Cooperative Agreement Application Instructions

The Land Buy-Back Program for Tribal Nations (Buy-Back Program or Program) provides these instructions to assist tribes in the preparation of cooperative agreement application packages for Program participation. A tribe's cooperative agreement application package must include all of the following documents to receive full consideration:

1. Scope of Work Checklist
2. Application Narrative
3. SF-424 Application Forms:
    a. The SF-424 Application for Federal Assistance
    b. The SF-424(A) Budget Information for Non-Construction Programs
    c. The SF-424(B) Assurances for Non-Construction Programs
4. Tribal Authorization
5. Tribal Priority Tract Listing
6. Negotiated Indirect Cost Rate Agreement (if indirect costs are being requested)

It is important to note that a tribe is not required to enter into a cooperative agreement to participate in the Buy-Back Program. In certain cases, it may be unnecessary. If a tribe is unsure of whether to apply for a cooperative agreement, it should contact the Buy-Back Program to discuss the tribe's specific needs.

Additional information about these documents, including guidance on how to complete them, is provided in these instructions.

Tribes should contact the Buy-Back Program when first contemplating involvement in the Program and before beginning application preparation. There are several reasons why early communication and information sharing is necessary. One is that the Program will have various informational tools that can be shared with the tribe to inform tribal planning efforts, such as mapping data and owner name and address information. Another benefit to early communication is to learn about whether previous land consolidation efforts may allow for relatively efficient updates to existing products, such as mineral studies or even appraisal work.

The Program has a small team of dedicated staff available to assist tribes through this process:

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For general information and a broad overview of the cooperative agreement process, please also refer to the Cooperative Agreement Quick Guide and Frequently Asked Questions. Tribes also should review the Program's website, especially the November 20, 2014 Status Report and other documents, to gain familiarity with the Program.

1. The Scope of Work Checklist

The Scope of Work Checklist is a checklist that describes the three phases of the land consolidation process and the eight phase-specific tasks that a tribe may seek to perform during implementation of the Program on its reservation:

Phase I – Outreach
Task 1: Outreach

Phase II – Land Research
Task 2: Mapping
Task 3 Land Use Characterization
Task 4: Comparable Sales Information
Task 5: Minerals Evaluation

Phase III –Valuation
Task 6: Mass Valuation
Task 7: Project Appraisal Report
Task 8: Conventional Individual Appraisals

Tribes should begin the application preparation process by reviewing the Scope of Work Checklist to familiarize themselves with the phases and tasks of the land consolidation process. To complete the Scope of Work Checklist, the tribe must carefully review the task descriptions to ensure that it has the capacity to meet the task-specific requirements, and then check the box next to each of the tasks it can feasibly perform. The Buy-Back Program is prepared to complete all tasks not checked by the tribe.

In addition to checking the box next to each task the tribe could feasibly perform, the tribe must complete the proposed performance summary chart at the end of the Checklist and have the authorized tribal official sign the form.

Tribes should contact the Buy-Back Program with any questions regarding completion of the Scope of Work Checklist or any other aspects of the application. Close collaboration with the Program throughout the application preparation process will help ensure that the process is efficient and effective.

2. The Application Narrative

The Application Narrative is a comprehensive and detailed document in which a tribe describes how it proposes to perform and meet the requirements of the tasks it can feasibly undertake in the Scope of Work Checklist. Similar to a grant proposal, the Application Narrative is the document where a tribe provides detailed narrative, timeframe, and budgetary information on the anticipated activities under, and the associated costs to be charged to, an approved cooperative agreement with the Buy-Back Program. Simply put, the Scope of Work Checklist identifies <u>what</u> activities the tribe will perform while the Application Narrative describes <u>how</u> the tribe will perform them.

It is important to thoroughly detail the anticipated effort, cost, and time for each task proposed in the Application Narrative.

> The Application Narrative should be viewed as a planning tool. Developing the Application Narrative will assist with overall planning thereby helping to ensure land consolidation activities go smoothly and needs are identified early in the process. As part of the Application Narrative development process, tribes should expect to research local costs for supplies, equipment, travel, newspaper ads, and other items depending on the task the tribe is seeking to perform. This helps ensure that the funding amounts being requested for the activities proposed are realistic and reasonable.

A. Length

There is no minimum or maximum length for the Application Narrative; however, tribes are encouraged to be as concise as possible while providing all of the necessary details.

B. Format & Content

Although there are no strict formatting requirements for the Application Narrative; the document should include the following content sections (as applicable):

1. Introduction and Tribal Vision
2. Narrative Description of Selected Tasks
3. Outputs and Deliverables of Selected Tasks
4. Budget Information for Selected Tasks
5. Timeline
6. Tribal Capacity
7. Non-Federal Collaborators
8. Contractors or Consultants
9. Tribal Point(s) of Contact

> The use of charts, tables and lists in the Application Narrative, to help convey information, is strongly encouraged. Examples are provided in the Content section below.

These are further described below.

1. ***Introduction and Tribal Vision.*** Briefly summarize which of the eight land consolidation tasks the tribe proposes to complete, the total amount of funding requested, and the proposed period of performance in the introduction of the Application Narrative. In addition, provide the tribe's vision, as appropriate, for the consolidated lands. In other words, provide a brief statement describing the plan(s) or goal(s) the tribe has for the lands

that are consolidated through implementation of the Buy-Back Program. A sample introduction and tribal vision statement is provided below:

> *"Tribe A submits this cooperative agreement application to participate in the land consolidation efforts on its reservation. Of the land consolidation tasks that tribes may propose to perform, Tribe A proposes to perform Task 1: Outreach as Tribe A has the capacity and experience to perform this task. Tribe A has reviewed the task specific requirements for the Outreach Task and has prepared this Application Narrative, to detail how it proposes to fulfil these requirements. Tribe A is requesting $X for a period of nine months to perform the outreach activities detailed herein.*
>
> *Tribe A envisions utilizing the lands consolidated through the implementation of the Buy-Back Program at the reservation to create opportunities (e.g., cultural, residential, governmental, economic) for the tribal community by X (e.g., building housing units, developing a tribal business, etc.).*

2. ***Narrative Description:*** This section is where the tribe describes, in detail, how it will complete each of the tasks and how it will fulfill each of the task-specific responsibilities listed in the Scope of Work Checklist that it proposes to perform. **Tribes should separately detail each task they elect to perform in the Application Narrative so that the activities and costs associated with each task are clearly presented.**

Listed below is task-specific information that must be provided in the Application Narrative for each of the eight tasks tribes can select to perform through a cooperative agreement with the Buy-Back Program. Tribes should refer back to the Scope of Work Checklist for a detailed description of each task, and the responsibilities associated with each task, when preparing the Application Narrative to ensure that all necessary information is included.

Phase 1: Outreach

Task 1: Outreach: The overall goals of the Outreach Phase include: 1) educate owners about the Buy-Back Program to facilitate the Acquisition Phase[1]; 2) obtain current mailing addresses for owners, including those whose whereabouts are unknown (WAU); 3) notify all eligible owners of the opportunity to sell their interests; 4) identify owners willing to sell; and 5) provide consistent information, answer questions, and support to owners completing offer packets. The Outreach Phase consists of one task, the Outreach Task. However, there are 5 components of outreach that tribes are responsible for completing when electing to perform Task 1 Outreach to ensure that the outreach goals are met. They are further described below.

[1] A fourth land consolidation phase, the Acquisition Phase, will be completed by the Buy-Back Program. The Acquisition Phase consists of mailing offer packets to owners, receiving and processing completed offers and posting payments to Individual Indian Money accounts.

1. Update Owner Contact Information: Updated contact information is critical to the Buy-Back Program, as it needs to provide offers and other information to owners. Tribes electing to perform Task 1: Outreach will be responsible for updating the names, mailing addresses and telephone numbers of landowners (to the extent possible) and providing this information to the Buy-Back Program and facilitating communication between landowners and the Trust Beneficiary Call Center to formally update account information. The Application Narrative should detail how the tribe will fulfill this component of outreach.

2. Notify WAU Owners: This component of the Outreach Task is intended to identify and share "Name and Address" data held or managed by the tribe to help identify owners with Individual Indian Money (IIM) accounts coded as WAU. The Program will endeavor to provide the Tribe with a list of the owners that are WAU that could receive an offer based on completed appraisal work. The Application Narrative should describe how the tribe will fulfill this component of outreach.

3. Identify Interested Sellers: This component of outreach supports the land acquisition process by assisting the Buy-Back Program in identifying willing sellers. Tribes electing to perform the Outreach Task will be responsible for identifying interested sellers, providing this information to the Buy-Back Program, and facilitating communication between willing sellers and the Trust Beneficiary Call Center or Buy-Back Program staff to formally log their willingness to sell. The Application Narrative should detail how the tribe will fulfill this component of outreach.

4. Pre-Offer Outreach: Conducting pre-offer outreach is one of the two most critical components of outreach; the other is conducting post-offer outreach, which is further described below. Pre-offer outreach will publicize and explain the Buy-Back Program in order to successfully educate landowners about upcoming offers. Tribes must describe in the Application Narrative how they propose to conduct pre-offer outreach, in detail. This includes but is not limited to describing how landowners will be made aware of the opportunity to sell their fractionated interests, describing how the tribe will communicate the limited response time to owners, and describing the activities (such as placing radio ads and holding landowner workshops) the tribe plans to conduct. Pre-offer outreach can be accomplished in a number of ways. **The tribe is the expert on what activities will contribute to successful pre-offer outreach on its reservation.** Outreach activities can include but are not limited to:

   - Hosting pre-offer outreach events;
   - Attending established local events;
   - Attending community meetings;
   - Holding landowner workshops;
   - Placing print and electronic ads;
   - Placing local radio and/or TV public service announcements;
   - Distributing flyers;

Tribes are encouraged to consider sharing their vision or plans for the consolidated lands with landowners as a part of pre and post-offer outreach.

- Holding regular walk-in office hours;
- Placing calls;
- Mailing literature (such as postcards);
- Door-to-door visits; and
- Creating an internet presence, e.g., develop a website, social media like Facebook.

5. Post-Offer Outreach: Conducting post-offer outreach is also one of the most critical components of the Outreach Task along with pre-offer outreach. Once the Bureau of Indian Affairs (BIA) mails offer packets to landowners, the tribe will begin activities that support landowners' understanding of the offer packet. Tribes electing to perform Task 1: Outreach must describe in the Application Narrative how they propose to conduct post-offer outreach. Specifically, they must describe how they will ensure that follow-up questions from landowners receive prompt responses, how information (such as about offer deadlines) will be conveyed and the activities (such as distributing flyers) that will occur. Note that tribes proposing to perform post-offer outreach must provide notary services for owners for completion of the offer packets. The Application Narrative must discuss how the tribe will ensure that notary services are provided (including the number of notaries to be made available). As with pre-offer outreach, the tribe is the expert on what activities will contribute to successful post-offer outreach on its reservation. These activities can include but are not limited to:

- Hosting post-offer outreach events,
- Attending local events,
- Attending community meetings,
- Holding landowner workshops,
- Placing print and electronic ads,
- Placing local radio and/or TV public service announcements,
- Distributing flyers,
- Holding regular walk-in office hours,
- Placing calls,
- Mailing literature (such as postcards),
- Door-to-door visits, and
- Maintaining an internet presence.

For tribes electing to perform Task 1: Outreach, the Application Narrative serves as their outreach plan. In other words, by developing an Application Narrative with the necessary detail about its planned outreach events, activities and costs, the tribe is also developing its outreach plan. The Application Narrative is expected to detail how tribes will complete the five required components of outreach (i.e., update owner contact information, locate and notify WAU owners and otherwise ensure that they provide a current address, identify interested sellers, conduct pre-offer outreach and conduct post offer outreach), described above, as well as any other outreach activities the tribe plans. The Application Narrative should also communicate a monthly timeline of pre- and post-offer outreach events, media

outreach, and other events. This projected monthly schedule can be part of the overall timeline included in the Application Narrative (see **4. Task Timelines** below).

Phase II: Land Research

The goal of the Land Research Phase is to compile and prepare the necessary information about the fractionated tracts and surrounding lands to determine the fair market value of the lands in an efficient and timely manner. It consists of following tasks that tribes may propose to perform:

Task 2 - Mapping: A tribe electing to perform the Mapping Task must describe in the Application Narrative the mapping activities it proposes to perform. This can include, but is not limited to providing existing mapping products to the Buy-Back Program to assist with reservation mapping necessary to establish fair market value for the tracts containing fractional interests. Cooperative agreements will not fund base mapping activities because those are being performed efficiently by the BIA and the Bureau of Land Management (BLM) for immediate sharing with tribes. The Program may, however, fund other Geographic Information Systems or mapping related work by tribes in support of land research and valuation that do not duplicate the BIA's and the BLM's base mapping activities. A tribe proposing to perform mapping activities must describe in the Application Narrative:

i. The mapping activities proposed and how they will assist with implementation of the Buy-Back Program,
ii. Any associated cost with providing the mapping information.

> Note that the Buy-Back Program will not fund survey, title, partition or subdivision work.

Task 3 - Land Use Characterization: A tribe proposing to perform the Land Use Characterization must describe in the Application Narrative:

i. The available information on current land use status and type along with associated acreages and other physical characteristics for fractional tracts that they will share with the Buy Back Program,
ii. The format and delivery method of the land use information to be provided,
iii. The timeframe for providing the information, and
iv. Any associated cost with providing the information.

Task 4 - Comparable Sales Information: A tribe proposing to perform the Comparable Sales Information Task must gather information on recent sales and develop a database for submission to the Buy-Back Program. In the Application Narrative, tribes must describe:

i. Their methodology for gathering the information (including the data standards that will be used - which will need to be coordinated with the Office of Appraisal Services (OAS)),
ii. The format and delivery method for providing the database to the Buy-Back Program/OAS,
iii. The timeframe for providing the completed database to the Buy-Back Program/OAS for review and approval, and
iv. Any costs associated with performing this task.

Task 5 - Minerals Evaluation: A tribe proposing to perform the Minerals Evaluation Task must describe in the Application Narrative:

i. The available mineral studies on reservation lands that they will provide to the Buy-Back Program,
ii. The format and delivery method of the minerals studies to be provided,
iii. The timeframe for providing the information, and
iv. Any associated cost with providing the information.

Phase III: Valuation

Tribes interested in performing valuation work are strongly encouraged to contact the Buy Back Program when first contemplating involvement in the Valuation Phase.

The goal of the Valuation Phase is to appraise, as many trust and/or restricted fee lands as possible[2] so that offers for the purchase of as many of the fractional interests as possible (up to the tribe's Purchase Estimate) can be made to the maximum number of individuals. During this phase, the Program intends to include as many of the tribal priorities as possible. Efficiency and timing are critical components of this phase since the valuation activities impact all other phases of the Program.

Tribes wishing to perform any Valuation Phase tasks must:

1) Adhere to the Program's Real Estate Appraisal Methodologies.

2) Select contract appraisers approved by OAS to help ensure that qualified appraisers are selected. Valuation work must not begin until OAS has approved the tribe's selected appraisers. OAS approval of an appraiser is determined by the tribe submitting a statement of qualifications detailing the appraiser's education, experience with similar properties, certifications, licenses and other qualifications. An OAS contract appraiser vendors list can be provided to the tribe upon request.

[2] For conventional individual appraisals there may be a limit as to number of tracts appraised based upon the purchase estimate, projected rate of return on offers, and a projected cost estimate of land prices.

In addition:

3) Upon starting the appraisal work per the cooperative agreement, the OAS approved appraiser will be expected to submit one to two draft appraisal reports to OAS. OAS will work with the appraiser to make any necessary corrections to the draft report(s). This process will help prevent the submission of appraisals with errors that could have been avoided while the appraisals were being drafted.

Appraisal work should not begin until a cooperative agreement is finalized, the tribe's priority tract listing has checked against the updated Title Status Reports, and mapping is complete to ensure that accurate data is available.

The Valuation Phase consists of three tasks, further described below, that tribes with the capacity to perform appraisals may propose to perform.

Task 6 - Mass Valuation: A tribe proposing to perform the Mass Valuation Task must describe in the Application Narrative:

i. The tribe's experience and expertise in performing mass appraisals, including the tribe's selection criteria for contract appraiser vendors and the prior experience of those appraisers in working with OAS standards and processes (detailed qualifications statements demonstrating mass appraisal expertise must be attached);
ii. How the tribe has determined that fractionated tracts of land are amenable to mass appraisal valuation methods;
iii. How the Uniform the Uniform Standards of Professional Appraisal Practice (USPAP) will be met;
iv. Whether the Tribe's mass appraisal model has been reviewed and approved by OAS;
v. How the tribe plans to coordinate with OAS to ensure that all mass appraisals are OAS reviewed and approved;
vi. The format and delivery method for providing completed appraisals to OAS;
vii. The anticipated timeframe for beginning, completing, and submitting the appraisals to OAS **(note that the appraisal timeframe must be carefully coordinated with the other phases such as outreach)**, and;
viii. The cost associated with performing this task including any contractor costs.

Note that tribes proposing to perform the Mass Valuation Task must have documented mass appraisal experience and expertise.

Mass Appraisals will generally be the most time-effective and-cost effective valuation approach for reservations amenable to Mass Appraisals methods. Tribes proposing to perform Project Appraisal Reports or Individual Conventional Appraisals will need to explain, in the Application Narrative, why Mass Appraisals are not being proposed. The Program shall determine the appropriate appraisal method based on cost and/or time factors.

<u>Task 7 - Project Appraisal Reports:</u> A tribe proposing to perform the Project Appraisal Reports Task must describe in their Application Narrative:

i. The tribe's experience and expertise with preparing Project Appraisal Reports; including the tribe's selection criteria for contract appraiser vendors and the prior experience of those appraisers in working with OAS standards and processes (detailed qualifications statements demonstrating project appraisal expertise must be attached);
ii. Why Project Appraisal Reports are appropriate for the tribe's reservation rather than Mass Appraisals;
iii. How the Project Appraisal Reports will be prepared in accordance with USPAP and OAS project, data standard, and formatting requirements;
iv. The anticipated timeframe for beginning, completing, and submitting the Project Appraisal Reports to OAS **(note that the appraisal timeframe must be carefully coordinated with the other phases such as outreach)**;
v. The format and delivery method for providing completed Project Appraisal Reports to OAS (note that they must be submitted in an OAS Information System (OASIS) compatible form); and
vi. The cost associated with performing this task including any contractor costs.

Project Appraisal Reports may only be appropriate in certain circumstances. For more information, please refer to the Scope of Work Checklist or contact the Buy-Back Program.

<u>Task 8 - Conventional Individual Appraisals</u>: A tribe proposing to perform the Conventional Individual Appraisals task must describe in the Application Narrative:

i. The tribe's experience with completing conventional individual appraisals including the tribe's selection criteria for contract appraiser vendors and the prior experience of those appraisers in working with OAS standards and processes (detailed qualifications statements demonstrating conventional individual appraisal expertise must be attached);
ii. Why Conventional Individual Appraisals are appropriate for the tribe's reservation rather than Mass Appraisals and Project Appraisal Reports;
iii. How the tribe will prepare the appraisals in accordance with USPAP and OAS project, data standard, and formatting requirements;
iv. The anticipated timeframe for beginning, completing, and submitting the Conventional Individual Appraisals to OAS **(note that the appraisal timeframe must be carefully coordinated with the other phases such as outreach)**;
v. The format and delivery method for providing completed appraisals to OAS (note that they must be submitted in an OASIS compatible form); and
vi. The costs associated with performing this task including any contractor costs.

Note that for each of the three Valuation Phase tasks, a detailed Statement of Work shall be provided to the tribe to assist with planning.

3. ***Outputs and Deliverables:*** Tribes should describe the anticipated outputs and deliverables that will be the result of the tasks and activities to be performed in this section of the

Application Narrative. For example, for tribes performing outreach, an anticipated output would be locating WAUs.

4. ***Budget Information***: Detailed, phase-specific and task-specific budget information must be provided in the Application Narrative. For clarity, tribes are encouraged to create a "budget section" in the Application Narrative. The budget information in this section will inform the completion of the SF-424A Budget Information for Non Construction Programs form (see Section IV of these instructions) that must be submitted as part of the application. Tribes are encouraged to develop a budget breakout chart by category, (i.e., personnel, equipment, supplies, travel, training, consultants, contracts, etc.). Individual categories of cost must be thoroughly explained. For example, if "equipment" is a proposed cost category, list and describe the type of equipment the tribe will procure and why it is necessary. Cost categories that may not be self-explanatory or are broad, such as "supplies," must be detailed out in full. A simple budget chart is provided below as an example:

Outreach Personnel Costs TOTAL: $X for 6 months (full time new hires)
- Outreach Specialist 1 for 6 months = $X (Salary: $X, Benefits: $X)
- Outreach Specialist 2 for 6 months = $X (Salary $X, Benefits: $X)

Outreach Supplies Costs TOTAL: $X
- Printer (1) =$X
- Printing Paper (20 packets at $X each) = $X
- Printer Cartridges (4 at $X each) = $X

Outreach Media Costs TOTAL: $X
- 4 half page notices in the local newspaper, the X Times, $X each = $X
- 4 thirty second radio ads on Station 99.9FM, $X each = $X

With regard to personnel costs, the Application Narrative must identify the number of personnel to be charged to the cooperative agreement, whether they are existing staff or new hires, whether they will be full time or part time, their salaries as well as fringe benefit costs, their position titles as well as brief position descriptions.

Regardless of how the budget information is presented, it must be detailed. In addition to detailed budget information for each activity and task, a phase-specific summary budget chart is strongly recommended:

Phase I – Outreach	**$X**
Task 1: Outreach	$X
Phase II – Land Research	**$X**
Task 2: Mapping	$X
Task 3: Land Use Characterization	$X

Task 4: Comparable Sales Information	$X
Task 5: Minerals Evaluation	$X
Phase III –Valuation	**$X**
Task 6: Mass Valuation	$X
Task 7: Project Appraisal Report	$X
Task 8: Conventional Individual Appraisals	$X
Total Amount Requested	**$X**

To the extent feasible, information on how the costs were calculated must also be included in the budget section. In addition, costs listed in this budget section must be thoroughly explained both here and in the narrative section. For example, position descriptions (with position duties) must be included.

Note that cost-efficiency is an important consideration for the Program when entering into cooperative agreements with tribes. Most individual cooperative agreement awards are not expected to exceed $500,000. Also, most cooperative agreements should not exceed 15% of the purchase estimate amount for a given location. Please see the Program's November 20, 2014 Status Report for more information about purchase estimates.

Allowable Costs

All costs to be charged against the cooperative agreement must be **allocable, allowable, and reasonable** per 2 CFR Part 200, Subpart E – Cost Principles. The Cost Principles describe not only what, but also how, costs may be charged against financial assistance awards. For example, the costs promotional items and memorabilia (such as gifts and souvenirs) cannot be charged against a federal financial assistance award. Thus, such costs should not be included in the budget. Tribe's should contact the Buy-Back Program if they have specific questions regarding which costs are allowable.

Pre-Award Costs

The proposed costs detailed in the Application Narrative can only be incurred by the tribe during the performance period (the period that the agreement is in effect) of the cooperative agreement. **Pre-award costs, or costs that are incurred prior to the award of the cooperative agreement, are limited by regulation[3] and not permitted without prior express written approval from the Buy-Back Program.** Tribes seeking to incur pre-award costs must submit a written request to the Buy-Back Program. The request should detail the costs to be incurred and it should include an explanation as to why costs need to

[3] 2 C.F.R. Part 200 Subpart E – Cost Principles

be incurred prior to a cooperative agreement being awarded. Tribes must not incur costs until they have been awarded a cooperative agreement unless explicit, written approval to incur pre-award costs has been granted. Approved pre-award costs can only be reimbursed to a Tribe once a cooperative agreement award has been finalized.

Indirect Costs

The Settlement Agreement limits the funding that may be used for administrative expenses to maximize the amount available for purchasing fractional interests. Because cost-efficiency is a key component of the Program's success, the Program has capped the amount of indirect costs it will pay as a part of agreements at no more than 15% of the modified total direct costs (MTDC)[4].

> "A Federal awarding agency may use a [indirect cost] rate different from the negotiated rate for a class of Federal awards or a single Federal award…" *2 CFR § 200.414.*

Tribes with negotiated indirect cost rates over 15% may request no more than 15% MTDC as part of their cooperative agreement application to the Buy-Back Program. Tribes with negotiated indirect cost rates of less than 15% MTDC can request no more than their current negotiated rate. Please note that tribes requesting indirect costs as part of their application should submit a copy of their most recent negotiated indirect cost rate agreement to the Buy-Back Program.

Modified total direct costs are calculated by excluding capital expenditures and other distorting items, such contracts or subawards for $25,000 or more, from the total request amount and then multiplying the indirect cost rate against the resulting amount. For example:

$200,000	Total Amount Requested in Application
- 15,000	Less Capital Expenditure (X)
- $5,500	Less Capital Expenditure (Y)
$179,500	Modified Total Direct Costs
x 15%	Buy-Back Program Indirect Cost Rate Cap
$26,925	**Requested amount of Indirect Costs**

If a tribe is requesting indirect costs as a part of its cooperative agreement application, the Application Narrative must detail how the amount requested was

[4] Modified Total Direct Costs are defined as costs excluding capital expenditures and distorting items such as pass through funds, major Subcontractors, etc. http://www.doi.gov/ibc/services/indirect_cost_services/FAQs.cfm. Please also see 2 CFR § 200.68.

calculated and a copy of the tribe's most recent Negotiated Indirect Cost Rate Agreement should be attached.

5. ***Task Timelines***: This section of the Application Narrative will form the basis for the performance period, or duration, of the cooperative agreement. The information provided must correspond with the estimated start and end dates listed on the Scope of Work Checklist for the specific phases and tasks the Tribe is proposing to undertake.

> In general, cooperative agreement awards will be made for a period of approximately 12 months though some awards may be for a longer period.

Tribes must provide a detailed project timeline for the completion of the activities to be undertaken, including the activities' estimated beginning and ending dates. The timeline must encompass the entire period of performance being requested and must provide month-by-month information on the activities to be undertaken. For instance, the tribe could document this in a chart, such as the illustrative examples below:

Example 1:

Month 1	Activity 1 Activity 2 Activity 3
Month 2	Activity 2 continued Activity 3 continued Activity 4 Activity 5
Month 3	Activity 3 continued Activity 4 continued Activity 5 continued Activity 6 Activity 7

Example 2:

	Month 1	Month 2	Month 3
Activity 1	→		
Activity 2	→	→	
Activity 3	→	→	→

> The timeline must take into consideration the valuation, or appraisal schedule and the appraisal shelf-life. The appraisals of fractionated tracts will only be valid for a limited amount of time; therefore it will be important to carefully coordinate outreach activities, such as pre-offer outreach, with appraisal activities to ensure that both are completed as concurrently as possible to ensure the Program is as effective as possible.

6. ***Tribal Capacity*:** In this section – if not already discussed in other sections, tribes must discuss their capacity to perform the selected tasks by describing:

   - Any previous experience with similar land consolidation activities (e.g., if a tribe is proposing to perform mass appraisals the tribe must describe its previous experience with mass appraisals here), and
   - Any previous experience with managing federal financial assistance awards (either grants or cooperative agreements).

   Tribes are urged to provide an organizational chart as well as descriptions of the qualifications and experience of key staff who will be working on the Buy-Back Program phases, tasks, and activities. If the Tribe has not had a satisfactory history of performance on other Federal financial assistance awards, describe the violations that occurred and any steps taken to rectify them. This must include any audit findings.

7. ***Non-Federal Collaborators***: Tribes must provide the names, titles, and tribal affiliations of any anticipated non-Federal collaborators, as well as a detailed description of the nature of the affiliation and which specific tasks or activities will be subject to collaboration, in this section. Collaborators may include other tribes. If the tribe is planning to sub-award funds to other tribes as part of the cooperative agreement, this information must also be detailed in this section.

8. ***Contractors or Consultants***: If not already detailed in the narrative and budget sections above; tribes must describe any anticipated contractor and consultant involvement and costs in this section.

9. ***Tribal Point of Contact***: Tribes must provide the name, title, address, telephone number, and email address for a tribal point of contact if not identified elsewhere (such as in the tribal authorization – see Section V) in this section. This must be someone who the Buy-Back Program may contact regarding any questions or concerns about the application. All cooperative agreement award documents will be sent to the tribal point of contact and the tribal leadership for review and signature.

3. The SF-424 Application Forms

The SF-424 forms are standard financial assistance application forms that are required by regulation and utilized government-wide. Tribes must complete the following three forms and include them in their cooperative agreement application packages:

- The SF-424 Application for Federal Assistance

  The SF-424 Application for Federal Assistance form is considered the "core" SF-424 form and it provides key information to the awarding agency about the applicant. Tribes should input the information listed below into the associated fields, and may contact the Buy-Back Program with any questions.

- ***Field 3*** *Date Received:* Leave Blank
- ***Field 5(a)*** *Federal Entity Identifier*: Leave Blank
- ***Field 5(b)*** *Federal Award Identifier:* Leave Blank
- ***Field 10*** *Name of Federal Agency:* Department of the Interior
- ***Field 11*** *Catalog of Federal Domestic Assistance Number and Title*: 15.152, Land Buy-Back Program for Tribal Nations
- ***Field 12*** *Funding Opportunity Number*[5]*:* LBBP-2016-1
- ***Field 13*** *Competition Identification Number:* LBBP-2016-1
- ***Field 19*** *Is this Application Subject to Review by State under Executive Order 12372?* c. Program is not covered by E.O. 12372

An authorized tribal official must sign this form.

- The SF-424A Budget Information Non-Construction Programs

  As its name implies, this form is used to provide details on the funding being requested. The information provided on this form must align with the budget information provided in the submitted Application Narrative.

- The SF-424B Assurances Non-Construction Programs

  This form lists a number of requirements that by signing the tribe agrees to comply with, to the extent applicable, upon receipt of a funding award. Tribes must carefully read this form to understand the requirements and then have the authorized tribal official sign it.

4. Tribal Authorization

The application package must be accompanied by a tribal authorization approving the tribe's participation in the Buy-Back Program unless already submitted[6]. Although many tribes utilize tribal resolutions to conduct official business, not all tribes employ this format. Therefore, the tribal authorization must take the form of whatever means by which tribal business is conducted including a resolution or a letter. Tribes must review the Program's Tribal Authorization Guidance and Sample Language document for additional information and sample authorization language that could be used.

5. Tribal Priority Tract Listing or Statement

Tribes are asked to provide the Buy-Back Program with a listing of those fractional interests within the reservation that are priorities for potential purchase so that the Program can endeavor to purchase them, as much as feasible. The tribal priority tract listing that is submitted as a part of the cooperative agreement application package may be in draft form. If the listing is in draft, tribes

[5] The "Funding Opportunity Number" comes from Grants.Gov.
[6] A number of tribes submitted Letters of Interest accompanied by Tribal Authorizations during the Buy-Back Program's open solicitation period from November 2013 to March 2014.

must make sure to indicate "DRAFT" on the submission as well as the date when they anticipate submitting the final list. Tribes that choose not to identify priorities must submit a statement to that effect as part of the application.

Application Submission

Tribes are encouraged to utilize the Cooperative Agreement Application Submission Checklist (see page 18 of these instructions) to ensure that their applications are complete. Tribes should e-mail PDF copies of their completed applications to the Buy-Back Program. E-mailed copies must be sent to the Tribal Relations Senior Advisor staff member the tribe has been working with as well as the Program's Cooperative Agreement Specialists. Please see page 1 of this document for contact information including e-mail addresses.

Mailed hard copies of the application (not required) may be sent to:

The Land Buy-Back Program for Tribal Nations
1849 C Street, N.W.
Room 5542
Washington, D.C. 20240

Application Review & Approval

The Buy-Back Program will work as quickly as possible to review and, as appropriate, approve the submitted application package. For submissions that cannot be approved (e.g., incomplete packages, clarification needed on certain items, etc.), the Buy-Back Program will contact the tribal point of contact to address concerns or discuss any items as expeditiously as possible.

The Cooperative Agreement Award

The Buy-Back Program will complete the Cooperative Agreement Template, which is the award document, with information from the tribe's submitted application package once the application package has been approved. The Buy-Back Program will send the Cooperative Agreement Template to the authorized tribal official for signature. Once signed by the authorized tribal official, the Cooperative Agreement Template must be returned to the Buy-Back Program for signature by the Program Manager and fund obligation. A copy of the final award package will be provided to the tribe after obligation.

Cooperative Agreement Application Submission Checklist

Cooperative agreement application packages must include all of the following items in order to be considered complete:

☐ **SIGNED Scope of Work Checklist**

☐ **SIGNED SF-424 Application for Federal Assistance**

☐ **SF-424A Budget Information - Non-Construction Program**

☐ **SIGNED SF-424B Assurances - Non-Construction Program**

☐ **Tribal Priority Tract Listing or Statement** (developed upon receipt and review of the mapping information received from the Buy-Back Program)

☐ **Tribal Authorization approving implementation of the Buy-Back Program at the reservation**

☐ **Application Narrative which includes:**

- A detailed narrative description of the activities proposed for funding as well as the tribal vision for the consolidated lands
- A detailed budget for the activities proposed
- A detailed timeline for the activities proposed
- A Tribal Point of Contact that will serve as the day-to-day contact
- A description of the tribe's capacity to perform the proposed land consolidation activities and manage federal financial assistance

If requesting indirect costs as a part of the cooperative agreement application:

☐ **A copy of the most recent Negotiated Indirect Cost Rate Agreement**