



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approving Construction Contracts for the Rainbow Treatment Center Whiteriver Project)

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- WHEREAS,** the Rainbow Treatment Center is a Tribal program which offers substance abuse treatment and other programs to enhance the well-being of individuals and families; and
- WHEREAS,** the Program has earned funds which it has saved and budgeted for the construction of a new facility which will be adjacent to, and incorporated into its existing facility; and
- WHEREAS,** the Tribal Council previously approved the contract for the project architect, Reece Angel Rowe, which has developed the architectural plans for the new facility; and
- WHEREAS,** representatives from the Program have now interviewed and selected a firm, Kinney Construction Services, Inc., to manage the construction project and directly perform portions of the construction work; and
- WHEREAS,** on this date, the Tribal Council has reviewed and discussed the final contract documents between the Tribe and the contractor for construction oversight and implementation; and
- WHEREAS,** the construction and management contracts assign all responsibility to establish a final project budget and then to manage the project construction and completion in collaboration with the Program management and the project architect; and
- WHEREAS,** the contract documents bind the Tribe to certain obligations, including the limited waiver of sovereign immunity for a Tribal Court action to enforce the terms for arbitration, in the event of a dispute arising from the contract arrangement; and
- WHEREAS,** the Tribal Council finds that the terms and conditions of the construction contracts for the Rainbow Treatment Center Whiteriver Project are appropriate and in the Tribe's best interests.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the contract agreements between the Tribe and Kinney Construction Services, Inc., consisting of, i) the Standard Form of Agreement Between Owner and Construction Manager as Constructor, AIA Document A133, as modified, and, ii) the General Conditions of the Contract for Construction, AIA Document A201, as modified, for the development and construction of the new Rainbow Treatment Center facility in Whiteriver, and for the purpose, on behalf of the Tribe and the Rainbow Treatment Center Program, agrees to be bound by the contract agreement terms and conditions.



**Resolution No. 07-2014-103**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the terms for dispute resolution and authorizes the limited waiver of sovereign immunity for a Tribal Court action, as set forth in Attachment A to this Resolution.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Rainbow Treatment Center is directed to provide therapeutic substance abuse treatment services to its clients at the new facility to include substance abuse prevention services and outpatient individual, couples, family and group counseling for adults, adolescents and children.

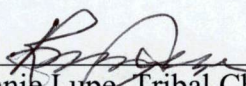
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Tribal Chairman to execute and deliver the agreements on behalf of the Tribe and directs that the project activities commence as specified in the contract agreements.

**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.

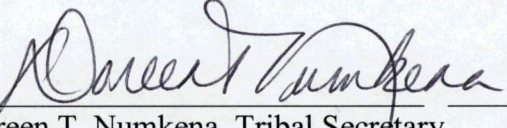
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**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 **JULY 29, 2014** duly adopted by a vote of **NINE** for, **ZERO** against, and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Tribal Chairman

5/4/14  
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Date

  
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Doreen T. Numkena, Tribal Secretary

8-18-2014  
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Date