



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

A Resolution Entitled: "Acceptance of AIA A-133 Exhibit A, Amendment 1 GMP for Bid Pack 1, presented by CMAR McGough Construction Co., LLC for the Emergency Operations Center and Fire Management Building. Cost of Bid Pack 1, \$8,550,306.00."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA Nation") 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, 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, Article VI, Section 5(l) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

WHEREAS, The Tribes seek to protect the Tribes' interests when there is a disaster, pandemic, or other emergency declaration that affects the lives and livelihood of enrolled members and community members surrounding the Fort Berthold Indian Reservation; and

WHEREAS, The Tribes seek to provide disaster mitigation, disaster recovery, education of first responders and the general public, improve communication systems with other agencies, provide a storm shelter and a safe room, logistical support for the Emergency Operations Centers staff to respond to emergency declarations, pandemic support and other emergencies as declared by the Tribal Business Council; and

WHEREAS, The Tribes seek to maintain their wildland fire program, the Three Affiliated Tribes Fire Management Program, with a new and updated facility to conduct wildland fire mitigation and suppression activities for the Fort Berthold Indian Reservation and surrounding communities; and



WHEREAS, The Tribal Business Council has approved a Construction Management at Risk (or “CMAR”) Contract with McGough Construction Co., LLC for the Emergency Operations Center and Fire Management building. A Guaranteed Maximum Price (or “GMP”) amendment is part of the CMAR Contract. A GMP is the maximum total cost of Bid Packs and the services and materials provided as part of those Bid Packs. Notification of bids for Bid Pack 1 was made according to TERO and the Tribes’ Construction Management Office (or “CMO”) rules and regulations. The bids for Bid Pack 1 were closed on June 02, 2022; and

WHEREAS, As part of the McGough CMAR construction contract, a GMP Amendment must be signed and the Amendment will be called AIA A-133 Exhibit A. This Amendment will modify the original Contract to include the GMP, and the total GMP will include Bid Pack 1 and Bid Pack 2. Bid Pack 2 has yet to be bid out; and

WHEREAS, Bid Pack 1 includes earthwork, utility work, concrete foundations, concrete sidewalks and aprons, asphalt paving, structural steel, pavement markings, and signage. The Tribal Business Council has been notified by McGough Construction Co, LLC that Bid Pack 1 GMP is \$8,550,306.00. Bid Pack 2 GMP is yet to be determined.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes based upon the above hereby authorizes and approves the Bid Pack 1 GMP of \$8,550,306.00 for the construction of the Emergency Operations Center and Fire Management Building; and

BE IT FINALLY RESOLVED, that the Tribal Chairman is hereby authorized to execute such documents and take such action as is necessary to carry out the terms and intent of this Resolution.

<SIGNATURE PAGE TO FOLLOW>



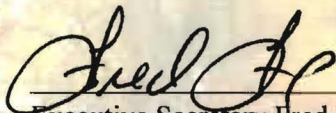
CERTIFICATION

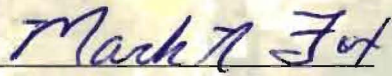
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 27th day of July, 2022, 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 [] Voting. [X] Not Voting.

Dated this 27th day of July, 2022.

ATTEST:


Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes


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

