



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

A Resolution entitled, "Approving General Contractor, Design-Builder, and Costs for Four Bears Water Park in New Town, 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 determined it beneficial to develop a water park in the Four Bears Peninsula area, New Town, North Dakota, with slide features, lazy river, zero-depth pool, and related amenities, for the use and enjoyment by the citizens and to promote the health and economic development of the Tribe and its members; and

WHEREAS, The Tribal Business Council, on October 11, 2017, approved the development and construction of the water park in the Four Bears peninsula area and authorizes the appropriation of funds therefore not to exceed \$6.7 million by way of Resolution No. 17-264-FWF;

WHEREAS, The Tribe 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

WHEREAS, Based upon all bids received, Strata Corporation has presented as the low bidder with a proposed bid price of \$4,345,000.00 for their services in the site and building construction of the Project in accordance with their Bid Form dated September 21, 2017 and revised on October 13, 2017, hereby attached as **Exhibit A** of this Resolution; and



WHEREAS, The Tribe engaged in open bidding with respective design builders for the design and build of the pools and waterslides for the Project; and

WHEREAS, Based upon the bids received, Associated Pool Builders, Inc. has presented as the low bidder with a proposed bid price of \$2,310,340.00 for their services in the design and build of the pools and waterslides for the Project in accordance with their Proposal dated October 18, 2017, hereby attached as **Exhibit B** of this Resolution; and

WHEREAS, The Tribal Business Council has reviewed the Standard Form of Agreement between Owner and Contractor with Strata Corporation, hereby attached as **Exhibit C** of this Resolution, and finds it acceptable; and

WHEREAS, The Tribal Business Council has reviewed the Standard Form of Agreement between Owner and Design-Builder and the Design-Build Amendment, hereby attached as **Exhibit D** of this Resolution, and finds it acceptable; and

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Strata Corporation as the general contractor for all site development, building and construction of the Project in the amount of \$4,345,000.000 in accordance with the Standard Form of Agreement between Owner and Contractor, 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 Associated Pool Builders, Inc. as the design and builder of the pools and waterslides for the Project in the amount of \$2,310,340.00 in accordance with the Standard Form of Agreement between Owner and Design-Builder and the Design-Build Amendment, substantially in the form attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement between Owner and Contractor with Strata Corporation and to take such action as is necessary to carry out the terms and intent of this Resolution.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement between Owner and Design-Builder and Design-Builder Amendment with Associated Pool Builders, Inc. and to take such action as is necessary to carry out the terms and intent of this Resolution.

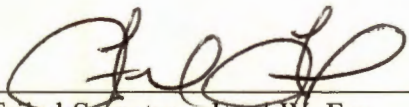


CERTIFICATION

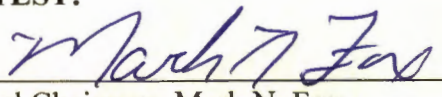
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11th day of October, 2017, 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 11th day of October, 2017.



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes