

TRIBAL LAND ENTERPRISE
TLE PROPOSAL PROCESS

(Only for multi-year leases)

PROPOSAL: A Tribal Member operator has priority in claiming the renewal of their expiring leases.

PROPOSAL PACKET

The Proposal Packet shall include reference to the County where the tract is located, the advertisement, the Proposal Form, Address Verification Form, Grazing Management Plan, Farm Management Plan, Removable Improvements Plan, Pasturing Authorization, Resolution No. 2009-352, lease rental rates, and all identifying information for tracts enrolled in the CREP program

RECEIPT OF PROPOSALS

Upon receipt of Proposals by TLE:

- The Proposals will be organized by county by the leasing office after being date stamped and logged.
- All Proposals shall be ready for documentation on the appointed closing date.
- Proposals are prepared on spreadsheets to be presented to the Board of Directors for action.
- Competing proposals will not be honored and will be returned to the sender.

COMPLIANCE

Compliance checks shall be completed on TLE tracts to verify that land is healthy and there are no issues to impede the use of the land.

Compliance checks shall identify how many compliance infractions the operator identified, the level of the infraction, whether the infractions, if any, were resolved, and are the infractions habitual? Additionally, the following must be addressed by the compliance officer:

- Is the land healthy?
- Is the land overgrazed?
- Does the land need to be rested?
- Is the tract landlocked?
- Is the land being used? If so, by whom?
- Any fencing issues? If so, how serious is the fencing issue?

INFRACTIONS

Infractions which shall be grounds for TLE to refuse to award a lease to an applicant shall include, but are not limited to: gates left open, cows on roadways causing imminent threat to public safety, lessees and/or their representatives threatening staff, overstocking, failure to make payments, delinquent debt owed to the Rosebud Sioux Tribe or TLE.

Two (2) infractions: TLE has discretion whether to award the lease to the applicant

Three (3) infractions: Applicant shall not be considered for a leasing contract for one year

Four (4) infractions: Applicant shall not be considered for a leasing contract for 3-5 years

PRESENTATION TO THE BOD

- The presentation to the BOD shall be in excel spreadsheet form and shall include:
 - Tract Number(s)
 - Legal land description(s)
 - Usable resources to be leased by acreage (i.e. farmland, grassland, hayland)
 - Minimum bid amounts for both Tribal Members and Non-Members
 - Proposal information (Name, Bid amount, Tribal affiliation, Years)
 - *If completed, the compliance scoring.*

AWARDING OF PROPOSALS

All proposals are presented to the TLE Board of Directors for review and consideration. The award of the lease shall be made by the Board of Directors on recommendation of TLE staff. In making the award, consideration may be given to all factors arising from TLE's experience with the applicants as lessees and to the location of the applicant whose operations are closest to the land for which a lease is sought. Awarding of leases is within the sole discretion of the Board of Directors.

A checklist will be created to track the status of the award and receipt of contract.

BONDS

If the operator cannot obtain a bond or a letter of credit, the operator will be awarded the lease on the tract for a minimum of five (5) years. During the Lease term, the operator shall be required to purchase a percentage of TLE certificates each year in addition to payment of the annual lease income. For example, TLE calculates the value of the bond at \$1,929.00 for five (5) years. At the time the operator submits their annual lease payment, they must also purchase four (4) TLE certificates each year.

$$\$1,929.00 \div 5 = 385.80 \div \$96.45 = 4$$

If the operator fails to purchase the certificates, the lease will be canceled and put out for bid.

AWARD LETTERS

ALL CORRESPONDENCE SHALL BE SENT CERTIFIED MAIL

- Award letters must be prepared within five (5) to ten (10) working days of the Board's decision or as excerpts are received.
- All award letters will be executed by the Executive Director
- Award letters will be sent to the Tribal member operator and sent to BIA for further processing.
- Denial letters are completed and mailed to the applicants

All award letters are scanned into electronic format by TLE along with the following:

- Signed award letter
- Address Verification
- Grazing Plan
- Management Plan
- The proposer's documentation on proposal sheet submitted
- Pasture Authorization
- Other pertinent information submitted by the proposer.

The Scanned packet is then:

- Saved in the specified folder in the TLE shared drive,
- Sent by email to the Bureau of Indian Affairs (BIA) Realty Department
- Attached in tract TribeVue file.
- A new Lease is inserted from the Award letter with pertinent information and filed in the tract file folder in leasing.

CONTRACTS

ALL approved leasing contracts received from the BIA will be scanned into TribeVue, for appropriate record keeping.