



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

A Resolution Entitled, “Approving of General Contractor with Rolac Contracting, Inc. and Costs for Public Safety and Judicial Center Maintenance 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, Article VI, Section 5 (i) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

WHEREAS, The Tribal Business Council has an Executive Action procedure to address emergency concerns until matters may be addressed and ratified by the Tribal Business Council in quorum; and

WHEREAS, The Executive Committee, on December 12, 2018, authorized and approved the development and construction of a maintenance facility (“Project”) for the use and benefit of the Public Safety and Judicial Center in New Town, North Dakota by way of Executive Action No. 2018-62; and

WHEREAS, The Executive Committee approved the Standard Form of Agreement (contract) between Owner and Contractor with Rolac Construction, Inc. outlining the scope of work to be performed by Rolac Construction, Inc. and the costs for their services, copy of the contract was attached as Appendix A to the Executive Action No. 2018-62.



NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby ratifies, authorizes, and approves the contract with Rolac Construction, Inc. as the general contractor for the development and construction of the maintenance facility for the use and benefit of the Public Safety Judicial Center in New Town, North Dakota in the amount of \$306,800, to be appropriated from the remaining construction funds left over from the Law Enforcement Center and Tribal Court Facility, pursuant to Resolution No. 125-107-LKH; and

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby ratifies, authorizes, and approves the additional construction costs, such as reimbursable expenses for its contractors, Professional Fees, Owner's Representative costs, and construction contingency costs in the an amount not to exceed \$114,834.00, to be appropriated from the remaining construction funds left over from the Law Enforcement Center and Tribal Court Facility, pursuant to Resolution No. 125-107-LKH; and

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement between Owner and Contractor with Rolac Construction, 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 10th day of January, 2019, 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 10th day of January, 2019.

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

ATTEST:

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



Executive Action

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes 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 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5 (i) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation.
- WHEREAS,** The Tribal Business Council has an Executive Action procedure to address emergency concerns until matters may be addressed and ratified by the Tribal Business Council in quorum.
- WHEREAS,** The Tribal Business Council authorized and approved the development and construction of a maintenance facility ("Project") for the use and benefit of the Public Safety and Judicial Center in New Town, North Dakota; and
- WHEREAS,** The Three Affiliated Tribes 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 apparent lower bidder with a proposed bid price of \$306,800.00 for their services in the building construction costs, and Owner's Planning/Design Contingency Costs; and
- WHEREAS,** Rolac Contracting, Inc. has presented a Standard Form of Agreement (contract) between Owner and Contractor outlining the scope of work to be performed by Rolac Contracting, Inc. for the Project and the proposed cost for their services, a copy of which is attached to this Executive Action as Exhibit A; 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 \$114,834.00, a copy of the budget for the Project is attached to this Executive Action as Exhibit B; and



WHEREAS, The Project shall be funded from the remaining construction funds left over from the Law Enforcement Center and Tribal Court Facility, pursuant to Resolution 125-107-LKH; and

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves a contract with Rolac Construction, Inc. for the development and construction of the maintenance facility for the use and benefit of the Public Safety and Judicial Center in New Town, North Dakota in the amount of \$306,800.00, as reflected in Exhibit A.

*RP / CSB
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BE IT FURTHER RESOLVED, that the Three Affiliated Tribes hereby authorizes and approves 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 \$114,834.00.

BE IT FINALLY RESOLVED, the Chairman is authorized to execute the contract documents attached hereto.

Mark N Fox

Chairman Mark N. Fox

M... F...

Tribal Business Council Member

Frank...

Tribal Business Council Member

Randy...

Tribal Business Council Member

DATE: 12-31-18