



Resolution No. # 01-0321-11
**Delegating to the Construction Management Team Responsibilities
Regarding Contracting for the Water Tower/System and Waste Water
Treatment System Construction**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Constitution delegates to, and authorizes the Tribal Council to, "...authorize and ratify agreements and contacts negotiated by the Tribal Ogema on behalf of the Little River Band with federal, state, and local governments and other Indian tribes or their departments or political subdivisions, or with private persons on all matters within the authority of the Tribal Council[.]" *Article IV, Section 7(b)*; and

WHEREAS, the Tribe has determined that a Construction Management Team is necessary to manage the Water Tower/System and Waste Water Treatment System construction (*Construction Project*) to allow for the project to be completed in a timely and financially responsible manner; and

WHEREAS, the Tribal Council desires to set forth processes by which the Construction Management Team may identify and develop contracts for the construction project; and

WHEREAS, the Tribal Council desires to delegate certain limited legislative authority under Article IV, Section 7(b) of the Constitution to the Construction Management Team to ratify contracts which are created under the processes set forth in this resolution, by which the construction project may continue to move forward in a reasonable and organized manner; and

WHEREAS, the Tribal Council has, through Resolution # 01-0303-01, approved the "Capital Costs" Budget for the construction project which identifies the estimated cost for the individual parts/activities of the construction project; and

WHEREAS, the Tribal Council has relied upon the expertise of Jonathan Anderson, P.E., OEH Consultant Engineer in determining the direction of the project, including selection of sites, vendors, and systems;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests Jonathan Anderson to continue utilizing his expertise in assisting the

Tribe in drafting Requests for Bids or Proposals and selecting vendors to respond to those requests; and

IT IS FINALLY RESOLVED THAT the Tribal Council hereby delegates the following duties, responsibilities and authorities to the Construction Management Team (CMT):

A. *Request for Bids.* The CMT shall approve the form of all Request for Bids or Request for Proposals (RFP) to be sent to proposed vendors for the construction project.

B. *Approval of Vendors.* The CMT shall receive the responses to RFP's and make a final selection of the vendor who will be awarded the bid.

C. *Contracting and Review.* The CMT shall, in conjunction with the Tribe's Legal Department, negotiate and approve contracts for the winning bidders of RFP's.

D. *Entering into Contracts.* The CMT shall be delegated authority to enter into contracts directly related to the construction project where such contracts are within the approved budget and where such contracts do not contain a waiver of sovereign immunity of the Tribe.

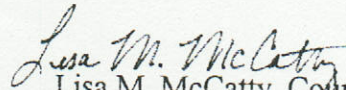
The CMT shall maintain originals of all contracts, and submit copies of all contracts to the Tribal Council, with summaries of the contracting process, for information only purposes.

Provided that, all other contracts shall be forwarded for approval by the Tribal Council.

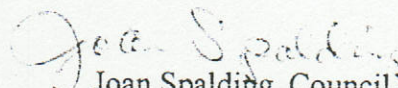
Provided further, that all contracts shall be signed by the Tribal Ogema, or in his/her absence, the Tribal Council Speaker

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 1 AGAINST, 2 ABSENT, and 1 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on March 21, 2001, with a quorum being present for such vote.


Lisa M. McCatty, Council Recorder

Attest:


Joan Spalding, Council Speaker