

Ordinance 44-09

An ordinance amending 7 MLBSA § 26 (Contract Administration) and § 28(b) to require that any and all contract addendum(s) totaling \$25,000.00 be approved by the Band Assembly prior to implementation.

The District III Representative introduced the following Bill on the 11th day of August, 2009.

PREAMBLE

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending the Procurement law of the Band Government to require that any and all contract addendum(s) for goods or services totaling \$25,000.00 must be approved by the Band Assembly prior to implementation.

Section 1. Section 26 of Title 7 of Mille Lacs Band Statutes Annotated is amended as follows:

§ 26. Contract Administration.

- (a) A system for contract administration will be maintained to assure contractor conformance with terms, conditions and specifications of the contracts or orders and to assure adequate and timely follow-up of all purchases.
- (b) All contracts for services and materials shall be reviewed and approved in the following manner:
 - (1) The Office of Management and Budget shall review all contracts to ensure that sufficient budgetary and payment term considerations are in place.
 - (2) The Solicitor General shall review all contracts over \$5,000.00.
 - (3) Administrative Policy Board approval is required for all Executive Branch contracts over \$5,000.00.
 - (4) Band Assembly ratification is required for all contracts in excess of \$25,000.00, including any and all contract addendum(s) that in total increase costs to \$25,000.00.

Section 2. Section 28(b) of Title 7 of Mille Lacs Band Statutes Annotated is changed as follows:

Section 28. Changes.

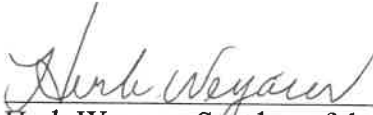
- (b) If any such change causes an increase or decrease in the cost of, or the time required for performance of any part of the work under the contract, the Contract Officer is authorized to make an equitable adjustment of up to 5% in the contract price (provided sufficient funds are available), the delivery schedule, or both. Any and all modifications of a contract, which combined total \$25,000.00, shall

be approved by the Band Assembly. Failure of the parties to agree to any such adjustment shall be a dispute under the Disputes Clause. However, nothing in either this clause or the Disputes Clause shall excuse the contractor from proceeding on the contract as changed.

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Introduced to the Band Assembly on this
eleventh day of August in the year
Two thousand nine.

Passed by the Band Assembly on this
Twelfth day of November in the year
Two thousand nine.



Herb Weyaus, Speaker of the Assembly

APPROVED

Date: 11-12-09



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND