

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Professional Services Agreement between Modular Solutions, Ltd. and the
Tohono O'odham Nation under the American Rescue Plan Act Budgets)

RESOLUTION NO. 23-361

1 **WHEREAS,** the Legislative Council is vested with the authority to "consult, negotiate and
2 conclude agreements and contracts on behalf of the Tohono O'odham Nation with
3 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); and
7 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage any funds
8 within the exclusive control of the Tohono O'odham Nation . . . and to appropriate
9 these funds for the benefit of the Nation and its members" provided that "[a]ll
10 expenditures of these funds shall be pursuant to appropriations or budgets"
11 authorized by resolution or ordinance (Constitution of the Tohono O'odham
12 Nation, Article VI, Section 1(d)(2)); and
13 **WHEREAS,** in February 2022, Legislative Council passed Resolution No. 22-077 to approve the
14 FY 2022 American Rescue Plan Act Budget; and
15 **WHEREAS,** the FY 2022 American Rescue Plan Act Budget authorized construction of new
16 buildings for the Department of Planning and Economic Development, the
17 Department of Membership Services, and North Komelik Village Fire and Police;
18 and
19 **WHEREAS,** in September and October 2022, the Tohono O'odham Accounting Office -
20 Purchasing initiated a bidding process for vendors to submit proposals for
21 construction of the new buildings; and
22 **WHEREAS,** after the bidding process, the Tohono O'odham Accounting Office - Purchasing
23 selected Modular Solutions, Ltd. to construct the buildings, pending Legislative
24 Council's approval, at a cost of no more than \$10,928,801.12; and
25 **WHEREAS,** of the total contract amount, \$4,763,773.89 shall be allocated for the Department
26 of Planning and Economic Development building, \$2,007,885.82 shall be
27 allocated for the Department of Membership Services building, and \$4,157,141.41
28 shall be allocated for the North Komelik Village Fire and Police Station; and
29 **WHEREAS,** the Planning and Economic Development Department submitted for review and
30 approval the Tohono O'odham Nation's Professional Service Agreement,
31 including exhibits, between the Nation and Modular Solutions, Ltd.; and
32

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1 **WHEREAS, the Commerce Committee, the Domestic Affairs Committee, and the Rules**
2 **Committee have reviewed the Professional Services Agreement, including**
3 **exhibits, between Modular Solutions, Ltd. and the Tohono O'odham Nation and**
4 **recommend its approval.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
6 **Professional Services Agreement between the Nation and Modular Solutions, Ltd.**
7 **for construction of three new buildings in the amount of \$10,928,801.12.**

8 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**
9 **chairperson or any designated official to sign and execute the Professional**
10 **Services Agreement substantially in the form attached; provided, however, that**
11 **any amendments to the Professional Services Agreement shall be submitted for**
12 **prior approval by the Tohono O'odham Legislative Council.**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
14 **day of SEPTEMBER 2023 at a meeting at which a quorum was present with a vote of 3,263.3 FOR;**
15 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
16 **Article VI, §§ 1(d)(2), 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
17 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
18 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
19 **18, 1934 (48 Stat.984).**

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 **Wavalene M. Saunders, Legislative Chairwoman**

27 19th day of SEPTEMBER, 2023

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30 **ATTEST:**

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33 **Evonne Wilson, Legislative Secretary**

34 19 day of September, 2023

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37 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
38 **O'odham Nation on the 19th day of SEPTEMBER, 2023 at 12:41 o'clock, P .m.,**
39 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
40 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
41 **hours of submittal.**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

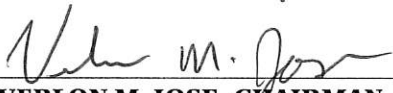

Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 22 day of September, 2023

DISAPPROVED

at 2:43 o'clock, p.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

September, 2023, at 3:31 o'clock, p.m.

EXCEEDED 48 HOURS


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MODULAR SOLUTIONS, LTD. AND THE TOHONO O'ODHAM NATION UNDER THE AMERICAN RESCUE PLAN ACT BUDGETS**MOVED: COUNCILWOMAN JANICE FELIX****SECOND: COUNCILWOMAN THEORIA CAMPILLO****DATE: SEPTEMBER 14, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Jerome L. Joaquin) (<i>Present</i>)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (<i>Absent</i>) (Loretta A. Ortega) (<i>Present</i>)	110.25 110.25	X X			X
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eller)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			
SCHUKTOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	3,263.3	-0-	-0-	[01]