



The Choctaw Advantage

The Benefits of Contracting with a
Native American Enterprise

In the Choctaw tradition, the X design signifies “may our paths cross again and again.”

www.choctawnation.com



✓ REFERENCE CHECK

- ✓ 25 U.S.C 1544
Provision for 5% reimbursement
- ✓ FAR 52.226-1
Contract clause allowing bonus to Prime
- ✓ DFARS 252.226-7001
Contract clause allowing bonus to Sub-Tier

Contracting with Native American Enterprises counts toward goals for increasing small disadvantaged business utilization.

DoD Prime Contractors can receive a **5% SUBCONTRACTING INDIAN INCENTIVE BONUS** when subcontracting requirements to Native American Enterprises.

The **5% SUBCONTRACTING INDIAN INCENTIVE BONUS** reimburses Prime Contractors with 5% of the amount paid to Indian owned Subcontractors.

> Contract Clauses

Prime Contractors become eligible for bonuses by including FAR Clause 52.226-1 in contracts

Sub-Tier Contractors become eligible for incentive payments when Prime Contractors include DFARS Clause 252.226-7001 in contracts

Clauses may be added at any time during contract performance

> A-76

Prime Contractors that obtain contracts resulting from the A-76 process are eligible for bonus payments



REFERENCE CHECK

- ✓ 13 CFR 124.506
Exemption from dollar size limits
- ✓ 13 CFR 124.519(a)
Exemption from upper limits
- ✓ 13 CFR 124.517(a)
Exemption from challenges and protests

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Contracting Specialists can **SOLE SOURCE** requirements to 8(a) Native American Enterprises.

SOLE SOURCE contracts awarded to 8(a) Native firms can be awarded regardless of:

- > Dollar size
8(a) concerns owned by Indian Tribes are exempt from competitive thresholds
- > Upper limit
There are no dollar limits on the amount of 8(a) contracts that concerns owned by Indian Tribes may receive

Sole source and competitive awards to 8(a) Participants are **NOT SUBJECT TO PROTESTS**

An 8(a) Program participant's eligibility for contract award may not be challenged by another 8(a) contractor or any other party.

✓ REFERENCE CHECK

- ✓ Public Law 107-248 Section 8014
Provision for Direct Conversion
- ✓ 25 U.S.C. 450b(e)
Definition of eligible Indian Tribe

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DoD Contracting Specialists can take advantage of **DIRECT CONVERSION** to Tribally owned firms.

DIRECT CONVERSION presents an avenue for bypassing the A-76 process -- the long and cumbersome procedure for any government facility that wishes to contract out an activity that employs ten or more civilian government employees. A DoD command or office can do a **DIRECT CONVERSION** of the activity to a Tribally owned firm:

- > Regardless of the number of civilian employees
- > So long as the conversion is cost effective and reasonably priced