

FOND DU LAC RESERVATION BUSINESS COMMITTEE

BUDGETS AND PROCUREMENT

ORDINANCE #07/95, as amended

Adopted by Resolution #1348/95 of the Fond du Lac Reservation Business Committee on October 12, 1995.

Amended by Resolution #1043/02 of the Fond du Lac Reservation Business Committee on January 9, 2002.

Amended by Resolution #1159/02 of the Fond du Lac Reservation Business Committee on April 25, 2002.

Amended by Resolution #1311/08 of the Fond du Lac Reservation Business Committee on October 7, 2008.

Amended by Resolution #1403/14 of the Fond du Lac Reservation Business Committee on October 22, 2014.

Amended by Resolution #1176/15 of the Fond du Lac Reservation Business Committee on June 10, 2015.

Amended by Resolution #1079/16 of the Fond du Lac Reservation Business Committee on March 2, 2016.

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Amended by Resolution #1126/21 of the Fond du Lac Reservation Business Committee on March 24, 2021.

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CHAPTER 1

AUTHORITY, PURPOSE AND INTERPRETATION

Section 101 Authority

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under the laws of the United States of America.

Section 102 Findings and Purpose

The Reservation Business Committee finds that, in order to satisfy the requirements of budgetary and fiduciary accountability established under Article VI of the Minnesota Chippewa Tribe Constitution and the Bylaws of the Fond du Lac Band, FDL Ord. #01/64, there is a need to establish a procedural framework for the adoption of budgets and the authorization and accounting of expenditures by the directors and managers of the programs and enterprises of the Fond du Lac Band. Towards that purpose, the procedures established under this Ordinance shall be binding upon every Division Director and Enterprise Manager of the Fond du Lac Band.

Section 103 Reservation of Rights; Interpretation

Neither the provisions of this Ordinance nor any action in pursuit thereof shall operate as, or authorize, a waiver of the sovereign immunity of the Fond du Lac Band or as a consent to jurisdiction by any court or agency for any matter arising under law or equity. The provisions of this Ordinance shall be construed and implemented in a manner which is consistent with the laws and regulations of the Fond du Lac Band, with generally accepted principles of accounting, and with those laws and regulations of the United States which have been determined by the

Reservation Business Committee to be specifically applicable to a program, enterprise or transaction.

CHAPTER 2

DEFINITIONS

The following definitions shall apply in the meanings and interpretation of the provisions of this Ordinance:

Section 201 “Capital Assets”

Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with generally accepted accounting principles. Capital assets include:

- a. Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- b. Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

Section 202 “Capital Expenditure”

Expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value of useful life.

Section 203 “Contracted Service”

Services which are provided by an independent contractor and performed under a contract whose performance requires an expenditure during a budget period, excluding entertainment contracts.

Section 204 “Contracting Authority”

The authority to sign and enter into contracts on behalf of the Reservation Business Committee or a tribal corporate board.

Section 205 “Cost of goods”

Articles which are purchased for resale.

Section 206 “Equipment”

Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000.

Section 207 “Gaming-Related Contract”

Any agreement for the purchase or procurement of materials, supplies, equipment or services which are unique to the operation of gaming, including materials, supplies, equipment, management or consultant services, contract security services, prize payout agreements or annuity contracts, and marketing or advertising services.

Section 208 “Reservation Business Committee”

The governing body of the Fond du Lac Band of Lake Superior Chippewa.

Section 209 “Service or Maintenance Contract”

A contract for the provision of maintenance or repair services whose performance requires an expenditure during a budget period.

Section 210 “Spending Authority”

The authority to purchase or procure by voucher.

Section 211 “Supplies”

Articles with a value of less than \$5000.

Section 212 “Tribal Corporate Board”

The Board of Directors of the Fond du Lac Development Corporation, Fond du Lac Management, Inc., or other tribally-chartered corporation.

Section 213 “Voucher”

A purchase order or other written form for the purchase or lease of goods or services which is approved by the Reservation Business Committee or relevant tribal corporate board.

CHAPTER 3

BUDGETS

Section 301 General Requirements for Budgets

- a. Approval by Resolution. All expenditures must be in accordance with a budget, duly approved by resolution of the Reservation Business Committee or appropriate tribal corporate board. The resolution must be approved in open session by a duly-convened quorum.
- b. Budget Contents. Each budget must contain a specific description of each expected capital expenditure and category of equipment, supplies or service, to be purchased or procured during the budget period, and must include the cost of each anticipated expenditure contemplated during the budget period.
- c. Budget Methods. Because of varying fiscal years, business structures, and grant terms, an appropriate budget process must be selected. All budgets must be prepared in accordance with one of the six methods described in Sections 302 to 307 of this Chapter: Development Budgets, Enterprise Budgets, Grant Budgets, Construction Project Budgets, Minor Budget Adjustments, and Budget Amendments.

Section 302 Development Budgets

- a. Frequency and Term. A Development Budget must be prepared on an annual basis and shall have a one-year term. The fiscal year for Development Budgets is January 1 to December 31.
- b. Purpose. The purpose of the Development Budget is to describe how general funds held by Fond du Lac Development Corporation shall be spent by Band programs and enterprises.
- c. Contents. The Development Budget must contain any appropriations to Band programs to supplement grant funding and any appropriations to Band enterprises for capital expenditures and to offset losses. A list of all capital expenditures must be developed as part of the Development Budget. If a proposed capital expenditure is not included in the list of capital expenditures, the list of capital expenditures must be amended before the purchase can be completed.

- d. Responsibilities. Each Division Director or Enterprise Manager requesting Fond du Lac Development Corporation funds must develop a budget request for each program or department administered by that Division or Enterprise. The budget request preparation must be in consultation with the Finance Division. The Comptroller must compile a comprehensive Development Budget and submit that budget to the Fond du Lac Development Corporation board of directors for approval.

Section 303 Enterprise Budgets

- a. Frequency and Term. For each Band enterprise, an Enterprise Budget must be prepared on an annual basis and shall have a one-year term. The fiscal year for Development Budgets is January 1 to December 31.
- b. Purpose. The purpose of an Enterprise Budget is to govern expenditures of the enterprise and to predict the amount of net revenues that will be available for the Band.
- c. Contents. An Enterprise Budget must (1) contain a prediction of gross revenues for the Enterprise; (2) provide a budget for expenditures by the Enterprise; and (3) contain a prediction of net revenues available from the Enterprise for the Band.
- d. Responsibilities. Each Enterprise Manager must prepare an Enterprise Budget for each Enterprise. The budget preparation must be in consultation with the Finance Division. The Enterprise Budget must be approved by the Fond du Lac Management, Inc. board of directors or other appropriate tribal corporate board.

Section 304 Grant Budgets

- a. Off-Setting Grants. If grant funds will be used solely to offset expenditures approved through another budget, a new budget resolution is not required and the grant agreement only needs to be reviewed pursuant to Section 307.
- b. Frequency and Term. Because grants may be received at varying times of the year, Grant Budgets are prepared on an as-needed basis. A Grant Budget may last for the period of time allowed by the grant or, if no limit is placed by the grant, for an indefinite term.
- c. Purpose. The purpose of a Grant Budget is to establish the permissible uses for grant funds and to ensure that the Reservation Business Committee approves of the grant activities.

- d. Contents. A grant budget must describe how, consistent with any grant conditions, the grant funds may be spent. The grant budget resolution may also be used to indicate that the Reservation Business Committee accepts any grant conditions.
- e. Responsibilities. For each grant, the Division Director responsible for the grant must prepare a Grant Budget and obtain review of any grant agreement in accordance with Section 307. The budget preparation must be in consultation with the Finance Division. The Grant Budget must be approved by the Reservation Business Committee.

Section 305 Construction Project Budget

- a. Frequency and Term. Construction project budgets are developed on an as-needed basis and last for the duration of the construction project.
- b. Purpose. Construction project budgets are used to manage and control costs for construction projects, to define the scope of the project, and to allow a comprehensive review of a project's cost. In some cases, the items budgeted in a construction process may also be specified in another budget. Construction project budgets are required for all projects managed by the Band's Construction Projects Manager. The Construction Projects Manager must manage a project if the project involves more than one construction contract or if directed by the Reservation Business Committee or an executive director.
- c. Contents. The construction project budget must include the maximum budgeted cost for the project, the estimated costs in each applicable category (i.e., architecture and engineering, construction costs, inspections, testing, surveying, permits, any individual contracts, if available, and the project contingency), and the source of funding. The construction project budget may also include any other details about costs for the construction project.
- d. Responsibilities. The Construction Projects Manager must prepare a Construction Project Budget for each project managed by the Construction Projects Manager. The budget preparation must be in consultation with the Finance Division. The Construction Project Budget must be approved by the Fond du Lac Development Corp. board of directors.

Section 306 Minor Budget Adjustments

In the administration of the budget, the Division Director or Enterprise Manager shall have the discretion to reallocate up to \$50,000 of the total budget, in satisfaction of the expenditures required under another specific line item in that

budget, except where prohibited under applicable regulations or grant terms. Any reallocation of line items must be promptly reported to the Finance Division.

Section 307 Budget Amendments

- a. **Frequency and Term.** Budget Amendments are prepared on an as-needed basis. If not otherwise specified, a Budget Amendment will be for the term of the amended budget. A Budget Amendment may also be used to extend the term of a budget or to create a project-specific budget.
- b. **Purpose.** The purpose of a Budget Amendment is amend an existing budget in order to increase or decrease the amount to be spent, adjust budgeted amounts by category, specify additional line items, change the budget term, or to create a project-specific budget.
- c. **Contents.** The Budget Amendment must either state the terms of the new budget or describe how an existing budget will change.
- d. **Responsibilities.** The Division Director or Enterprise Manager responsible for the budget must prepare a Budget Amendment, in consultation with the Finance Division. The Budget Amendment must be submitted to the Reservation Business Committee or appropriate tribal corporate board for approval.

Section 308 Grant Agreement Review

Grant agreements must be reviewed by the Division Director with responsibility for the grant, by the Legal Affairs Office, and by the Finance Division. The review must be documented in writing or by e-mail; no particular form of documentation is required. The Division Director must maintain documentation that the review occurred and must provide a copy of the grant agreement to the Finance Division. In the event an objection is raised that cannot be resolved, the agreement must be submitted to the Reservation Business Committee for review.

Section 309 Budget Administration

A Division Director or Enterprise Manager must administer the budget in accordance with its terms, the provisions of this Ordinance and standard business judgment, and the Finance Division must provide monthly financial reports to the Division Director or Enterprise Manager, the Fond du Lac Executive Director, and to the Reservation Business Committee or appropriate tribal corporate board.

CHAPTER 4

PURCHASING AND PROCUREMENT PROCEDURES

Section 401 General Requirements for Procurement

The following requirements shall apply to purchases and procurements by any Division or Enterprise:

- a. Purchase by Contract. All purchases of services and gaming-related equipment must be made by contract.
- b. Purchase by Voucher. In general, purchases of supplies, cost of goods, and (non-gaming related) equipment may be made by voucher.
- c. Procurement Methods. All purchases and procurements must be made in accordance with one of the six methods described in Section 403 to 408 of this Chapter: Micro-Purchases, Small Purchases, Sealed Bids, Competitive Proposals, Non-Competitive Proposals, or Blanket Purchase Agreements.

Section 402 Delegation of Spending and Contracting Authority

- a. Spending Authority. The Reservation Business Committee or appropriate tribal corporate board may delegate spending authority to an employee up to a certain dollar amount. The delegation must be by including the employee on a list of employees authorized to issue purchase orders or by providing the employee a Band credit card. The delegation must indicate the dollar amount of the employee's spending authority.
- b. Contracting Authority. The Reservation Business Committee or appropriate tribal corporate board may delegate contracting authority to an employee up to a certain dollar amount. The delegation must be by resolution. The delegation must indicate the dollar amount of the employee's contracting authority.

Section 403 Micro-Purchases

- a. Scope. Procurement by micro-purchase procedures, as described in this Section, may be used for the acquisition of supplies or services if the aggregate dollar amount does not exceed the micro-purchase threshold. The micro-purchase threshold is \$2,000 for construction procurements subject to

the Davis-Bacon Act and \$10,000 for all other procurements. Under no circumstances may a purchase be broken down into more than one purchase in order to avoid exceeding the micro-purchase threshold.

- b. Selection. Only one price quote is required, provided the quote is considered reasonable. Quotes may be obtained orally (either in person or by telephone), by catalog, or in writing.
- c. Contracting. If the micro-purchase requires a contract, funds must be available for contracting in an approved budget and the contract must be (1) approved by an employee with contracting authority for the amount of the contract or (2) approved by the Reservation Business Committee or appropriate corporate board. The contract must be prepared and reviewed in accordance with Chapter 5 of this Ordinance.
- d. Vouchers. If the micro-purchase can be made with a voucher, funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- e. Documentation. The micro-purchase must be documented by an approved voucher or a written contract. If more than one quote is obtained and the purchase is made for reasons other than price, there must be written documentation clearly describing the reason for the purchase. The Finance Division, or the Division or Enterprise authorizing the purchase, must maintain the documentation. All documentation must be kept on file for a period of at least three years after the purchase or for the period of time required to satisfy grant requirements.

Section 404 Small Purchases

- a. Scope. Procurement by small purchase procedures, as described in this Section, may be used for the acquisition of supplies or services if the aggregate dollar amount does not exceed the small purchase threshold. The small purchase threshold is \$250,000. Under no circumstances may a purchase be broken down into more than one purchase in order to avoid exceeding the small purchase threshold.
- b. Selection. An adequate number of price quotes must be obtained. No less than two price quotes may be obtained. Quotes may be obtained orally (either in person or by telephone), by catalog, or in writing. In selecting a quote, preference must be given to qualified Indian bidders, provided that the proposed price of the duly qualified Indian bidder is no more than ten percent (10%) higher than the qualifying bid of the lowest non-Indian bidder. If the

purchase is made for reasons other than price, there must be written documentation clearly describing the reason for the purchase. If the lowest quote, taking into account the ten percent Indian preference, is not selected, the selection must be approved the Reservation Business Committee or appropriate corporate board.

- c. Contracts. If the small purchase requires a contract, funds must be available for contracting in an approved budget and the contract must be (1) for a purchase specifically mentioned in an approved budget, (2) approved by an employee with contracting authority for the amount of the contract, or (3) approved by the Reservation Business Committee or appropriate corporate board. The contract must be prepared and reviewed in accordance with Chapter 5 of this Ordinance.
- d. Vouchers. If the small purchase can be made with a voucher, funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- f. Documentation. The small purchase must be documented by an approved voucher or a written contract. All quotes, whether obtained orally or in writing, must be documented in writing. If the purchase is made for reasons other than price, there must be written documentation clearly describing the reason for the purchase. The Finance Division, or the Division or Enterprise authorizing the purchase, must maintain the documentation. All documentation must be kept on file for a period of at least three years after the purchase or for the period of time required to satisfy grant requirements.

Section 405 Sealed Bids

- a. Scope. Procurement by sealed bids, as described in this Section, may be used if (i) a complete, adequate, and realistic specification or purchase description can be provided; (ii) two or more responsible bidders are willing and able to compete effectively for the business; and (iii) the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. The sealed bid method is the preferred method for procuring construction.
- b. Approval to Proceed with Solicitation. If the purchase is not specifically mentioned in an approved budget, an employee must obtain approval to proceed with solicitation of bids through the sealed bid method from the Reservation Business Committee or the appropriate corporate board. If the purchase is specifically mentioned in an approved budget and that purchase

meets the standards for sealed bids contained in subsection 404.a. above, that budget approval shall serve as approval to proceed with solicitation.

- c. Solicitation. After approval to proceed with solicitation has been received, the Division Director or Enterprise Manager must prepare a request for proposals (also known as a bid solicitation or invitation to bid). Bids must be solicited from an adequate number of known suppliers, providing them with sufficient response time prior to the date set for opening the bids. The request for proposals must (1) define the items or services in order for the bidder to properly respond; (2) include any specifications and pertinent attachments; and (3) provide deadlines and submission information. The request for proposal may describe legal requirements applicable to the bid and contract (i.e., the bid and contract conditions described in Section 501). If required by funding conditions, the request for proposal must be publically advertised. If required by funding conditions, the request for proposal must describe the time and place for the public opening of bids and the public opening must take place as described.
- d. Selection. All sealed bid awards must be approved by the Reservation Business Committee or appropriate corporate board. An award will be made in writing to lowest responsive and responsible bidder, provided that preference must be given to qualified Indian bidders, where the proposed price of the duly qualified Indian bidder is no more than ten percent (10%) higher than the qualifying bid of the lowest non-Indian bidder. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs must be considered in determining which bid is the lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any and all bids may be rejected if there is a sound documented reason.
- e. Contracts. If the sealed bid award requires a contract, funds must be available for contracting in an approved budget. The contract must be prepared and reviewed in accordance with Chapter 5 of this Ordinance.
- e. Vouchers. If the sealed bid award can be made with a voucher, funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- g. Documentation. The sealed bid award must be documented by an approved voucher or a written contract. The request for proposal and all bids received must be maintained as documentation. If the lowest bid was not selected, the reason for rejecting the lower bid(s) must be documented in writing. The Finance Division, or the Division or Enterprise authorizing the purchase,

must maintain the documentation. All documentation must be kept on file for a period of at least three years after the purchase or for the period of time required to satisfy grant requirements.

Section 406 Competitive Proposals

- a. Scope. Procurement by competitive proposals, as described in this Section, may be used if conditions are not appropriate for the use of sealed bids.
- b. Approval to Proceed with Solicitation. The Reservation Business Committee or appropriate corporate board must provide approval to proceed with bids through competitive proposals.
- c. Solicitation. After approval to proceed with solicitation has been received, the Division Director or Enterprise Manager must prepare a request for proposals (also known as a bid solicitation or invitation to bid). The solicitation may specify the percentage or number of points to be awarded for Indian preference. The request for proposal may describe legal requirements applicable to the bid and contract (i.e., the bid and contract conditions described in Section 501). Proposals must be solicited from an adequate number of qualified sources. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response must be considered to the maximum extent practicable.
- d. Selection. All competitive proposal awards must be approved by the Reservation Business Committee or appropriate corporate board. Competitive proposal awards must be made to the responsible firm whose proposal is most advantageous to the Band, with price and other factors considered.
- e. Contracts. If the competitive proposal award requires a contract, funds must be available for contracting in an approved budget. The contract must be prepared and reviewed in accordance with Chapter 5 of this Ordinance.
- f. Vouchers. If the competitive proposal award can be made with a voucher, funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- g. Documentation. The competitive proposal award must be documented by an approved voucher or a written contract. The request for proposal and all bids received must be maintained as documentation. The Finance Division, or the Division or Enterprise authorizing the purchase, must maintain the documentation. All documentation must be kept on file for a period of at least

three years after the purchase or for the period of time required to satisfy grant requirements.

Section 407 Non-Competitive Proposals

- a. Scope. Procurement by non-competitive proposals, as described in this Section, may be used if (1) the item is available only from a single source; (2) an emergency will not permit a delay resulting from competitive solicitation; or (3) after solicitation from a number of sources, competition is determined to be inadequate.
- b. Selection. Approval of a non-competitive proposal must be approved by the Reservation Business Committee or the appropriate corporate board, unless (1) the non-competitive proposal is to address an emergency or (2) authority to select a non-competitive proposal has been delegated to a Division Director or Enterprise Manager. If the non-competitive proposal is to address an emergency, the Reservation Business Committee or the appropriate corporate board must, to the extent practicable, be informed of the selection and approval of the selection must be requested at the next meeting of the Reservation Business Committee or the appropriate corporate board.
- c. Contracts. If the non-competitive award requires a contract, funds must be available for contracting in an approved budget and the contract must be (1) for a purchase specifically mentioned in an approved budget, (2) approved by an employee with contracting authority for the amount of the contract, or (3) approved by the Reservation Business Committee or appropriate corporate board. The contract must be prepared and reviewed in accordance with Chapter 5 of this Ordinance.
- d. Vouchers. If the non-competitive award can be made with a voucher, funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- e. Documentation. The competitive proposal award must be documented by an approved voucher or a written contract. The request for proposal and all bids received must be maintained as documentation. The Finance Division, or the Division or Enterprise authorizing the purchase, must maintain the documentation. All documentation must be kept on file for a period of at least three years after the purchase or for the period of time required to satisfy grant requirements.

Section 408 Blanket Purchase Agreements

- a. Review of Vendor Relationships. The Fond du Lac Comptroller must review all vendor relationships for the purchase of (non-gaming related) supplies and cost of goods and must determine on a case-by-case basis whether such relationship should be subject to a Blanket Purchase Agreement contract, e.g. for the purposes of securing price or supply terms. Blanket Purchase Agreements may be used for a variety of supplies and services and are particularly attractive when the exact items, quantities, and delivery requirements are not known in advance.
- b. Development of a Blanket Purchase Agreement. Depending on the aggregate cost of purchases to be made under the Blanket Purchase Agreement, the agreement may be developed through the Micro Purchase procedures contained in Section 403, the Small Purchase procedures contained in Section 404, or the Competitive Proposal procedures in Section 406. Appropriate documentation about the development of the Blanket Purchase Agreement must be maintained.
- c. Purchases Made Pursuant to a Blanket Purchase Agreement. If a Blanket Purchase Agreement is in place, a purchase may be made pursuant to that agreement by voucher. Funds must be available for the purchase in an approved budget and the voucher must be approved by an employee with spending authority for the amount of the purchase.
- d. Documentation. A purchase made pursuant to a Blanket Purchase Agreement must be documented by voucher and by a reference to the Blanket Purchase Agreement. The Finance Division, or the Division or Enterprise authorizing the purchase, must maintain the documentation. All documentation must be kept on file for a period of at least three years after the purchase or for the period of time required to satisfy grant requirements.

CHAPTER 5

CONTRACT DEVELOPMENT AND REVIEW

Section 501 Required Contract Provisions

- a. General Tribal Conditions. The Fond du Lac Legal Affairs Office must maintain and make available lists of general conditions that apply to bidders and contractors on all Band contracts.
- b. Federal Conditions. The Fond du Lac Legal Affairs Office must maintain and make available lists of additional federal conditions that apply to bidders and contractors if required by federal funding conditions.
- c. Construction Conditions. The Fond du Lac Legal Affairs Office must maintain and make available lists of conditions that apply to bidders and contractors for Band construction projects.
- d. Review by Band Staff. Through the contract development or contract review process, Band staff may determine that certain conditions do not need to be expressly included in a contract. This paragraph does not, however, authorize Band staff to waive or change Band laws.

Section 502 Contract Development

If no contract is provided by the vendor or an appropriate template is not available, the Division Director or Enterprise Manager must submit a contract development request form, with the required information, to the Legal Affairs Office. The Legal Affairs Office will then prepare a contract for review. If an appropriate contract template is available, the Division Director or Enterprise Manager may prepare a contract based on that template or request contract development by the Legal Affairs Office. If a contract is provided by the vendor, the Division Director or Enterprise Manager may either submit that request for review or request contract development by the Legal Affairs Office.

Section 503 Contract Review Process

- a. Review by Employees with Contracting Authority. An employee with contracting authority may conduct his or her own review of the contract or may complete the standard review process described in paragraph b. An employee conducting his or her own review is responsible for ensuring that all necessary documentation is obtained.

- b. Standard Review Process. For all contracts not reviewed under paragraph a, the Division Director or Enterprise Manager must complete a “Procurement Worksheet” (the “Blue Sheet”). The form must designate appropriate staff to review the contract. Those staff must include, at a minimum, the Comptroller and the Tribal Attorney. If all designated staff review and approve the contract, the contract review process will be completed. If designated staff raise objections that cannot be resolved, the dispute must be presented to the Reservation Business Committee or appropriate tribal corporate board for a decision.

Section 504 Waivers of Sovereign Immunity

All waivers of sovereign immunity must be presented to the Reservation Business Committee or the appropriate tribal corporate board for approval by resolution. No individual has the authority to waive sovereign immunity without an approved resolution.

Section 505 Execution

After the contract review process has been completed, the contract can be signed by the Chairperson and Secretary/Treasurer or an employee with contracting authority. The contract should then be sent to the other party for signature. Copies of the signed contract must be distributed, for filing, to the Division Director or Enterprise Manager, the Finance Division, and the Legal Affairs Office.

CHAPTER 6

CONFLICTS OF INTEREST

Section 601 Conflict of Interest Prohibition

No employee, officer or agent of the Fond du Lac Band of Lake Superior Chippewa shall participate, directly or indirectly, in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when

- a. The employee, officer or agent,
- b. Any member of his or her family,
- c. His or her partner, or
- d. An organization which employs or is about to employ any of the above

has a financial or other interest in the entity selected for award.

Section 602 Use of Confidential Information

Employees, officers, and agents may acquire confidential and privileged information during their tenure with the Band. They are prohibited from publicly disclosing that information and from using that information for personal purposes. Former employees, officers, and agents are prohibited from acquiring a contract or other financial interest, direct or indirect, in any Band project or activity that is affected by that confidential or privileged information.

Section 603 Gratuities and Gifts

No employee, officer or agent of the Band will solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. This prohibition shall not extend to gifts of nominal intrinsic value. Receipt of meals or entertainment with a value in excess of \$25 per person on a single calendar day, or in excess of \$150 per person in a calendar year, from an individual company shall be deemed of monetary value and is therefore prohibited.

Section 604 Other Applicable Standards

In addition to the provisions in this Chapter, employees engaged in contracting are subject to the applicable provisions of the Fond du Lac Employment Handbook and elected officials are subject to the Reservation Business Committee

Code of Ethics. Violations of this Chapter shall be considered misconduct and shall be subject to appropriate disciplinary or legal action.

CHAPTER 7

COMPLIANCE

Section 701 Responsibility of Division Director or Enterprise Manager

It shall be the responsibility of every Division Director or Enterprise Manager to assure compliance with the provisions of this Ordinance as they pertain to the operation of that Division or Enterprise. Failure of a Division Director, Enterprise Manager to comply with the provisions of this Ordinance shall constitute misconduct.

CERTIFICATION

We do hereby certify the foregoing Ordinance #07/95 was duly presented, revised and adopted by Resolution #1348/95 by a vote of 4 for, 0 against, 0 silent with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on October 12, 1995 in Cloquet, Minnesota, and subsequently amended as follows: by Resolution #1043/02 on January 9, 2002; by Resolution #1159/02 on April 25, 2002; by Resolution #1311/08 on October 7, 2008; by Resolution #1403/14 on October 22, 2014; by Resolution #1176/15 on June 10, 2015; by Resolution #1079/16 on March 2, 2016; by Resolution #1367/16 on November 8, 2016; by Resolution #1192/19 on July 2, 2019; and by Resolution #1126/21 on March 24, 2021.



Kevin R. Dupuis, Sr.
Chairman



Ferdinand Martineau, Jr.
Secretary/Treasurer