

Chapter 130.4 Division of Engineering Services, Delegation of Authority and Responsibilities

130.4.1 Introduction. The Division of Engineering Services (DES) has been delegated or assigned the authorities and responsibilities described within this Chapter.

130.4.2 IHS Special General Memorandum (SGM) 15-04. All IHS construction contracts greater than \$150,000, to be planned, solicited, executed, administered, and closed out by DES.

130.4.3 IHS New Construction Program. DES administers all IHS new health care facilities construction projects, including all project management and construction contracting acquisition responsibilities.

130.4.4 IHS Authority Having Jurisdiction (AHJ). In 1996, the Director, Office of Environmental Health and Engineering (OEHE), designated the Director, DES as the IHS AHJ. AHJ authorities include issuing written interpretations of health care facility codes and standards, and making determinations on equivalencies, variances, and waivers. All AHJ decisions are binding for IHS. To support the AHJ, the IHS Codes Committee reviews code requests and provides technical support to the AHJ for interpretations of codes, standards, design criteria, and technical guidelines. The IHS AHJ and Codes Committee guidance are described in OEHE Technical Handbook chapter 21.7 Codes and Standards.

130.4.5 IHS Leasing Program. DES is has administrative authority to lease real property as follows:

- (1) Through the GSA-assigned or delegated leasing authorities;
- (2) Under the Indian Health Care Improvement Act (P.L. 94-437) for directly-operated programs; and
- (3) For tribally-operated (contracted) programs under the Indian Self Determination and Education Assistance Act (P.L. 93-638).

130.4.5.1 The Director, DES, has been delegated authority to sign the above listed P.L. 94-437 and P.L. 93-638 leases for the IHS, and has re-delegated this authority to the DES warranted Lease Contracting Officers (LCOs) consistent with IHS Indian Health Manual Administrative Delegations #34, #49, and #50.

130.4.5.2 DES was assigned full lease program responsibility for the IHS effective October 1, 2016. This Memorandum transferred leasing functions for the Lease Priority System and approval of leased space (SF-81) from the Division of Facilities Operations to the DES.

130.4.5.3 The DES Director is responsible to approve and sign all SF-81 space requests. DES LCOs are assigned responsibilities to manage all space requests from IHS Area Offices for federal GSA leases, including assisting the Areas in determining their space requirements, develop market surveys, evaluate requirements and rent payment structures, as well as manage and chair the Lease Priority System Committee for review and approval of direct (tribal) 437 and 638 leases.

130.4.6 Approval of Title V Construction Project Agreements and Award of Title I Construction Contracts. Delegation of Authority, (Administrative #48 dated November 17, 2017) to the OEHE Chief of Acquisitions within DES to negotiate and approve all IHS Title V Construction Project Agreements (TVCPA) and award all Title I Construction Contracts in conjunction with SGM 15-04 (see above).

130.4.7 Health Facilities Advisory Committee (HFAC). The HFAC is an OEHE interdisciplinary body of eight professionals versed in matters related to the design, construction, operation, and maintenance of health care facilities (see Technical Handbook Volume I, Part 4, Chapter 4.1, Health Facilities Advisory Committee). The DES Director is one of three permanent members (the other two being the Directors of DFO and DFPC) of the HFAC. In 2006 the OEHE Director assigned approval authority to the three Division Directors for all HFAC actions (only needs concurrence if other programs in IHS are affected). The three Directors rotate chairmanship of the HFAC on a three-year cycle.

End of Chapter 130.4 Division of Engineering Services, Delegation of Authority and Responsibilities