

A RESOLUTION OF THE GOVERNING BODY OF THE THREE AFFLIATED TRIBES OF THE FORT BERTHOLD INIDAN RESERVATION

A Resolution Entitled: "Approval of Funds for MHA PHN Community Health Building Construction Project."

- WHEREAS, The Mandan, Hidatsa, and Arikara Nation, also known as the Three Affiliated Tribes ("Nation" 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 Home Based Health, Health Education, Public Health Nursing, Environmental Health, Community Health, Public Facilities, I.T./Technology, Tribal Health Insurance, Women Infant and Children, Infant and Toddler Program, Physical Therapy, Speech Therapy, and Health Administration to provide services for enrolled members of the Three Affiliated Tribes; and
- WHEREAS, The Tribes seek to construct, manage, and operate said community-based facility as the MHA PHN Community Health building; and
- WHEREAS, A site master plan, building concept diagram, design and construction schedule and budget estimate have been developed for the MHA PHN Community Health building; and



- WHEREAS, RML Architects has developed an estimated budget for the MHA PHN Community Health construction project, attached as Appendix A of this Resolution; and
- WHEREAS, The plan includes the construction of an estimated 34,000 square foot, three-story building along with a basement garage and skyway bridge 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 professional design fees (as adjusted), testing, inspections and TERO fees (if applicable) is estimated to be approximately Forty Two Million Ninety Thousand and Twenty-Two Dollars (\$42,090,022). Ten Million Two Hundred Thousand Dollars (\$10,200,000.00) will come from ARPA funds. Thirty-One Million Eight Hundred Ninety Thousand and Twenty-Two Dollars and Twenty-Two Cents (\$31,890,022.22) is the cost after applying the ARPA funding.
- NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs an initial appropriation of funds in the amount of Thirty-One Million Eight Hundred Ninety Thousand and Twenty-Two Dollars and Twenty-Two Cents (\$31,890,022.22) to be allocated and set-aside for the construction of the MHA PHN Community Health building construction project; and
- **BE IT FINALLY RESOLVED,** that the Tribal Chairman is given authority to execute documents and take such other actions as are necessary to effectuate the terms and intent of this Resolution.

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Appendix A for Resolution No. 22-___-FWF

Item	15	Unit		Cost	Totals	Remarks/Cost Basis/Assumptions
Site Acquisition	W. C.					
Land Acquisition				\$0		Elbowoods Memorial Health Center Site
Se	ub Total				\$ -	
Site Development						
Earthwork Utilities and Site Improvements			%	\$2,969,476		10% of Building Construction Cost
Soil Corrections (Geo Piers)		34,398	7	\$249,780	-	
Si	ub Total				\$ 3,109,262	
Building Construction		SF	\$/SF		104.00	
LH.S Spaces		9,730	450	\$4,378,500		
MHA Health Spaces		15,414	450	\$6,936,300		
Public and Common Spaces		9.254	450	\$4,164,300		
Mechanical		34,398	100	\$3,439,800		
Electrical		34,398	68	\$2,339,064		
Geo-Thermal Well Field		100	9000	\$800,000		100 wells for 34K SF (200' x 200')
Alternate - Shell 3rd Floor		2,800	450	\$5,260,000		
Alternate Basement Parking Garage		14,334	200	\$2,866,800		
Alternate - Sky Bridge		LS		\$2,500,000	-	
Si	ub Total				\$ 28,684,764	
V Furniture, Fixtures & Equipment						
Furnishings & Equipment Allowance		3.00%	96	\$953,821		3% of Building & Site Construction Cost
Owner's Data, & Technology Allowance		2.00%	96	\$835,881		2% of Building & Site Construction Cost
Se	ub Total				\$ 1,589,702	
V Professional Fees						
Pre-Design Services			Is	\$75,000		Per Letter Agreement
AE Basic Services Design & Engineering			96	\$2,358,574		Per AIA B133 AE Contract
Supplemental Survey			Is	\$10,000		Per S&H Proposal dated 07/13/22
Geotechnical Testing			Is	\$13,600		Per MTS Proposal dated 07/13/22
Reimbursable Expenses			Is	\$52,000		16 months x \$3250 per month
Geo-thermal Testing	- 1		Is	\$15,000		Allowance (TBD)
Materials Testing and Inspections			Is	\$75,000		Allowance (TBD)
Si	ub Total				\$ 2,599,174	
Inflation, Contingencies and Other Costs						
City of New Town Plan Review and Permitti	ng		Is	\$143,424		Allowance (TBD)
Owner's Project Contingency		5,00%	%	\$1,589,702		Owner's Contingency
Construction Risk Contingency	- 1	3.00%	%	\$1,001,512		Contractor's Contingency
Performance and Payment Bond	I	1.50%	%	\$515,779		
Builders Risk Insurance (by Owner)	- 1	LS		\$36,807		Allowance
Excess Liability and CGL	- 1	0.75%	%	\$261,759		
CM Contractors Fee	- 1	3.85%	%	\$1,353,767		
MHA Refuse Disposal Tax	- 1	1.00%	%	\$346,651		
TERO		2.50%	%	\$857,720		
	ub Total	17.60%			\$ 6,107,120	
Total Probable Project Budget				Tanana Maria	\$ 42,090,022	
				ADDA Conding	\$10,000,000,0	

AND SKYWAY BRIDGEPRELIMINARY BUDGET ESTIMATE SUMMARY

ARPA Funding	-\$10,200,000.00		
Total MHA Cost	\$31,890,022.22		

	0.00%	\$0.00	Site Acquisition Cost	
	85.75%	\$36,516,544.00	Construction Contract Cost	
	7,07%	\$2,974,304.00	FF & E / Contingencies	
11	6.18%	\$2,599,174.00	Tribal Administration Costs	
	100.00%	\$42,090,022.00		





PHN / COMMUNITY HEALTH PRE-DESIGN

NEW TOWN, ND

PRELIMINARY
BUDGETWITH SKYWAY
OCTOBER 13, 2022

3.3





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 12th day of October, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 12th day of October, 2022.

ATTEST:

Executive Secretary Fred Fox Tribal Business Council

Three Affiliated Tribes

Tribal Chairman, Mark N. Fox

Tribal Business Council
Three Affiliated Tribes