



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 09-2012-138

(Approval of Professional Services Contract with Science Applications International Corporation)

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and
- WHEREAS,** the White Mountain Apache Tribe has entered into, and has duly executed Loan Repayment Contract No. 11-XX-30-W0559 with the United States of America pursuant to the Rural Water System Loan Authorization Act (“WMAT Loan Authorization Act”) (Pub. L. 110-390, 122 Stat. 4191), and said Act requires that the Secretary of the Interior shall provide to the White Mountain Apache Tribe (“WMAT”), a loan in an amount equal to \$9.8 million adjusted as appropriate, based on ordinary fluctuations in engineering cost indices, and the current indexed value of the loan is \$12.594 million, to carry out the planning, engineering and design, including preparation of an Environmental Impact Statement (“EIS”), for the “Miner Flat Project,” defined in the WMAT Loan Authorization Act as “the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components as described in the project extension report dated February 2007;” and
- WHEREAS,** the WMAT Loan Authorization Act requires that the loan is subject to the availability of appropriations; and
- WHEREAS,** the WMAT wishes to enter into a contract with Science Applications International Corporation (“SAIC”), to prepare the EIS for the Miner Flat Project; and
- WHEREAS,** the Bureau of Reclamation has advised the WMAT that currently, federal appropriations are short of the full contract amount needed to pay SAIC to prepare an EIS for the Miner Flat Project; and
- WHEREAS,** the White Mountain Apache Tribal Council is advised that it may enter into a contract with SAIC for the full contract amount despite the current shortage of federal appropriations provided there is a provision in the contract constraining SAIC’s activities and expenditures from exceeding current federal appropriation/obligation funding levels until there are additional federal appropriations allocated pursuant to the WMAT Loan Authorization Act; and
- WHEREAS,** the White Mountain Apache Tribal Council is further advised that after additional federal appropriations are allocated in FY 13 to carry out the purposes of the WMAT Loan Authorization Act, the Tribe’s contract with SAIC will be modified to fund the balance of the contract for SAIC to complete its contractual activities; and

WHEREAS, the Tribal Council concludes that it would be in the best interests of the WMAT for the Tribal Council to approve the execution of a contract with SAIC for the full contract amount negotiated by the Tribe and SAIC for SAIC to prepare an EIS for the Miner Flat Project, provided that said contract contains a provision constraining SAIC's activities and expenditures in its performance of said contract from exceeding current federal appropriation/obligation funding levels until there are additional federal appropriations allocated pursuant to the WMAT Loan Authorization Act.

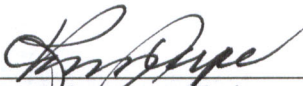
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves, authorizes, and directs Tribal Chairman Ronnie Lupe, and in his absence, the Vice Chairman, to execute a contract with Science Applications International Corporation ("SAIC"), to prepare an EIS for the Miner Flat Project, for the full amount of the contract to do so subject to a mandatory provision in the contract constraining SAIC's activities and expenditures under the contract from exceeding current federal appropriation/obligation funding levels until there are additional federal appropriations allocated pursuant to the WMAT Loan Authorization Act.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

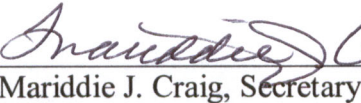
The foregoing resolution was on SEPTEMBER 5, 2012 duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (j), (k), (l), (s), (t) and (u) of the Tribal Constitution, ratified 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

9-20-12

Date



Mariddie J. Craig, Secretary

09/20/2012

Date