



**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, Guaranteed Maximum Price (GMP) Amendment and Standard Form Construction Manager Agreement, with Total Project Costs for the Kidney Dialysis Unit in the amount of \$14,002,290.00."***

**WHEREAS,** The Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "Tribes"), having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under 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 seek a community-based facility to provide Kidney Dialysis Treatment to enrolled members of the Three Affiliated Tribes in need of Dialysis; and

**WHEREAS,** The Tribes seek to construct, manage, and operate said community-based facility as the Kidney Dialysis Unit; and

**WHEREAS,** A site master plan, building concept diagram, design and construction schedule and budget estimate have been developed for the Kidney Dialysis Unit; and

**WHEREAS,** RML Architects, LLC and Consolidated Construction Co., Inc. have developed an estimated budget for the Kidney Dialysis Unit construction project, hereby attached as Exhibit A of this Resolution; and

**WHEREAS,** The plan includes the construction of a 14,299 square foot building on the Elbowoods Medical Center site 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 total project costs, including construction costs, data and tech fees, design and project contingencies, professional design fees, testing, inspections and TERO fees (if applicable) is estimated to be approximately Fourteen Million Two Thousand Two Hundred Ninety Dollars and Zero Cents (\$14,002,290.00); and

**WHEREAS,** Signature of both the “Standard Form of Agreement between Owner and Construction Manager as Constructor” between the Tribes and Consolidated Construction Co., Inc. of Bismarck, North Dakota and the Guaranteed Maximum Price (or “GMP”) Amendment is necessary for the Kidney Dialysis Unit construction project to go forward.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Business Council of the Three Affiliated Tribes hereby approves the aforementioned “Standard Form of Agreement between Owner and Construction Manager as Constructor” between the Tribes and Consolidated Construction Co., Inc and the GMP Amendment, and authorizes, approves, and earmarks funds in the amount of Fourteen Million Two Thousand Two Hundred Ninety Dollars and Zero Cents (\$14,002,290.00) to be allocated and set-aside for the construction of the Kidney Dialysis Unit from the FY2022 Special Projects Fund; and

**BE IT FINALLY RESOLVED** that the Tribal Chairman is hereby authorized to execute the aforementioned documents and take such other actions as are 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 27<sup>th</sup> 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 27<sup>th</sup> 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