



**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

(Supporting the Submittal of an Application for a P.L. 93-638 Contract to Construct American Recovery and Reinvestment Act (ARRA) Projects H52A06-FAIR 42(2) and H52A07-FAIR 46(8) under Consolidated No. 31)

- WHEREAS,** the White Mountain Apache Tribe ("Tribe") is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 with a Constitution approved by on August 26, 1938, that was amended and approved by the Assistant Secretary of Indian Affairs on November 12, 1993; and
- WHEREAS,** the White Mountain Apache Tribe is governed by the White Mountain Tribal Council pursuant to the Tribal Constitution; and
- WHEREAS,** the White Mountain Apache Tribal Council authorized the Bureau of Indian Affairs (BIA), by Tribal Resolution No. 03-2010-69, to combine ARRA projects H52A06-FAIR 42(2) and H52A07-FAIR 46(8) into one consolidated project called FAIR Consolidated No. 31, and to use the savings (\$844, 170) from the contract award of ARRA Project H52A01-FAIR 4(2), to construct Project FAIR Consolidated No. 31 under a commercial contract; and
- WHEREAS,** the Tribal Council has been notified, by the BIW-WRO, that they have been advised by the WRO Contracting Officer that he will not be able to award a commercial contract for ARRA Project FAIR Consolidated No. 31 by the obligation deadline of September 30, 2010; and
- WHEREAS,** the BIA WRO-DOT has informed the Tribe that if these funds are not obligated by September 30, 2010, the funds will have to be returned to FHWA; and
- WHEREAS,** the BIA WRO-DOT recommends that the White Mountain Apache Tribe enter into a P.L. 93-638 contract to perform project management and construct activities for ARRA Project FAIR Consolidated No. 31, so that ARRA funds for this project can be obligated prior to the September 30, 2010 deadline; and
- WHEREAS,** the White Mountain Apache Tribe has the capacity of entering into a P.L. 93-638 contract to provide labor, materials, equipment and services to complete road construction projects and to provide construction monitoring on said projects; and
- WHEREAS,** the White Mountain Apache Tribe desires to retain funds identified for ARRA Project FAIR Consolidated No. 31 and desires to enter into a P.L. 93-638 contract to provide project management, labor and materials to clean and seal pavement cracks, apply hot asphalt pavement overlay and stripe 1.8 miles of BIA Route 42 and 1.2 miles of BIA Route 46, under this project.

Resolution No. 09-2010-235

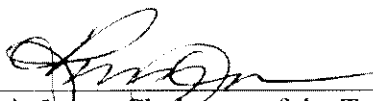
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Bureau of Indian Affairs, Western Regional Office – Division of Transportation, to take the necessary action to execute a P.L. 93-638 construction contract with the White Mountain Apache Tribe to provide project management, labor and materials to clean and seal pavement cracks, apply hot asphalt pavement overlay and stripe 1.8 miles of BIA Route 42 and 1.2 miles of BIA route 46 under FAIR Consolidated No. 31.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby acknowledges that the Tribe understands that there are stringent reporting requirements associated with ARRA Funds.

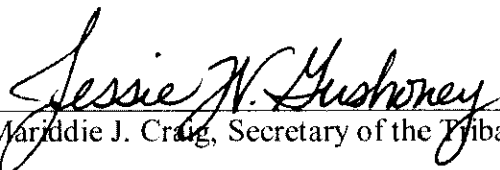
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **SEPTEMBER 1, 2010** duly adopted by a vote of **TEN** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Chairman of the Tribal Council

 **ACTING**

Mariddie J. Craig, Secretary of the Tribal Council