



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

A Resolution Entitled: "Approval of Twin Buttes School Building Construction Project and Budget."

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 South Segment and the Tribes have an interest in the education and health of the young members of the Tribes; and

WHEREAS, The South Segment seeks to construct a Twin Buttes High School, Residence Hall, Sports Complex, and Bus Garage (or "Project") to address the educational and health needs of youth; and

WHEREAS, Woodstone, Inc. has developed a control budget for the Project which as presented is \$108,601,720, which is to be Value Engineered down to \$105,000,000. This budget does not include A/E; and

WHEREAS, South Segment seeks an authorization of a Construction Budget of \$105,000,000 and allocation of such funds for the Project.



Appendix A for Resolution No. 23-216-FWF

Item	Unit	Cost	Totals	Remarks/Cost Basis/Assumptions
I Site Acquisition				
Land Acquisition		\$0		Elbowoods Memorial Health Center Site
Sub Total			\$ -	
II Site Development				
Earthwork Utilities and Site Improvements	%	\$2,898,478		10% of Building Construction Cost
Soil Corrections (Geo Piers)	34,398 7	\$240,788		
Sub Total			\$ 3,109,262	
III Building Construction				
I.H.S Spaces	SF 9,730 450	\$4,378,500		
MHA Health Spaces	15,414 450	\$6,938,300		
Public and Common Spaces	9,254 450	\$4,164,300		
Mechanical	34,398 100	\$3,439,800		
Electrical	34,398 68	\$2,332,084		
Geo-Thermal Well Field	100 8000	\$800,000		100 wells for 34K SF (200' x 200')
Alternate - Shell 3rd Floor	2,800 450	\$1,260,000		
Alternate Basement Parking Garage	14,334 200	\$2,866,800		
Alternate - Sky Bridge	LS	\$2,500,000		
Sub Total			\$ 28,684,764	
IV Furniture, Fixtures & Equipment				
Furnishings & Equipment Allowance	3.00% %	\$953,921		3% of Building & Site Construction Cost
Owner's Data, & Technology Allowance	2.00% %	\$635,881		2% of Building & Site Construction Cost
Sub Total			\$ 1,589,702	
V Professional Fees				
Pre-Design Services	Is	\$75,000		Per Letter Agreement
AE Basic Services Design & Engineering	%	\$2,358,574		Per AIA B133 AE Contract
Supplemental Survey	Is	\$10,000		Per S&H Proposal dated 07/13/22
Geotechnical Testing	Is	\$13,800		Per MTS Proposal dated 07/13/22
Reimbursable Expenses	Is	\$52,000		16 months x \$3250 per month
Geo-thermal Testing	Is	\$16,000		Allowance (TBD)
Materials Testing and Inspections	Is	\$75,000		Allowance (TBD)
Sub Total			\$ 2,599,174	
VI Inflation, Contingencies and Other Costs				
City of New Town Plan Review and Permitting	Is	\$143,424		Allowance (TBD)
Owner's Project Contingency	5.00% %	\$1,589,702		Owner's Contingency
Construction Risk Contingency	3.00% %	\$1,001,513		Contractor's Contingency
Performance and Payment Bond	1.50% %	\$515,779		
Builders Risk Insurance (by Owner)	LS	\$36,807		Allowance
Excess Liability and CIGL	0.75% %	\$281,758		
CM Contractors Fee	3.85% %	\$1,353,767		
MHA Refuse Disposal Tax	1.00% %	\$348,651		
TERO	2.50% %	\$857,720		
Sub Total	17.60%		\$ 6,107,120	
Total Probable Project Budget			\$ 42,090,022	

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

BASE BUILDING WITH BASEMENT GARAGE AND SKYWAY BRIDGE PRELIMINARY BUDGET ESTIMATE SUMMARY

0.00%	\$0.00	Site Acquisition Cost
85.76%	\$36,516,544.00	Construction Contract Cost
7.07%	\$2,974,304.00	FF & E / Contingencies
8.18%	\$2,599,174.00	Tribal Administration Costs
100.00%	\$42,090,022.00	



PHN / COMMUNITY HEALTH PRE-DESIGN NEW TOWN, ND

PRELIMINARY BUDGET WITH SKYWAY
OCTOBER 13, 2022

3.3





NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes a Construction Budget in the amount of \$105,000,000 for the aforementioned Twin Buttes School Construction Project that includes a High School Building, Residence Hall, Sports Complex, and Bus Garage, funding to be allocated and set-aside as follows from the Tribes' Special Projects Budget:

FY 2023 - \$8,000,000
FY 2024 - \$51,500,000
FY 2025 - \$45,500,000; 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.

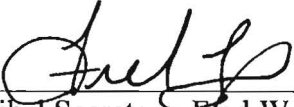
CERTIFICATION

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 13th day of July, 2022, 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 Voting. Not Voting.

Dated this 13th day of July, 2022.

ATTEST:



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



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