

**ROSEBUD SIOUX TRIBE  
RESOLUTION NO. 2022-104**

- WHEREAS,** The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof; and
- WHEREAS,** The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and
- WHEREAS,** the Constitution and By-laws of the Rosebud Sioux Tribe Article IV Section 1 (a) authorizes the Tribal Council to negotiate with the Federal, State and local governments on behalf of the Tribe; and
- WHEREAS,** The Rosebud Sioux Tribal Council has established the Rosebud Sioux Tribe Transportation Committee by the enactment of Rosebud Sioux Tribe Ordinance No. 87-02; and
- WHEREAS,** The Rosebud Sioux Tribal Council has established the Rosebud Sioux Tribe Transportation Committee by the enactment of Rosebud Sioux Tribe Ordinance No. 87-02; and
- WHEREAS,** the Rosebud Sioux Tribe Transportation Committee has the power to review, develop and recommend legislation for consideration and approval by the Rosebud Sioux Tribal Council, RST Ordinance 87-02 Section 7; and
- WHEREAS,** The Rosebud Sioux Tribe Transportation Committee shall review and make all recommendations to the Tribal Council regarding all proposed legislation, messages, petitions, memorials, highway plans, federal "638" projects and programs, pursuant to RST Ordinance 87-02 Section 8.0; and
- WHEREAS,** The RST Transportation Program has advertised for bids for the Old Hollow Wood Bridge Project No. 1102-20(3), for the replacement and reconstruction of the bridge, and recommends the selection of Rosebud Concrete Inc., based upon RSTC Mtg.-January 13, 2022; and
- WHEREAS,** RST Ordinance No. 94-125 establishes a Procurement Policy and Procedure for use by the departments and entities of the Rosebud Sioux Tribe for the procurement of goods and services; and
- WHEREAS,** RST Ordinance No. 94-125 requires purchases of \$10,000.00 or more requires the approval of the Rosebud Sioux Tribal Council; and
- WHEREAS,** The RST Transportation Committee has reviewed the proposed Contract between the Rosebud Sioux Tribe and Rosebud Concrete Inc., and recommends the selection of Rosebud Concrete Inc. for the replacement and reconstruction of Old Hollow Wood Bridge in the negotiated amount of One Million, Two Hundred Forty One Thousand Nine Hundred Twenty One dollars and seventy five Cents (\$1,241,921.75); and

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**WHEREAS**, Nothing in the Agreement shall constitute a waiver or abrogation of sovereign immunity or any statutory immunity; and

**THEREFORE BE IT RESOLVED**, that the Rosebud Sioux Tribe accepts and adopts the recommendation of the RST Transportation Committee to award selection for the replacement and reconstruction of the Old Hollow Wood Bridge to Rosebud Concrete, Inc., in the amount of One Million, Two Hundred Forty One Thousand Nine Hundred Twenty One dollars and seventy five Cents (\$1,241,921.75); and

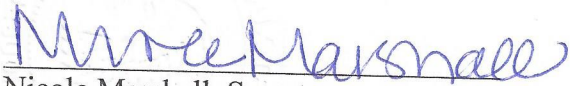
**BE IT ALSO RESOLVED**, that the President of the Rosebud Sioux Tribe or his authorized delegate is authorized and directed to sign and execute the Design-Build Proposal on behalf of the Rosebud Sioux Tribe;

**BE IT FINALLY RESOLVED**, Nothing in the Agreement shall constitute a waiver or abrogation of sovereign immunity or any statutory immunity; and

**CERTIFICATION**

This is to certify that the above Resolution No. 2022-104 was duly passed by the Rosebud Sioux Tribal Council in session on April 6, 2022 by a vote of twelve (12) in favor, zero (0) opposed and two (2) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Nicole Marshall, Secretary  
Rosebud Sioux Tribe



Scott Herman, President  
Rosebud Sioux Tribe



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

APR 08 2022

IN REPLY REFER TO:  
Office of the Superintendent

The Honorable Scott Herman  
President, Rosebud Sioux Tribe  
Post Office Box 430  
Rosebud, South Dakota 57570

Attention: Nicole Marshall, Rosebud Sioux Tribe Secretary

Dear President Herman:

Our office is in receipt of the following Rosebud Sioux Tribal Resolution:  
2022-104.

All Tribal Resolutions have been reviewed by this office.

Sincerely,

JOELYNN  
ASHLEY

Digitally signed by  
JOELYNN ASHLEY  
Date: 2022.04.08 14:49:40  
-05'00'

Joelynn Ashley,  
Superintendent

cc: Self-Determination



**ROSEBUD SIOUX TRIBE**  
**Resolution No. 2020-159**

- WHEREAS,** the Rosebud Sioux Tribe is a federally recognized Indian Tribe and chartered pursuant to Sec. 16 of the Indian Reorganization (Howard-Wheeler) Act with all pertinent amendments thereof, (48 Stat. 984; June 18, 1934); and
- WHEREAS,** the Rosebud Sioux Tribe is governed by a Tribal Council comprised of elected Community Representatives that act in accordance with the powers granted in the Constitution and Bylaws, (Article IV, Section 1); and
- WHEREAS,** the Ordinance No. 87-02. Abolished the tribal Right Of Way Committee and established the tribal Transportation Committee per Resolution No. 2004-02, (Amended; January 21, 2004); and
- WHEREAS,** the F.A.S.T. Act. The legislation of Fixing America's Surface Transportation Act, or (P.L. 114-94) was signed into law by President Obama, (129 Stat. 1312; December 4, 2015). The Tribal Transportation (T.T.P.) Program pertains to Tribal Governments, (Section 1117); and

**OLD HOLLOW WOOD BRIDGE STRUCTURE REPLACEMENT**  
**PROJECT NO. 1102-20(3)**  
**BID NO. 19-079**

- WHEREAS,** the work consists of Removal and Replacement of an existing bridge crossing the Rosebud Creek, in the community of Rosebud, South Dakota on the Rosebud Reservation along the BIA Route 1102-North Spotted Tail Lane located in the Rosebud Valley; and
- WHEREAS,** Accounting Policies and Procedures requires us to follow the RST Procurement Policy requires to advertise in various news media. Request For Proposal (RFP) in various news media to solicit subcontractors in compliance with Ordinance No. 2003-05; and
- WHEREAS,** We did advertised in the various media outlets starting from December 15, 2019 until January 15, 2020 at which time we only received one bid and re-advertised starting February 26, 2020 until March 25, 2020 with the bid opening scheduled at March 25, 2020 but because of the Covid-19 Pandemic was not able to do the bid opening until May 28, 2020 at which time we had the same bidder that bid before; and
- WHEREAS,** Bid opening. All bids were opened at the TECRO office and recorded their Bid Tabulation Sheet, (May 28, 2020) the Request For Proposal (RFP) –Bid No. 2019-079 was advertised in the media for a total of 8 weeks at which time we received 1 bid for the Removal and Replacement of the Old Hollow Wood Bridge Replacement Project is as follow:
- Rosebud Concrete - \$1,176,434.40**
- WHEREAS,** because they were the only bidder and the Engineers estimated cost was lower than the current bit, we did do a negotiated a lower cost with Rosebud Concrete, Inc. of Winner, SD, for the new amount of **\$1,095,504.40**; and

**ROSEBUD SIOUX TRIBE**  
**Resolution No. 2020-159**

**WHEREAS,** the RST Tribal Transportation Committee at a regular meeting on July 14, 2020 at which time they discussed the construction bid documentation motioned and seconded to recommend to hire the low bidder, Rosebud Concrete, Inc. with the Bid of \$1,095,504.40 (NTE) and have the Tribal Council review and approve the selection.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Council of the Rosebud Sioux Tribe hereby:

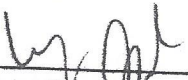
- Acknowledges the Tribal Transportation Committee recommendation.
- Accepts Rosebud Concrete, Inc. as low bidder of \$1,095,504.40 (NTE).
- For the Removal and Replacement of the Old Hollow Wood Bridge Project 1102 Rt. 20(3).
- After the review of the Construction Contract Agreement, to make sure it is in the best interest of the Tribe before President Bordeaux signs the document.


**NOW THEREFORE BE IT FURTHER RESOLVED,** that the Tribal Council of the Rosebud Sioux Tribe hereby authorizes the Tribal President, or his designee, to sign any and all documents pertaining to the BIA 1102 Rt. 20(3) Old Hollow Wood Bridge Removal and Replacement Project.

**CERTIFICATION**

This certifies that the above Resolution No. 2020-159 was passed by the Rosebud Sioux Tribal Council in session on July 21, 2020, by a vote of eleven (11) in favor, zero (0) opposed, and one (1) not voting. This said resolution was adopted pursuant to authority vested in the Tribal Council of the Rosebud Sioux Tribe. A quorum was present.

**ATTEST:**

  
\_\_\_\_\_  
Wayne Boyd, Secretary  
Rosebud Sioux Tribe

  
\_\_\_\_\_  
Rodney M. Bordeaux, President  
Rosebud Sioux Tribe



**ROSEBUD SIOUX TRIBAL COUNCIL  
MEETING MINTUES OF  
January 13, 2022**

**SWA**

None

**Transportation**

Rosebud concrete are they allowed to do work around here? Will do research  
BIA 1 Kilgore road-waiting on approval from proposal

Motion by Pamela Kills In Water to approve the design and proposal from KLI for the Kilgore Road BIA 1, second by Raymond Crow Eagle, question by Shere Wright Plank. The vote was fourteen (14) in favor, zero (0) opposed and one (1) not voting. MOTION CARRIED

Motion by Pamela Kills In Water to allow Chairman to sign contract between Rosebud Concrete to fix old hollow wood bridge, second by Shere Wright Plank, question by Raymond Crow Eagle. The vote was twelve (12) in favor, two (2) opposed and one (1) not voting. MOTION CARRIED

**TECRO**

None

**TUC**

None

**Veteran's Affairs**

None

**White Buffalo Calf Woman's Society**

Motion by Shere Wright Plank to approve Resolution No. 2021-252 WBCWS & MMIW Care Project; second by Jordan Rahn

Motion by Shere Wright Plank to table Resolution No. 2021-252, second by Jordan Rahn, question by Raymond Crow Eagle. The vote was nine (9) in favor, zero (0) opposed and four (4) not voting. MOTION CARRIED

Motion by Shere Wright Plank for emergency legislation Resolution No. 2022-13, second by Raymond Crow Eagle, question by Jordan Rahn. The vote was nine (9) in favor, zero (0) opposed and three (3) not voting. MOTION CARRIED

Motion by Shere Wright Plank to approve Resolution 2022-13 WBCWS grant award; second by Jordan Rahn, question by Raymond Crow Eagle. The vote was eleven (11) in favor, zero (0) opposed and one (1) not voting. MOTION CARRIED

**Resolutions**

Motion by Raymond Crow Eagle for emergency legislation Resolution No. 2022-14, second by Jordan Rahn, question by Shere Wright Plank. The vote was eleven (11) in favor, zero (0) opposed and one (1) not voting. MOTION CARRIED

# ROSEBUD CONCRETE, INC.

721 N. Main St.

Winner, SD 57580

**Quote To:**

Rosebud Sioux Tribe  
11 Legion Ave.  
P.O. Box 430  
Rosebud, SD 57570

**Job Name:**

Old Hollow Wood Bridge Structure  
Replacement, Rosebud, SD  
No 1102-20(3)  
Revised Design

**Bid Schedule**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
	<b>OLD HOLLOW WOOD BRIDGE 1102-20(3)</b>				
	<b>STRUCTURE REPLACEMENT</b>				
	<b>NORTH SPOTTED TAIL LANE, BIA ROUTE 1102</b>				
	<b>ROSEBUD, SOUTH DAKOTA</b>				
004E0020	CONSTRUCTION & MAINTENANCE OF DETOUR	1.00	LS	35,000.00	35,000.00
004E0060	TEMPORARY DETOUR STRUCTURE	1.00	EACH	35,500.00	35,500.00
009E0010	MOBILIZATION	1.00	LS	230,000.00	230,000.00
009E3200	CONSTRUCTION STAKING	1.00	LS	15,000.00	15,000.00
009E3340	CONTRACTOR FURNISHED TESTING	1.00	LS	15,000.00	15,000.00
009E4100	CONSTRUCTION SCHEDULE, CATEGORY I	1.00	LS	3,000.00	3,000.00
100E0100	CLEARING	1.00	LS	40,000.00	40,000.00
120E0020	UNCLASSIFIED EXCAVATION	1.00	LS	43,000.00	43,000.00
230E0100	REMOVE AND REPLACE TOPSOIL	1.00	LS	23,000.00	23,000.00
250E0030	INCIDENTAL WORK STRUCTURE	1.00	LS	40,000.00	40,000.00
260E1010	BASE COURSE	38.20	TON	85.00	3,247.00
320E1200	ASPHALT CONCRETE COMPOSITE	21.30	TON	295.00	6,283.50
430E0300	GRANULAR BRIDGE END BACKFILL	196.00	CY	150.00	29,400.00
460E0050	CLASS A45 CONCRETE, BRIDGE	21.90	CY	2,695.00	59,020.50
460E0150	CONCRETE APPROACH SLAB FOR BRIDGE (CLASS A45)	112.20	SY	650.00	72,930.00
470E0220	STEEL PEDESTRIAN RAIL ON CONCRETE BARRIER	20.00	LF	475.00	9,500.00
470E0420	TYPE 101 BRIDGE RAIL	21.30	LF	1,100.00	23,430.00
480E0200	EPOXY COATED REINFORCING STEEL	9,907.00	LB	7.25	71,825.75
560E8565	9'x20' Precast Box Culvert with wingwalls (F&I)	1.00	LS	398,000.00	398,000.00
632E2530	TYPE 3 OBJECT MARKER	4.00	EACH	185.00	740.00

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
634E0120	TRAFFIC CONTROL MISC.	1.00	LS	47,500.00	47,500.00
650E0060	TYPE B66 CONCRETE CURB AND GUTTER	60.00	LF	65.00	3,900.00
700E0210	CLASS B RIPRAP	110.00	TON	130.00	14,300.00
734E0450	TEMPORARY WATER BARRIER	180.00	LF	100.00	18,000.00
734E0604	HIGH FLOW SILT FENCE	100.00	LF	15.00	1,500.00
734E0610	MUCKING SILT FENCE	25.00	CY	15.00	375.00
831E0110	TYPE B DRAINAGE FABRIC	130.00	SY	19.00	2,470.00
<b>GRAND TOTAL</b>					<b>1,241,921.75</b>

**NOTES:**

We propose to furnish items quoted above for the sum of:  
See above for breakdown and total price.

This proposal may be withdrawn by us if not accepted within 30 days.

Dated: March 3, 2022

By: Richard Laber, General Manager



# CONTRACT

**Between  
Rosebud Sioux Tribe  
And  
Rosebud Concrete, Inc.**

This **CONTRACT** is between the Rosebud Sioux Tribe (**TRIBE**), and the construction company of Rosebud Concrete, Inc. (**SUBCONTRACTOR**) that will provide replacement and reconstruction of the bridge. The address of the **TRIBE** is P.O. Box 430 at 11 Legion Avenue in Rosebud, SD 57570 at (605) 747-2381. The address of the **SUBCONTRACTOR** is 721 N Main Street in Winner, SD 57580 at (605) 842-2991.

## **PROJECT.**

The name will be Old Hollow Wood Bridge Project and the number will be "1102-20(3)"

## **LOCATION.**

This bridge **PROJECT** is located within Todd County on the Rosebud Indian Reservation in the Town of Rosebud in the State of South Dakota. Specifically, NE 1/4, SECTION 27, T 38 N, R 30 W, 6th P.M. on North Spotted Tail Lane BIA Route 1102.

## **SCOPE OF WORK.**

The **SUBCONTRACTOR** shall provide the labor and materials to complete the construction of the new Old Hollow Wood Bridge pursuant to the **PSE** bid documents and with the consensus of both **PARTIES**.

Both **PARTIES** acknowledge and adhere to the following conditions and requirements:

- **TECRO.**

Adhere Ordinance No. 85-03; December 01, 2011 complete a Compliance Plan, and pay required fees 4.5%.

- **TRIBAL BUSINESS LICENSE.**

Adhere to fees paid to conduct business pursuant to the tribal Law & Order Code on projects with the **TRIBE**. (Title II – Tribal Tax Code).

- **SUBCONTRACTOR.**

The **SUBCONTRACTOR** shall provide construction services to complete the new bridge as designed. They shall carry Insurance and shall be bonded to cover all incident that may arise.

- **CONSTRUCTION AMOUNT.**

Both **PARTIES** acknowledge and accept the Proposal submitted by the **SUBCONTRACTOR** and the Negotiated Amount of One Million, Two Hundred Forty One Thousand, Nine Hundred Twenty One dollars and Seventy Five Cents, \$1,241,921.75.

- **PRE-CONSTRUCTION MEETING.**

The **ENGINEER** shall notify both **PARTIES** of a Pre-Construction Meeting Date prior to the start of construction.

- **NOTICE TO PROCEED.**

Immediately thereafter the Pre-Construction meeting, the **TRIBE** shall notify the subcontractor of the date to start work.

- **QUANTITIES, PAY ESTIMATES, CHANGE ORDERS AND MODIFICATIONS.**

The **SUBCONTRACTOR** shall consult with the **TRIBAL INSPECTORS**, the **A/E ENGINEER CMS** subcontractor; and **RST TRANSPORTATION PROGRAM REPRESENTATIVES**.

- **PROJECT CONTRACTS.**

The **TRIBAL** Inspector(s) will be Robert Boyd at (605) 828-3328 or Donald Boyd, Jr. at (605) 545-0344, and the **PRIME CONTRACTOR'S** contact shall be the RST Transportation Program director Lynda Douville at (605) 856-2944. The **SUBCONTRACTOR'S** representative shall be Rich Laber at (605) 842-2991 Office or (605) 840-1301 Cell.

**DISPUTE RESOLUTION.**

Mediation will be used if any dispute arises while in this contract. Both parties will agree to a neutral third party to resolve the dispute, before any legal action is taken.

**SOVEREIGN IMMUNITY.**

The Rosebud Sioux Tribe by entering into this Contract with the **SUBCONTRACTOR** does not waive any of its sovereign immunity from suit. This Proposal shall be governed by all motions, resolutions, ordinances, and others deemed necessary of the laws of the tribe in tribal court of the Rosebud Sioux Tribe.

**SIGNATURE PARTIES**

The **TRIBE** and the **SUBCONTRACTOR** both agree by signing this **CONTRACT** that they will abide in good faith by the contents contained herein.

**ROSEBUD SIOUX TRIBE**

**ROSEBUD CONCRETE, INC.**

\_\_\_\_\_  
Scott Herman, President    Date

\_\_\_\_\_  
Rich Laber, Manager        Date

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_