



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

A Resolution entitled, "Approving of Architect/Engineer Contract with Nelson Tremain Partnership for Drug Treatment Facility in Bismarck, North Dakota"

- WHEREAS,** The Mandan Hidatsa and Arikara Nation ("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 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 Nation provides that the Tribal Business Council is the governing body of the Tribes; 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 Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and
- WHEREAS,** The Tribal Business Council has identified a need to develop a new drug treatment facility ("Project") in Bismarck, North Dakota given that drug free citizens are vital to the health, safety, and economy of the Tribe; and
- WHEREAS,** The Tribal Business Council, on September 9, 2015, engaged the Nelson Tremain Partnership ("Nelson Partnership") for architecture and design services for the Pre-Design phase of the Project; and
- WHEREAS,** The Tribal Business Council, on April 14, 2016, approved Nelson Partnership's proposal for payment, billing, and invoicing for the Schematic Design phase by way of Resolution No. 16-082-LKH; and
- WHEREAS,** The Tribal Business Council continues to engage Nelson Partnership in the architecture, engineering, and design services for the Project and will be utilizing Nelson Partnership in the construction of the Project; and
- WHEREAS,** The Nelson Partnership has presented an Architect/Engineer Contract outlining the scope of work to be performed by Nelson Partnership for the Project and the proposed cost for their services, hereby attached as **Exhibit A** of this resolution; and



WHEREAS, The Nelson Partnership propose a fixed fee of \$1,333,287.00 plus reimbursable expenses for their services for the Project and to be paid in accordance to their proposed Payment Schedule, hereby attached as **Exhibit B** of this resolution; and

WHEREAS, The Nelson Partnership's reimbursable expenses include expenses incurred by Nelson Partnership directly related to the Project, as follows:

1. Transportation and authorized out-of-town travel and subsistence;
2. Long distance services, dedicated data and communication services, teleconference, Project Web sites, and extranets;
3. Fees paid for securing approval of authorities having jurisdiction over this Project;
4. Printing, reproduction, plots, standard form documents;
5. Postage, handling, and delivery;
6. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;
7. Rendering, models, mock-up, professional photography, and presentation materials requested by the Owner;
8. Architect's Consultant's expense of professional liability insurance dedicated exclusively to this Project, or the expense of additional insurance coverage or limits if the Owner requests such insurance in excess of that normally carried by the Architect's consultants;
9. All taxes levied on professional services and on reimbursable expenses;
10. Site office expenses; and
11. Other similar Project-related expenditures.

WHEREAS, The Tribe will be responsible for certain administrative costs in preparation for construction and as outlined in the Scope Responsibility Matrix, hereby attached as **Exhibit C** of this resolution; and

WHEREAS, The Tribal Business Council has reviewed the Architect/Engineer Contract and finds it acceptable;

WHEREAS, The Tribal Business Council has reviewed the Scope Responsibility Matrix and finds it acceptable;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves the Architect/Engineer Contract with Nelson Partnership for all architecture, engineer, and design work for the Project in the amount of \$1,333,287.00 plus reimbursable expenses in accordance with the Architect/Engineer Contract, substantially in the form attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves all necessary expenses to be incurred in preparation for construction in the amount not to exceed \$178,000.00.



BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized execute the Architect/Engineer Contract with Nelson Partnership, and 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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 30th day of August, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not Voting.

Dated this 30th day of August 2016.

ATTEST:

Handwritten signature of L. Kenneth Hall in blue ink.

Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes

Handwritten signature of Mark Fox in blue ink.

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes