

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Development of a Contract Proposal to Add a Program in Roads
Design, Preconstruction and Construction to the Bureau of Indian Affairs
P.L. 93-638 Master Contract)

RESOLUTION NO. 10-351

1 **WHEREAS, the Tohono O'odham Nation (the "Nation") is a federally recognized Indian Tribe and**
2 **the Tohono O'odham Legislative Council (the "Legislative Council") is the governing**
3 **body of the Nation; and**

4 **WHEREAS, the Nation has a P.L. 93-638 master contract with the Department of the Interior**
5 **entered into in October 2005; and**

6 **WHEREAS, the Nation wishes to add a new program to the master contract in roads design,**
7 **preconstruction and construction, in which the Nation will provide the labor,**
8 **materials, equipment and services necessary to perform roads design,**
9 **preconstruction, and construction; and**

10 **WHEREAS, the Nation's Planning and Economic Development Department has or will acquire**
11 **the expertise and capability to perform and complete road design, preconstruction**
12 **and construction projects; and**

13 **WHEREAS, on August 6, 2010, the Nation submitted a Letter of Intent to the Bureau of Indian**
14 **Affairs, Western Regional Office, to contract for this program; and**

15 **WHEREAS, the Bureau of Indian Affairs has received Public Lands Highways Discretionary**
16 **("PLHD") funds for the Nation in the amount of \$950,000 in FY2009 funds programmed**
17 **for FY2010 for the improvement of school bus routes on the Tohono O'odham Nation**
18 **in the Pisinemo Community, located south of Sells, Arizona and San Lucy Community,**
19 **located northeast of the Town of Gila Bend; and**

20 **WHEREAS, in FY2011 the Nation intends to contract for and to perform three projects, the**
21 **preconstruction activities (survey, archeology, environmental, and right-of-way) of**
22 **the Design Phase needed to develop plans, specifications and an estimate ("P, S, &E")**
23 **for road projects designated as PIR 28 (2) and PIR 102 (1) in Pisinemo Community, and**
24 **PIR 400 (1) in San Lucy Community; and to provide labor, materials, equipment and**
25 **services necessary to complete the Construction Phase of these projects, under the**
26 **Nation's P.L. 93-638 master contract with the Department of the Interior, using PLHD**
27 **funds received for these projects; and**

28 **WHEREAS, the Nation desires to have the Bureau of Indian Affairs, Western Regional Office,**
29 **Division of Transportation perform second level review(s) on the P, S, & E package and**
30 **construction monitoring for this project, using a portion of the Nation's available**

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1 share of FY 2011-2013 Indian Reservation Road ("IRR") Construction Funds; and
2 **WHEREAS, the cost of the three projects is estimated to be \$1,137,374; and**
3 **WHEREAS, the Nation will prepare a contract administration budget and meet with the Bureau**
4 **of Indian Affairs to negotiate a Design/Construction Budget and Scope of Work for**
5 **these projects.**

6 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
7 **development by the Planning and Economic Development Department, in**
8 **consultation with the Bureau of Indian Affairs, Western Regional Office, Division of**
9 **Transportation, of a P.L. 93-638 contract program proposal to add roads design,**
10 **preconstruction and construction to the Nation's master contract with the**
11 **Department of the Interior, which proposal will be returned to the Legislative Council**
12 **for its review before formal submittal to the Bureau of Indian Affairs.**

13 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the use of**
14 **PLHD funds received for Projects PIR 28 (2), PIR 102 (1) and PIR 400 (1) in the**
15 **contracted program, authorizes development of PS&E documents, and authorizes**
16 **construction of these projects in accordance with the P.L. 93-638 master contract.**

17 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council does hereby authorize**
18 **the Bureau of Indian Affairs, Western Regional Office, Division of Transportation, to**
19 **program a portion of the Nation's share of FY 2011 - FY 2013 IRR construction funds**
20 **to perform second level reviews and construction monitoring on these projects.**

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day**
22 **of AUGUST, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
23 **AGAINST; -02- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
24 **Section 1 (f) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
25 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
26 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
27 **Stat. 984).**

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29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Verlon M. Jose, Legislative Chairman**

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34
35 16th day of August, 2010
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1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

5
6 16 day of August, 2010.

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
9 **Nation on the 16th day of August, 2010 at 7:11 o'clock, P.M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Verlon M. Jose, Legislative Chairman**

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23 **APPROVED** on the 16 day of August, 2010
24 at 4:40 o'clock, P.M.
25 **DISAPPROVED**

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29 **NED NORRIS, JR., CHAIRMAN**
30 **TOHONO O'ODHAM NATION**

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35 **Returned to the Legislative Secretary on the 16 day of**
36 August, 2010, at 4:51 o'clock, P.M.

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41 **Evonne Wilson, Legislative Secretary**

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