

Department of the Interior

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE APPRAISAL AND VALUATION SERVICES OFFICE
And
THE OFFICE OF SELF-GOVERNANCE
For
PUBLIC LAW 93-638, as amended, Title IV
TRIBAL SELF-GOVERNANCE FUNDING AGREEMENTS

I. PREAMBLE

With passage of the Indian Trust Asset Reform Act, P.L. 114-178 (130 Stat. 432), in June 2016 (ITARA), Section 305 of ITARA directed the administration of appraisals and valuations of Indian trust property by a single bureau, agency or other administrative entity. On March 19, 2018, Secretary Zinke signed Secretarial Order No. 3363 consolidating appraisal and valuation functions for Indian trust and restricted property. Per Secretarial Order, the single administrative entity identified to administer Indian trust and restricted property appraisals, valuations and administration of P.L. 93-638, (25 U.S.C. 5301 *et seq.*) (“638”) as amended, Title IV Tribal Self-Governance Funding Agreements (FAs), related to the Real Estate Appraisals program, is the Appraisal and Valuation Services Office (AVSO).

Concerning the AVSO, the office is responsible for all real property appraisal and valuation services, as well as all minerals economic evaluations for the Department. The primary mission of the Indian Trust Property Valuation Division (ITPV) of AVSO is to provide real estate appraisal services to the Bureau of Indian Affairs (BIA), to support trust responsibility for Tribes and individual Indians. AVSO responsibility also includes providing real estate appraisal and mineral valuation services in support of acquisitions by the Land Buy Back Program for Tribal Nations.

A Tribe may elect to operate under a Memorandum of Understanding between AVSO and the tribe, which will be incorporated into the Title IV Funding Agreement. The MOU outlines operations in detail, clarifies the roles and responsibilities of each party and provides continuity during staff turnover for both parties.

II. PURPOSE AND SCOPE

It is the purpose of this Memorandum of Understanding (MOU) to ensure that Tribal/AVSO provisions for Real Estate Appraisal Services included in the Title IV funding agreements are executed and funded in an accurate and timely manner. This will require close coordination and cooperation between the Office of Self-Governance (OSG) and AVSO. AVSO will coordinate with OSG to provide the model language for a Template Tribal/AVSO Appraisal MOU for the Real Estate Appraisal Services section in the Annual Self Governance Negotiation Guidance.

The AVSO Associate Deputy Director (ADD), will serve as the Approving Official for AVSO, and will forward any executed MOUs to OSG for incorporation into the Title IV funding agreement. AVSO will monitor awards, initiate transfer of funding and work with OSG to ensure all funds are distributed to Tribes/Consortiums in accordance with the terms of this MOU as well as the Title IV funding agreement.

III. DUTIES AND RESPONSIBILITIES

A. OSG and AVSO will share the following duties and responsibilities:

1. Coordinate model language for a Template Tribal/AVSO Appraisal MOU for incorporation into the Draft Annual Self Governance Negotiation Guidance presented at the Annual Self Governance Conference;
2. Coordinate regarding release of the final Annual Self Governance Negotiation Guidance;
3. Immediately notify the other party regarding Tribal requests for award, modification and/or renewal of Tribal/AVSO Appraisal provisions;
4. Meet with Tribes/Consortiums interested in negotiating the AVSO real estate appraisal services function to identify eligibility and workload;
5. Coordinate negotiation meetings which may be conducted via telecommunications or in person;
6. Review and participate in the negotiation of Tribal/AVSO MOUs incorporated into funding agreements for the real estate appraisal services functions on an as needed basis;
7. Schedule and provide the necessary training and dissemination of information relative to this MOU to all affected OSG and AVSO offices within ninety days after signing this MOU;
8. Work together to resolve and complete a Reassumption or Retrocession of real estate appraisal service functions from Title IV FAs in accordance with applicable regulations if such action is warranted;
9. OSG and AVSO will coordinate and cooperate as appropriate with the Office of the Special Trustee-Office of Trust Review and Audit (OST-OTRA) which will continue to conduct Internal Trust Reviews of Tribal Real Estate Appraisal programs operated under Title IV FAs;
10. For convenience, OSG point of contact will provide copies of all final, approved FA documents to AVSO point of contact; and
11. Coordinate the exchange of financial and payment information as outlined in the following "Business Flow of Appraisal Funding and Payment Process" matrix.

Business Flow of Appraisal Funding and Payment Process

STEP	ACTIVITY	RESPONSIBLE PARTY	COMMENTS
Calculation of Funding Allocation			
1	Gathering of appraisal workload and budget data	AVSO-ADD	
2	Estimating Tribal Share funding amounts	AVSO-ADD	
3	Preparation of a consolidated report listing all P.L. 93-638 Tribes and portionate Tribal Share	AVSO-ADD	
Transfer of Funds- Treasury			
4	Preparation of a transfer of Tribal Share funding. Includes appropriation language and other documentation. (SF-1151 - Non-Expenditure Transfer Authorization)	Budget/AVSO-BSO	OSG needs to be included in the SF1151 communications
5	Signature approvals for the OMB form are obtained for processing at the agency level. (SF-1151 - Non-Expenditure Transfer Authorization)	Budget/AVSO-BSO	
6	The SF-1151 is used to authorize the transfer between accounts within the Treasury system of CARS (Central Accounting Reporting System). Transfer of funding is documented and tracked in this system. Approved by Certifying Officer and Treasury.	Budget/AVSO-BSO	
7	Notification is made that CARS Treasury transfer process is complete.		Staff at Dept level certifies all SF-1151 for DOI. Currently notification is made to BIA, Budget and Performance Mgmt
Transfer of Funds- FBMS			
8	The CARS documentation is utilized to transfer funds within FBMS (Financial and Business Management System). Funds are added to BIA FBMS account. Funds are subtracted from AVSO FBMS account.	Budget/AVSO-BSO	Performed by BIA, Budget and Performance Mgmt and AVSO Budget Office
9	BIA transfers to OSG the Tribal Share funding for SG Tribes. BIA Trust Services prepares a FED (Financial Entry Document) and corresponding Excel upload and emails to OSG.	BIA	AVSO to be included in the email when FED is being sent from Trust to OSG Title I funds are processed through the Regional Offices.
10	OSG review and approval of FED documentation packet. The packet is reviewed for accuracy and forwarded to OSG Director for approval. Upon approval, FED packet is forwarded for to Budget Execution	OSG	Trust to include any distribution spreadsheet/documentation to serve as backup documentation to the FED
11	Budget Execution processes the FED packet. Funds are moved from AAK4 (BIA) to AAK8 (OSG)	OSG	
12	Budget notifies all parties via email that funds have been transferred from BIA to OSG.	OSG	AVSO to be included in the emails.
13	OSG processes payments to tribes per Allocation documentation. To commit funds to individual tribes/tribal organizations, OSG Finance staff prepare a PR (Purchase Requisition) in FBMS and submit for approval.	OSG	Status of funding transfer is reported to AVSO
14	Upon approval, the PR transitions to payment for individual SG tribes/tribal organizations.	OSG	
15	Individual tribal payment documentation is posted to the SGDB (Self Governance Data Base).	OSG	Tribes have real time access to SGDB to view status of funds.

B. AVSO will have the following duties and responsibilities:

1. Provide any updates to the Template Tribal/AVSO Appraisal MOU to OSG for incorporation into the Draft Annual Self Governance Negotiation Guidance presented at the Annual Self Governance Conference;
2. Identify the AVSO designated representative(s);
3. Within fifteen calendar days of receipt of a Tribe/Consortium's letter of interest, notify the Tribe/Consortium in writing of the designated representative to respond to requests for information with a copy to the OSG negotiator;
4. Determine the Tribe/Consortium's appraisal workload, estimated funding amount and compact administration issues;
5. Maintain an electronic log that contains the following information:
 - a. Type of proposal received:
 - i. new provisions with specific program, service, function, or activity that the Tribe/Consortium intends to assume;
 - ii. version of MOU or continuing MOU;
 - iii. modification to existing Tribal/AVSO provisions; e.g., program standards, redesign;
 - b. name of Tribe/Consortium submitting proposal;
 - c. date proposal received; and
 - d. printed name and signature of person receiving the proposal.
6. Forward copies of any documents received from the Tribe/Consortium to OSG, including any information or documents issued by AVSO to the Tribe/Consortium;
7. Advise OSG regarding any program or program activities that may not be included in a funding agreement;
8. Participate in a review of a draft funding agreement relative to the Real Estate Appraisal Services program;
9. Estimate the tribal share or award amounts;
10. Coordinate the exchange of financial and payment information as outlined in the "Business Flow of Appraisal Funding and Payment Process" matrix;
11. Sharing of startup costs for CSC calculations when applicable;
12. Negotiate via telecommunication or in person with a Tribe/Consortium to award, modify and/or renew Tribal/AVSO Appraisal MOUs;
13. Provide copies of documentation to OSG for incorporation into official tribal funding agreement files.

C. OSG will have the following duties and responsibilities:

1. Notify the AVSO of specific drafting deadlines and request updates to the Template Tribal/AVSO Appraisal MOU to OSG for incorporation into the Draft Annual Self Governance Negotiation Guidance presented at the Annual Self Governance Conference;
2. Provide to AVSO a listing of assigned negotiators with contact information;
3. Provide draft funding agreement, reprogramming requests and MOU to AVSO when appraisal services have been compacted;
4. Provide to AVSO copies of executed Title IV FAs with incorporated Tribal/AVSO Appraisal MOUs;

5. Facilitate negotiations with AVSO Point of Contact (POC) and tribes when requested by AVSO to award, modify and/or renew Tribal/AVSO MOU, obligate funds, and confirm the availability and transfer of any indirect costs and/or startup costs;
6. Upon AVSO transmittal of funding to OSG, ensure prompt payment is made to tribes in accordance with the Tribal/AVSO MOU and/or funding agreement;
7. Maintain records of payments to Title IV tribes;
8. Issue findings and determinations pertinent to Single Audit Act matters when necessary;
9. OSG Director is the Awarding Official on Title IV matters in the event of tribal appeals or subject matter litigation and will work in coordination with AVSO in relation to the Real Estate Appraisal program.

IV. DURATION

This Memorandum of Understanding shall remain in effect until amended or terminated in writing by the parties.

Each party must respond to request for modification(s) within thirty (30) days of receipt.

V. SIGNATURES

This MOU becomes effective on the date both parties sign the agreement.

Signed by:

Office of Self Governance



Signature

 Sharee Freeman
Print Name

 OSG Director
Title

 JUN 20 2019
Date

Appraisal and Valuation Services Office

ELDRED LESANSEE Digitally signed by ELDRED LESANSEE
Date: 2019.06.19 14:29:13 -06'00'

Signature

 Eldred F. Lesensee
Print Name

 AVSO-Associate Deputy Director
Title

 June 19, 2019
Date