

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

- WHEREAS**, the Tribal Council by previous Resolution, authorized construction of a new Executive Office Building to replace the building lost by fire December 8, 1993; and
- WHEREAS**, a general invitation for bids to construct said Executive Office Building will be made public within the next few days; and
- WHEREAS**, general contractors who wish to submit a bid to be awarded a contract for the construction of the Executive Office Building have expressed concerns regarding the enforceability of a construction contract with the White Mountain Apache Tribe due to the Tribe's sovereign immunity from suit; and
- WHEREAS**, general contractor's bonding companies have also expressed concern; and
- WHEREAS**, the Tribal Council from time to time has considered and authorized a limited waiver of the Tribe's sovereign immunity to obtain loans from financial institutions and for the performance of contracts within the exterior boundaries of the Fort Apache Indian Reservation; and
- WHEREAS**, in this instance the Tribal Council concludes that it is in the best interest of the White Mountain Apache Tribe to authorize and grant a limited waiver of the Tribe's sovereign immunity for purposes of permitting the Resolution of Claims and Disputes pursuant to Article 4.4, Arbitration pursuant to Article 4.5, and Enforcement by Judgement of a final arbitration award pursuant to Article 4.5.7 as set forth in the General Conditions of the proposed Construction contract, otherwise known as AIA Document A201-1987, which will be submitted as part of the contract bid invitation; and
- WHEREAS**, the Tribal Council further concludes that the limited waiver of sovereign immunity shall not allow an award or judgment in excess of the contract amount bid and accepted by the White Mountain Apache Tribe.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby grants a limited waiver of sovereign immunity for the purposes of contract enforcement of Article 4.4, Resolution of Claims and Disputes; Article 4.5, Arbitration; and Article 4.5.7, Judgement on Final Award of the General Contract Conditions set out in AIA Document A201-1987, only to the extent that judgment or final award not exceed the contract price bid and accepted by the White Mountain Apache Tribe.

Resolution No. 05-94-142


BE IT FURTHER RESOLVED by the Tribal Council that this limited waiver of sovereign immunity shall terminate upon the release of the bond obligations of the general contractor's surety.

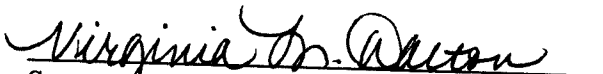
The foregoing resolution was on May 25, 1994 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (i), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 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).

RECEIVED

JUN 09 1994

FORT APACHE INDIAN AGENCY
WHIT RIVER, ARIZONA


Chairman of the Tribal Council


Secretary of the Tribal Council