

EFFECTIVE IMMEDIATELY

NOTICE OF MHA TERO TRUCKING MANDATE

FOR ALL TRUCKING SERVICES INCLUDING BUT NOT LIMITED TO:

- (1) PRODUCTION WATER
- (2) CRUDE TRANSPORT
- (3) FRESH WATER / SALT WATER
- (4) FRAC SAND TRANSPORT
- (5) HOT SHOT / OILFIELD EQUIPMENT-SUPPLIES / FLATBED TRANSPORT
- (6) HEAVY EQUIPMENT/HEAVY HAUL
- (7) DRILL CUTTINGS
- (8) FUEL DELIVERY
- (9) NGL TRANSPORT
- (10) DRILLING FLUIDS
- (11) AGGREGATE TRANSPORT / BELLY DUMP - SIDE DUMP
- (12) NITROGEN TRANSPORT
- (13) WINCH TRUCK SERVICES

NO TRUCK THAT IS OWNED BY AN INDIAN CERTIFIED FIRM SHALL REMAIN IDLE WHILE NON-INDIAN TRUCKS ARE OPERATING ON THE FORT BERTHOLD INDIAN RESERVATION

ALL INDIAN CERTIFIED FIRMS DESIRING TO HAVE THEIR CERTIFIED TRUCKS PERFORM THE WORK WILL COMPLY WITH ALL TRIBAL, STATE, AND FEDERAL D.O.T. LAWS APPLICABLE TO THE SERVICE. THEY WILL HAVE IMMEDIATE PREFERENCE ABOVE ANY NON-INDIAN TRUCKING FIRM AND ANY NON-INDIAN OWNED TRUCK

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.

A reasonable rate must be negotiated between the parties or TERO intervention may occur to determine reasonable price. Once a negotiated rate is agreed to, it shall be secured in writing and notification sent to MHA TERO. **The record of this process will be done by utilizing the MHA TERO Negotiation Document.** This form will be required to be completed entirely and signed by both parties, even if work is not awarded. The negotiation document **MUST** be returned to MHA TERO to be put into contractor's file.

Best business practices will be followed. Producers may not be forced to utilize Indian-owned trucks and Indian-owned companies when prior litigation, liens, disputes with payments to sub-contractor or non-corrected safety issues exist. All future RFP's/Bids must mandate the full use of Indian Certified Firm trucks, anything not fulfilled can thereafter go to non-Indian trucks.

MHA TERO realizes that existing contracts could possibly be affected. These existing contract arrangements may continue if there are no idle company owned trucks of Indian Certified Firms. The existing contracts shall continue to the greatest extent possible, secondary to the Indian preference mandate noted above.

All future bids submitted must include a list of trucks owned by the Indian Firm that are not working in other contracts. To prevent overlapping on other contracts, those assets cannot be used on other bids. The effect would be knowing one company has all its trucks in use in another contract allowing any Indian Trucker with idle equipment to be utilized. The bids with all producers will be closely monitored.

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