



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

A Resolution Entitled, “*Approving of General Contractor, Design Builder, and Costs for the Expansion of the 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 expand and construct additional water features and necessary support buildings to the existing water park (“Project”) located in the Four Bears Peninsula area, New Town, North Dakota for the use and enjoyment by the citizens and to promote the health and economic development of the Tribe and its members; and

WHEREAS, Ackerman-Estvold, Engineering and Management Consulting, Inc.. presented a Standard Form of Agreement (contract) between Owner and Architect outlining the scope of work to be performed for the Project and the proposed cost for their services, a copy of which is attached to this Executive Action as Appendix A; and

WHEREAS, The Three Affiliated Tribes engaged in open bidding with respective design-builder for the work to be conducted; and

WHEREAS, Based upon all bids received, Associated Pool Builders, Inc.. has presented as the apparent lower bidder with a proposed bid price of \$1,310,565.00 for their services in the design and build of the Project; and

WHEREAS, Associated Pool Builders, Inc. has presented a Standard Form of Agreement (contract) between Owner and Design-Builder outlining the scope of work to be



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performed for the Project and the proposed costs for their services, a copy of which is attached to this Executive Action as Appendix B; and

WHEREAS, Due to potential winter costs and weather delays, the Tribal Business Council has determined it beneficial to begin demolition, excavation, and underground utility work in preparation for the construction; and

WHEREAS, Strata Corporation has presented a work order authorization proposal outlining the scope of work to be performed in the demolition, excavation, and underground utility work, and the proposed costs of their services not to exceed \$1,000,000.00, a copy of which is attached to this Executive Action as Appendix C.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the expansion and construction of additional water features and necessary support buildings to the existing water park located in the Four Bears Peninsula, New Town, North Dakota in the amount not to exceed \$2,500,000, in accordance with the estimated budget attached hereto as Appendix D; and

BE IT FURTHER RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves Ackerman-Estvold, Engineering and Management Consulting, Inc., as the architect of the Project in accordance with the Standard Form of Agreement between Owner and Architect, substantially in the form attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves Associated Pool Builders Inc. as the design and builder for the Project in the amount of \$1,310,565.00 in accordance with the Standard Form of Agreement between Owner and Design-Builder, substantially in the form attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves the work order authorization proposal with Strata Corporation in the amount not to exceed \$1,000,000; and

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the contract documents attached hereto 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 20th day of December, 2017, 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 Voting. Not Voting.

Dated this 20st day of December, 2018.

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

ATTEST:

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