161.368 HIGHWAY CONTRACTS WITH TRIBAL AUTHORITIES.

(a) On behalf of the state, the commissioner may enter into agreements with Indian Tribal authorities for the purpose of providing maintenance, design, and construction to highways on Tribal lands. These agreements may include (1) a provision for waiver of immunity from suit by a party to the contract on the part of the Tribal authority with respect to any controversy arising out of the contract and (2) a provision conferring jurisdiction on state district courts to hear such a controversy.

(b) Notwithstanding section 161.32, for construction of highways on Tribal lands in a reservation exempt from Public Law 83-280, the commissioner may: (1) award a preference for Indian-owned contractors to the same extent provided in the applicable Tribal Employment Rights Ordinance, but not to exceed ten percent; or (2) negotiate with the Tribal authority and enter into an agreement for the Tribal authority to award and administer the construction contract, with the commissioner providing funding for the state share of the project. If negotiating with the Tribal authority, the commissioner must perform an independent cost estimate and determine that the cost proposed by the Tribal authority is reasonable. An agreement negotiated with a Tribal authority must include a clause requiring conformance with plans and specifications approved by the commissioner.

History: *1Sp2003 c 19 art 2 s 10; 2004 c 295 art 1 s 1; 1Sp2005 c 6 art 3 s 8; 2016 c 189 art 13 s 53*