



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

A Resolution Entitled: "Approval of Change Orders regarding the Emergency Operations Center and Fire Management Construction Project, AIA Document G701-2017, Including Change Order Savings Totaling \$1,066,005.00 and Approval of Access to Construction Contingency in the Amount of \$184,547.00."

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 Mandan Hidatsa 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(1) 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.

WHEREAS, The Emergency Operations and Fire Management Building Construction Project (or "EOCFM Project") is underway. The CMAR for the Project is McGough Construction, Co, LLC of St. Paul, MN (or "McGough"), the Architect is EAPC, and Lowry Engineering (or "Lowry") is the Engineer; and

WHEREAS, EOCFM Project team has completed a value engineering consultation with McGough, EAPC, and Lowry which produced savings to the Project in the amount of \$1,066,005.00; and

WHEREAS, The EOCFM Project team has also set forth costs that will have to be paid through the construction contingency. These costs are for the following two items: (1) the construction of a ring road for crane service access around the footprint of the building and (2) drainage course installation - winter conditions to a subcontractor. These two items total \$184,547.00.



NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves change orders 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 by which the Tribal Business Council authorizes that construction contingency in the amount of \$184,547.00 be accessed for the two items specified above, and by which the Tribal Business Council accepts the value engineering savings of \$1,066,005.00, which will go back to the Project. The Tribal Business Council also approves AIA Document G701-2017 entitled "Change Order," in the form as presented; and

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

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 8th day of February, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 [X] Voting. [] Not Voting.

Dated this 8th day of February, 2023.

ATTEST:

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

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