

Title 13 – Indian Employment and Contracting Preferences

Chapter 5. Contracting and Subcontracting Preference; Registration; Contracting Plan

(CHAPTER AMENDED AS PER RESOLUTION NO. 231 5-87-2, DATED 02/25/87.)

Sec. 503. Submission of a contracting and subcontracting plan.

(a) Every covered entity seeking to conduct business on trust lands within the Reservation with any number of employees or any number of contractors or subcontractors shall register with, and obtain a Business License from, TERO in full compliance with section 403 of this Title.

(b) Every such covered entity seeking to conduct business on trust lands within the Reservation with any number of contractors or subcontractors shall, before commencing any work, submit a contracting and subcontracting plan to TERO for approval. The plan shall indicate contracts and subcontracts that will be entered into in such activity and projected dollar amounts thereof. If the entity has already selected a firm to perform any contract or subcontract work, it shall list the name of that firm and indicate whether or not it is a certified firm. If the firm selected is not a certified firm, the covered entity shall further indicate why each certified firm registered with TERO in the relevant area of endeavor was not selected, and the name of a contact person at each certified firm with which the covered entity dealt. No authorization shall be granted to any firm which submits a plan indicating that less than one hundred percent (100%) of the value of all subcontracts will be paid to certified firms unless the entity can demonstrate that it was unable to employ Indian firms for sub-contract categories because there was an insufficient number of Indian firms qualified or available. To make such a demonstration the entity must show, at a minimum, that it interviewed all Indian firms listed on the TERO register in that area of endeavor and that:

(1) A sufficient number was not available to enable it to meet the goal; or

(2) The ones that were available and would have enabled the entity to reach the goal were rejected because they lacked the necessary technical qualifications; or

(3) That no certified firm was willing to do the work at a reasonable price after negotiation as required by Section 502;

(c) No entity authorized to engage in activity subject to this Chapter shall deviate from its plan in a manner that diminishes the percentage of Indian subcontracting, without prior written notification to TERO, and obtaining prior written approval of TERO;

(AMENDED AS PER RESOLUTION NO. 2465-89-5, DATED 05/23/89.)

(d) TERO shall have the right to inspect the records of any entity to ensure that a plan is complied with.