

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Department of Education's Education Assistance Program Professional Service Contract Between the Tohono O'odham Nation and ComSpec International, Inc.)

RESOLUTION NO. 21-453

1 **WHEREAS, the Tohono O'odham Legislative Council is authorized "to consult, negotiate and**
2 **conclude agreements and contracts on behalf of the Tohono O'odham Nation**
3 **with Federal, State and local governments and other Indian tribes or their**
4 **departments, agencies, or political subdivisions, or with private persons or**
5 **organizations on all matters within the authority of the Tohono O'odham**
6 **Council." (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f));**
7 **and**

8 **WHEREAS, the Tohono O'odham Legislative Council is authorized "to manage any funds**
9 **within the exclusive control of the Tohono O'odham Nation . . . and to appropriate**
10 **these funds for the benefit of the nation and its members" provided that "[a]ll**
11 **expenditures of these funds shall be pursuant to appropriations or budgets"**
12 **authorized by resolution or ordinance (Constitution of the Tohono O'odham**
13 **Nation, Article VI, Section 1(d)(2)); and**

14 **WHEREAS, the Department of Education's Education Assistance Program (EAP) provides**
15 **student assistance, which includes student allocation calculations, student**
16 **information management, student documentation management,**
17 **communication with students and schools to complete student tuition and living**
18 **stipend pay outs; and**

19 **WHEREAS, the EAP identified the need for a student information system which is a robust,**
20 **comprehensive, web-based platform used by Tohono O'odham students, EAP**
21 **staff, and colleges and universities' financial aid officers, to collect and**
22 **communicate student information for the purpose of student assistance**
23 **including tuition and stipends; and**

24 **WHEREAS, the EAP selected ComSpec International, Inc. to provide the student information**
25 **system services to collect, manage and communicate with students, EAP staff and**
26 **colleges and universities' financial aid officers; and**

27 **WHEREAS, the EAP submitted for review and approval the Software License and Hosting**
28 **Provider Agreement, with 8 Schedule attachments (hereinafter, the "Contract"),**
29 **which Contract is incorporated by this reference in substantially the form**
30 **attached, in the amount of \$80,000.00; and**

31 **WHEREAS, Section 18.8 of the Contract provides for a limited waiver of the Nation's sovereign**
32 **immunity; and**

RESOLUTION NO. 21-453

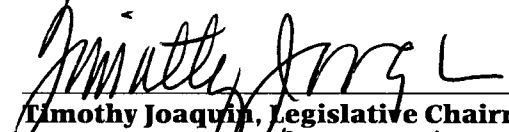
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Page 2 of 3


1 **WHEREAS, the Human Resources Development Committee has reviewed the Contract and**
2 **recommends approval.**
3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
4 **Contract to provide services for the student information system in the amount of**
5 **\$80,000.00.**
6 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a partial**
7 **waiver of the Nation's sovereign immunity solely limited to the terms of Section**
8 **18.8 of the Contract.**
9 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**
10 **chairperson or any designated office to sign and execute the Contract**
11 **substantially in the form attached; provided, however, that any amendments to**
12 **the Contract shall be submitted for prior approval by the Tohono O'odham**
13 **Legislative Council.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
15 **day of DECEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
16 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by,**
17 **Article VI, Section 1 (f) and 1 (d)(2) of the Constitution of the Tohono O'odham Nation, adopted by**
18 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
19 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
20 **18, 1934 (48 Stat.984).**

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22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25 
26 **Timothy Joaquin, Legislative Chairman**
27
28 13 day of December, 2021

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**
35
36 13 day of December, 2021

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38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
39 **O'odham Nation on the 15 day of December, 2021 at 2:35 o'clock, p.m.,**
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
41 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
42 **hours of submittal.**
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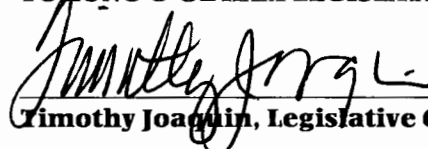
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Page 3 of 3

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of December, 2021

DISAPPROVED

at 3:23 o'clock, P.m.



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

Returned to the Legislative Secretary on the 13 day of

December, 2021, at 4:04 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE DEPARTMENT OF EDUCATION'S EDUCATION ASSISTANCE PROGRAM PROFESSIONAL SERVICE CONTRACT BETWEEN THE TOHONO O'ODHAM NATION AND COMSPEC INTERNATIONAL, INC.

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: DECEMBER 06, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (<i>Absent</i>) (Francis Homewytewa) (<i>Present</i>)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (<i>Absent</i>) (Sharon A. Francisco) (<i>Present</i>)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (<i>Absent</i>) (Adam P. Andrews) (<i>Present</i>)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			X
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X			X
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			X
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	194.45	X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[03]