

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

WHEREAS, the White Mountain Apache Tribe has previously approved a Memorandum of Agreement between the White Mountain Apache Tribe and Indian Health Service to enable the Tribe to construct, procure, or otherwise provide equipment, material, and labor for construction of sanitation facilities, and

WHEREAS, the Indian Health Service desires to utilize Tribal Force Account Construction Crews and Tribal procurement means in order to complete the work using the local work force whenever possible, and

WHEREAS, the Tribe wishes to provide the services under the following conditions:

1. The Tribe will appoint the Tribal Engineer as Project Coordinator to act as liaison for PL-86-121 construction between the Tribe and the Indian Health Service.
2. The Tribe will appoint and have on site during construction, a construction superintendent for each construction crew, who will coordinate the work so as to complete the work in a timely manner within the limits of the approved construction schedule.
3. The Tribe will not incur any expenses nor start any construction nor proceed with any procurement until a specific request or approval is given in writing by the Indian Health Service. The written document, in letter form, will spell out anticipated costs for work or item requested and will define the administrative costs which will be determined by mutual agreement between the Indian Health Service District Engineer and the Tribal Project Coordinator.
4. The Tribe will provide Tribal Employees on an as needed basis as mutually determined by the Indian Health Service Project Engineer and Tribal Project Coordinator according to the work requirements of the project.
5. The Tribe will not be required to pay Tribal Personnel Davis-Bacon wage, but only the prevailing wage rates for each specific job category as determined by Tribal Personnel Guidelines and Wage Rates.
6. The Tribe will ensure that Tribal Personnel engaged in PL-86-121 construction will be covered by the Tribe's Workman's Compensation Insurance, in the event of an on-the-job injury.

7. The Tribe will set up a separate Tribal Account for each procurement action (construction project).


The accounts will be evaluated on a monthly basis by the Tribal Project Coordinator and the Indian Health Service Project Engineer.

8. The Tribe will complete, Exhibit I, Monthly Financial Report - Tribe to Indian Health Service - Memorandum of Agreement Contracts, at the end of each month for all accounts and submit the completed copy of Exhibit I to the Indian Health Service Project Engineer by the 5th day of each month.,
9. The Tribal Project Coordinator will meet with the Indian Health Service Project Engineer on a monthly basis by the 10th day of each month to review project accounts and work progress for each project.
10. The Indian Health Service will inspect all facilities provided or constructed by the Tribe to determine acceptability for payment and provide a written report of the inspection. The Indian Health Service will also provide routine inspection and provide such reports or information to the Tribal Project Coordinator in the monthly meetings.
11. The Indian Health Service will provide to the Tribe, without charge, technical services necessary to enable the Tribe to construct PL-86-121 facilities. These technical services will be provided by the Indian Health Service Project Engineer.
12. The Indian Health Service shall, after the construction or provision of facilities by a Tribal Program, and upon receipt of as-built drawings or a detailed narrative of services performed and a Tribal invoice, transfer funds to the Tribe for actual quantities provided and installed at the prices agreed upon by the Program Director and District Engineer. The Indian Health Service will advance a reasonable amount to cover start up costs and administrative costs for each procurement action.
13. The Indian Health Service will provide all studies, findings and recommendations without charge to the Tribe upon completion, and

WHEREAS, the Tribal Council having reviewed and consider the provisions of this resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman, and in his absence, the Vice-Chairman is hereby authorized to execute the necessary agreements for the construction of domestic water supply and sewage disposal facilities for Indian Homes in the communities throughout the Fort Apache Indian Reservation as outlined in this resolution.

The foregoing resolution was on August 14, 1985 duly adopted by a vote of 9 for and 1 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Xection 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, putsuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

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FORT APACHE INDIAN
AGENCY
WHITE RIVER, ARIZ.

Resolution No. 85-211