



## RESOLUTION NO. 16-207-LKH

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

*A Resolution entitled, "BIA Route 12, Phase I Award to Flickertail Paving and Supply, Inc. for Construction (Grade/Drain/Surfacing) and all items to complete re-construction for the Three Affiliated Tribes Roads."*

- 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,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5 (1) 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,** Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes; and
- WHEREAS,** The Tribal Business Council has the authority and power to enter into contract(s) with the Bureau of Indian Affairs (BIA) through P.L. 93-638 and through the use of Tribal Funding Resources has/or can enter into contract(s) or agreement(s) for the purpose of a Bureau of Indian Affairs Route Re-Construction, Contracting the Indian Reservation Roads (IRR) Program and Roads Maintenance Program from the Bureau of Indian Affairs Great Plains Regional Office; and
- WHEREAS,** The Tribal Business Council has determined that BIA 12 has and is being severely impacted by energy development in that area of MHA Nation, thus causing risk to the safety of the general public traveling in this area; and
- WHEREAS,** The Tribal Business Council has completed the design and contract documents to properly advertise publicly and properly receive bids for reconstruction of BIA Route 12; and
- WHEREAS,** The Tribe opened bids and publicly read aloud those received at 10:00 AM CT on April 14, 2016 at the Mandaree Community Building; and
- WHEREAS,** The Tribal Business Council recognizes the competitive, best responsive, responsible low bid, that followed TERO and bid document rules and regulations from Flickertail Paving and Supply, Inc. (and subcontractors/supplier as listed in the bid documents) in the total bid amount of \$21,325,646.30 for Phase I for BIA Route 12 reconstruction; and



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**NOW, THEREFORE BE IT RESOLVED** that the Three Affiliated Tribes Tribal Business Council hereby authorizes the Chairman and his designees to execute a construction contract to Flickertail Paving and Supply, Inc. for BIA 12 Reconstruction; and

**BE IT FURTHER RESOLVED** The Tribal Business Council authorizes the execution of all documents with Flickertail Paving and Supply, Inc. to complete the BIA 12 Reconstruction Project and directs the Tribe to issue a Notice to Proceed for the BIA 12 Reconstruction Project as soon as possible.



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*(Certification page to follow)*



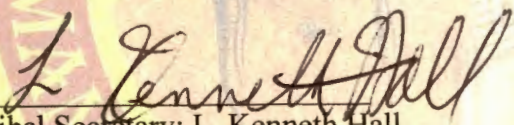
**CERTIFICATION**

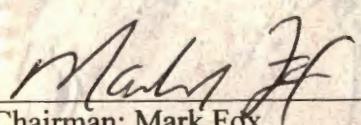
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of September, 2016; 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 [ X ] Voting. [ ] Not voting.

Dated this 22<sup>nd</sup>, day of September 2016.

**ATTEST:**

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

  
Chairman: Mark Fox  
Tribal Business Council  
Three Affiliated Tribes

