



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

A Resolution entitled, "Project Authorization for the Construction of a Public Health Facility and Exemption from Competitive Bidding Requirements for Architecture & Engineering Services and Contractor Management at Risk Services."

- 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 and By-laws of the Three Affiliated Tribes (or "Tribes") was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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,** The Constitution of the Three Affiliated Tribes 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,** The Three Affiliated Tribes recognizes the long term and immediate need for continued quality health care for its members on the Fort Berthold Indian Reservation; and
- WHEREAS,** The Three Affiliated Tribes owns and manages its health care delivery system under the provisions of a P.L. 93-638 Indian Self Determination and Education Assistance Act (ISDEAA) contract and desires to improve the quality and efficiency of its services; and
- WHEREAS,** The Three Affiliated Tribes recognizes and concurs with the President of the United States of America's declaration of a national emergency concerning the coronavirus disease 2019 (Covid-19) pandemic by Proclamation 9994; and
- WHEREAS,** The Three Affiliated Tribes further recognizes that the Nationwide Emergency Declaration and the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency for Covid-19 establish that exigent and emergency circumstances exist; and



WHEREAS, The Three Affiliated Tribes desire to procure Architectural and Engineering Services and Contractor Manager at Risk Services (collectively “Services”) for the purposes of designing and constructing a Public Health Facility in response to Covid-19, a public exigency and national emergency; and

WHEREAS, The Three Affiliated Tribes’ Contracts, Property Policy and Procedures Manual provides for Tribal projects an exemption from competitive bidding at Section 5 “Procurement of Property and Services-Exemptions from Competitive Bidding,” Subsection 4 “Exemption During Emergency Conditions.”

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes construction of a Public Health Facility as described above and approves an exemption from competitive bidding for Services for said Public Health Facility project under the Tribes’ Contracts, Property Policy & Procedures Manual Section 5 “Procurement of Property and Services-Exemptions from Competitive Bidding,” Subsection 4 “Exemption During Emergency Conditions,” which require prompt execution of a contract to: (a) preserve life, health, or property of the Tribes; and

BE IT FURTHER RESOLVED that the Tribes will construct and equip a Public Health Facility as appropriated for purposes in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) P.L. 116-260, Div. M, Title III; and

BE IT FURTHER RESOLVED that the Three Affiliated Tribes, a federally recognized Indian tribe, located in the State of North Dakota, acting in response to the public health Covid-19 emergency in the interest to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the Tribes, will (1) construct and equip a Public Health facility, and (2) authorize an exemption from use of competitive procurement as allowed per the Tribes’ Contracts, Property Policy & Procedures Manual Section 5 “Procurement of Property and Services-Exemptions from Competitive Bidding,” Subsection 4(a).

BE IT FINALLY RESOLVED that the Tribal Chairman is authorized to execute such documents and take such other action as 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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of August 2021; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 12th day of August 2021.

ATTEST:

Handwritten signature of Fred Fox in blue ink, written over a horizontal line.

Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes

Handwritten signature of Mark N. Fox in blue ink, written over a horizontal line.

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