



## LITTLE RIVER BAND OF OTTAWA INDIANS

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

Resolution #01-1219-15

**Authorizing the Construction Management Team to Execute Bulletin No. 33 that authorizes the purchase of a new 50-ton HVAC unit (instead of relocating the existing 50 ton HVAC unit currently serving the Interim Casino) a purchase that was NOT provided for in the Project's Base Scope of Work (plan was to relocate the above mentioned unit) at a cost that will increase the guaranteed maximum price in an amount not to exceed \$41,800.00.00**

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 33 and which would authorize the execution of a Change Order and increase the Project cost by an amount not to exceed \$41,800.00 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 33 and further authorizes the Construction Management Team to process a Change Order to cover the costs of the referenced 50-ton HVAC unit (in lieu of pulling the existing unit from the Interim Casino) that was not in the original scope of work in an amount not to exceed \$41,800.00.

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 33.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes an incremental increase in the guaranteed maximum price in the Agreement (with Cunningham-Limp) in an amount not to exceed \$41,800.00 and authorizes use of the Contingency Allowance in the Capital Budget, as necessary, to fund the cost of this work.

#### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 2 AGAINST, 2 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 December 19, 2001, with a quorum being present for such vote.

  
\_\_\_\_\_  
Council Recorder

  
\_\_\_\_\_  
Attest: Council Speaker



**BULLETIN**

OWNER ☐  
ARCHITECT ☐  
CONTRACTOR ☐  
FIELD ☐  
OTHER ☐

CMT # 3

**PROJECT:** Little River Hotel & Casino  
Manistee, Michigan

**BULLETIN NUMBER:** # Thirty-Three (33)  
**DATE:** October 9, 2001

**TO CONTRACTOR:** Cunningham-Limp  
38799 W. Twelve Mile  
Suite 100  
Farmington Hills, MI 48331

**ARCHITECT'S PROJECT NO:** 99-91  
**CONTRACT DATE:**

**CONTRACT FOR:**  
**CONTRACTOR PROJECT #** 99035

The Contract is changed per the attached estimate breakdown and subcontractor attachment.  
This is to purchase a new 50-ton HVAC unit instead of relocating the existing 50 ton HVAC unit on the Interim Casino,  
which is not in the base contract scope of work.

Not valid until signed by the Owner, CMT and Contractor.

The Contract Sum will be increased by this Bulletin in the amount of. . . . . \$ 41,800.00

The Contract Time will be Unchanged  
The date of Substantial Completion as of the date of this Bulletin therefore is Unchanged

Upon approval, this bulletin becomes Change Order # \_\_\_\_\_.

CMT

1762 U.S. 31 South  
Manistee, MI 49660

By \_\_\_\_\_

DATE \_\_\_\_\_

CONTRACTOR

Cunningham-Limp Development Company  
38799 W. 12 Mile, Ste 100  
Farmington Hills, MI 48331

By \_\_\_\_\_  
Stephen R. Guidos - Vice-President

DATE \_\_\_\_\_

OWNER

Little River Band of Ottawa Indians  
1762 U.S. 31 South  
Manistee, MI 49660

By Stephen R. Guidos

DATE 12-20-01