



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

A Resolution entitled, "Approving Additional Costs for Transitional Living/Homeless Shelter 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 develop a transitional living/homeless shelter ("Project") in New Town, North Dakota to help address the increased homeless population; and

WHEREAS, The Tribal Business Council, on December 18, 2017, approved the construction of the Project and authorized the appropriation of funds therefore not to exceed \$1 million by way of Resolution No. 17-313-FWF;

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

WHEREAS, Based upon all bids received, Rolac Contracting, Inc. submitted the low bid with a proposed bid price of \$923,040.00 for their services in the site and building construction of the Project; 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 for the Project and the proposed costs for their services, a copy of which is attached to this Executive Action as Appendix A; and



WHEREAS, The cost of materials and services have increased since the Project was first bid and approved by way of Resolution on December 18, 2017 due to inflation, additional design costs and other factors; and

WHEREAS, The Tribal Business Council has reviewed the Standard Form of Agreement (contract) between Owner and Contractor with Rolac Contracting, Inc. and finds it acceptable; and

WHEREAS, The Tribal Business Council has determined the additional costs are acceptable and authorizes the appropriation of an additional \$100,000 in funds for the construction of this Project, the total not to exceed \$1,100,000, in accordance with the estimated budgeted attached hereto as Appendix B;

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves Rolac Contracting, Inc., as the contractor of the Project and authorizes the Standard Form of Agreement between Owner and Architect, substantially in the form attached as Appendix A.

BE IT FURTHER RESOLVED, the Tribal Business Council authorizes the appropriation of an additional \$100,000 in funds for this Project, the total not to exceed \$1.1 million.

BE IT FINALLY RESOLVED, the Tribal Chairman is hereby authorized to execute the Standard Form of Agreement 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 10th day of October, 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 October, 2019.



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

ATTEST:



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