

ROSEBUD SIOUX TRIBE
Resolution No. 2020-131

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected Representatives that act in accordance with the powers granted in the Constitution and Bylaws; and

WHEREAS, the Ordinance No. 87-02. Abolished the tribal Right Of Way Committee and established the tribal Transportation Committee per Resolution No. 2004-02, (Amended; January 21, 2004); and

WHEREAS, the F.A.S.T. Act. The legislation of Fixing America's Surface Transportation Act, or (P.L. 114-94) was signed into law by President Obama, (129 Stat. 1312; December 4, 2015). The Tribal Transportation (T.T.P.) Program pertains to Tribal Governments, (Section 1117); and

BIA Rt. 7 to US Hwy 83 Improvement Project
Phase 1- Reconstruction of 8.4 miles

WHERE AS, Phase 1 of the BIA Rt.7 to US Hwy 83 that consists of 6 miles of BIA Rt.7 and 2.4 miles of the Lakeview Road; and

WHEREAS, Accounting Policies and Procedures requires us to follow the RST Procurement Policy requires to advertise in various news media. Request For Proposal (RFP) in various news media to solicit subcontractors in compliance with Ordinance No. 2003-05, (Resolution No. 2003-05, July 9, 2003); and

WHEREAS, Bid opening. All bids were publicly opened at the TECRO office and recorded their Bid Tabulation Sheet, (February 26, 2020) the Request For Proposal (RFP) –Bid No. 2019-087 was advertised in the media for three and half (3½) weeks at which time we received 2 bids for the re-construction of Phase 1of the BIA Rt.7 to US Hwy 83 they are as follows:

1). Foothills Contracting, Inc. –

Base Bid - \$15,486,466.38;

Alt. #1 Paving - \$3,508,540.40;

Alt. #2 Lighting - \$230,726.00

Total - \$19,225,732.78

2). Loiseau Construction, Inc. –

Base Bid - **\$13,683,500.00;**

Alt. #1 Paving - \$3,684,400.00; **negotiated price \$3,531,600.00**

Alt. #2 Lighting \$ 244,570.00

Total - \$17,612,470.00 **- New Total – \$17,459,670.00**

WHEREAS, the lower bidder is Loiseau Construction, Inc. of Flandreau, SD, as the lower bidder in accordance with Contract Documents Section 00200 Instructions to bidders Article 14.04 "The low bidder will be determined on the basis of the sum of the lowest total unit price/lump sum base bid without consideration of any additive or deductive alternate bids"; and

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WHEREAS, subsequently, MAP-21 Program invited the low bid Contractor (Loiseau Construction, Inc.) to submit a revised bid for Add Alternate #1 due to it being the highest Add Alternate #1 bid over the Engineer's estimate. Loiseau Construction, Inc. agreed to lower the Asphalt Concrete Composite and Contractor Testing prices make the new total for Add Alternate #1 equal to the \$3,531,600.00. MAP-21 Program approved the negotiated price (see attached document), which changed the Total price to \$17,459,670.00(NTE); and

WHEREAS, the RST Tribal Transportation Committee at a regular meeting on May 28, 2020 at which time they discussed the construction bid documentation motioned by Leona Long, seconded by Robert Rattling Leaf to recommend to the RST Council to hire the low bidder, Loiseau Construction, Inc. with Base Bid -\$13,683,500.00; Alternate#1-\$3,531,600.00; Alternate#2-\$244,570.00 Total \$17,459,670.00 (NTE) and to bring it on as an emergency resolution Vote: 3 For, 0, No, 1 Not Voting. Motion carried.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Rosebud Sioux Tribe hereby:

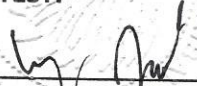
- Acknowledges the Tribal Transportation Committee recommendation.
- Accepts Loiseau Construction Inc. as low bidder of \$17,459,670.00 (NTE).
- For the reconstruction the BIA Rt.7 to US Highway 83 Phase 1 Improvement Project.
- The Construction Contract Agreement with Loiseau Construction, Inc. will be reviewed before President Bordeaux signs the document to insure it covers the best interest of the Tribe.

NOW THEREFORE BE IT RESOLVED FURTHER, that the Tribal Council of the Rosebud Sioux Tribe hereby authorizes the Tribal President, or his designee, to sign any and all documents pertaining to the BIA Rt.7 to US Hwy 83 Improvement Project Phase 1.


CERTIFICATION

This certifies that the above Resolution No. 2020-131 was passed by the Rosebud Sioux Tribal Council in session on June 02, 2020 by a vote of eleven (11) in favor, zero (0) opposed, and zero (0) not voting. This said Resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

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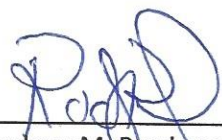
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- WHEREAS,** the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected Representatives that act in accordance with the powers granted in the Constitution and Bylaws; and
- WHEREAS,** the Ordinance No. 87-02. Abolished the tribal Right Of Way Committee and established the tribal Transportation Committee per Resolution No. 2004-02, (Amended; January 21, 2004); and
- WHEREAS,** the F.A.S.T. Act. The legislation of Fixing America's Surface Transportation Act, or (P.L. 114-94) was signed into law by President Obama, (129 Stat. 1312; December 4, 2015). The Tribal Transportation (T.T.P.) Program pertains to Tribal Governments, (Section 1117); and

BIA Rt. 7 to US Hwy 83 Improvement Project
Phase 1- Reconstruction of 8.4 miles

- WHERE AS,** Phase 1 of the BIA Rt.7 to US Hwy 83 that consists of 6 miles of BIA Rt.7 and 2.4 miles of the Lakeview Road; and
- WHEREAS,** Accounting Policies and Procedures requires us to follow the RST Procurement Policy requires to advertise in various news media. Request For Proposal (RFP) in various news media to solicit subcontractors in compliance with Ordinance No. 2003-05, (Resolution No. 2003-05, July 9, 2003); and
- WHEREAS,** Bid opening. All bids were publicly opened at the TECRO office and recorded their Bid Tabulation Sheet, (February 26, 2020) the Request For Proposal (RFP) –Bid No. 2019-087 was advertised in the media for three and half (3½) weeks at which time we received 2 bids for the re-construction of Phase 1of the BIA Rt.7 to US Hwy 83 they are as follows:
- 1). Foothills Contracting, Inc. –
 - Base Bid - \$15,486,466.38;
 - Alt. #1 Paving - \$3,508,540.40;
 - Alt. #2 Lighting - \$230,726.00
 - Total - \$19,225,732.78
 - 2). Loiseau Construction, Inc. –
 - Base Bid - \$13,683,500.00;
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 - Alt. #2 Lighting \$ 244,570.00
 - Total - \$17,612,470.00 - New Total – \$17,459,670.00
- WHEREAS,** the lower bidder is Loiseau Construction, Inc. of Flandreau, SD, as the lower bidder in accordance with Contract Documents Section 00200 Instructions to bidders Article 14.04 "The low bidder will be determined on the basis of the sum of the lowest total unit price/lump sum base bid without consideration of any additive or deductive alternate bids"; and

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Wayne Boyd, Secretary
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 11 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/10/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2020-101

Resolution No. 2020-108

Resolution No. 2020-112

Resolution No. 2020-114

Resolution No. 2020-115

Resolution No. 2020-116

Resolution No. 2020-121 (Amended: 05/26/2020)

Resolution No. 2020-122

Resolution No. 2020-123

Resolution No. 2020-124

Resolution No. 2020-126

Resolution No. 2020-127

Resolution No. 2020-128

Resolution No. 2020-129

Resolution No. 2020-130

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Sincerely,

Lee A. Beardt
Superintendent

Enclosure