



NOTICE

MHA TERO ADMINISTRATIVE SERVICES MANDATE

EFFECTIVE IMMEDIATELY

Pursuant to 26 June 2018 TERO Commission Meeting

FOR ALL ADMINISTRATIVE SERVICES INCLUDING BUT NOT LIMITED TO:

- (1) RIGHT-OF-WAY (ROW) APPLICATION PROCESSING
- (2) RIGHT-OF-WAY (ROW) CONSENT/SIGNATURE SERVICE
- (3) BUSINESS LICENSE APPLICATION PROCESSING
- (4) BOOKKEEPING
- (5) PAYROLL
- (6) INFORMATION TECHNOLOGY
- (7) NOTARY PUBLIC

INDIAN CERTIFIED FIRMS WHO PERFORM AN ADMINISTRATIVE SERVICE SHALL NOT REMAIN IDLE AND UNUSED WHILE THE SAME SERVICES OF NON-INDIAN FIRMS ARE OPERATING AND RESULTING IN ACTIVITIES ON THE FORT BERTHOLD INDIAN RESERVATION

ALL INDIAN CERTIFIED FIRMS DESIRING TO PERFORM THE WORK WILL COMPLY WITH ALL TRIBAL, STATE, AND FEDERAL LAWS APPLICABLE TO THE SERVICE. THEY WILL HAVE IMMEDIATE PREFERENCE ABOVE ANY NON-INDIAN FIRM

This mandate is pursuant to TERO Regulations requiring Indian Preference in contracting, subcontracting, and employment to Indians and Indian-owned firms by all contract awarding entities operating within the exterior boundaries of the lands over which the Mandan Hidatsa and Arikara Nation ("MHA Nation") has jurisdiction.

To record the multi-dimensional service of Right-of-Way (ROW) Application Processing, the ROW applicant shall complete and submit a **MHA TERO (ROW) Preference Disclosure Document** with all ROW applications affecting lands on the Fort Berthold Indian Reservation. MHA TERO realizes portions or the entire process may be self-performed by the ROW Applicants' own company employees. Nevertheless, a MHA TERO (ROW) Preference Disclosure Document shall still be completed for each ROW application submitted. The document shall be submitted to the MHA TERO Indian Contracting Department at which time the applicant shall receive a signed copy to verify that you have completed the mandate requirement.

10 May 2019

Best business practices will be followed. Awarding Entities may not be required to utilize Indian-owned firms with prior or pending litigation, liens, serious disputes (as determined by TERO) involving payments to sub-contractor or if non-corrected issues exist. All future administrative service work not performed by the awarding entity must mandate the full use of Indian Certified Firms, anything not fulfilled can thereafter can be given to non-Indian firms.

MHA TERO realizes that existing contracts could possibly be affected. These existing contract arrangements may continue if there administrative service is performed by an Indian Certified Firm. The existing contracts may continue to the greatest extent possible, secondary to the Indian preference mandate noted above. The associated work awarded by all awarding entities will be monitored and may be audited at any time.

Written contracts shall follow the award of any work awarded under this policy. Contracts shall be consistent to the associated work. All billing shall be billed directly to the awarding entity. Any violation of this policy may result in a \$5000 per day sanction.

FAILURE TO COMPLY WITH THIS MANDATE MAY RESULT IN AN INDIAN PREFERENCE IN CONTRACTING AND SUBCONTRACTING VIOLATION.