

ROSEBUD SIOUX TRIBE
Resolution No. 2020-318

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

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and

WHEREAS, The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (k), and (m); and

WHEREAS, The Rosebud Sioux Tribe Election Board has recommended an Agreement for Automated Election Services, a division of Ink Impressions, Inc., for vote counting machines, related supplies and professional training services, necessary to the conduct of the Tribe's Primary and General elections scheduled for 2020 for a total cost of \$106,000.00 on a sole source basis; and

WHEREAS, RST Ordinance No. 94-125 establishes a Procurement Policy and Procedure for use by the departments and entities of the Rosebud Sioux Tribe for the procurement of goods and services; and

WHEREAS, RST Ordinance No. 94-125 requires purchases of \$10,000.00 or more requires the approval of the Rosebud Sioux Tribal Council; and

WHEREAS, The Rosebud Sioux Tribal Council accepts and adopt the recommendation of the Rosebud Sioux Tribe Election Board to enter into an Agreement for Automated Election Services; and

WHEREAS, The Contract is deemed to arise on the sovereign lands of the Tribe, and the Tribal Courts of the Rosebud Sioux Tribe shall have exclusive jurisdiction of any and all disputes arising hereunder, provided that the Tribe first expressly waived its sovereign immunity; and

WHEREAS, Nothing in the Agreement should be construed as waiving the sovereign immunity of the Rosebud Sioux Tribe or its constituent parts; and

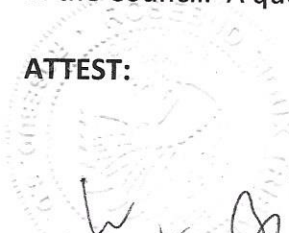
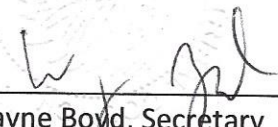
THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribe accepts and adopts the recommendation of the Rosebud Sioux Tribe Election Board to enter into an Agreement for Automated Election Services.

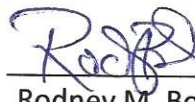
**ROSEBUD SIOUX TRIBE
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CERTIFICATION

This is to certify that the above Resolution No. 2020-318 was duly passed by the Rosebud Sioux Tribal Council in session on December 30, 2020, by a vote of thirteen (13) in favor zero (0) opposed and zero (0) not voting. The 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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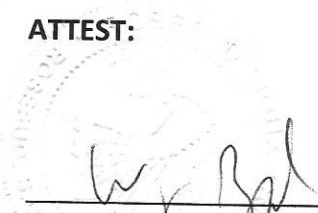
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- WHEREAS,** The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (k), and (m); and
- WHEREAS,** The Rosebud Sioux Tribe Election Board has recommended an Agreement for Automated Election Services, a division of Ink Impressions, Inc., for vote counting machines, related supplies and professional training services, necessary to the conduct of the Tribe's Primary and General elections scheduled for 2020 for a total cost of \$106,000.00 on a sole source basis; and
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Rodney M. Bordeaux, President
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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

FEB 26 2021

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

Attention: Louis Wayne Boyd, Rosebud Sioux Tribe Secretary

Dear President Bordeaux:

Our office is in receipt of the following Rosebud Sioux Tribal Resolutions: 2020-02, 2020-04, 2020-05, 2020-175, 2020-289, 2020-292, 2020-295, 2020-296, 2020-297, 2020-298, 2020-299, 2020-300, 2020-301, 2020-302, 2020-303, 2020-304, 2020-305 (Rescinded: 12/23/2020), 2020-306, 2020-307, 2020-308, 2020-309, 2020-311, 2020-312, 2020-313, 2020-314, 2020-315, 2020-316, 2020-317 and 2020-318.

All Tribal Resolutions have been reviewed by this office.

The Range Program has been provided with the following resolutions for further review and/or file retention: 2020-298 and 2020-299.

Real Estate Services has been provided with the following resolutions for further review and/or file retention: 2020-289, 2020-296, 2020-301, 2020-303, 2020-304 and 2020-314.

The Self-Determination Program has been provided with the following resolutions for further review and/or file retention: 2020-02, 2020-04, 2020-05, 2020-297, 2020-298, 2020-300, 2020-302, 2020-305, 2020-307, 2020-308, 2020-309, 2020-311, 2020-312, 2020-313, 2020-315, and 2020-316.

Sincerely,

Acting

Francine Fast Horse
Superintendent

cc: Range
Real Estate Services
Self-Determination

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Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ELECTION SERVICES AGREEMENT

This agreement is made and entered into by and between the Automated Election Services division of Ink Impressions, Inc. a New Mexico corporation, (AES) and the Rosebud Sioux Tribe, a federally recognized Indian tribe located in Rosebud, South Dakota (the Tribe). For mutual consideration, covenants and promises of each party described in this Agreement, the parties hereby agree as follows:

- 1. EQUIPMENT AND SERVICES**
AES shall provide the Tribe with sufficient vote counting machines, otherwise described as the Ballot Tabulator, along with any and all necessary attachments, related supplies and professional training and support services necessary to the conduct of the Tribe's Primary and General elections scheduled for 2020.
- 2. COSTS**
The Tribe shall pay AES an amount not to exceed fifty three thousand dollars (\$53,000.00) for both elections. The contract price shall not be modified nor exceed the specified amount without the written consent of both parties.
- 3. TRAINING FOR USE OF THE EQUIPMENT**
AES shall provide all necessary personnel to instruct and train all employees, volunteers and poll officials associated with the voting process in the operation and use of the voting equipment. The training shall be conducted at times and locations mutually agreed upon by AES and the Tribe. In addition, AES shall provide on-site technical support and all necessary results reporting hardware and software to insure the operational integrity of the voting equipment and timely reporting and certification of the results of the Election.
- 4. CERTIFICATION AND TESTING OF THE EQUIPMENT**
After delivery of all equipment and prior to the date of the Election, AES shall inspect the equipment and test it for accuracy and verification of readiness for use. Following inspection and testing, AES shall certify and seal all voting equipment to ensure its integrity from the date of inspection and testing through the date of the Election.
- 5. CONFIDENTIALITY**
All data, records and other information received from the Tribe by AES shall be the exclusive property of the Tribe and shall not be released or disseminated by AES to any party except on the express written consent of the appropriate officers of the Tribe. Confidential information shall mean any information obtained by AES from, or disclosed to AES by the Tribe which relates to the past, present, and future research, development and membership activities of the Tribe. Confidential information shall also mean any and all results from the provision of hardware and software to the Tribe by AES under this Agreement, except such information as is publicly disclosed either prior to or subsequent to AES receipt of such information. AES shall hold such confidential information in trust and confidence for the Tribe in perpetuity. Except as may be authorized by the Tribe in writing AES shall not disclose to any person, firm or enterprise, or use for its benefit, any such confidential information.
- 6. OTHER**
Each party shall deliver such other and further instruments and take other and further actions as may be reasonably requested by the other party in order to carry out the provisions, purposes and intent of this Agreement both prior to and subsequent to the effective date of this Agreement. Section headings in this Agreement are for convenience and reference only and shall not be construed as part of this Agreement, nor shall they limit or define the meaning of any provision of this Agreement.
- 7. CHOICE OF LAW AND FORUM**
This contract is deemed to arise on the sovereign lands of the Tribe, and the Trial Court of the Tribe shall have exclusive jurisdiction over any and all disputes arising hereunder, provided that the Tribe has first expressly waived its sovereign immunity. Nothing contained in this contract shall in any matter be construed or deemed a general waiver of the sovereign immunity of the Tribe, except that the Tribe may agree to make payment for services provided to the Tribe under this contract in accordance with satisfactory performance by AES of its obligations hereunder.

8. **TERMS OF THE AGREEMENT**

The terms of this Agreement shall begin immediately upon acceptance by the Tribe and shall conclude upon final certification of the Election results.

9. **INTEGRATION**

This Agreement contains the entire understanding of the parties regarding transactions described and supersedes all prior negotiations, agreements, and understandings; both verbal and written, between the parties with respect to the subject matters covered. No change or modification of this Agreement shall be valid unless in writing and signed by the party against whom any enforcement, waiver, change or modification is sought.

10. **SEVERABILITY**

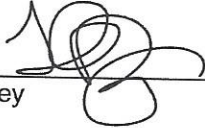
The invalidity of any provision of this Agreement shall not affect the other provisions, and the Agreement shall be construed in all respects as if the invalid or unenforceable provision(s) were omitted.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written below.

AUTOMATED ELECTION SERVICES

Ink Impressions, Inc.

BY: _____
Terry Rainey
President



DATE: 06/22/20

THE ROSEBUD SIOUX TRIBE

BY: _____

DATE: _____

ROSEBUD SIOUX TRIBE
TRIBAL BUSINESS LICENSE

This license is not transferable

Having made proper application therefore and upon compliance with the laws and regulations of the Rosebud Sioux tribe this license is hereby issued to the below named. This license remains the property of the Rosebud Sioux Tribe and while the possessor of the person to whom issued. Entitles him/her to transact whatever business or activity is specified on this license until this license Expires or is canceled.

Automated Election Services

Signed This 18th day of September 2017

Keith Randall

Revenue Director
Rosebud Sioux Tribe

William Kudsk

President
Rosebud Sioux Tribe

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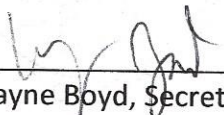
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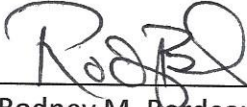
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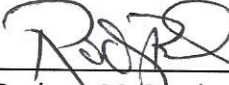
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- WHEREAS,** The Rosebud Sioux Tribal Council accepts and adopt the recommendation of the Rosebud Sioux Tribe Election Board to enter into an Agreement for Automated Election Services; and
- WHEREAS,** The Contract is deemed to arise on the sovereign lands of the Tribe, and the Tribal Courts of the Rosebud Sioux Tribe shall have exclusive jurisdiction of any and all disputes arising hereunder, provided that the Tribe first expressly waived its sovereign immunity; and
- WHEREAS,** Nothing in the Agreement should be construed as waiving the sovereign immunity of the Rosebud Sioux Tribe or its constituent parts; and
- THEREFORE BE IT RESOLVED,** that the Rosebud Sioux Tribe accepts and adopts the recommendation of the Rosebud Sioux Tribe Election Board to enter into an Agreement for Automated Election Services.