



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

**A Resolution Entitled, *“Approving of Further Construction and Costs for the TAT-MHA Satellite-Outreach Wellness Facility, 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,** 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 Tribal Business Council, on September 21, 2018 approved the general site improvement along with the footing/foundation construction for the TAT-MHA Satellite-Outreach Wellness facility (“Project”) in Bismarck, North Dakota in the amount of \$1,500,000 by way of Resolution No. 18-254-FWF; and

**WHEREAS,** The Three affiliated Tribes has solicited bids from qualified firms on September 25, 2018 for the remaining building construction for the project and, ultimately selecting Capital City Construction in Bismarck, North Dakota; and

**WHEREAS,** Capital City Construction has presented a Standard Form of Agreement (contract) between Owner and Contractor outlining the scope of work to be performed by Capital City Construction for the Project and the proposed cost for their services, a copy of which is attached to the Executive Action 2018-61; and



**WHEREAS,** The Tribal Business Council has determined that it is in the best interest of the Nation to continue with the remaining building construction of the TAT-MHA Satellite-Outreach Wellness facility in Bismarck, North Dakota and utilize Capital City Construction to complete the work described in the general contractor services contract; and

**WHEREAS,** The Executive Committee, on December 31, 2018, reviewed and approved the Standard Form of Agreement (contract) between Owner and Contractor with Capital City Construction, and the costs for this Project by way of Executive Action No. 2018-61.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby ratifies, authorizes, and approves the contract with Capital City Construction in Bismarck, North Dakota to complete the remaining general construction of the TAT-MHA Satellite-Outreach Wellness facility as designed and authorizes the construction cost in the amount of \$4,670,900.000; and

**BE IT FURTHER RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes hereby ratifies, authorizes, and approves additional costs associated with material testing and inspections, procurement of Furniture, Fixtures and Equipment, Technology, Reimbursable Expenses for its contractors, Owner's Representative costs, and the Owner's Construction contingency costs in an amount not to exceed \$1,013,563.00; and

**BE IT FINALLY RESOLVED,** the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement (contract) between Owner and Contractor with Capital City Construction 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 7<sup>th</sup> day of March, 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 embers not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 7<sup>th</sup> day of March, 2019.

**ATTEST:**

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

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