

**BUDGET AND APPROPRIATION REGULATIONS**  
Regulation # R100-01:AC-01

**Chapter 5. Purchasing and Procurement - Tribal Council**  
Regulation # R100-01:AC-05

**Section 1. Authority; Purpose**

1-1. *Authority.* In accordance with the authority set forth in Article IV –

- a. Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Tribe;
- b. Section 7(c and d) to authorize the purchase and/or sale of land or forms of interests in land;
- c. Section 7(i)(2) to manage any funds within the exclusive control of the Tribe, to levy fines and other fees, and to borrow money; and
- d. Section 7(j) to take action not inconsistent with the Constitution; the Tribal Council enacts these regulations which identify the processes by which the Tribal Council is authorized to expend funds of the Tribe.

Further, in accordance with Section 4.10 (e) of the Budget and Appropriation Ordinance, # 01100-04, the Tribal Council hereby promulgates these rules for purchasing and procurement by the Tribe.

1-2. *Purpose.* This policy is intended to provide a framework for ensuring that purchasing transactions and accompanying procedures are uniformly applied. Guidelines are placed to support purchasing activities of the Tribe and to create a managed purchasing system.

**Section 2. Purchasing Policies - Tribal Council**

2-1. *Applicability.* The policy set forth in this Section, and as set forth in Chapter 1, shall be followed by the Tribal Council and its employees, including boards, committees and commissions of the Tribe.

2-2. *Justification.* All purchase and contract actions must be justifiable and support legitimate Tribal objectives.

2-3. *Pricing.* Purchasing and contract actions will be based on competitive pricing to the greatest extent possible and exceptions shall be documented and approved. Competitive pricing as used in this policy means obtain price quotes or bids from multiple vendors to assure the lowest price on quality goods and services.

2-4. *Purchasing Processing.* All purchases are to be processed through the Purchasing Department.

2-5. *Contracts.* All purchases shall be accompanied by an original signed contract or purchase order which shall be filed with the Purchasing Department.

2-7. *Designated Authority to Purchase.* The Recorder shall identify , in writing, to the Purchasing Supervisor and Controller the following information on an annual basis. Such authority shall also identify the authority to sign contracts authorized by the Tribal Council for the purchase of goods and services.

a. Actions \$0 to \$500.00 –

1. Speaker, authorized to sign off on travel, purchases, *encumbrance* and contracts of the Tribal Council, employees when the Recorder is unavailable, and boards, committees and commissions when the liaison is unavailable.
2. Recorder, authorized to sign off on travel and purchases of the Tribal Council, employees and boards, committees and commissions, when the liaison is unavailable.
3. Councilor liaison designations, authorized to sign off on travel, stipends, and purchases of the board,

- commission or committee to which they are assigned liaison.
- b. Actions \$500.01 to \$2,500.00, one other officer of the Tribal Council.
  - c. Actions \$2,500.01 and above, by the Speaker after authorization by Tribal Council resolution.

2-8. Designating *Authority to Purchase - Gaming Commission; Gaming Commission Department*. The Gaming Commission, and the Department, is authorized the following levels of authority to make budgeted purchases and encumbrances.

- a. *Actions \$0 to \$500.00* - Surveillance and Compliance Managers authorized to sign for purchases and encumbrances.
- b. *Actions \$0 - \$1,500.00* - The Director of Gaming Regulatory & Compliance authorized to sign for purchases and encumbrances.
- c. *Actions greater than \$1,500.00* requires Gaming Commission approval by resolution. The Director of Gaming Regulatory & Compliance and the Gaming Commission Chairperson will sign for purchases and encumbrances.
- d. *Actions \$2,500.00 and above* require Gaming Commission approval by resolution and submission to Tribal Council for approval.
- e. *Actions \$0 to \$1,500.00* - The Gaming Commission is authorized to sign off on purchases or encumbrances in the absence of the Surveillance Manager, Compliance Manager or Director.

### **Section 3. Adoption; Amendment; Repeal**

3-1. Adoption. This Chapter is adopted by the Tribal Council on April 7, 2004 by resolution # 04-0407139 and repeals all other purchasing regulations.

3-2. Amendment. This regulation may be amended by the Tribal Council, or by submission of amendments by the Tribal Ogema approved by the Tribal Council, in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians.

3-3. Severability *Clause*. If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

3-4. Compliance. In regards to compliance with this regulation, deviation from the requirements of this regulation must be noted and corrected. Failure to follow the requirements of this regulation may result in disciplinary action, up to and including termination from employment, removal from office if elected or appointed official, including action to recover expenditures resulting from unauthorized actions.