



NCA 15-057

CLASSIFICATION: #28. LANDS AND MINERALS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 28, CHAPTER 7, ENTITLED "TRIBAL CONSTRUCTION ENGINEER" AND ADDING A NEW SUBCHAPTER 7-108 ENTITLED "BONDING REQUIRED"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Nation undertakes many building projects on its property that are significant in both scope and cost.

B. It is important that the Nation's investment in these construction projects be protected from any potential adverse action by contractors or sub-contractors who perform work on these projects.

C. In order to ensure the Nation's interests are protected, the Nation wishes to require bonding on construction projects on the Nation's property.

SECTION TWO. NEW LAW. This Act shall be codified in Title 28, Chapter 7, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. NEW LAW. The following new law is hereby enacted and shall be codified as Chapter 28, Sub-chapter 7-108 of the Muscogee (Creek) Nation code of laws:

**TITLE 28. LANDS AND MINERALS
CHAPTER 7. TRIBAL CONSTRUCTION ENGINEER**

§ 7-108. Bonding Required

A. A bid bond may be required on construction or repair of a building, structure, or improvement on the Nation's real property if such is determined to be necessary by the Tribal Construction Engineer. If required, such bonds shall be in accordance with the policies and procedures of the Tribal Construction Department.

B. Prior to an award of a contract exceeding Fifty Thousand Dollars (\$50,000.00) for construction or repair of a building, structure, or improvement on the Nation's real property, the contractor that receives the award shall:

1. Furnish a bond with good and sufficient sureties payable to the Nation in a sum not less than the total sum of the contract; or
2. Cause an irrevocable letter of credit, containing terms the Nation prescribes, to be issued for the benefit of the Nation by a financial institution insured by the Federal Deposit Insurance Corporation in a sum not less than the total sum of the contract.

C. The bond or irrevocable letter of credit shall ensure the proper and prompt completion of the work in accordance with the contract and shall ensure that the contractor shall pay all indebtedness the contractor incurs for the contractor's subcontractors and all suppliers of labor, material, rental of machinery or equipment, and repair of and parts for equipment the contract requires the contractor to furnish.

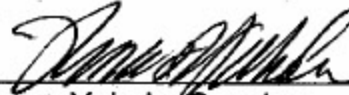
D. For a contract not exceeding Fifty Thousand Dollars (\$50,000.00), the Tribal Construction Engineer may allow the contractor to submit an affidavit of the payment of all indebtedness incurred by the contractor, the contractor's subcontractors, and all suppliers of labor, material, rented machinery or equipment, and repair of and parts for equipment used or consumed in the performance of the contract in lieu of a bond or irrevocable letter of credit. The execution of the affidavit with knowledge that any of the contents of the affidavit are false, upon conviction, shall constitute a misdemeanor, punishable as provided for by law.

SECTION FOUR. PRIOR CONTRACTS UNAFFECTED. The provisions of this Act shall not apply to contracts entered into prior to the approval of this Act.

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 28th day of March, 2015.

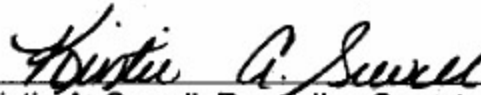
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

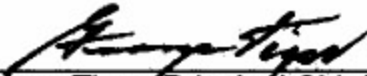
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **28th** day of **March, 2015** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **0** against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **6th** day of **April**, 2015 to the above Law, **NCA 15-057** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

