

**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 Tribal Business Council has chartered an independent, Tribally owned business entitled Fort Berthold Development Corporation (FBDC), whose primary business is building construction and modification, and building and lumber supplies; and

WHEREAS, With its experience, FBDC has now become eligible to bid on various sole-source contracts that are set aside for minority contractors, including businesses owned by Indian tribes, under the program for minority businesses administered by the Small Business Administration (SBA) known as the "Section 8(a)" program; and

WHEREAS, To be eligible for such sole source contracts under the SBA 8(a) program, and to comply with Federal regulations, FBDC must obtain from the tribe a limited waiver of sovereign immunity for its activities, limited to such obligations as FBDC may incur as a result of any contract awarded to it under the 8(a) program; and

WHEREAS, The Tribal Business Council has been advised as to the legal effect of such a limited waiver and finds that it is in the best interests of the Tribe to grant such a limited waiver solely for the purpose of allowing FBDC to be eligible for such 8(a) contracts as FBDC may be ^{able} ~~eligible~~ to obtain;

NOW, THEREFORE, BE IT RESOLVED, that for the benefit of the Fort Berthold Development Corporation, the Tribal Business Council hereby agrees to provide a limited waiver of sovereign immunity for such contracts as may be awarded to FBDC under the Section 8(a) program of the United States Small Business Administration, it being understood that the waiver of sovereign immunity being granted is specifically limited to the obligations incurred by FBDC under any Section 8(a) contract that may be awarded.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of February, 1999; 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 this 12th day of February, 1999.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council