



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

A Resolution entitled, “*Approving Architect/Engineer Contract for MHA Nation Homeless Shelter Project*”

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 homeless shelter (“Project”) in New Town, North Dakota in light of the increased in the homeless population; and

WHEREAS, The Tribal Business Council have engaged Ackerman-Estvold Engineering & Management Consulting, Inc. (“Ackerman-Estvold”) for architecture and design services for the Pre-Design phase of the Project; and

WHEREAS, The Ackerman-Estvold has presented a Standard Form of Agreement between Owner and Architect outlining the scope of work to be performed by Ackerman-Estvold for the Project and the proposed cost for their services, hereby attached as **Exhibit A** of this Resolution; and

WHEREAS, The Ackerman-Estvold proposed a percentage fee of eight-and-three quarter percent (8.75%) of the total construction cost plus additional services and reimbursable expenses for their services for the Project;

WHEREAS, The Ackerman-Estvold’s reimbursable expenses include expenses incurred by Ackerman-Estvold 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 Ackerman-Estvold's additional services include a re-design fee of \$12,240 to be assessed for design work completed on previous schematic designs for this project;

WHEREAS, Any additional services that are provided by Ackerman-Estvold shall be billed hourly and based upon the reimbursable expense rates in accordance to the 2017 Rate Schedule, hereby attached as **Exhibit B** of this Resolution;

WHEREAS, The Tribal Business Council has allocated costs for this project not to exceed one-million dollars (\$1,000,000);

WHEREAS, The Ackerman-Estvold shall be paid in accordance to their proposed Payment Schedule, hereby attached as **Exhibit C** of this Resolution; and

WHEREAS, The Tribal Business Council has reviewed the Standard Contract and finds it acceptable;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves the Standard Form of Agreement Between Owner and Architect with Ackerman-Estvold for all architecture, engineer, and design work for the Project, based upon a percentage fee of 8.75% of the total construction costs plus additional services and reimbursable expenses, the total construction cost not to exceed one million dollars, in accordance with the Standard Form of Agreement Between Owner and Architect, substantially in the form attached hereto and incorporated herein by reference.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized execute the Standard Form of Agreement between Owner and Architect with Ackerman-Estvold, 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 18th day of December, 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 18th day of December, 2017.

ATTEST:

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

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