

**Little River Band of Ottawa Indians**  
**375 River Street**  
**Manistee, MI 49660**  
**(231) 723-8288**

**Resolution # 02-1120-01**

*Authorizing Execution of a Production Agreement  
with JS Interactive for Production of an Interactive Language CD*

WHEREAS, the Band'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 Band 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 Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema; and

WHEREAS, the Tribal Ogema has presented an Interactive CD-ROM Production Contract with JS Interactive to complete the programming and production of an interactive Anishinaabemowin language CD-ROM for distribution to Band members and others enhance efforts to promote the survival and continuing vitality of Anishinaabemowin; and

WHEREAS, the purposes associated with the proposed Production Contract are work product requirements under the second year of the Band's grant with the Administration on Native Americans; and

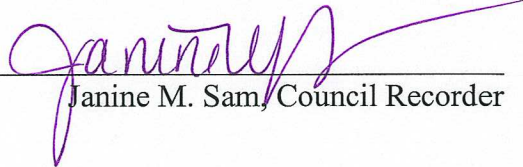
WHEREAS, based upon the Band's Language Program Director Instructor familiarity with the work of JS Interactive, JS Interactive's experience in the development of culturally appropriate programs for other Indian Nations and the unique nature of the services being contracted for, the Program Director and Tribal Ogema are requesting approval of "sole source" contracting with JS Interactive; and

WHEREAS, the Tribal Council supports the Program Director's recommendation to utilize JS Interactive as a sole source vendor to complete the necessary programming and production work in accordance with the terms and conditions prescribed in the attached Contract and Addendum.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute contract with JS Interactive to provide programming and production services related to completion of an interactive language CD-ROM for the Anishininaabemowin Language Program.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 20, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

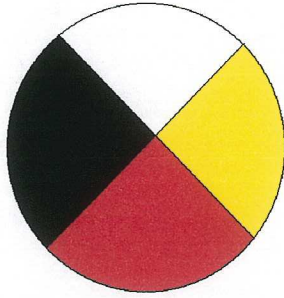
Distribution: Council Records  
Tribal Ogema  
cc: Accounting Dept.  
Legal Department  
JS Interactive





### **Contents of packet**

Page 1	Informational letter to Little River Band Tribal Council
Page 2	Narrative from ANA grant to sell CD Rom
Page 3	Brief outline of work plan from ANA grant
Page 4	Resume from CD Rom Multi Media Programmer
Page 5	Contract between Little River Band and Jim Sundberg



**Anishinaabemowin  
Multi media CD Rom project**

**To: Little River Band Tribal Council**

Ladies and Gentlemen we are in year two of the ANA grant and this is the year we produce the Multi media CD Rom. I have already organized it and ready to move ahead with the project with the multi media programmer. We are very fortunate to have such a talented and successful program locally. His name is Jim Sunburg and he lives in Williamsburg Mi. I have seen his work and was recommended to me by others that have worked with him. Enclosed are some of the awards his company has earned. He has worked with the native community before and is sensitive to our culture and language. There are other programmers out there and most of them are out of state and others that are around are not as talented. The CD Rom project that I helped produce at the Grand Rapids museum was not as big as this one but more expensive.

When we wrote this grant part of the plan was to distribute this CD Rom to Little River Band membership to who ever wanted it. It can be used as a gift to graduates and language students. We also wrote that we can sell it. It would not be hard to sell such a marketable item. We can put on many internet websites, Noc Bay Trading Co. in Escanaba, Indian Hills Trading Co. in Petoskey, Indian Country, and many other places throughout the Great Lakes Region.

We already contacted ANA and they agree that if we market this CD Rom, the project would fund itself. For instance if we were to sell this CD Rom to people other than Schools or Business for \$49.95 each. It would take 1600 copies to pay for this project. I am recommending that the funds generated from the sale of this CD Rom fund part of the Language program or another CD Rom project. The video project falls in the same category. So we can market both CD's and videos.

How do we do all this? I believe we have enough talent within the Little River Band that we do not have to hire someone from the outside to market this project. I think we should do it because it is ours. In talking with students and others that I work with everyone seems to want to help somehow. I believe we should form a team that will work together and it should not take so much of our time. The websites the retailers will do the rest of the work.



The third product produced by the project will be the *Ottawa Language Instruction CD-ROM*. This product will incorporate the Ottawa language curriculum into an interactive audio and visual tool that can be used by anyone with computer access. A growing number of tribal families have computers at home and all Michigan children have access to computers at school. The Little River Band makes a lap top computer available to each Tribal member when they decide to pursue post-secondary education. At the end of the second year the process for disseminating the CD-ROM will begin. At that time the CD will also be made available to other interested individuals and communities. The Little River Band will make this CD-ROM available at a price that will make it accessible and cover the cost of the materials and reproduction.

Finally, the project will develop an *Internet Web site* that will offer interactive language instruction. This site will be accessible to anyone with Internet access. A growing number of Tribes and individuals have Internet access. Young people are especially familiar with the use of the Internet and all Michigan schools have access. Individuals without Internet access at home can access the site through the growing number of libraries that offer this to the public.

This project has a strong focus on using technology to facilitate language preservation. The need for face to face interaction and opportunities for language immersion are also an important part of the program, but it is the use of technology that makes this program unique. It also makes it possible to amplify the voice of Anishinaabemowin beyond the scope of the classroom, camp, or conference setting. This project will make an important contribution to building a language preservation infrastructure that will benefit the entire Anishinaabek nation.

**Project: Anishinaabemowin**

**Year: 2      ANA Goal: To promote the survival and continuing vitality of Native American Languages.**

**Objective 1:** By the 8<sup>th</sup> month of Year 2, the Project Director/Language Instructor and contracted consultant will produce an interactive Ottawa language instruction CD-ROM for distribution to Tribal members nationwide.

**Results or Benefits Expected:** 1) The CD-ROM will be completed by the 9<sup>th</sup> month and distributed to each member household by the 12<sup>th</sup> month. 2) This resource will offer interactive and multi-media Ottawa language instruction to Tribal members nationwide as part of the Tribal strategic plan to promote the survival and continuity of the Ottawa language. 3) The Tribal members will increase their knowledge of words, phrases, and conversational Ottawa. 4) The members will gradually regain conversational fluency in the Ottawa language.

Activities	Persons Responsible	Time Period		Non Salary Personnel Hours
		Begin	End	
1. Organize the content of CD based on Language curriculum developed for the weekly classes and other material.	Project Director/Language Teacher	Month 1	Month 3	
2. Ask Cultural Preservation Committee to review.	Project Director/Language Teacher	Month 4	Month 4	
3. Develop CD with interactive audio and visual features.	Project Director/Language Teacher & Consultant	Month 5	Month 8	
4. Set up process for ordering and distributing CDs to members.	Project Director/Language Teacher & Consultant	Month 8	Month 9	
5. Begin distributing CDs.	Project Director/Language Teacher	Month 9	Month 12 On-going	

**Criteria for Evaluating Results or Benefits:** 1) CD is produced. 2) The Tribal Council approves process for distribution. 3) CDs are distributed to members through an approved ordering process. 4) Positive feedback will be received from the majority of CD users. 5) Feedback from Tribal elders on changes in language use. 6) A survey of the Tribal members will be conducted in the last year of the project to receive feedback on the impact of the project.





[info@jsinteractive.com](mailto:info@jsinteractive.com)  
[www.jsinteractive.com](http://www.jsinteractive.com)

## **Jim Sundberg**

Owner / Producer / Programmer  
7409 Cram Rd.  
Williamsburg, MI 49690  
(231) 267-5479 tel  
(231) 267-5438 fax

### **Awards**

1995 Max Award – “Town & Country Cedar Homes (ver. 1.0)”, 1996 Communicator Award – “Town & Country Cedar Homes (ver. 2.0)”, 1999 National Association of Home Builders “*Best CD-ROM*” – “Town & Country Cedar Homes (ver. 3.0)” and “*Best Website*”, 2000 PricewaterhouseCoopers Technology Award (internal departmental award for WebLearn) – “Best New Internet Technology”, 2000 Communicator Award – “Northern Michigan Golf Trail”, 2001 National Association of Home Builders “*Best CD-ROM*” – “Town & Country Cedar Homes (ver. 4.0)”, 2001 Max Award – “Town & Country Cedar Homes (ver. 4.0)”

### **Projects**

#### **Computer Based Training**

##### **PricewaterhouseCoopers - NY, NY**

Producer, Designer, Programmer

Created and programmed a new set of software tools for **PricewaterhouseCoopers' Learning and Education Department**. These tools allow the Subject Matter Experts to write on-line courseware content (including audio, video and Flash clips) and create the underlying programming code, all in one simple step (with no previous programming experience). This software has already been used internationally for more than a dozen on-line courses at PwC. Over 40,000 users have successfully completed these courses, with virtually no technical support issues. This software includes custom routing to an on-line database that collects the course results and optional offline versions that can run from a CD-ROM or be downloaded from the web. This new software won an internal PWC award for “**Best New Educational Technology**” in 2001.

#### **Database CD-ROM**

##### **Taco Bell - Irvine, CA**

Producer, Designer

Created a multimedia/database CD-ROM containing information on **all 1800 stores in the Taco Bell system**. The database was linked to a catalog of over 4,800 images from every store in the system. The end-users were store designers and project managers at Taco Bell. Users use the CD to search or browse the photos and information to make decisions about equipment and mechanical service upgrades at each store.

#### **Marketing CD-ROMs**

##### **Holiday Inn west Bay, Shanty Creek Resort, Crystal Mountain Resort, Black Bear Resort - Michigan**

Producer, Designer, Programmer, Photographer

Created four **full-featured interactive CD-ROMs**, for four of the largest resorts in Northern Michigan.

These presentations use video clips, hundreds of photos, narration, music, virtual tours, and links to files on the Internet. These CD-ROMs are used to market the resorts to meeting planners and potential resort guests all over the United States and Canada.

#### **Videos and Slideshows**

##### **Nez Perce, Swinomish and Shoshone – Bannock tribes**

Co-produced, programmed and photographed several projects for the Housing Authorities of each tribe.

**Marketing CD-ROM, Database CD-ROM, Corporate and Dealer Websites  
Town & Country Cedar Homes - Petoskey, MI**

Producer, Designer and Programmer

"The Town & Country Difference" was the first CD-ROM in the log home industry (1996 - 2001 versions). Both the CD-ROM and website recently won "**Best of 2000**" and "**Best of 2001**" awards at the "National Association of Home Builders" (NAHB) annual meeting. The CD also won a Northern Michigan MAX award in 2001.

**Language Arts Laser Disc/Kiosk  
Houghton Mifflin - Chicago, IL**

Art Director, Programmer, Graphic Artist, Lighting and Audio Production

Worked with instructional designers to create the graphics and programming for two **Language Arts laser discs**. The project was also used in a Kiosk and included two 60-page teaching manuals with graphics and photos.

**Kiosk/Laser Disc  
Various Health Related Projects  
O.R.C.A.S./N.I.M.H.**

Programmer, Art Director

Worked on several interactive projects for the Health Care Industry. The topics included AIDS, Diabetes, Smoking and Chewing Tobacco.

**Photography - View Books, College Catalogs  
Oregon State System of Higher Education**

Art Director, Photographer

Photographed all eight state colleges and universities in Oregon.

**Photography - Internet websites and brochures**

**Swedish Match, Sweden**

Art Director, Photographer

Photographed facilities, manufacturing lines and employees at various factories and offices of Swedish Match in Sweden, Denmark, Switzerland and Belgium.

**Photography - Internet websites, brochures and multimedia presentation**

**Continental Airlines, Japan**

Art Director, Photographer

Photographed airplanes, the terminal and various locations and sites, in and around the city of Tokyo, Japan.

**Website Samples**

[www.jsinteractive.com](http://www.jsinteractive.com)

[www.tvcairport.com](http://www.tvcairport.com)

[www.telluridemountainhomes.com](http://www.telluridemountainhomes.com)

[www.cedarhomes.com](http://www.cedarhomes.com)

- New "Cedarhomes.com" website under development at [www.jsinteractive.com/tcnew](http://www.jsinteractive.com/tcnew)

[www.carolinamountaincedarhomes.com](http://www.carolinamountaincedarhomes.com)

[www.brewbakersfurniture.com](http://www.brewbakersfurniture.com)

[www.realesatenorthstar.com](http://www.realesatenorthstar.com)

JS Interactive has also produced a variety of on-line virtual tours and online video tours for clients including: Shanty Creek, Crystal Mountain, Mackinaw City Visitors Bureau, The Homestead, Mulloy Realty, Marsh Ridge Resort, Art Van Furniture, Chateau Chantal, Dennon Museum, Grand Traverse Auto, Great Lakes Shipwreck Museum, Holiday Inn West Bay, Cherry Capital Airport, Town & Country Cedar Homes, and Treetops Resort.





P.O. Box 8  
Williamsburg, Michigan 49690  
Tel (231) 267-5479 | Fax (231) 267-5438  
info@jsinteractive.com

**JS Interactive CD-ROM Production Contract for:  
Little River Band of Ottawa Indians - Language CD-ROM  
November 27, 2002**

JS Interactive (Jim & Karen Sundberg), is hereby contracted by Little River Band of Ottawa Indians to produce an interactive language CD-ROM. Per JS Interactive's estimate dated 10/14/02, the total charge for the production will be **\$79,390.00**. Payments will be made as follows: **\$19,847.50 Deposit**, due upon signing of this contract; **\$19,847.50**, due January 15, 2003; **\$19,847.50**, due April 15, 2003 and the balance due September 1, 2003 or 30 days after the approval of the finished CD-ROM. When the deposit and signed contract are received, JS Interactive will begin production. The proposed delivery date for the finished CD-ROM is on or before July 10<sup>th</sup>, 2003, based on the receipt of the signed contract and the production deposit by November 30<sup>th</sup>, 2002. The balance will be based on the proposal unless the client requires additional services or additional duplicates of the CD-ROM (**2,000 copies are included** in the production estimate).

All past due accounts will be subject to a finance charge of 1.5% per month or 18% annually. JS Interactive may suspend the project if fees are not paid in accordance with this contract. Deposits or payments made to JS Interactive are not refundable.

JS Interactive will not be held liable for the loss of any kind whatsoever due to delays or failure in performance caused directly or indirectly by acts of God, strikes, fires, theft, public enemies, the elements, war, insurrection, shortages of materials or labor, government regulations or any losses related to the use of any products, images, or material in the presentation(s) supplied by the client. Because our solutions are often based on the products developed by other companies, JS Interactive cannot be held liable for damages caused by products not developed exclusively by JS Interactive. With the constant changes in operating systems, video codecs, viewers, internet technology and hardware, JS Interactive cannot test or guarantee the playback quality or reliability of this CD-ROM project on any computer hardware, systems, operating systems or other software that is not currently available to JS Interactive during the production of this CD-ROM project. The finished CD-ROM will be PC compatible.

JS Interactive will make every attempt to exercise reasonable care throughout the production process.

The above prices, specifications and conditions are satisfactory and are hereby accepted. JS Interactive is authorized to proceed with the production as specified in this proposal. Payments will be made as outlined above.

Date: 11-27-02

Jay Sam  
Tribal Ogema  
Little River Band of Ottawa Indians

Kenny Pheasant  
Language Instructor  
Program Director

Date: 11-27-02

Jim Sundberg  
Owner/Producer  
JS Interactive



ADDENDUM to Contract "JS Interactive CD-ROM Production Contract

1. JS Interactive (the "Programmer") represents and warrants that it possesses, or will obtain, any licenses or rights to software, programming methods, photographs, graphic images, and music clips necessary to fulfilling the terms of this agreement. The Programmer represents, warrants, and agrees that the Programmer is capable of fulfilling the terms of this Agreement and is an expert in and fully acquainted with the Interactive CD-ROM required for producing the Program, [or can become an expert therein and still fulfill the terms of this Agreement and the production schedule herein], and that the Program as finally delivered to the Little River Band of Ottawa Indians, including any and all enhancements, modifications or updates thereto, shall be error-free.
2. 

Performance of the CD-ROM.

JS Interactive agrees that he shall be responsible for developing and insuring the performance of the CD-ROM according to the requirements of the specifications prescribed by the Tribes language Program Director, and further agrees that the CD-ROM will not be considered properly completed until it runs substantially without error and fully in accordance with the requirements defined by the Tribe's Program Director. Prior to delivery of the Working or Final Program, the Tribe's language Program Director or the Programmer may suggest changes in the Program. Agreed upon changes shall be in writing and signed and dated by the parties hereto and shall be incorporated and integrated into this Agreement.
3. JS Interactive agrees that he is an independent contractor for purposes of this Agreement and that the work he is creating has been specifically commissioned by the Little River Band of Ottawa. This work is a work for hire under the Copyright Act of 1976 and, with the exception of stock photographs, graphic images and music clips utilized by the Programmer, the Tribe owns all copyright in this CD-ROM and in the materials used to create the CD-ROM. The CD-ROM is for use as a compilation.
4. 

Relation of the Parties.

JS Interactive agrees at all times that the copyright in the CD-ROM to be created pursuant to this Agreement is owned by and will reside in the Little River Band of Ottawa Indians. JS Interactive agrees at all times that the copyright in the CD-ROM to be created pursuant to this Agreement is owned by and will reside in the Little River Band of Ottawa Indians. JS Interactive will take no steps to appropriate such property for himself and will endorse any documents required by the Little River Band of Ottawa Indians for affirming ownership of the CD-ROM in the Little River Band of Ottawa Indians.
5. 

Rights in CD-ROM.


All original written material, including but not limited to programs, card decks, magnetic tapes, listings, and other software and programming documentation originated and prepared for the Little River Band of Ottawa Indians pursuant to this Agreement shall belong exclusively to the Little River Band of Ottawa Indians and shall be copyrighted in the Little River Band of Ottawa Indians name. The ideas, concepts, know-how, or techniques relating




to data processing developed during the course of this Agreement by either the Little River Band of Ottawa Indians or JS Interactive will execute and deliver further instruments warranting and confirming in the Little River Band of Ottawa Indians all such rights and ownership.


6. The Programmer shall indemnify and/or defend or settle any claim, suit, action or proceeding brought against the Tribe, in whatever capacity, to the extent that such claim, suit, action or proceeding is based on a claim that the Program constitutes an infringement of a patent, copyright or other proprietary right of a third-party. The Tribe shall promptly notify the Programmer in writing of any such claim, suit, action or proceeding. The Programmer shall have no liability for any such claim, suit, action or proceeding based upon the Tribe's use of the Program in any manner for which it was not intended or arising solely from alterations, modifications or improvements made therein by the Tribe, either directly or indirectly, not involving the Programmer.

<sup>1</sup>Date: 11-27-02

  
Jay Sam, Tribal Ogema  
Little River Band of Ottawa Indians

  
Kenny Pheasant  
Language Instructor, Program Director

Date: 11-27-02

  
Jim Sanberg, Owner/Producer  
JS Interactive