1. INDIAN RESERVATION WORK [107] (REVISED 8-11-22 m)

Because all or part of this project is located within the external boundaries of an Indian Reservation, the following requirements apply:

Read, fully understand, and agree to the provisions here included.

Inquire with the designated Tribal official and become familiar with the Tribal requirements, written or not, for work on the Reservation, and submit bid with full knowledge, understanding and acceptance of them. Understand and accept that:

the Tribal laws, ordinances, regulations, and requirements have been established by the Tribe as a sovereign entity on the Reservation.

The Department has no authority or ability to affect those requirements, and

Neither the Tribal government nor any Tribal official or employee is acting in any way as an agent of the Department or the Transportation Commission. The Department and Commission have no control over the actions, inaction, requirements or comments of any Tribal government or employee, and are not bound by them.

If Tribal requirements will in any way increase the costs of performing the project, consider those and include all increased costs in bid prices.

Ensure that all proposed subcontractors are also fully aware of the Tribal requirements and accepted them when they gave quotes.

Understand and agree that employees, and all subcontractors and their employees, are responsible to the Tribe to adhere to and abide by all Tribal laws, ordinances and regulations on work performed on the Reservation, specifically including all Indian hiring and contract fee requirements.

Dealings with the Tribe and its requirements, other than those related to the Clean Water Act, aquatic resources permitting, and/or cultural resources, are solely between the Contractor and the Tribe, and must be addressed in the appropriate forum between them alone.

By submitting a bid, agree to defend, protect, indemnify, and save harmless the Department and State from any cost or delay caused or allegedly caused by or due to the failure of bidder or any subcontractor to fully comply with Tribal law, ordinance or regulation, or by claimed interference by the Tribe. Claims from such failure or claimed interference will not be considered extra work or compensable delay, but actual, documented and verified interference by Tribal government may be grounds for a contract time extension. Understand that any requests must fully comply with the Contract's claims procedure.

By submitting a bid, do so with full understanding and acceptance of all provisions of the Bid Package.

For bidder inquiries to the Tribe, or for more information about Tribal requirements other than those related to the Clean Water Act, aquatic resources permitting, and/or cultural resources, it is required to contact the Tribe directly. The point of contact designated by the Tribe for bidders to contact is the liaison listed in the attached Memorandum of Understanding, the main tribal phone number is: Phone Number

If a Pre-Bid Conference for the project is provided for in the Contract, a designated, authorized agent of the Bidder attends the Conference.