

**Performance Work Statement
Native American Consultation Services
Nellis Air Force Base (NAFB), Creech Air Force Base (CAFB), and the Nevada Test and
Training Range (NTTR)
CESU 17-27**

Introduction:

Projects for execution under this CA by USACE do not include any functions to be performed that are inherently governmental. This determination is made with the assessment that places emphasis on the degree to which conditions and facts restrict the discretionary authority, decision-making responsibility, or accountability of Government officials using NFE services or work products.

This CA shall not be used for performance of personal services. These tasks provided by the customer for execution under this CA by USACE do not include functions to be performed that are personal services.

Any modifications to Cooperative Agreement activities as outlined by this SOW/PWS must be channeled through the Grants Officer's Technical Representative (GOTR) and Grants Officer (GO) prior to Non-Federal Entity (NFE) implementation.

NFE personnel shall also wear a distinctive NFE furnished security (ID) badge/lanyard readily identifying the individual as a NFE employee. The badge shall be worn in a conspicuous place at all times when performing work under the Cooperative Agreement including attendance at Government meetings and conferences that take place outside of the Government facility.

NFE personnel shall identify themselves as an NFE employee when answering or placing calls on a Government telephone and when leaving outgoing or incoming messages on voice mail. Use of acronyms in this identification is insufficient to meet this requirement.

All NFE email signatures shall identify them as such and will include their employer's name.

NFE shall follow ALL guidelines in 2 CFR 200 and DoDGARS

Background:

Nellis Air Force (NAFB) lands occupy much of southern Nevada. This land was once part of the aboriginal homelands of the Colorado River Tribes, Yuman speaking Mohave people, and Numic speaking people, today known as the Owens Valley Paiutes, Southern Paiutes, and Western Shoshones. This land contains places that Numic and Yuman speaking peoples used for thousands of years prior to Euro-American encroachment into the region. This part of Nevada was withdrawn from the public domain in the early 1940s to serve as a bombing and military training range. Native people were prevented access to their traditional places once the land became part of this secure government facility. Approximately sixty years later, Numic and

Yuman speaking people became engaged in consultation efforts with the United States Air Force on Nellis Air Force Base. NAFB created the Native American Interaction Program (NAIP) as a foundation for government-to-government consultation and to involve tribal members in all facets of the environmental program with an emphasis on field participation. Since its inception in 1996, the philosophy of the NAIP has been to proactively involve culturally affiliated tribes in planning and review of both ethnographic and archaeological field projects. Ethnographic projects on NAFB involve active participation from the Consolidated Group of Tribes and Organizations (CGTO) which is a pan-tribal, multi-ethnic group created in 1996 to address consultation with federal facilities located within traditional territories. The CGTO comprises 17 tribes and pan-Indian organizations from the Colorado River, Mohave, Southern Paiute, Western Shoshone, and Owens Valley Paiute ethnic groups.

Objective:

The NFE shall perform services in support of cultural resource management and in compliance with the American Indian Religious Freedom Act, National Historic Preservation Act (NHPA), the Archaeological Resources Protection Act (ARPA), Native American Graves Protection and Repatriation Act (NAGPRA), and other applicable federal, state and local laws / regulations, and related DoD and AF directives (including DoDI 4715.16; DoDI 4710.02, AFI90-2002, and AFI 32-7065).

NFE personnel must have the ability to pass a security check to access sites outlined in this PWS. Lack of ability to pass security check will result in denial of access to military lands and/or participation in AF activities.

Task 1 Native American Coordinator Support: The NFE shall provide services in support of government-to-government consultation with the 17 Native American tribes that are culturally, or historically affiliated with NAFB. The services will include support for all tasks associated with Native American Consultation Services. An example would include Native American travel per diem, lodging, technical report reviews, and following the requirements identified in the Nellis AFB Native American Program that was designed to adhere to Executive Order 13175.

Task 2: Native American Heritage Month Activities: The NFE shall support a tribal request for a Native American Heritage Month planning committee consisting of four tribal members plus the NAC. It will be up to the committee to plan activities for this event. This activity will include 20 hours per committee member to determine the event. The determined event could take place in Las Vegas or towns surrounding NAFB range. The event will support up to 51 people, including the NAC. The event will be held in conjunction with the semi-annual Native American Meeting, as an additional day either before or after the planned meeting. For each tribal member participating in the heritage event, it includes one night stay in a hotel; per diem for each day, and travel costs. The event includes cost of a conference room at a hotel plus costs for hosting two guest speakers and/or a traditional Native American dance group (up to 5 persons).

- a. Four committee members and NAC at maximum 20 hours for planning.

- b. One night's stay for 51 tribal members in area(s) around or at NAFB, per diem, and honorarium* if applicable.
- c. Up to two speakers for event with honorarium* for the speakers, per diem, and mileage.
- d. Up to five Native American dancers for event with honorarium*, per diem, and mileage.
- e. Hotel stay could be substituted for camping on NAFB for events. In this case the NFE would provide equipment needed for field camping.

***1208 PAYMENTS OF FEES FOR GUEST SPEAKERS, LECTURERS, AND PANELISTS.**

Payment for expenses associated with honoraria (guest speaker fees) is allowable for individuals who are not government personnel. Honoraria are ex gratia payments and are made to a speaker who has discretion concerning the content of a speech, presentation, or panel discussion on a general topic. In contrast, honoraria limitations do not restrict payment for presentation of materials under a training contract involving a program of instruction. To avoid excessive payment of honoraria, the Deputy Secretary of Defense has established a policy that honoraria amounts greater than \$2000 must be approved by the next higher organizational echelon. Such approvals shall be in accordance with the Component's established procedures.

http://comptroller.defense.gov/Portals/45/documents/fmr/archive/10arch/10_12_Jul10.pdf

Task 3 Document Review Committee (DRC): The DRC consists of four Native American Reviewers and one Lead/Coordinator (NAC) who shall also act as a fifth reviewer. Members of the DRC shall be selected and announced during the Native American Meetings. DRC member's appointment shall be for 12 months, but can be changed out if required at an earlier date. The NFE shall implement and fund the document review of not to exceed (NTE) 6 documents per year. Reviews shall include 16 hours per reviewer per document (64 Reviewer hours total per document) and 30 hours for the Lead/Coordinator per document. NAFB would forward reports for review to the representatives and the Lead/Coordinator. The Lead/Coordinator would collect and consolidate notes from the four Reviewers and compose comments in a format selected by the reviewers, with an emphasis on brevity and succinctness. The Lead/Coordinator would deliver the sensitive comments in person or digital form directly to NAFB CRM within 30 days of receipt of the reports for review (deadlines may be altered between the Lead/Coordinator and NAFB CRM). Larger documents (> 300 pages to include appendices) may be considered two document reviews as agreed by the NAFB CRM.

Task 4 Participation in Professional Meetings: The NFE shall implement the arrangements and funding for up to three professional meetings per year. NAFB CRM, in consultation with the NAC, would select up to eight tribal members to each conference. Participants assume responsibility to meet their own travel and meeting schedules.

The NFE shall be responsible for making the travel arrangements and funding of travel and lodging for the selected tribal members attending a conference for the full meeting duration not to exceed five days per conference. One tribal attendee will be asked to present (30 minute block of time) tribal perspective of the project work that has been completed at NAFB over the last 12 months at the conference. The NFE shall compensate the presenter/speaker for his/her preparation and presentation time.

A short, no longer than one-page written trip/conference report shall be submitted by each attendee within 30 days after the conference to the NFE for delivery to the NAFB CRM. If the trip/conference report is not received within the timeframe, the NA member may not be eligible for future conferences. The NAC may attend the conferences as a tribal member while at the meetings and may be the project work presenter/speaker under the conditions of this SOW. The NAC will be paid for assisting in coordinating logistics for these conferences as well as time spent assisting tribal members with transportation to and from the conferences.

Summary:

- Up to 24 tribal members to attend a total of three conferences (eight members per conference), for a maximum of five days each.
- One-page reports by participants will be required from each conference attendee.
- One tribal attendee to provide NAFB project work perspective at each professional conference.
- Hourly support of NAC for coordination for these conferences.

Deliverables:

1. The NFE shall perform monthly meetings between the NFE and all tribal parties via conference call.
2. The NFE shall organize arrangements for the Native American Heritage Event including reserving room, providing refreshments, greeting attendees, assisting with travel arrangements, etc.
3. The NFE shall implement and fund the document review of not to exceed (NTE) 6 documents per year.
4. The NFE shall implement the arrangements and funding for up to three professional meetings per year.
5. The NFE shall compensate the presenter/speaker for his/her preparation and presentation time.
6. The NFE shall deliver to the NAFB CRM the one-page written trip/conference reports written by each attendee within 30 days after the conference.

Period of Performance:

The period of performance for this project shall be 12 months.

Points of Contact:

The POCs for USACE are Ms. Sarah Miller at (402) 995-2625 and Ms. Kali Evans at (402) 995-2295. Routine and overnight (express) correspondence should be addressed as follows:

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