



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

**A Resolution Entitled: *“Approval of Construction Manager Agreement for Consolidated Construction to Perform Construction-Phase Services on the MHA Diabetes Education Center Construction Project”***

**WHEREAS**, The Mandan, Hidatsa, and Arikara Nation | Three Affiliated Tribes (“MHA” or “Tribes”) having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and bylaws pursuant to 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 Tribes seeks a community-based facility to provide wellness, fitness and health education services for enrolled members of the Three Affiliated Tribes with diabetes; and

**WHEREAS**, The Tribes seek to construct, manage, and operate said community-based facility as the MHA Diabetes Education Center; and

**WHEREAS**, The Tribes have approved of the MHA Diabetes Education Center construction project; and



**WHEREAS,** The Tribe has negotiated the terms of a Construction Manager Agreement with Consolidated Construction—AIA Document A133-2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor (“Agreement”) (attached hereto and fully incorporated herein along with all exhibits)—to provide professional services for the construction of a 26,000 square foot, two-story building owned by the Three Affiliated Tribes located north of New Town, ND near ND state Highway 23B Truck Reliever Bypass, wholly within the exterior boundaries of the Fort Berthold Reservation; and

**WHEREAS,** The Construction Manager fee is determined by the Guaranteed Maximum Price and is determined by multiplying the estimated Cost of the Work by a rate of three-point one five percent (3.15 %); and

**WHEREAS,** The Agreement does not include a waiver of sovereign immunity.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the Agreement with Consolidated Construction to provide the construction-phase construction manager services for the MHA Diabetes Education Center construction project; and

**BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby authorizes Chairman Mark N. Fox and/or North Segment representative, Councilwoman Monica Mayer, M.D., to execute and finalize the Agreement with the Construction Manager; and

**BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby authorizes Chairman Mark Fox to take such action as is necessary to carry out the terms and intent of this Resolution.

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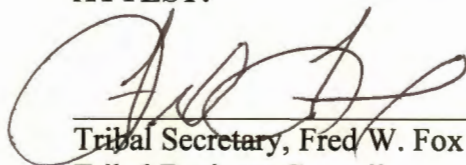
**CERTIFICATION**

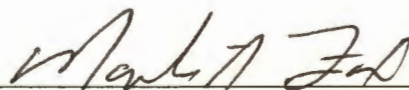
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9<sup>th</sup> day of September, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 9<sup>th</sup> day of September, 2020.

**ATTEST:**

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

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