



MILLE LACS BAND OF CHIPPEWA INDIANS
Legislative Branch of Tribal Government

Resolution 06-02-136-94

A RESOLUTION RATIFYING ACTIONS OF THE CORPORATE COMMISSION OF THE MILLE LACS BAND OF OJIBWE INDIANS WHICH APPROVE OF THE HINCKLEY AREA CLINIC PROJECT, APPROVE NEGOTIATIONS FOR LONG TERM LEASE AGREEMENT WITH THE UNIVERSITY OF MINNESOTA FOR THE MANAGEMENT OF THE CLINIC, AND APPROVE THE NEGOTIATIONS FOR A DESIGN BUILD CONSTRUCTION CONTRACT AND OTHER RELATED AGREEMENTS WITH RYAN CONSTRUCTION INVOLVING THE PROJECT.

- WHEREAS, the Mille Lacs Reservation Band Assembly is the duly elected governing body of the Mille Lacs Band of Ojibwe, and;
- WHEREAS, Pursuant to Band Statute 1202 MLC-16 Section 5.04 (b) The Corporate Commission of the Mille Lacs Band of Ojibwe Indians ("Commission") is empowered to enter into contractual agreements for, among other things, purposes of improving the economy of the reservation; and,
- WHEREAS, The Corporate Commission of the Mille Lacs Band of Ojibwe Indians ("Commission") and the Mille Lacs Band of Ojibwe Indians ("Band") are desirous of causing the construction of operation of a health care clinic in the Hinckley area ("Hinckley clinic"); and,
- WHEREAS, Among the many benefits of causing the construction and operation of a Hinckley Clinic are: profitable enterprise for the Commission, increased access to quality health care for Band Members in the area, increased convenience and decreased health care costs for employees of the Hinckley Grand Casino, providing quality health care to the region and consequently better relations with the non-Indian community,
- WHEREAS, In order to facilitate the construction and operations of the Hinckley Clinic the Commission has passed resolution 0816.6 which authorizes a long term master lease with the University of Minnesota for the operation of the Hinckley Clinic, a consulting agreement with the U of MN and a design build contract with Ryan Construction for the architecture and construction of the Hinckley Clinic, an agreement with Ryan Construction to act as the commission's agent to acquire land necessary for the Hinckley Clinic, and an underwriting agreement with Ryan Construction for the financing of the Hinckley Clinic; and,
- WHEREAS, Band Statute 1128 MLC-45 governing Band procurement utilizing Bureau of Indian Affairs ("BIA") grant money does not apply to transactions like the one contemplated for the Hinckley Clinic. The Commission does, none- the-less, want to comply with the spirit of the procurement statute; and,

WHEREAS, Both the U of MN as the Manager of the Hinckley Clinic and Ryan Construction as the design/build contractor for the Hinckley Clinic both qualify for their respective roles under the Non-competition negotiation provisions as described in 1128 MLC-45 Section 27 as after solicitation of a number of sources the competition was deemed inadequate and the contractors who possess the potential ability to perform successfully under the terms of the proposed procurement; and,

WHEREAS, Both of the above listed vendors qualify because after a through analysis of other potential vendors chosen offered the following impeccable characteristics not offered by any other potential vender:

With regard to the University of Minnesota:

I) they offer an unequaled, world renowned track record for the operation of such a clinic facility;

II) an impeccable reputation that, among many other things, allows for extremely favorable financing of the Hinckley Clinic;

III) the potential for many other positive associations resulting in other benefits to the Commission and the Band with the many other department of the U of MN.

With regard to Ryan Construction:

I) they beat the price of a competitive cost estimate on the Hinckley Clinic project by 542,170;

II) they offer the combined design/build architecture as one full service package which obviated the need to look to multiple sources on a single project as has presented problems for the Band on other projects the Band has endeavored;

III) they have contracted and delivered to the Commission a through analysis of the Hinckley Clinic project;

IV) A long and accomplished record of clinic/hospital construction;

V) they have offered to assist the Band in our negotiations with the U of MN for the master lease agreement;

VI) they have offered to allow all previous paid contract services to be contracted to be rolled into one price of the eventual design build contract thereby saving the Commission money on the project;

VII) they have offered to assist in the acquisitions of land for the Hinckley Clinic project;

VIII) they offer to finance, at a very reasonable fee of 1%, the Hinckley Clinic.

NOW, THEREFORE BE IT RESOLVED, The Band Assembly hereby ratifies the actions of the Corporate Commission in resolution 0816.6 regarding the Hinckley Clinic project.

BE IT FURTHER RESOLVED, The Band Assembly ratifies the authorizations of the Corporate Staff to enter into negotiations with the University of Minnesota for a master lease for the management and operations of the Hinckley Clinic.

BE IT FURTHER RESOLVED, The Band Assembly ratifies the authorization of the Commission staff to notation a design/build guaranteed maximum price contract not to exceed \$30,000.00 to assist the Commission the negotiation of the master lease with the U of MN, and to enter into an underwriting agreement not to exceed a fee 1% of the amount financed for the financing of the Hinckley Clinic.

BE IT FURTHER RESOLVED, The Band Assembly ratifies the authorization of the acquisition land more particularly described as parcels #2 & #3 in appendix "A" to this resolution for the Hinckley Clinic at a price not to exceed \$ 100,000.00, and ratifies the designation of Ryan Construction as our agent to acquire such parcel and specifically appropriates an amount of money not to exceed \$ 100,000 for purposes of acquiring said parcel.

BE IT FURTHER AND FINALLY RESOLVED, upon completion of the negotiations for the various contracts and agreements referred to above in form and substance satisfactory to the Commission, and the Band Assembly will ratify the Commission's approval of such contracts and agreements along with an appropriation of an amount not to exceed \$ 331,000.00 from the designated Economic Development Fund for the Commission's equality investment in the Hinckley Clinic.

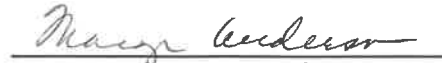
WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 6th day of September, 1994 at Vineland, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of Assembly to be affixed to this resolution and forwarded to the Chief Executive for concurrence.



David Matrious, Speaker of Assembly

IN CONCURRENCE, with the action of the Speaker of Assembly, we, the Administrative Policy Board hereunto cause to have set the hand of the Chief Executive to this resolution.



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND