



**RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: *“Authorization for Waiver of Tribal Procurement Policies and Resolution 03-205 RP for Housing Improvement Program Category C- Replacement Housing Projects for FY 2006”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws under said Act; and

WHEREAS, pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, the Tribal Business Council has authority according to the terms of the said Constitution to negotiate with the federal government and administer federal programs; and

WHEREAS, The Three Affiliated Tribes has performed services, functions and activities under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, and its amending legislation for the effective delivery of Federally-funded program services for the benefit of its enrolled members; and

WHEREAS, The Tribal Business Council authorized and manages the Housing Improvement Program pursuant to 25 CFR Part 256 and in accordance with a contract under P.L. 93-638, the Indian Self-Determination and Education Assistance Act; and

WHEREAS, The Tribal Business Council has determined that the Tribal Housing Division is the servicing housing office for the Housing Improvement Program with authority to administer said program; and

WHEREAS, The Housing Improvement Program Regulations at 25 CFR 256.20 require that the servicing housing office follow tribal procurement policies in administering services under the HIP Program; and



RESOLUTION NO. 06-____-NH

WHEREAS, The Three Affiliated Tribes Housing Improvement Program has been awarded funds for FY 2006 to complete 7 Category C- Replacement Homes at the maximum amount of \$72,000 per home, six of which will be built as new construction; and

WHEREAS, The Tribal Business Council has passed Tribal Resolution No. 03-205 RP which mandates that Tribal entities and programs sole source construction projects to qualified tribally owned contracting firms including, Fort Berthold Development Corporation and Twin Buttes Custom Homes by offering those companies a right of first refusal on such projects and said Sole Sourcing Resolution is part of the Tribe's approved Procurement Policies; and

WHEREAS, The Tribal Housing Division, as the servicing housing office for the HIP Program submitted Request for Proposals to Twin Buttes Custom Homes, Fort Berthold Development Corporation, Dynamic Homes of Bismarck and to Deneschuke Homes of Canada to construct said replacement homes which does not include the cost of constructing the foundations for said homes; and

WHEREAS, As the result of issuance of such RFP's, the Tribal Housing Division received the following responses:

1. Fort Berthold Development: No response
2. Dynamic Homes: No response
3. Twin Buttes Custom Homes: \$72,062 per unit
4. Deneschuke Homes:
 - a) \$60,620 for 2 units in New Town
 - b) \$61,028 for 2 units in Parshall
 - c) \$61,340 for 2 units in Mandaree

WHEREAS, The above referenced bids do not include the costs for constructing foundations which are approximately \$10,000; and

WHEREAS, The total amount available to build each home is no more than \$72,000 which includes the construction of the home and the foundation; and

WHEREAS, The Tribal Housing Division as the servicing housing office, due to the limited funds available under the HIP Program to build said homes, is requesting that the sole sourcing mandates set out in Resolution 03-205 RP be waived and that the Tribal Housing Division be authorized to award the contract for construction to Deneschuke homes which is the low bidder.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three



RESOLUTION NO. 06-134-NH

Affiliated Tribes hereby authorizes the waiver of the sole sourcing requirements set out in Resolution 03-205 RP for the construction of 6 homes for clients under the Housing Improvement Program, Category C-Replacement Homes for FY 2006; and

BE IT FINALLY RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby awards the project to the lowest bidder at the amounts set out above, Deneschuke Homes, and authorizes the Chairman and Secretary of the Tribal Council to sign and execute all contracts necessary to award said project, subject to legal review by the Three Affiliated Tribes Legal Department.

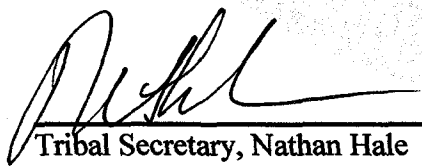
CERTIFICATION

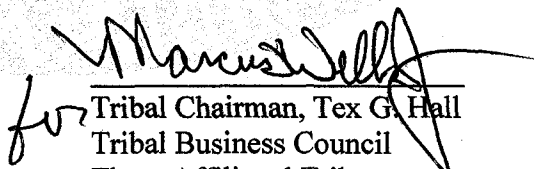
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the October 12th, 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. Not voting.

Dated this 12th day of October 2006.

ATTEST:


Tribal Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes


for Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes