



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

A Resolution entitled, “*Approving of Costs 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 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 August 11, 2016, approved the purchase of property located in Bismarck, North Dakota for the construction of the Project by way of Resolution No. 16-180; and

WHEREAS, The Tribal Business Council, on August 30, 2016, approved the Architect/Engineer Contract with Nelson Tremain Partnership for the Project and their costs in the amount of \$1,333,287.00 plus reimbursable along with necessary administrative costs in preparation of the construction in the amount not to exceed \$178,000.00 by way of Resolution No. 16-202; and

WHEREAS, The Tribe, on October 7, 2016, engaged in open bidding with respective general contractors for the work to be conducted in the site development, building and construction of the Project; and



Resolution No. 16-274- FWF

WHEREAS, Based upon all bids received, Capital City Construction has presented as the apparent lower bidder with a proposed bid price of \$16,179,800.00 for their services in on-site improvements, building construction costs, and Owner's Planning/Design Contingency Costs; and

WHEREAS, The Tribe has engaged in the services of Dennis Deutsch to act as Owner's Representative for this Project;

WHEREAS, The Tribe will be responsible for additional costs, such as reimbursable expenses for its contractors, Owner's Representative costs, and construction contingency costs in an amount not to exceed \$2,202,427.00.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Capital City Construction as the general contractor for all site development and building construction for the Project in the amount of \$16,179,800.00 in accordance with Capital City Construction Bid Proposal, substantially in the form attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Dennis Deutsch to act as the Owner's Representation for this Project; and

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves all additional costs associated with the Project, including furniture, fixtures, and equipment allowances, inflation, contingencies and other costs to be incurred in the amount not to exceed \$2,202,427.00; and

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized execute the General Contractor Contract with Capital City Construction, and to take such action as is necessary to carry out the terms and intent of this Resolution.

(SIGNATURE PAGE TO FOLLOW)



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 22nd day of **November**, 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 [X] Voting. [] Not Voting.

Dated this 22nd day of November, 2016.

ATTEST:

Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes