PREFACE

As American Indian nations continue to grow and thrive in the twenty-first century, many have engaged in significant expansion of their business practices. This makes them an economic force to be reckoned with on a local, state, and national level. This trend will continue because, without a reliable tax base to draw on for government services, economic development is the source of dependable revenue.

With this expansion has come a diversity of business, consulting practices, and unique expertise. All of these necessitate the creation of successful relationships with outside investors, contractors, service providers, and even state, local, and federal governments. Consequently, contracts have become a necessary and important component in building the relationships that drive the Indian economic engine. Unfortunately, there are few resources to assist a practitioner in forming successful tribal contracts, despite the fact that many tribal governments enter into hundreds of contracts a year.

This handbook strives to provide such a resource. It is by no means comprehensive in its scope—that is not possible given the myriad of types of contracts and business relationships that tribes enter into on a regular basis. However, it does provide a general background that every practitioner should be aware of when either engaging in business transactions with tribes or representing tribes who contract with outside entities. It covers various areas of federal Indian law that have a significant impact on these relationships and includes chapters designed to give practitioners an understanding of basic principles of tribal economies, contract drafting, and federal contract law.

Included in this handbook are several sample contracts designed for tribes. One is a general professional services contract to cover routine contracts with outside business entities or individuals. The second is a general consulting contract designed for tribes who engage in providing consulting services to others. Finally, there is a master agreement based on the consulting services contract that gives the reader an idea of how master contracts can work and integrate with the issuance of discrete task orders. They are, however, only templates from which a practitioner can begin to draft a contract relevant to a given situation or business relationship.