

# Red Arrow



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November 24, 2003

Mr. Ronald Poussard  
Deputy Director of Defense Procurement for Defense Acquisition  
Defense Acquisition Regulations Council  
IMD 3D139, PDUSD(AT&L)  
3062 Defense Pentagon  
Washington, D.C. 20301-3062

Dear Mr. Poussard,

As a federally recognized American Indian and a small business owner I write this letter to submit comments regarding DFARS Case 2002-D033.

First, I want to ensure that the American Indian Incentive Program(AIIP) is open to all businesses owned by individual Federally Recognized American Indians as well as those businesses owned by Federally Recognized Tribes and organizations. It is my understanding that this is the case but I am requesting an answer from you to ensure that my individually owned business is treated exactly the same as those that are Tribally owned.

Second, it is my understanding that the AIIP must be included in all contracts whenever the amount is over \$500,000.00. In the real world, when contracting officers write a contract for a particular product or service, most do not think to include the necessary wording that includes the AIIP. I want to ensure that all contracts and subcontracts includes language that provides for the AIIP to be included in the said contracts. Some contracting officers may certify that an opportunity does not exist for an American Indian owned firm when they do not have sufficient knowledge to know if an American Indian owned firm is out there that can do the exact work for which they may certify that none exists. As such I request the following for 226.104 Contract Clause;  
Use the clause at 252.226-7001, Utilization of Indian Organizations, Indian- Owned Economic Enterprises, and Native Hawaiian Small Business Concerns, in all solicitations and contracts for supplies or services exceeding \$500,000.

Third, the definition of what is a product manufactured by an American Indian owned firm needs to be as broad as possible to allow for a wide participation in the AIIP by companies such as mine and others that are individually owned. It is my understanding that the manufacturing language legislated by Congress requires that a Native firm be the producer or manufacturer of the items in whole or in part.

"An American Indian Owned Business"

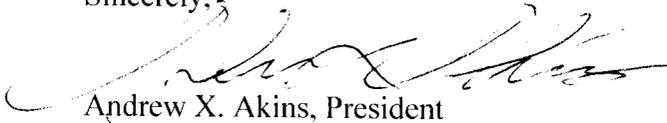
American Indian manufacturers must be defined the same as any other manufacturer for the purposes of contracting by all contracting officers. I mean by this that the federal governments standards as those specified in NAICS must be used for the purpose of contracting and subcontracting under the provisions of the AIPP.

As such I request the following for 252.226.-7001 (f)(3) In the case of contracts for commercial items, the contractor may receive an incentive payment only if the subcontracted items are produced or manufactured in whole or in part, as defined by the North American Industry Classification System(NAICS), by an Indian Organization, Indian-Owned Economic Enterprise, or Native Hawaiian Small Business Concern.

Fourth, in the previous guidelines that were used for the AIPP subcontracts at any tier were allowed. Not only should any tier subcontracting be allowed it should be encouraged to allow American Indian contractors to participate in as many contracts with as many prime contractors as possible. American Indian owned firms have for too long been the last to receive benefits in contracting and subcontracting from the federal government as our numbers are few and our voices are not as strong as other minorities. As such I request the following for 252.226-7001 (g) The Contractor, and subcontractors at any tier, shall insert the substance of this clause, including this paragraph (g), in all subcontracts exceeding \$500,000. This is to address the absence of Section 8021 Congressional "Tiering" language within 252.226-7001.

Your cooperation in making these recommended changes will be most appreciated and greatly assist American Indian owned companies in our desire to succeed in the great American economy.

Sincerely,



Andrew X. Akins, President