



Resolution No. 04-2023-84

WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Limited Waiver of Sovereign Immunity and an Agreement with NextGen Web Solutions to Obtain a License and Access to an Online Scholarship Application for the Office of Higher Education)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution, with any person, association, or corporation...”; and

WHEREAS, Tribal Resolution 07-2021-135 obligated \$250,000 in ARPA funds for the 7270 Contractual Expense line item for the purposes of creating an online scholarship application and database system; and

WHEREAS, the Office of Higher Education has reached out to NextGen Web Solutions as a vendor to obtain a license to access and use their proprietary software, thereby providing access to a scholarship application service through a web site; and

WHEREAS, the Office of Higher Education recommends moving forward with NextGen Web Solution’s agreement which includes the following prices:

Scholarship Manager: Year 1 \$8,000, Year 2 \$7,000, Year 3 \$7,000

Dynamic Forms for Post Award Agreements: Year 1 \$500, Year 2 \$500, Year 3 \$500;
and

WHEREAS, the Tribal Council concurs with the Office of Higher Education’s recommendation as it is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes entering into the NextGen Web Solutions agreement, which includes a limited waiver of sovereign immunity in the courts of the White Mountain Apache Tribe for disputes arising under the agreement, for the following amounts:

Scholarship Manager: Year 1 \$8,000, Year 2 \$7,000, Year 3 \$7,000

Dynamic Forms for Post Award Agreements: Year 1 \$500, Year 2 \$500, Year 3 \$500.

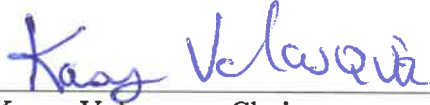



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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues 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 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 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 **APRIL 12, 2023** duly adopted by a vote of **NINE** for, **ONE** against, and **ZERO** abstentions 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

			
Kasey Velasquez, Chairman	Date	Vaneyssa Johnson, Tribal Secretary	Date