

**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 members thereof; and
- WHEREAS,** The Three Affiliated Tribes entered into Memorandum of Understanding (MOU) No. 8-AG-60-00580 with the Bureau of Reclamation and the Bureau of Indian Affairs to "utilize to the greatest extent feasible, the BIA Contract authority and skills to contract with the Tribe for the design and construction, subject to BOR oversight, of the water development projects authorized by the Garrison Diversion Unit Reformulation Act of 1986, Public Law 99-294, on the Fort Berthold Reservation." (hereafter referred to as the MR&I Project); and
- WHEREAS,** The Three Affiliated Tribes in entered into Public Law 93-638 Contract No. CTA04T30111 for the purpose of developing a reservation wide Municipal, Industrial, and Rural water supply system sufficient to meet the health, economic, and environmental needs to the Tribal residents of the Fort Berthold Indian Reservation; and
- WHEREAS,** The Three Affiliated Tribes as prime contractor is near to successfully completing the intake structures phase of the MR&I Project with Olander Construction; and
- WHEREAS,** The Three Affiliated Tribes as prime contractor has solicited bids from potential construction companies for construction of the water treatment plant phase of the MR&I Project; and
- WHEREAS,** The sole bidder was Scheer Construction whose bid was substantially in excess (approximately \$775,000) of the Engineer's cost estimate; and
- WHEREAS,** Scheer Construction's potential acquisitions of materials and labor from local certified Indian contractors and suppliers will be minimal; and

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL BUSINESS CHAMBERS

Special Meeting
May 6, 1992

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice
Chairman; John J. Rabbithead, Jr., Secretary; Roger
Bird Bear, Treasurer; Ted Lone Fight III, Council
Member; Glenda Embry, Recording Secretary.

ABSENT: Jim Mossett, Council Member; Austin Gillette,
Council Member.

OTHER: Dennis Burr, CEO.

ITEM 01: CALL TO ORDER;
Meeting called to order at 11:22 AM.

ITEM 02: ROLL CALL:
Roll called by Secretary Rabbithead.
Quorum established.

ITEM 03: LCM loan with Lakeside State Bank:
This is authorization for Chairman and/or Treasu-
rer to sign any and all documents necessary to
consummate the guaranteed loan for LCM to complete
construction of the Dialysis facility.

Vice Chairman Hall made a motion to approve the
authorization, seconded by Secretary Rabbithead.

Vote: 5 For, 0 opposed. Motion Carried.

ITEM 04: RESOLUTION/LCM: Resolution #92-040-JJR.
This resolution authorizes LCM to build the four
water treatment plants for M, R & I project in
accordance with the estimate of \$3.7M dollars.

Discussion was on funding request, change order,
specifications, Engineers at Standing Rock M,R&I
project to assist LCM and a consistent cost
proposal.

Vice Chairman Hall made motion to approve resolu-
tion seconded by Secretary Rabbithead.

Vote: 4 for, 1 opposed. Motion Carried.

WHEREAS, The Tribal Business Council, by motion in a Special Meeting on April 9, 1992, prioritized the completion of all four treatment plants; and

WHEREAS, In subsequent negotiations with Scheer Construction, the costs and work completion estimates will not be in compliance with the Tribal Business Council's stated priorities; and

WHEREAS, All bids are hereby rejected; and

WHEREAS, The Three Affiliated Tribes Lumber Construction Manufacturing Corporation (LCM) has indicated that it would be able to construct all of the planned water treatment plants within budget and to specifications; and

WHEREAS, The Three Affiliated Tribes wished to ensure the maximum utilization of local resources,

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby awards the contract for construction of the planned water treatment plants specified in the MR&I RFP to the Three Affiliated Tribes Lumber Construction Manufacturing Corporation (LCM), and authorizes the Chairman of the Tribal Business Council to negotiate with LCM and the relevant staff of the Bureau of Indian Affairs and the Bureau of Reclamation to expedite implementation and construction as soon as possible.

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, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 6th day of May, 1992; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 6th day of May, 1992.

John J. Ralithhead Jr
Secretary, Tribal Business Council

ATTEST:

William D. Walker
Chairman, Tribal Business Council