



Resolution No. 08-147-VJB

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

A Resolution entitled, *"Approval and Acceptance of Marion Trucking & Construction Bid for Wells Road Reconstruction Project"*

WHEREAS, The Three Affiliated Tribes have accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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 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 finds that transportation infrastructure is vital to the future economic prosperity of Tribal members living on or near the Fort Berthold Reservation; and

WHEREAS, the Three Affiliated Tribes finds that rebuilding roads that provide access on the Reservation improves the safety and security of Tribal members and non-members who live or work on the Reservation, and renews the sense of pride that all members have for our Tribe; and

WHEREAS, the Three Affiliated Tribes has a road construction project it desires to be undertaken and completed during the 2008 Construction Season, specifically the Wells Road Reconstruction Project; and

WHEREAS, The Three Affiliated Tribes, TAT Roads Department and the Bureau of Indian Affairs have jointly reviewed the proposal of Marion Trucking and Construction and have agreed upon attached base bid for Grade, Drain, Aggregate Surfacing and Blotter Material on Wells Road and an alternate / option for interim surfacing; and



THREE AFFILIATED TRIBES

Fort Berthold Indian Reservation

404 Frontage Road – New Town, North Dakota 58763-9404

00025-08-L-RD-FP

August 15, 2008

Terry L. Marion
PO Box 717
Dunseith, ND 58329-0717

RE: Award Letter

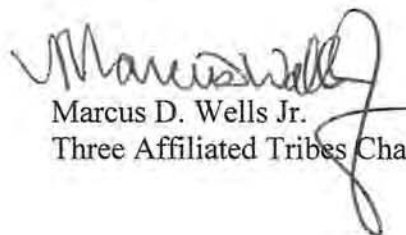
Dear Mr. Marion,

We have reviewed your proposal for the Wells Road addition. BIA Roads representatives Thomas Croymans, Jerry Foell and Three Affiliated Tribes Federal Programs Executive Officer Camilla Gosnell along with their roads department director Doyle Bell.

This is formal notification of award for project number 27-10(3) pcast number A0411600 Wells Road, in the amount of Two Million Three Hundred Seventy-Two Thousand Nine Hundred Thirty-Nine Dollars and Twenty-Three Cents (2,372,939.23). You are to submit your bonds and required documents no later than next week. The project will start immediately.

Should you have any further questions regarding this project, please contact Doyle Bell at 421-1450 or Camilla at 421-8350.

Sincerely,


Marcus D. Wells Jr.
Three Affiliated Tribes Chairman

Enclosures

Cc: Thomas Croymans
Jerry Foell
Camilla Gosnell
Doyle Bell
Contract Office

Marion Trucking & Construction

PO Box 717, Dunseith, ND 58329-0717

Ph: 701-244-5351

Fx: 701-244-0859

8/14/08

Mr. Doyle Bell
Dept. of Roads
New Town N.D.

Regarding, Bid proposal for the Grade, Drain, Aggregate Surfacing and Blotter Material on project #27-10 (3) known as the Wells Road.

The following sheets are prices that were agreed upon by the Marion Trucking and Construction and Fort Berthold Dept. of Roads and Bureau of Indian Affairs Roads Personal. See the following Pages.

Total Base Bid -----1,826,579.23

Total Alternate #2----- 546,360.00

Total Bid Proposal-----2,372,939.23

Terry L. Marion (Owner)



Marion Trucking and Construction

WELLS ROAD BID - MARION TRUCKING

COST CODE	BID NUMBER	ITEM DESCRIPTION	UNIT	QUANTITY	MARION TRUCKING - 8/14/2008	
					UNIT COST	EXTENDED PRICE
F3 113	151.000	Mobilization - Base Bid	Lump sum	1.00	\$ 60,000.00	\$ 60,000.00
F3 113	152.000	Construction survey and staking	Lump sum	1.00	\$ 25,000.00	\$ 25,000.00
F3 113	154.000	Contractor testing	Lump sum	1.00	\$ 30,000.00	\$ 30,000.00
F3 113	155.000	Construction Schedule	Lump sum	1.00	\$ 2,800.00	\$ 2,800.00
F3 113	157.001	Temporary turf establishment	Acre	0.35	\$ 1,000.00	\$ 350.00
F3 113	157.002	Silt fence	Linear foot	1,911.00	\$ 4.00	\$ 7,644.00
F3 113	157.012	Excelsior logs, 20" diameter	Linear Foot	6,345.00	\$ 4.50	\$ 28,552.50
F3 113	157.020	Mucking of erosion control devices	Cubic yard	250.00	\$ 15.00	\$ 3,750.00
F3 109	201.001	Clearing and grubbing	Lump sum	1.00	\$ 14,000.00	\$ 14,000.00
F3 113	203.000	Removal of existing signs	Each	8.00	\$ 65.00	\$ 520.00
F3 113	203.001	Removal of existing culverts	Each	22.00	\$ 400.00	\$ 8,800.00
F3 113	203.002	Removal of existing cattle guards	Each	3.00	\$ 1,500.00	\$ 4,500.00
F3 113	203.031	Removal and stockpile of existing fence	Linear foot	9,361.00	\$ 0.60	\$ 5,616.60
F3 113	203.040	Removal of existing asphalt surfacing	Square yard	362.00	\$ 4.00	\$ 1,448.00
F3 109	204.000	Roadway excavation	Cubic yard	306,340.00	\$ 2.92	\$ 894,512.80
F3 109	204.001	Undercut	Cubic yard	44,292.00	\$ 2.75	\$ 121,803.00
F3 113	211.000	Roadway obliteration, method 1	Square yard	4,113.00	\$ 2.75	\$ 11,310.75
F3 113	251.001	Placed riprap, class 2	Cubic yard	0.74	\$ 500.00	\$ 370.00
F3 113	253.002	Gabions, galvanized or aluminized coated	Cubic yard	71.50	\$ 150.00	\$ 10,725.00
F3 113	253.011	Earthwork geotextile, type IV-D	Square yard	229.00	\$ 2.40	\$ 549.60
F3 109	602.000	Furnish 18 inch dia. CMP culvert, 16 gage	Linear foot	1,306.00	\$ 11.90	\$ 15,541.40
F3 109	602.001	Install 18 inch dia. CMP culvert	Linear foot	1,306.00	\$ 15.00	\$ 19,590.00
F3 109	602.004	Furnish 30 inch dia. CMP culvert, 14 gage	Linear foot	280.00	\$ 20.40	\$ 5,712.00
F3 109	602.005	Install 30 inch dia. CMP culvert	Linear foot	280.00	\$ 40.00	\$ 11,200.00
F3 109	602.006	Furnish 36 inch dia. CMP culvert, 14 gage	Linear foot	226.00	\$ 28.10	\$ 6,350.60
F3 109	602.007	Install 36 inch dia. CMP culvert	Linear foot	226.00	\$ 42.00	\$ 9,492.00
F3 109	602.064	Furnish 24 inch dia. RCP culvert, class II	Linear foot	270.00	\$ 24.83	\$ 6,704.10
F3 109	602.065	Furnish 24 inch dia. RCP culvert, class III	Linear foot	32.00	\$ 24.83	\$ 794.56
F3 109	602.070	Install 24 inch dia. RCP culvert	Linear foot	302.00	\$ 28.00	\$ 8,456.00
F3 109	602.078	Furnish 30 inch dia. RCP culvert, class II	Linear foot	510.00	\$ 36.41	\$ 18,569.10
F3 109	602.079	Furnish 30 inch dia. RCP culvert, class III	Linear foot	120.00	\$ 36.41	\$ 4,369.20
F3 109	602.084	Install 30 inch dia. RCP culvert	Linear foot	630.00	\$ 35.00	\$ 22,050.00
F3 109	602.092	Furnish 36 inch dia. RCP culvert, class II	Linear foot	180.00	\$ 50.88	\$ 9,158.40
F3 109	602.098	Install 36 inch dia. RCP culvert	Linear foot	180.00	\$ 42.00	\$ 7,560.00
F3 109	602.106	Furnish 48 inch dia. RCP culvert, class II	Linear foot	48.00	\$ 89.74	\$ 4,307.52
F3 109	602.107	Furnish 48 inch dia. RCP culvert, class III	Linear foot	72.00	\$ 94.42	\$ 6,798.24
F3 109	602.108	Furnish 48 inch dia. RCP culvert, class IV	Linear foot	144.00	\$ 111.35	\$ 16,034.40
F3 109	602.109	Furnish 48 inch dia. RCP culvert, class V	Linear foot	100.00	\$ 151.49	\$ 15,149.00
F3 109	602.112	Install 48 inch dia. RCP culvert	Linear foot	364.00	\$ 28.00	\$ 10,192.00
F3 109	602.192	Furnish 24 inch equivalent dia. CMP arch culvert, 14 gage	Linear foot	188.00	\$ 20.20	\$ 3,797.60
F3 109	602.193	Install 24 inch equivalent dia. CMP arch culvert	Linear foot	188.00	\$ 28.00	\$ 5,264.00
F3 109	602.556	Furnish safety end for 18 inch dia. CMP culvert w/o bars	Each	38.00	\$ 80.80	\$ 3,070.40
F3 109	602.559	Install end section for 18 inch dia. CMP culvert	Each	38.00	\$ 147.00	\$ 5,586.00
F3 109	602.565	Furnish flared end for 30 inch dia. CMP culvert	Each	2.00	\$ 150.00	\$ 300.00
F3 109	602.567	Install end section for 30 inch dia. CMP culvert	Each	2.00	\$ 381.00	\$ 762.00
F3 109	602.569	Furnish flared end for 36 inch dia. CMP culvert	Each	3.00	\$ 240.00	\$ 720.00
F3 109	602.571	Install end section for 36 inch dia. CMP culvert	Each	3.00	\$ 463.00	\$ 1,389.00
F3 109	602.619	Furnish flared end for 24 inch dia. RCP culvert	Each	2.00	\$ 370.81	\$ 741.62
F3 109	602.620	Furnish sloped end for 24 inch dia. RCP culvert	Each	8.00	\$ 317.10	\$ 1,902.60
F3 109	602.621	Install end section for 24 inch dia. RCP culvert	Each	8.00	\$ 425.00	\$ 3,400.00
F3 109	602.625	Furnish flared end for 30 inch dia. RCP culvert	Each	8.00	\$ 451.60	\$ 2,709.60
F3 109	602.626	Furnish sloped end for 30 inch dia. RCP culvert	Each	8.00	\$ 417.35	\$ 3,338.80
F3 109	602.627	Install end section for 30 inch dia. RCP culvert	Each	14.00	\$ 500.00	\$ 7,000.00
F3 109	602.631	Furnish flared end for 36 inch dia. RCP culvert	Each	1.00	\$ 626.80	\$ 626.80
F3 109	602.632	Furnish sloped end for 36 inch dia. RCP culvert	Each	4.00	\$ 703.10	\$ 2,812.40
F3 109	602.633	Install end section for 36 inch dia. RCP culvert	Each	5.00	\$ 575.00	\$ 2,875.00
F3 109	602.637	Furnish flared end for 48 inch dia. RCP culvert	Each	2.00	\$ 907.90	\$ 1,815.80
F3 109	602.639	Install end section for 48 inch dia. RCP culvert	Each	2.00	\$ 600.00	\$ 1,200.00
F3 109	602.677	Furnish safety end for 24 inch equivalent dia. CMP arch culvert w/o bars	Each	4.00	\$ 170.00	\$ 680.00
F3 109	602.680	Install end section for 24 inch equivalent dia. CMP arch culvert	Each	4.00	\$ 178.00	\$ 712.00
F3 109	602.1001	Furnish elbow, 30 inch dia. CMP 25 degree bend	Each	4.00	\$ 165.00	\$ 660.00
F3 109	602.1002	Install elbow, 30 inch dia. CMP	Each	4.00	\$ 150.00	\$ 600.00
F3 109	602.1003	Furnish elbow, 36 inch dia. CMP 25 degree bend	Each	2.00	\$ 195.00	\$ 390.00
F3 109	602.1004	Install elbow, 36 inch dia. CMP	Each	2.00	\$ 175.00	\$ 350.00
F3 109	602.1081	Furnish 30 inch dia. RCP to CMP transition	Each	2.00	\$ 643.62	\$ 1,287.24
F3 109	602.1082	Install 30 inch dia. RCP to CMP transition	Each	2.00	\$ 225.00	\$ 450.00
F3 109	602.1085	Furnish 36 inch dia. RCP to CMP transition	Each	1.00	\$ 643.62	\$ 643.62
F3 109	602.1086	Install 36 inch dia. RCP to CMP transition	Each	1.00	\$ 250.00	\$ 250.00
F3 113	619.000	Fence, barb wire	Linear foot	35,316.00	\$ 1.80	\$ 63,568.80
F3 113	619.017	Fence, woven wire	Linear foot	1,001.00	\$ 3.20	\$ 3,203.20
F3 113	619.020	Gate, 24 foot barb wire	Each	14.00	\$ 482.00	\$ 6,748.00
F3 113	619.025	Gate, 16 foot steel tube	Each	2.00	\$ 1,000.00	\$ 2,000.00
F3 113	619.037	Cattle guard, 24 foot width with wings	Each	3.00	\$ 5,000.00	\$ 15,000.00
F3 113	619.041	Brace panel, 3 post	Each	59.00	\$ 250.00	\$ 14,750.00

Engineer's Cost Estimate

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COST CODE	BID NUMBER	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED PRICE
F3 113	619.043	Brace panel, 5 post	Each	19.00	\$ 350.00	\$ 6,650.00
F3 113	619.045	Brace panel, 7 post	Each	1.00	\$ 500.00	\$ 500.00
F3 113	619.046	Brace panel, 8 post	Each	3.00	\$ 800.00	\$ 2,400.00
F3 113	619.052	Fence, temporary	Linear foot	9,361.00	\$ 1.80	\$ 16,849.80
F3 109	624.009	Placing conserved topsoil	Cubic yard	45,381.00	\$ 2.20	\$ 99,838.20
F3 113	625.000	Seeding, dry method	Acre	56.26	\$ 413.00	\$ 23,235.38
F3 113	625.002	Mulching, dry method	Acre	56.26	\$ 307.00	\$ 17,271.82
F3 113	625.004	Fertilizer, dry method	Ton	4.22	\$ 699.00	\$ 2,949.78
F3 113	633.006	Sign installation, 18 inch x 18 inch	Each	4.00	\$ 350.00	\$ 1,400.00
F3 113	633.008	Sign installation, 21 inch x 15 inch	Each	4.00	\$ 380.00	\$ 1,520.00
F3 113	633.013	Sign installation, 24 inch x 24 inch	Each	2.00	\$ 375.00	\$ 750.00
F3 113	633.014	Sign installation, 24 inch x 30 inch	Each	10.00	\$ 400.00	\$ 4,000.00
F3 113	633.017	Sign installation, 30 inch x 30 inch	Each	6.00	\$ 410.00	\$ 2,460.00
F3 113	633.022	Sign installation, 36 inch x 36 inch	Each	6.00	\$ 450.00	\$ 2,700.00
F3 113	633.115	Sign installation, D10-1	Each	6.00	\$ 1,000.00	\$ 6,000.00
F3 113	635.000	Temporary traffic control	Lump sum	1.00	\$ 13,612.00	\$ 13,612.00
F3 113	635.014	Barricade, type III	Each	4.00	\$ 100.00	\$ 400.00
F3 113	635.017	Construction sign	Square foot	157.00	\$ 1.00	\$ 157.00
F3 113	635.019	Flagger	Hour	600.00	\$ 51.00	\$ 30,600.00
F3 113	635.031	Warning light, type A	Each	8.00	\$ 300.00	\$ 2,400.00
Construction Cost - Base Bid						\$ 1,826,579.23

ALTERNATE BID #2 - INTERIM SURFACING						
F3 113	151.000	Mobilization - Alternate #2	Lump sum	1.00	\$ 20,000.00	\$ 20,000.00
F3 110	301.005	Aggregate base, grade ND DOT class 5	Ton	26,700.00	\$ 12.00	\$ 320,400.00
F3 111	411.000	Prime coat, grade, MC-70	Ton	113.00	\$ 1,520.00	\$ 171,760.00
F3 111	411.018	Blotter NDDOT CI 44	Ton	570.00	\$ 60.00	\$ 34,200.00
Construction Cost - Alternate Bid # 2						\$ 546,360.00
Construction Cost - Base Bid with Alternate #2 - Interim Surfacing						\$ 2,372,939.23



Resolution No. 08-147-VJB

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council approves the proposal of Marion Trucking & Construction for the Total Base Bid of \$1,826,579.23 for Grad, Drain, Aggregate Surfacing and Blotter Material on the Wells Road Reconstruction Project and for alternate / optional Interim Surfacing Bid Proposal of \$546,360.00 for a total bid proposal of \$2,372,939.23; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby authorizes the Chairman to execute any and all such documents as may be necessary to accomplish the purposes of this resolution; and

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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 15th day of August, 2008, 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.

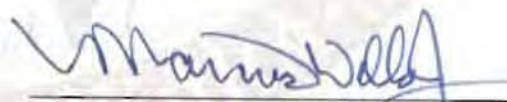
Chairman Voting. [] Not Voting.

Dated this 15th day of August, 2008.

ATTEST:



V. Judy Brugh, Secretary
Tribal Business Council



Marcus Wells, Jr., Chairman
Tribal Business Council