



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

**Memorandum**

Indian Health Service  
Rockville MD 20857

**TO:** Area Sanitation Facilities Construction (SFC) Program Directors

**FROM:** Mark A. Calkins October 18, 2024  
RADM Mark Calkins, PE  
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**SUBJECT:** Interim Program Guidance  
#2025-01  
  
Planning Agreement Tracking  
In Project Data System (PDS)

This memo provides interim guidance to SFC program managers on a specific issue or topic area.

## **Issue/ Topic Area**

Standardization of Planning Agreement tracking in the Project Data System (PDS).

## **Background:**

In a continuing effort to improve the data quality in the Sanitation Tracking and Reporting System (STARS) HQ undertook an examination of how planning agreements (PA) are being tracked in PDS and identified some significant inconsistencies.

While the SFC Program Criteria Document has always recognized and provided guidance on the execution of PA's, they were relatively uncommon until the last decade. Now they are a standard and essential part of most projects. With the recent influx of funds from the Bipartisan Infrastructure Law (BIL) / Infrastructure Investment and Jobs Act (IJA) and associated increased scrutiny and focus on project execution, the SFC Program has taken many actions to improve project execution and to standardize and improve the data tracked in PDS.

## **Definitions:**

**Planning Agreement (PA):** An agreement between the IHS and a tribe/nation to obligate funding to complete pre-construction planning, environmental and preliminary engineering activities essential to the success and timely execution of follow-on construction projects. Planning agreements can be executed under the authority of P.L. 86-121 or P.L. 93-638. Regardless of the authority used, in addition to standard clauses appropriate for the type of agreement (authority to enter tribal lands, procurement type, reporting, funds control, etc.), all of these agreements should specifically state 'no construction' is permitted using the funds. In accordance with existing SFC Program policy, limited earth-disturbing activities necessary for field investigations and planning activities, such as soil investigations, geotechnical borings, and exploratory well drilling, are not considered construction activities and can be executed under the scope of a PA.

**Project Development Plan (PDP):** A document that identifies all the work required to advance the project through the project development phase, complete planning and design tasks and address all identified risks. Key components of a PDP include: sanitation deficiency statement, scope of work, schedule, planning and design cost estimate, communications plan, procurement plan, risk management, and human resources required.

## **Guidance:**

- I. Use Project Category “Planning” to identify and track all active planning projects. (Note: STARS will be updated to prepopulate this data entry when funding a PDS Planning Project from SDS.). These projects will be referred to as a “Planning Project”.
- II. Do not use Project Type: “P-Planning”. The “Project Type” data field is intended to identify the general type of funding used for the project. (Note: P-Planning will be removed from STARS.)
- III. Change the Project Category to “Construction” when a planning project advances beyond the project development phase and/or when construction funding is received. These projects will be referred to a “Construction Project”.

Note: In limited circumstances, standalone planning projects are established that do not advance to construction. See the SDS Guidance manual for description of these limited circumstances. If the project is a standalone planning project, maintain the project category as “Planning”, do not utilize any milestones in the construction documents, procurement or construction phase, and when ready perform activities and utilize milestones in the closeout phase to complete the project.
- IV. Use Milestone 0040-Planning Agreement exclusively to signify the execution of a planning agreement executed under the authority of P.L. 86-121 or P.L. 93-638 for all “Planning Projects”.
- V. Do not use Milestones 1800 (Memorandum of Agreement), 1820 (Construction Project Agreement), 0050 (Engineering Only MOA) or any other area-defined milestones to track “Planning Projects”.
- VI. Use Milestone 1199 (Planning Sub-phase End) when the scope of the Planning Project is completed.
- VII. All Planning Projects must have an accompanying PDP or equivalent scope document that describes the work.
- VIII. A copy of the signed planning agreement and the scope/PDP shall be attached to the associated PDS Planning Project.