



Saint Regis Mohawk Tribe

412 State Route 37
Hogansburg, New York 13655
Tel. 518-358-2272
Fax 518-358-3203

Tribal Council Resolution
TCR #2000-55
Re: Mohawk Preference Policy

WHEREAS, the Saint Regis Mohawk Tribal Council is the duly recognized governing body of the Saint Regis Mohawk Tribe; and,

WHEREAS, the Saint Regis Mohawk Tribal Council is responsible to protect the health, safety, education and general welfare of all community members; and,

WHEREAS, the Saint Regis Mohawk tribe is an equal opportunity employer operating under Public Law 93-638 that states in Clauses 17A and 17B that preference be given to Indians for employment openings; and,

WHEREAS, Public Law 93-638, the Indian Self-Determination Act of 1977 states that "Preference be given to Indian organizations and to Indian-owned economic enterprises" as defined in Section 3 of the Indian Financing Act of 1974; and,

WHEREAS, the Saint Regis Mohawk Tribe is responsible to create and provide a maximum level of employment among the Mohawk people; and,

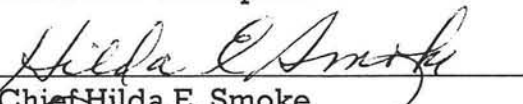
WHEREAS, the Saint Regis Mohawk Tribe will promote economic development through the establishment of quality industrial, commercial and private development in order to establish revenue sources for the Saint Regis Mohawk Tribe; and,

WHEREAS, Tribal Council Resolution #2000-55 hereby replaces Tribal Council Resolution #91-52 signed on August 15, 1991.

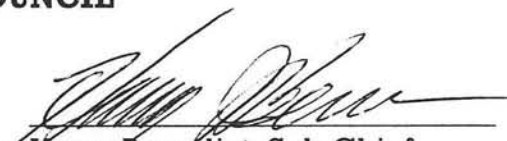
THEREFORE BE IT RESOLVED THAT, the Saint Regis Mohawk Tribe in a self-determination effort, hereby adopts the policy of making it mandatory for the Saint Regis Mohawk Tribe, including all of its branches, agencies and organizations, to purchase all goods and services locally with Mohawk – owned economic enterprises and to provide Mohawk Preference in the procurement of all goods, services, and contracts including a ten percent (10%) preferential advantage to all Mohawk vendors, contractors and service suppliers. Goods and services will be purchased from alternative sources if unavailable locally or if quoted costs provided by Mohawk vendors, contractors and service suppliers exceeds ten percent (10%).

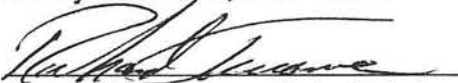
THE SAINT REGIS MOHAWK TRIBAL COUNCIL


Chief Paul Thompson


Chief Hilda E. Smoke



Chief Alma Ransom



Harry Benedict, Sub Chief


Richard Terrance, Sub Chief

John Bigtree Jr., Sub Chief

Certification: *This is to certify that the above resolution was adopted pursuant to the authority vested therein.*


Patricia Thomas, Tribal Clerk


Date

OK 

TRIBAL COUNCIL RESOLUTION _____
MOHAWK PREFERENCE POLICY

- WHEREAS, the Saint Regis Mohawk Tribal Council is the duly recognized governing body of the Saint Regis Mohawk Tribe; and
- WHEREAS, the Saint Regis Mohawk Tribal Council is responsible to protect the health, safety, education and general welfare of all community members; and
- WHEREAS, the Saint Regis Mohawk Tribe is an equal opportunity employer operating under Public Law 93-638 that states in Clauses 17 A and B that preference be given to Indians for employment openings; and
- WHEREAS, Public Law 93-638, the Indian Self-Determination Act of 1977 states that "Preference be given to Indian organizations and to Indian-owned economic enterprises" as defined in Section 3 of the Indian Financing Act of 1974; and
- WHEREAS, the Saint Regis Mohawk Tribe is responsible to create and provide a maximum level of employment among the Mohawk people; and
- WHEREAS, the Saint Regis Mohawk Tribe will promote economic development through the establishment of quality industrial, commercial and private development in order to establish revenue sources for the Saint Regis Mohawk Tribe; and
- WHEREAS, Tribal Council Resolution ----- hereby replaces Tribal Council Resolution 91-52 signed on August 15, 1991.

THEREFORE BE IT RESOLVED, that the Saint Regis Mohawk Tribe in a self-determination effort, hereby adopts the policy of making it mandatory for the Saint Regis Mohawk Tribe, including all of its branches, agencies and organizations, to purchase all goods and services locally with Mohawk-owned economic enterprises and to provide Mohawk Preference in the procurement of all goods, services and contracts including a ten percent (10%) preferential advantage to all Mohawk vendors, contractors and service suppliers. Goods and services will be purchased from alternative sources if unavailable locally or if quoted costs provided by Mohawk vendors, contractors and service suppliers exceed ten percent (10%).

CERTIFICATION

This is to certify that the above resolution was adopted pursuant to the authority vested in the Saint Regis Mohawk Tribal Council.

THOUSAND LAKES HYDROTERRA TECH, INC.
51 GOUVERNUER ST.
P.O. BOX 398
CANTON, NY 13617
315-386-8000 == FAX - 315-386-8312

TO: *Ernie Thompson*
LOCATION:
FAX NO: *518-358-9011*
PROJECT: *East River Waterline*

FROM: *Carole*
DATE: *9-28-00*
Number of Pages: (including this sheet) *3*

MESSAGE:

IF YOU DO NOT RECEIVE ALL PAGES OR IF INFORMATION IS NOT
CLEAR PLEASE CALL (315) 386-8000 - 1-800-503-0804 OR FAX # (315) 386-8312

**THOUSAND LAKES HYDROTERRA TECH, INC.
PO BOX 398, 51 GOUVERNEUR STREET
CANTON NY 13617
315 386 8000
FAX - 315 386 8312**

September 28, 2000

Saint Regis Mohawk Tribe
Mr. Dan Bero
Procurement Officer
412 State Route 37
Hogansburg, NY 13655

RE: East River Water Line Bid

Dear Mr. Bero:

In my conversation with Chris Glime from Indian Health Services on this date, I was informed that the tribe is preparing to award the East River Water Line Bid to the second highest bidder, Roundpoint Construction, due to the 10% allowance for minority bidders. In my conversation with you on September 13, 2000, I was told by you that no one had filed Procurement paperwork within the required 10 days prior to the bid date of September 18th. I informed you that we are a minority-owned company and was told that, since no one had filed paperwork by that date, it was considered an open bid with no exceptions. I am now being told that, after our bid was opened and discovered to be 10% lower than the next bidder, suddenly procurement paperwork has been found. I have to conclude that either you purposefully misinformed me on September 13, or the Procurement allowance paperwork was filed after the legal filing date.

This is not the first time that we have been the low bidder on a project and not been awarded the job. We were low bidders on the Community Water System expansion and it was taken away from us due to the fact that we used the "wrong bid sheet". Supposedly, addenda were sent out with new bid sheets that we never received. Item 5.01 of the specs states that any addenda must be mailed by certified mail with return receipt requested not later than 3 days prior to the date fixed for the opening of bids. I have asked your office for a copy of our return receipt but have received no response. I am beginning to suspect that my company was the only one that did not receive this addenda.

A bid is put out for the purpose of fairly giving a job to the lowest bidder. My bids on St. Regis Mohawk Tribe Water Projects have been the lowest bid both times we have bid. I was very careful with this bid, calling your office on a daily basis to make sure there were no Addendas and that I had filed all necessary paperwork. Despite this fact, once again I am being denied the contract when I am the lowest bidder. Why put the project out for bid if there is no intention of giving it to the lowest bidder? I too am a minority-owned company. You indicated to me that I could not file this paperwork due to the 10 day requirement, but it appears that this requirement was waived for my competitor. If my company is not awarded this job, I will have to assume that it is due to discriminatory practices on the part of your office.

In conclusion, I am requesting that you reexamine the bidding process for this project. If my company was given incorrect information by you that would affect the bid numbers to the advantage of Round Point Construction, I will find it necessary to file a complaint with the Procurement Law Office at the GAO. Please respond at your earliest convenience.

Sincerely,

Thousand Lakes Hydro Terra Tech, Inc.



Carole Vanderpool
President

CC: Congressman John Mchugh
~~Ernie Thompson, Director Planning & Infrastructure~~
Christen P. Glime, Environmental Engineer
Gus McDonald, Executive Director, SRMT



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service
Indian Health Service
Northern District Office
122 East Seneca Street
Manlius, NY 13104
(315) 682-3167
(315) 682-3189 Fax

21 September 2000

Ernie Thompson, Director of Planning & Infrastructure
Saint Regis Mohawk Tribe
Rte. 37, PO Box 8A
Hogansburg, NY 13655

Re: Bids for IHS Project NS 96-739, East River Water Line

Dear Mr. Thompson:

This is to acknowledge your 20 September 2000 letter confirming that Roundpoint Construction is the apparent low bidder based on their compliance with Saint Regis Mohawk Tribe's (SRMT) procurement standards in order to take advantage of a 10% Native American preference stipulation.

It is our understanding when Roundpoint Construction is given their 10% Native American Preference, the low bid of \$667,090.00 becomes \$733,799 [$1.10 \times \$667,090.00$], and Roundpoint Construction's bid of \$728,530.00 becomes the apparent low bidder.

Roundpoint Construction's bid appears in order, please proceed with the contracting process. We await a preliminary start date and submittals from Roundpoint Construction.

If you have any questions, please contact me or Chris Glime at 315-682-3167.

Sincerely,

Lee Jackson, Senior Environmental Engineer
Manlius Field Office, NDO, IHS
ouref: C:\myfiles\StRegis\SR739nmg.wpd

cc: Gus McDonald, Executive Director, SRMT
Dawn Thompson, Asst. Tribal Administrator, SRMT
Karen Benn, Finance, SRMT
Dan Bero, Procurement, SRMT
Travis Solomon, Construction Manager
Phil Rapp, P.E., District Engineer, NDO, IHS
Chris Glime, Environmental Engineer, MFO, NDO, NAO, IHS
MFO File: Project NS 96-739 Contracts



Saint Regis Mohawk Tribe

412 State Route 37
Hogansburg, New York 13655
Tel. 518-358-2272
Fax 518-358-3203

September 20, 2000

Lee Jackson, Environmental Engineer
Department of Health & Human Service
Indian Health Service
Northern District Office
122 E. Seneca St.
Manlius, NY 13104

Re: Project NS96-739, East River Water Line

Dear Lee:

This is in response to your letter dated September 19, 2000 for the above-mentioned project. Although Thousand Lakes Hydroterra Tech, Inc. was the apparent low bidder, we have one native contractor, Roundpoint Construction, who has certification on file that he is a native owned business. According to Tribal Council Resolution #2000-55, a ten percent (10%) preferential advantage will be given to Native contractors, vendors and service suppliers. Once the 10% native preference has been given, Roundpoint Construction will be the apparent low bidder.

I have enclosed a copy of Mr. Roundpoint's certification issued to him by the New York State Department of Economic Development for your file.

I await your response in order to proceed with the contracting process. If you have any questions, please do not hesitate to contact me at (518) 358-2272 extension 282.

Thank you,

A handwritten signature in black ink, appearing to read "Ernie Thompson".

Ernie Thompson
Director of Planning & Infrastructure

CC: Tribal Council
Gus McDonald, Executive Director, SRMT
Dawn Thompson, Asst. Tribal Administrator, SRMT
Karen Benn, Finance, SRMT
Dan Bero, Procurement, SRMT
Travis Solomon, Construction Manager, SRMT
Phil Rapp, District Engineer, NDO, I.H.S
Chris Glime, Environmental Engineer, I.H.S
File