-
ments, budgets may be stated as lump sums, unit cost pricing, or a com-
bination thereof.
Categorical exclusion means a cat-
egory of actions that do not individ-
ually or cumulatively have a signifi-
cant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations and for which, there-
fore, neither an environmental assess-
ment nor an environmental impact statement is required. Any procedures under this section shall provide for ex-
traordinary circumstances in which a normally excluded action may have a significant environmental effect.
CEQ means Council on Environ-
mental Quality in the Office of the
President.
Construction management services (CMS) means activities limited to ad-
ministrative support services; coordi-
nation; and monitoring oversight of the planning, design, and construction process. CMS activities typically in-
clude: