Mr. Herbert Fellman, Chief, Division of Indian and Native American Programs, 601 D Street, NW.—Room 6102, Washington, DC 20213. Attention: ANOI/NOI Desk.

The regulations permit current grantees requesting their existing service areas to submit a Standard Form 424 in lieu of a complete application. As noted earlier in this notice, current grantees, other than tribes, bands or groups (including Alaskan Native entities) requesting their existing areas, are encouraged to consider submitting a full Notice of Intent even if their service area request has not changed.

Although organizations are encouraged to alter their area requests to minimize or avoid overlap with other organizations, they should not add territory to that identified in the Advance Notice of Intent. Unless currently designated for such area, any organization applying on January 1 for noncontiguous areas must prepare a separate, complete Notice of Intent for each such area.

It is the DOL's policy that no information affecting the panel review process (see Part V of this notice) will be accepted past the regulatory postmarked deadline of January 1, nor will DOL provide assistance, at any time, concerning any item involved in the panel review process. All information provided before the deadline must be in writing.

IV. Preferential Hierarchy for Determining Designations

In cases when only one organization is applying for a clearly identified geographic area and the organization meets the requirements at 20 CFR 632.10(b), DOL shall designate the applying organization as the grantee for the area. In cases when two or more organizations apply for the same or an overlapping area, DOL will utilize the order of preference described in the following paragraph in determining the designee for the geographic area in question. The organization which falls into the highest category of preference will be designated, assuming all other regulatory and procurement requirements are met. The preferential hierarchy is:

(1) Indian tribes, bands, or groups on Federal or State reservations for their reservation; Oklahoma Indians (see Part VII., SPECIAL DESIGNATION SITUATIONS, below); and, Alaskan Native entities (see Part VII. SPECIAL DESIGNATION SITUATIONS, below).

(2) Native American-controlled, community-based organizations with significant support from other Native American controlled organizations within the community) for their existing DOL designated service area and all non-incumbent Native American-controlled, community-based organizations that are challenging such incumbents or seeking to serve areas for which the incumbent is not re-applying.

Competition will only be permitted when a non-incumbent can demonstrate in its application, by verifiable information, that it is potentially significantly superior overall to the incumbent. Such potential will be determined by the consideration of such factors as the completeness of the application, documentation of past experience and Native American-controlled organizational support, and the capability of the incumbent. In the instance of no incumbent, new applicants qualified for this category would compete against each other.

(3) Organizations (private nonprofit or units of State or local government) having a significant Native American advisory process, such as a governing body chaired by a Native American and having a majority membership of Native Americans.

(4) Non-Native American-controlled organizations without a Native American advisory process. In the event such an organization is designated, it must subsequently develop a Native American advisory process.

The Chief, DINAP, may convene a task force to assist in making hierarchal determinations. The task force may also perform such technical and advisory functions as determining which areas have more than one applicant for designation, documenting the eligibility of new applicants, and ascertaining the timeliness of final Notice of Intent submissions. The role of the task force is that of a technical advisory body.

The Chief, DINAP, will ultimately advise the Grant Officer as to which position an organization holds in the hierarchy. Within the regulatory time constraints of the designation process, the Chief, DINAP, may utilize whatever information is necessary to make the final determinations.

It is incumbent on the applying organization to supply sufficient information upon which the determination can be made. Organizations must indicate the category into which they believe they fall and must adequately support that assertion. As indicated earlier, applicants will not be able to provide any information past the January 1 postmark deadline and no information will be solicited by DINAP

V. Use of Panel Review Procedure

Competition shall occur under the following circumstances:

(1) The Chief, DINAP, determines that a new applicant qualified for the second category of the hierarchy appears to be potentially significantly superior overall to an incumbent Native American-controlled, community-based organization with significant local Native American community support.

(2) The Chief, DINAP, determines that more than one new applicant is qualified for the second category of the hierarchy and the incumbent grantee has not re-applied for designation.

(3) The Chief, DINAP, determines that two or more organizations have equal status in the third or fourth categories of the hierarchy.

When competition occurs, the Grant Officer may convene a review panel of Federal officials to score the information submitted with the Notice of Intent. The purpose of the panel is to evaluate an organization's capability, based on its application, to serve the area in question. The panel will be provided only the information described at 20 CFR 632.11 and submitted with the January Notice of Intent. The panel results will be advisory to the Grant Officer, not binding. In reviewing information submitted by the organization, the panel will not accept simple assertions. Any information must be supported by adequate and verifiable documentation.

The following factors will be considered:

(1) Operational Capability—50 points. (20 CFR 632.10 and 632.11).

(i) Previous experience in successfully operating an employment and training program serving Indians or Native Americans of a scope comparable to that which the organization would operate if designated—30 points.

(ii) Previous experience in operating other human resources development programs serving Indians or Native Americans or coordinating employment and training services with such programs—10 points.

(iii) Ability to maintain continuity of services to Indian or Native American participants with those previously provided under JTPA—10 points.

(2) Planning Process—30 points. (20 CFR 632.11)

(i) Private sector involvement—10 points.

(ii) Community support as defined in Part VIII, DESIGNATION PROCESS GLOSSARY—20 points.

(3) Administrative Capability—20 points. (20 CFR 632.11)