



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

A Resolution Entitled: "Acceptance of AIA A-133, Exhibit A, Amendment Bid Package Guaranteed Maximum Price (GMP) 3 and 4 (combined) for the Public Nursing Facility in the amount of \$49,369,312.08."

- WHEREAS,** The Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "Tribes"), having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under 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 Three Affiliated Tribes wish to construct a Public Nursing Facility for the benefit of enrolled Tribal members; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes has approved the architectural services agreement with RML Architects for the Public Nursing Facility, with the goal of improving the health and wellness of the Tribal members and the surrounding communities; and
- WHEREAS,** RML Architects and Consolidated Construction Company, Inc. have developed an estimated budget for the Public Nursing Facility, including Bid Packages 1, 2, 3, and 4; and
- WHEREAS,** The plan includes a proposed three story, 48,000 square foot building, which includes a basement parking garage, public lobbies on all three upper levels, office and clinical space, central meeting and multi-use conference and training rooms, maintenance garage, a drive through heated testing and vaccination garage



and shell space for future expansion, and a skyway linking it to the existing Elbowoods Clinic; and

WHEREAS, On May 17, 2023, the Tribal Business Council passed Resolution 23-141-FWF, Acceptance of AIA A-133, and Attachments including Exhibit A, Amendment Bid Package 1 Guaranteed Maximum Price (“GMP”) for the Public Nursing Facility in the amount of \$1,464,326.00; and

WHEREAS, Following passage of Resolution 23-141-FW, Consolidated Construction Company, Inc. and the Three Affiliated Tribes executed Standard Form of Agreement between Owner and Construction Manager as Constructor (A-133) and General Conditions Agreement (A-201), along with the Attachments, which include a Guaranteed Maximum Price (Bid Package 1); and

WHEREAS, Following passage of Resolution 23-141-FW, Consolidated Construction Company, Inc. submitted Guaranteed Maximum Price (Bid Package 2) in the amount of \$15,013,670.90 for the design phase of the Project, which was approved by the Three Affiliated Tribes; and

WHEREAS, Consolidated Construction Company, Inc. submitted Guaranteed Maximum Price (Bid Packages 3 and 4) in the amount of \$49,369,312.08 for Project completion which is included herein as an Attachment, and has been legally reviewed and negotiated; and

WHEREAS, Nothing in the above-referenced Guaranteed Maximum Price (Bid Packages 3 and 4) includes a waiver of the sovereign immunity enjoyed by the Three Affiliated Tribes.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes, and approves the attached Amended Guaranteed Maximum Price (Bid Packages 3 and 4) in the amount of \$49,369,312.08 with a substantial completion date of January 29, 2025; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to execute the aforementioned document and take such other actions as are necessary to carry out the terms and intent of this Resolution.

[CERTIFICATION 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 9th day of August, 2023, 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 9th day of August, 2023.

ATTEST:



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



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