



LITTLE RIVER BAND OF OTTAWA INDIANS

1762 U.S. 31 South
Manistee, MI 49660
(231) 723-8288
(231) 723-8020 Fax

Resolution #01-1205-05

Authorizing the Construction Management Team to Execute Bulletin No. 37 (as approved by motion 11/27/01 but which required a resolution) and to also Develop a Corresponding Change Order to modify the underground water mains and make the existing vault on-site the storage reservoir for the Fire Protection System for the Interim Casino and Expanded Casino including the Conference Center, Pool & Activity Areas and the Hotel that was NOT provided for in the Project's Base Scope of Work at a cost of \$66,110.00

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.); 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 Tribal Council is authorized under article IV, Section 7 to "exercise the inherent powers of the Little River Band by establishing laws and through the enactment of ordinances and adoptions of resolutions not inconsistent with this Constitution...to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members; 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 the execution of a Design/Build Agreement, dated March 1, 2001, with Cunningham-Limp Company for the design and construction of the Tribe's permanent Casino-Resort; 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 above 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.4d of Resolution No. #01-0110-03 requires the Construction Management Team to present Change Orders to the Agreement, which either: (a) increase the Guaranteed Maximum Price for the project prescribed in the

Agreement; or 9b) 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 37 for additional work, which would authorize execution of a Change Order and increase the Project cost by \$66,110.00 and which would be paid from the Contingency Allowance in the Capital Budget.

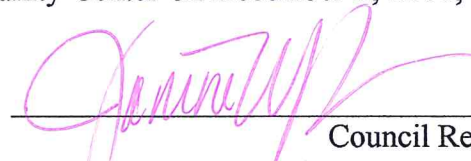
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves by Resolution Bulletin 37 (as was approved 11/27/01 by motion) and which further authorizes the Construction Management Team to process a Change Order to modify the underground water mains to make the existing vault the on-site water storage reservoir for the fire protection system which includes changes to the existing pump to serve this system (that was not in the original scope of work) at a cost of \$66,110.00.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Tribal Ogema or, in his absence, the Tribal Council Speaker, to execute a Change Order that incorporates the changes in Bulletin 36.


IT IS FURTHER RESOLVED THAT the Tribal Council authorizes an incremental increase in the guaranteed maximum price in the Agreement (with Cunningham-Limp) in the amount of \$66,110.00 and authorizes use of the Contingency Allowance in the Capital Budget, as necessary, to fund the cost of such incremental work.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 AGAINST, 0 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 December 5, 2001, with a quorum being present for such vote.



Council Recorder



Attest: Council Speaker