

Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 02-1030-02

Authorizing the Construction Management Team to Execute a Change Order that increases the contract amount with Great Lakes West by \$5,703.00 to cover the costs related to "additional" work (labor) related to the installation of beer and liquor lines that were run throughout various locations in the casino

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 had entered into a separate agreement with Great Lakes West for their food service related expertise that included kitchen equipment and labor as well as the running of beverage lines (including beer and liquor lines); and

WHEREAS, the CMT has received and reviewed the materials presented by Great Lakes West related to the work by one of their subcontractors that was completed for the Little River Casino-Resort project that describes and documents "additional work" that was necessary in completing the work due to a variety of difficulties

that were encountered including the following: 1) debris and crushed lines through which beer and liquor lines needed to be run; 2) missing thresholds that were replaced by the subcontractor; 3) relatively sharp bends in the chases that complicated the installation of the needed lines; 4) out of square wall which necessitated counter adjustment; 5) camera work to substantiate chase status; and

WHEREAS, the CMT has also reviewed the costs related to the materials and labor involved in completing the work as presented by Great Lakes West and further recommends payment of for these services in an amount of \$5,703.00 through the execution of a change order that increases the contract with Great Lakes in this same amount; and

WHEREAS, it is the intention of the CMT to further negotiate the validity of these costs with Cunningham-Limp and recover these funds from the project's design-builder due to construction circumstances that increased the work on the part of Great Lake's subcontractor; 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, it is further recommended that the project budget's FF&E Contingency Allowance be utilized to cover the above noted costs which will not increase the guaranteed maximum price of the overall project.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves by Resolution the Change Order associated with Great Lake's West's work as described for additional equipment but mainly additional services not covered in the original scope of work at a cost of \$5,703.00.

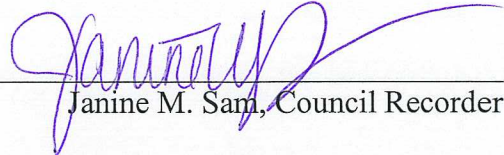
IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Tribal Ogema or, in the absence of, the Tribal Council Speaker, to execute the above mentioned Change Order.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes an increase in the agreement with Great Lakes West in the amount of \$5,703.00 and authorizes said payment for the costs of this work through the project's FF&E budget.

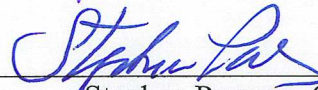
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 AGAINST, 1 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 October 30, 2002, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department