



Little River Band of Ottawa Indians
1762 U.S. 31 South
Manistee MI 49660
(231) 723-8288

ORIGINAL

Resolution No. #01-0606-04

**Authorizing the Construction Management Team to
Execute Bulletin No. 3 to Provide Plumbing and Electrical Hookups for ALL
Kitchen Equipment (to be completed within 30 days of the purchase,
receipt and setting of this equipment) at a Cost of \$96,832.00.**

\$96,862.00 (2)

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 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 Tribe has determined that the development of the permanent casino/resort facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, the Tribe has pursuant to Resolution No. #01-0303-02, authorized execution of a Design/Build Agreement, dated March 1, 2001, with Cunningham-Limp Company for design and construction of the Tribe's Permanent Casino/Resort (hereafter the "Agreement"); and

WHEREAS, the Tribe has pursuant to Resolution No. #01-0110-03, created a Construction Management Team to manage the construction of the Permanent Casino/Resort project under the Agreement; and

WHEREAS, the Tribe has, pursuant to Resolution No. #01-0303-01, approved a Capital Budget for the Little River Casino Resort Expansion, which budget included a Contingency Allowance in the amount of \$2,700,000.00; and

WHEREAS, Section D.4.d. of Resolution No. #01-0110-03 requires the Construction Management Team to present Changer Orders to the Agreement, which either: (a) increase the Guaranteed Maximum Price for the Project prescribed in the Agreement; or (b) would require use of any portion of the Contingency Allowance in the capital budget for the Project; and

WHEREAS, pursuant to Article IV, Section 7 (i)(2) of the Tribal Constitution, the Tribal Council is authorized to manage funds within the exclusive control of the Band, pursuant to appropriations or budgets authorized by the Tribal Council; and

WHEREAS, the Construction Management Team and the Owner's Representative have presented, and are recommending approval of Bulletin No. 3 for additional work, which would authorize execution of a Change Order and increase the Project cost by ~~\$96,832.00~~ and which would be paid from the Contingency Allowance in the Capital Budget. ~~\$96,832.00~~ \$96,862.00 (2)

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves Bulletin No. 3 and authorizes the Construction Management Team to process a Change Order to Provide for Kitchen Hookups (electrical and plumbing) at a Cost of ~~\$96,832.00~~ \$96,862.00

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker to execute a Change Order incorporating Bulletin No. 3.

IT IS FURTHER RESOLVED that the Tribal Council authorizes an incremental increase in the guaranteed maximum price in Agreement in the amount of ~~\$96,832.00~~ and authorizes use of the Contingency Allowance in the Capital Budget, if necessary, to fund the cost of such incremental work.

\$96,862.00 (2)

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on June 6, 2001, in Manistee, Michigan, a quorum of the Tribal Council being present for such vote.



Lisa M. McCatty, Council Recorder
Lisa M. McCatty

Attest:



Joan Spalding, Council Speaker
Joan Spalding

Distribution: Tribal Council Records
Accounting Department (ATTN: Dale Magoon)
Tribal Court
Legal Department
Cunningham-Limp Company
Miller & Schroeder Investments
Construction Management Team