



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

A Resolution Entitled: "Approval of Funds for MHA Circle of Life and Behavioral Health Building Construction Project."

WHEREAS, The Mandan, Hidatsa, and Arikara Nation, also known as the Three Affiliated Tribes ("Nation" or "Tribes"), having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and bylaws pursuant to said Act; 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 Three Affiliated Tribes Constitution authorizes and empowers the Three Affiliated Tribes' Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5(1) of the Three Affiliated Tribes Constitution provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council; and

WHEREAS, Article VI, Section 5(c) of the Three Affiliated Tribes Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes for the Tribes; and

WHEREAS, The Tribes seeks a community-based facility to provide chemical dependency evaluations, low intensity out-patient/day treatment, chemical dependency aftercare, family education/support, community out-reach, clinical psych services-testing/therapy, and behavioral health services for enrolled members of the Three Affiliated Tribes; and

WHEREAS, The Tribes seek to construct, manage, and operate said community-based facility as the Circle of Life & Behavioral Health Program building; and



WHEREAS, A site master plan, building concept diagram, design and construction schedule and budget estimate have been developed for the Circle of Life & Behavioral Health Program building; and

WHEREAS, RML Architects has developed an estimated budget for the Circle of Life & Behavioral Health Building Phase 1 construction project, attached as **Appendix A** of this Resolution; and

WHEREAS, The plan includes the construction of an approximately 25,000 square foot, two-story building on the Elbowoods Medical Center site owned by the Three Affiliated Tribes located north of New Town, ND near ND state Highway 23B Truck Reliever Bypass, wholly within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, The total project costs, including professional design fees (as adjusted), testing, inspections and TERO fees (if applicable) is estimated to be approximately Thirty Million One Hundred Forty-One Thousand and Forty Eight Dollars (\$30,141,048.00) for phase 1 of Circle of Life & Behavioral Health Building.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs an initial appropriation of funds in the amount of Thirty Million One Hundred Forty-One Thousand and Forty Eight Dollars (\$30,141,048.00) be allocated and set-aside for the construction of the MHA Circle of Life and Behavioral Health building project; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is given authority to execute documents and take such other actions as are necessary to effectuate the terms and intent of this Resolution.

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Appendix A for Resolution No. 22- -FWF

PHASE 1 PRELIMINARY BUDGET ESTIMATE SUMMARY

Item	Unit		Cost	Totals	Remarks/Cost Basis/Assumptions
I Site Acquisition					
Land Acquisition			\$0		Elbowoods Memorial Health Center Site
Sub Total				\$ -	
II Site Development					
Earthwork Utilities and Site Improvements	SF	\$ / SF	\$2,887,551		7-acre site
Soil Corrections (Geo Piers)	25,953	7	\$181,671		Treatment Building
Sub Total				\$ 3,069,222	
III Building Construction	SF	\$ / SF			
Building Shared Spaces	4,626	450	\$2,081,700		
Circle of Life Spaces	8,702	450	\$3,915,900		
Behavioral Health Spaces	8,317	450	\$3,742,650		
Mechanical	25,953	100	\$2,595,300		
Electrical	25,953	68	\$1,764,804		
Geo-Thermal Well Field Treatment Phase-1	60	8000	\$480,000		
Geo-Thermal Well Field Treatment Phase-2	10	8000	\$0		
Alternate - Kitchen and Cafeterium	3,080	450	\$1,386,000		Shell Only
Alternate - Kitchen Equipment		LS	\$0		Future Phase Purchase Equipment
Alternate - Twin Home - Carriage House (each)	5,000	350	\$1,750,000		Assume 2 buildings - 4 living units
Alternate - Twin Home - Single Story (each)	5,500	350	\$1,925,000		Assume 2 buildings - 4 living units
Alternate - Sober / Transitional Living	18,520	375	\$0		
Alternate - Adult Cottage (2)	13,652	550	\$0		
Alternate - Adolescent Cottage (2)	13,652	550	\$0		
Sub Total				\$ 19,641,354	
IV Furniture, Fixtures & Equipment					
Furnishings & Equipment Allowance	3.00%	%	\$681,318		3% of Building & Site Construction Cost
Owner's Data, & Technology Allowance	2.00%	%	\$454,212		2% of Building & Site Construction Cost
Sub Total				\$ 1,135,530	
V Professional Fees					
Pre-Design Services		Is	\$75,000		Per Letter Agreement
AE Basic Services Design & Engineering		%	\$1,685,458		Per AIA B133 AE Contract
Supplemental Survey		Is	\$10,000		Per S&H Proposal dated 07/13/22
Geotechnical Testing		Is	\$13,600		Per MTS Proposal dated 07/13/22
Reimbursable Expenses		Is	\$52,000		16 months x \$3250 per month
Geo-thermal Testing		Is	\$15,000		Allowance (TBD)
Materials Testing and Inspections		Is	\$75,000		Allowance (TBD)
Sub Total				\$ 1,926,068	
VI Inflation, Contingencies and Other Costs					
City of New Town Plan Review and Permitting		Is	\$98,207		Allowance (TBD)
Owner's Project Contingency	5.00%	%	\$1,135,529		Owner's Contingency
Construction Risk Contingency	3.00%	%	\$715,384		Contractor's Contingency
Performance and Payment Bond	1.50%	%	\$368,423		
Builders Risk Insurance (by Owner)		LS	\$36,807		Allowance
Excess Liability and CGL	0.75%	%	\$186,975		
CM Contractors Fee	3.85%	%	\$967,001		
MHA Refuse Disposal Tax	1.00%	%	\$247,614		
TERO	2.50%	%	\$612,935		
Sub Total				\$ 4,368,875	
Total Probable Project Budget				\$ 30,141,049	

0.00%	\$0.00	Site Acquisition Cost
86.54%	\$26,083,888.00	Construction Contract Cost
7.07%	\$2,131,092.00	FF & E / Contingencies
6.39%	\$1,926,068.00	Tribal Administration Costs
100.00%	\$30,141,048.00	



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 12th day of October, 2022, 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 Voting. Not Voting.

Dated this 12th day of October, 2022.

ATTEST:

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

Executive 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