



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

A Resolution Entitled, "Approving of General Contractor and Costs for Child Shelter Care Facility 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 identified a need to develop a child shelter care facility ("Project") in New Town, North Dakota to provide emergency care for non-offender youths in crisis; and
- WHEREAS,** The Tribal Business Council, by Resolution No. 17-312-FWF enacted December 18, 2017, approved the Architect/Engineer Contract with Nelson Tremain Partnership for the Project and their costs in the amount of \$238,100.00 plus reimbursable expenses along with necessary administrative costs for all architecture, engineer, and design work for the Project; and
- WHEREAS,** The Tribe engaged in open bidding with respective general contractors for the work to be conducted in the building and construction of the Project; and
- WHEREAS,** Based upon all bids received, Rolac Contracting, Inc. has presented as the low responsible bidder with a proposed bid price of \$2,593,766.00 for their services in the building construction costs, and Owner's Planning/Design Contingency Costs; and



WHEREAS, The Tribe will be responsible for additional costs, such as reimbursable expenses for its contractors, Professional Fees, Owner's Representative costs, and construction contingency costs in an amount not to exceed \$428,293.00;

WHEREAS, The Tribal Business Council has reviewed the Standard Form of Agreement between Owner and Contractor with Rolac Contracting, Inc., hereby attached as **Exhibit A** of this Resolution, and finds it acceptable; and

WHEREAS, The Tribal Business Council has reviewed the budget estimate for the Project, hereby attached as **Exhibit B** of this Resolution, and finds it acceptable;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Rolac Contracting, Inc. as the general contractor for all building construction for the Project in the amount of \$2,593,766.00 in accordance with Rolac Contracting, Inc. Bid Proposal.

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves all additional costs associated with the Project, including reimbursable expenses for its contractors, Professional Fees, Owner's Representative cost, and construction contingency costs and other costs to be incurred in an amount not to exceed \$428,293.00.

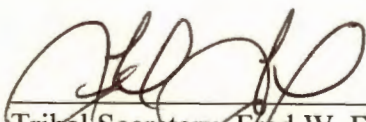
BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized execute the General Contractor Contract with Rolac Contracting, Inc., and to take such action as is necessary to carry out the terms and intent of this Resolution.

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 July, 2018, 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.

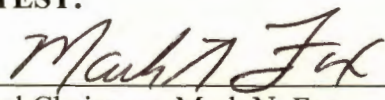
Chairman [X] Voting. [] Not Voting.

Dated this 11th day of July, 2018.



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

ATTEST:



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