

**TO APPROVE THE ARTICLES OF ORGANIZATION OF CHOCTAW PREMIER SERVICES, LLC,  
ALLOWING IT TO SUE AND BE SUED IN ACCORDANCE WITH A LIMITED WAIVER OF  
SOVEREIGN IMMUNITY AND AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR  
CERTIFICATION AS A SMALL BUSINESS ADMINISTRATION'S 8(a) BUSINESS DEVELOPMENT  
PROGRAM PARTICIPANT**

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**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION**

**RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

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**A COUNCIL BILL**

**TO APPROVE** the Articles of Organization of Choctaw Premier Services, LLC, allowing it to sue and be sued in accordance with a limited waiver of sovereign immunity and authorizing the submission of an application for certification as a Small Business Administration's 8(a) Business Development Program participant

**WHEREAS**, the Choctaw Nation of Oklahoma (the "Nation") is the sole member of Choctaw Global, LLC ("Global"), a limited liability company formed under the Choctaw Nation Limited Liability Company Act (the "Act"); and

**WHEREAS**, Global is the sole member of Choctaw Premier Services, LLC ("Premier Services"), a limited liability company formed under the Act; and

**WHEREAS**, Premier Services holds the same immunity from suit as the Nation because it is a Tribal limited liability company that is wholly-owned, through Global, by the Nation; and

**WHEREAS**, the Managers of Global, pursuant to Section 7.1(i) of the Global Operating Agreement, have determined that it is in the best interest of Global to form Premier Services and submit an application to the Small Business Administration ("SBA") seeking certification as a program participant in the Small Business Administration's (the "SBA") 8(a) Business Development Program (the "8(a) Program"); and

**WHEREAS**, the Tribal Council (the "Tribal Council") of the Nation is required to approve all waivers of sovereign immunity of the Nation and any wholly-owned subsidiaries thereof, such as the limited waiver required to be included in the organizational documents of all 8(a) Program participants which allows such participant to sue and be sued in the Federal Courts of the United States on matters relating to SBA's programs, including 8(a) Program participation, loans, advance payments, and contract performance; and

**WHEREAS**, the Tribal Council has traditionally approved submission of applications to participate in the 8(a) Program; and

**WHEREAS**, the Global Managers approved the formation of Premier Services and the Articles, subject to approval by the Nation's Chief and have recommended the Articles of Organization of Premier Services (the "Premier Articles") for approval, which Premier Articles includes a limited waiver of sovereign immunity as per SBA requirements, to enable the Company to seek designation as an 8(a) Program participant in contracts with Federal Government agencies; and

**WHEREAS**, the Nation desires to comply with the requirements of the 8(a) Program and acquire the certificate for Premier Services to participate in the 8(a) Program in accordance with SBA 8(a) Program rules and regulations, including providing a limited waiver of sovereign immunity as described above; and

WHEREAS, the Council has determined that it is in the best interest of the Nation to grant such a limited waiver of sovereign immunity for Premier Services.

**THEREFORE BE IT ENACTED** by the Tribal Council that this Bill be cited as approval of the Premier Articles, which Premier Articles includes a limited waiver of sovereign immunity to sue and be sued in the Federal Courts of the United States on matters relating to the SBA's programs including 8(a) Program participation, loans, advance payments, and contract performance.


**BE IT FURTHER ENACTED** by the Tribal Council that this Bill be cited as approval and authority for the execution and submission of Premier Services' application for certification as an 8(a) Program participant in accordance with the provisions of this Bill.


**BE IT FURTHER ENACTED** by the Council that this Bill be cited as approval and authority that except as specifically set forth herein, nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of (i) the Nation, Global or Premier Services, (ii) any other affiliate or agency thereof or (iii) any official acting on behalf of the Nation, Global or Premier Services, or any other affiliate or agency, and within the scope of his or her official authority.

**BE IT FURTHER ENACTED** by the Council that this Bill be cited as approval and authority that any monetary recovery obtained through judicial action under this limited waiver of sovereign immunity shall be limited to the assets of Premier Services and shall not give any party any right to recover from the assets of the Nation, Global or any other affiliate or agency thereof.

#### CERTIFICATION

*I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on August 10, 2019. I further certify that the foregoing Council Bill CB-138 -19 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.*

  
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Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
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Delton Cox, Speaker  
Choctaw Nation Tribal Council

  
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Gary Batten, Chief  
Choctaw Nation of Oklahoma

Date 8-13-19

**Purpose/Need of Council Bill:** To approve a limited waiver of sovereign immunity in compliance with the laws and regulations of the SBA's 8(a) Business Development Program, which limited waiver of sovereign immunity shall approve the power of Choctaw Premier Services, LLC, to sue and be sued in United States Federal Courts for all matters relating to SBA's program, and authorizing the submission of an application for certification as an SBA 8(a) business development participant.

**Title of Council Bill:** **TO APPROVE** the Articles of Organization of Choctaw Premier Services, LLC, allowing it to sue and be sued in accordance with a limited waiver of sovereign immunity and authorizing the submission of an application for certification as a Small Business Administration's 8(a) Business Development Program participant

**Company:** Choctaw Global, LLC

**Budget:** None

**Match Required:** None

**Request by/Project Director:** John Elliott, CEO of Choctaw Global, LLC