

Resolution No. # 91-195-JJR

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes 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 member thereof; and
- WHEREAS,** The Three Affiliated Tribes, by virtue of the Memorandum of Understanding (MOU) No. 8-AG-60-00580, Section c.(2). The Tribe shall retain an engineering firm (or firms) experienced in the design and construction of MR&I project for the purpose of:
preparation of construction contract documents including designs and specifications, administering construction contract and assuring construction is performed in accordance with the contract documents (designs and specifications) and acceptable construction standards.
- WHEREAS,** The Three Affiliated have initiated design work through agreement and approval of the engineering design proposals submitted October 1989, these proposals include all four of the project areas.
- WHEREAS,** The Project Bidding of the Water Treatment Plants for all four communities are included within said engineering design proposals. The Consultant, HKM will provide assistance to the Tribes in Bid Advertisement and Solicitation; cooperate in the selection of the Prime Contractor for the Water Treatment Plants; and provide technical support to the firm and/or individuals selected by the Tribe for the construction administration and project management.

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OMR (CON'T):

The OMR will only involve the structures and development. The money that is coming will only be for this specific office. It was mentioned the first priority is to get the system built. Let them operate for at least a year and then develop our 638 contract plans accordingly. We don't know the total cost involved in the operation of it. We should get the system in place first. Felicia stated right now there is Operation Maintenance money coming down. The Bureau of Reclamation will foot the whole bill so we won't have to pay anything. I presented this today to find out if this is the Council's wish to contract today.

Treasurer Bird Bear made a motion to approve the resolution, seconded by Councilman Mossett.

Discussion: Is there a warranty on this construction job? Will you put something together for us to review? Yes.

Vote: 5 for, 0 opposed, 1 not voting. Motion Carried.

ITEM 08: RESOLUTION/HKM: Resolution #91-145.

Felicia Felix Fox explained last Friday we received the final plans and specifications for the water treatment plants. Maynard Demarey, Construction Assistant has been reviewing them and now I want to be able to add a letter also for the Chairman to ask me to review this also. The resolution is for, after final approval, for us to begin bid advertisement. It is similar to the lake intake advertisement. We will not get into construction management until next month.

Concern of wording "preparation of construction" and TERO language. Question raised on appropriated-allocated funds. Is it appropriated and authorized? Felicia explained we're looking at the 1990 appropriations as of next month. We will receive the 1991 appropriations and the following year, the final one will come. It's just that each year, the appropriations will come down.

Treasurer Bird Bear made a motion to approve this resolution, seconded by Councilman Gillette.

Vote: 6 for, 0 opposed. Motion Carried.


NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby:

1. Approves HKM, the Tribe's Consultant to proceed with bidding activities on the Water Treatment Plants for all four communities: Four Bears, White Shield, Mandaree and Twin Buttes areas; further to provide clarification on any and all questions relative to the project designs and specifications as requested by the Tribe.
2. Approves active Tribal participation in the bidding phase.
3. Affirms that the Three Affiliated Tribes' performance of its contracted responsibilities will be subject to the availability of Congressionally appropriated and/or allocated funds for these purposes.

C E R T I F I C A T I O N

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of September, 1991; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 11th day of September, 1991.


Secretary, Tribal Business Council

ATTEST


Chairman, Tribal Business Council