



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

A Resolution Entitled, “Approving of General Contractor with Capital City Construction, Inc. and Costs for Satellite Outreach 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 determined it beneficial to develop a satellite outreach facility (“Project”) in Bismarck, North Dakota for the use and enjoyment by the members and to promote the health and economic development of the Tribe and its members; and

WHEREAS, The Tribal Business Council, on December 18, 2017, approved the Architect/Engineer Contract with Nelson Tremain Partnership for the Project and their costs in the amount of \$421,075.00 plus reimbursable along with necessary administrative costs for all architecture, engineer, and design work for the Project by way of Resolution No. 17-311-FWF; and

WHEREAS, The Tribe engaged in open bidding with respective general contractors for the work to be conducted in the site work and building of footings and foundation for the Project; and

WHEREAS, Based upon all bids received, Capital City Construction, Inc. has presented as the apparent lower bidder with a proposed bid price of \$1,159,700.00 for their services in the site work and building of footings and foundation, 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 \$198,100.00; and

WHEREAS, Capital City Construction, Inc. has presented a Standard Form of Agreement between Owner and Contractor with Capital City Construction, Inc., for approval, a copy of which is attached as **Appendix A** of this Resolution; and

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

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Capital City Construction, Inc. as the general contractor for all building construction for the Project in the amount of \$1,159,700.00 in accordance with the Standard Form of Agreement between Owner and Contractor; and

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 the amount not to exceed \$198,100.00; and

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes authorizes the appropriation of funds for the site work and building of footings and foundation, not to exceed \$1.5 million; and

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

(Signature Page to Follow)

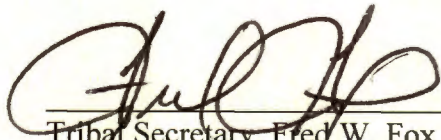


CERTIFICATION

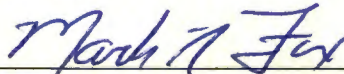
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 21st day of September, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 21st day of September, 2018.



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

ATTEST:


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