CHAPTER 36-8 TRIBAL MANAGEMENT OF QUARTERS

36-8.1 PURPOSE . . . . . (36-8) 1
36-8.2 CONTRACTOR OPERATED AND MAINTAINED FEDERALLY-OWNED QUARTERS . . . . . (36-8) 2
36-8.3 ESTABLISHING AND IMPLEMENTING RENTAL RATES AND RELATED CHARGES . . . . . (36-8) 2
36-8.4 QUARTERS RENTAL COLLECTIONS . . . . . (36-8) 3
36-8.5 REPORTING REQUIREMENTS . . . . . (36-8) 4

36-8.1 PURPOSE

A. To insure that all IHS controlled housing units are operated and maintained in a safe and sanitary condition at all times.

B. Terms and conditions of operation and maintenance by the contractor shall be in accordance with an Operation and Maintenance Contract negotiated between the contractor and the Indian Health Service (IHS) contracting officer prior to execution of the contract. Such operations and maintenance contract shall be in accordance with the required IHS program requirements for operation and maintenance as set forth in the Technical Handbook for Environmental Health and Engineering, Volume VI - Facilities Engineering, and any supplemental Area instructions for maintenance management. It shall, at a minimum, include: (1) an annual work plan for the routine operation and maintenance of the facilities; and (2) a facilities engineering deficiencies report.

C. The following provisions shall apply to employees of the Secretary or contractor occupying Federally owned or leased Government quarters provided to a contractor in compliance with a contract:

(1) Quarters rental rates and related charges shall be determined in accordance with applicable laws, regulations and established rental rates.

a. A schedule of rental rates and utility charges will be provided to the contractor by the Secretary.

b. Charges for rents and related utilities shall be collected through payroll deduction whenever feasible.

c. Alternate collection systems may be used to collect quarters fees from non-government and non-contract personnel or whenever assignments to quarters are of short duration, as to preclude the use of payroll deduction.

(2) Rental rates and related charges for Federally-owned/leased quarters used by the contractor to house other than Government or contractor employees working on such contract, shall be equal to the full fair-market value, as established by the Secretary under applicable laws and regulations

(Office of Management and Budget (OMB) Circular A-25, as amended; 41 Code of Federal Regulations (CFR) 114-52; OMB Circular A-45, as amended), and provided to the contractor by the Secretary. Administrative adjustments shall not be used to reduce the rates below fair market value.

(3) Government employees, contractor's employees, transients, persons on travel or training assignments, and visitors assigned to Federal Quarters, shall be assessed charges for rent and utilities, etc. An exception is provided for members of an official Volunteer Service Program who may be provided temporary housing at no cost with the approval of the Secretary. (refer to Chapter 36-3.6, Assignment of Volunteers to Quarters)

D. No funds are appropriated for government quarters, quarters are considered self sufficient from collections generated.

36-8.2 CONTRACTOR OPERATED AND MAINTAINED FEDERALLY-OWNED QUARTERS

A. Quarters units shall be continuously maintained in a state of repair which will assure a safe and otherwise acceptable living conditions for all occupants. Maintenance costs shall be kept as low as possible consistent with protection of the Government investment. Refer to Chapter 36-6.2, Maintenance Standards and 36-6.3, Responsibility for Maintenance and Repair for further guidance on this topic.

B. The contractor shall maintain files on all quarters units under their control. The file shall include forms PHS-6070A, Assignment and Acceptance Agreement (refer to Chapter 36-3.9); PHS-6070B, Quarters Termination Record (refer to Chapter 36-3.14); and PHS 6068, Quarters Deficiency Checklist (refer to Chapter 36-3.13).

C. All non-government/non-contract tenants shall pay rental at the fair market rates established in accord with applicable law and regulations. Without isolation adjustment, site amenities, and/or other administrative adjustments.

36-8.3 ESTABLISHING AND IMPLEMENTING RENTAL RATES AND RELATED CHARGES

A. Rental rates for all IHS quarters are established by a regional survey process through an interagency agreement with the Bureau of Reclamation/Department of the Interior, called the Quarters Management Information System (QMIS). Annual QMIS costs are nominal and IHS prorates these costs to the Service Unit based upon the number of quarters at each installation and payed from collections.

B. A tribe or tribal organization may contract to implement and collect rental rates and related charges for utilities, furnishings and services for all occupants of Federal quarters

owned or leased by the Indian Health Service (IHS). Rates for Federal, contractor and grantee employees shall be established by the Secretary in accordance with the requirements of OMB A-45, as amended. Rates for non-Federal, non-contractor and non-grantee occupants shall be established by the Secretary in accordance with OMB Circular A-25, as amended.

C. If the rate implementation functions is not included in a tribe or tribal organization's management of Federal Quarters, the Secretary shall establish rental rates and related charges for utilities, furnishings and services for all occupants of Federal quarters owned or leased by the IHS. Such rates and related charges shall be implemented by the tribe or tribal organization for contractor and grantee employees; and by the Secretary for all other occupants. Rates for Federal, contractor and grantee employees shall be established in accordance with OMB A-45, as amended. Rates for non-Federal, non-contractor and non-grantee occupants shall be established in accordance with OMB A-25, as amended. The Secretary shall provide a schedule of rental rates and related charges to the contractor or grantee.

D QMIS training on implementing new rental rates for quarters in each Survey Region (surveys are conducted every five years) is provided by Bureau of Reclamation/Department of the Interior. Housing Officers, Administrative Officers, and any Public Law 93-638 contractor's employees that assign quarters and are responsible for implementing the new rates, shall attend the training sessions. Quarters Return (QR) funds can be expended for the rental rate implementation training.

36-8.4 QUARTERS RENTAL COLLECTIONS

A. Contractor/compact tribes have an option of participating in the Quarters Return Fund, an aggregate of funds collected within each Area and reserved for the operation and maintenance of Government quarters in that Area.

B. Option 1: All quarters receipts collected by the contractor shall be deposited into a separate account and applied only to the operation and management of the quarters.

(1) All quarters receipts, collected by the Secretary for Federal employees occupying quarters, shall be submitted to the contractor within 60 days of receipt by the Area office.

(2) All quarters receipts and accrued interest, shall remain available for quarters functions until expended. These funds may not be used to purchase trailers or for quarters construction activities.

C. Option 2: The contractor may choose the option of participating in the applicable IHS Area Quarters Return (QR) Fund. Under this option, the contractor shall collect all rental amounts due from quarters occupied by its employees and other non-Federal employees permitted to occupy quarters.

(1) The Secretary shall collect all rental amounts due from quarters occupied by Federal employees.

(2) The Secretary shall collect all rental amounts when due and provide the collections to the appropriate Area Office or agency wide account within 60 days of collection in a manner specified by the Secretary.

(3) The Secretary and contractor shall negotiate an annual work plan and budget for the operations and maintenance of the Federal quarters. The Area Office or Secretary, shall within 60 days of receipt, disburse to the contractor QR funds needed to comply with the negotiated quarters work plan and budget.

36-8.5 REPORTING REQUIREMENTS

A. The following reporting requirements shall apply to Federally owned or leased Government quarters provided to a contractor/compact tribe in compliance with a contract/compact.

(1) Tribe shall submit quarters management reports annually to the IHS Area office, Division of Facilities Management, Office of Environmental Health & Engineering. The reports shall be submitted on or before the anniversary date of the contract/compact.

(2) The reports shall include assignment data; quarters rental collection data; and repairs and alterations done on the quarters.