

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR ONE OR MORE OWNER'S REPRESENTATIVES (PROGRAM MANAGERS) TO OVERSEE AND MANAGE THE PLANNING AND CONSTRUCTION OF GOVERNMENT SERVICE BUILDINGS IN THE NINE (9) TRIBAL DISTRICTS ON THE PINE RIDGE INDIAN RESERVATION, PURSUANT TO ORDINANCE NO. 21-54, AS AMENDED.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, Article IV, Sections 1(f), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Tribal Council adopted Ordinance No. 21-54 (Sept. 1, 2021) to set aside \$54 million from the Tribe's payments from the Coronavirus State Fiscal Recovery Fund ("FRF") under the American Rescue Plan ("ARP") Act, Pub. L. 117-2 (Mar. 11, 2021), for government service buildings and government programs, services, and assistance in each of the nine (9) Tribal Districts on the Pine Ridge Indian Reservation to respond to the COVID-19 public health emergency and its negative economic impacts, and

WHEREAS, the Tribal Districts have submitted proposals for government service buildings in their Districts, and the Finance Committee of the Tribal Council is reviewing those proposals, and

WHEREAS, on March 17, 2022, the Finance Committee, by motion and vote, recommended adoption of this Resolution to authorize the Tribe to issue a Request for Proposals for one or more Owner's Representatives (Program Managers) to oversee and manage the planning and construction of government service buildings in each of the nine (9) Tribal Districts on the Reservation, on behalf of the Tribe, pursuant to Ordinance No. 21-54, as amended; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council hereby authorize the Tribe to issue a Request for Proposals ("RFP") for one or more Owner's Representatives (Program Managers) to oversee and manage the planning and construction of government service buildings in each of the nine (9) Tribal Districts on the Reservation, on behalf of the Tribe, pursuant to Ordinance No. 21-54, as amended, and

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BE IT FURTHER RESOLVED, that the Owner's Representatives (Program Managers) shall be qualified to perform the following general services for and on behalf of the Tribe:

- Overseeing and managing all aspects of the planning and construction of government service buildings in each of the nine (9) Tribal Districts on the Pine Ridge Indian Reservation;
- Providing the Tribe with a preliminary evaluation of the Tribe's program, schedule, and construction budget requirements, each in terms of the other, for each building;
- Assisting the Tribe in reviewing the qualifications of, and in selecting and retaining, architects and contractors for project;
- Assisting the Tribe in determining the Tribe's need for retaining consultants to provide professional and other services for the project, and assisting the Tribe in reviewing qualifications and selecting any such consultants;
- Periodically reviewing the development of the design for the project, and providing recommendations to the Tribe for systems, materials, equipment, and techniques that may be utilized to achieve design standards for the project;
- Assisting the Tribe in coordinating the professional services of surveyors, special consultants, and testing laboratories required for the project;
- Developing and implementing a strategy, procedure, and schedule to assist the Tribe in obtaining the required reviews and approvals of Tribal and Federal authorities having jurisdiction over the project, and
- Assisting the Tribe in complying with all Tribal and Federal procurement and building standards, including but not limited to those standards set forth in 2 C.F.R. Part 200;
- Retaining, preserving, and providing access to all project related documents and information.

and,

BE IT FURTHER RESOLVED, that the Owner's Representatives (Program Managers) shall be qualified to perform the following additional, specific services for and on behalf of the Tribe:

- Developing and obtaining the Tribe's approval for a comprehensive project management plan for each building, including:
 - Recommendations for design and construction of the project;
 - Project management approach and organization, including executive, management and team staffing plan and responsibilities;
 - Project planning and development activities, including strategic planning; prioritizing; and defining scope, schedule, and budget for the project;
 - Cost estimates;
 - Project management controls, including scope, budget/cost, schedule, and quality management plan; procurement strategies and procedures, including strategy for procurement of design services and construction; procedures for pre-purchase of material, systems, and equipment; procedures for evaluating and approving substitutions; and strategy for Indian hiring preference;
 - Authorization processes and procedures, including administrative approval processes and responsibilities, and key documentation for: professional services and preconstruction services; processes and procedures for project construction procurement, such as award, contracting, notice to proceed, change orders, payment certification; and project closeout;
 - Project communication procedures, including systems, meetings, reporting, investigation, and records;
 - Development of design process guidelines, including coordination and permit process;
 - Development of construction process guidelines, including preconstruction and construction administration services, construction phase processes and procedures, program coordination, change order management, commissioning, and project closeout procedures; and
 - Project acceptance and turnover guidelines relating to contract completion and closeout management, including record documentation, manuals and warranties.

- Preparing a monthly project report for each building, which shall be provided to the Tribal District and to the Tribal Council, and which shall include: a summary update of the project status, including photographs to document the progress of the project; an updated project schedule; actual and anticipated costs related to the project; cost and payment reports for each consultant and construction contract; updated cash flow projections; tests and inspection reports; proposed and approved change orders; and a status report of nonconforming and rejected work, among other things;
- Preparing a project budget for each building, including a system of budget and cost controls to assist the Tribe in the management of project costs, cash flow projections of costs for the project, and reports on the impact on the project budget of change orders and modifications proposed by the Tribe or the Tribe's consultants and contractors;
- Preparing a project schedule for each building showing priorities, sequences, durations, and responsible parties, for major design, pricing, construction, and other activities, identifying critical milestone dates and schedule contingencies; and
- Performing project quality control for each building and advising the Tribe of deficiencies in the performance or the Tribe's consultants or contractors.

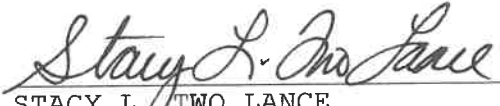
and,

BE IT FURTHER RESOLVED, the Finance Committee of the Oglala Sioux Tribal Council shall review all proposals submitted and make a recommendation to the Tribal Council on the selection of one or more Owner's Representatives (Program Managers) for the project.


C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Resolution was adopted by a vote of: 20 For; 0 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 28TH day of MARCH, 2022.

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STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



KEVIN KILLER
President
Oglala Sioux Tribe

RECEIVED
MAR 29 2022
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE SUPERINTENDENT