



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

A Resolution entitled, "Authorization and Approval of Phase I Engineering Agreement with Corval Constructors, Inc."

- WHEREAS,** The Mandan Hidatsa and Arikara Nation ("MHA Nation" or "Tribes") having accepted the Indian Reorganization Act of June 18, 1934 ("IRA"), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the MHA Nation generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article III, Section 1 of the Constitution of the MHA Nation provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5(1) of the Constitution of the MHA Nation provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution of the MHA Nation specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes for the Tribes; and
- WHEREAS,** The Nation has dedicated several years to the development of the MHA Nation Clean Fuels Refinery Project ("Project") near Makoti, North Dakota on tribal trust lands; and
- WHEREAS,** The Nation has commenced construction on the Project; and
- WHEREAS,** Thunder Butte Petroleum Services, Inc. ("TBPS") issued as Request for Proposal on April 24th 2013, for services of an independent Contractor to provide engineering services for a Phase I Transloading Facility ("Facility"); and
- WHEREAS,** Corval Constructors, Inc. ("CCI"), submitted a Proposal in response to the RFP on June 5th 2013; and
- WHEREAS,** TBPS accepted the Proposal submitted by CCI after conducting a thorough review of all proposals submitted to TBPS; and



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WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Nation to retain CCI to provide engineer services for the Facility for the Guaranteed Max Price of \$1,392,890.00; and

WHEREAS, Once the engineering is complete and a more definite full construction price is arrived at, TBPS will put out an RFP for construction of the Facility; and

WHEREAS, The Facility will be constructed under a series of contracts and subcontracts for a preliminary budgetary estimate, not to exceed \$22,500,000.00.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes and approves the attached contract which is attached hereto as Exhibit A and incorporated herein by reference with Corval Constructors, Inc., to provide engineering services for the Phase I Transloading Facility.

BE IT FURTHER RESOVLED, that the Tribal Business Council authorizes and appropriates the funds necessary for engineering, procurement and construction of the Phase I Transloading Facility.

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman to award and complete contracts for the purpose of this Resolution.

BE IT FURTHER RESOLVED, the Tribal Chairman is hereby authorized to take such action as is necessary to carry out the terms and intent of this Resolution.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13 day of June, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 13 day of June, 2013.

A handwritten signature in blue ink, appearing to be "Judy Brugh", written over a horizontal line.

Tribal Secretary, Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:

A handwritten signature in blue ink, appearing to be "Tex G. Hall", written over a horizontal line.

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