

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
 Richland County Courthouse, Wahpeton, ND
 April 10, 2018

The Richland-Sargent Joint Water Resource Board (RSJWRB) met April 10, 2018 at 9:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Lucas Siemieniewski, Bruce Speich, Todd Stein, Roger Zetocha, Arv Burvee, Robert Rostad, Gary Friskop, Don Moffet, James Haugen, Secretary-Treasurer Monica Zentgraf, Technician Justin Johnson, Engineer Mike Bassingthwaite (Interstate Engineering, Inc), and guests Gene and Cari Wefel.

THOSE ABSENT: Korey Martinson

Vice Chr. Friskop called the meeting to order. Consensus of the Managers was to amend the agenda to 9:00 A.M. Phase 2 Reconstruction Bid Opening in lieu of 9:30 A.M. Bid Opening.

Phase II Reconstruction Bid Opening

The following bids were received for the Phase II reconstruction:

<u>Contractor</u>	<u>Phase 2 Base Bid</u>	<u>SDDOT RR Base Bid</u>	<u>Alt #1 Bid</u>	<u>Total Bid</u>
Comstock Construction	\$677,682.00	\$135,281.00	\$155,537.00	\$ 968,500.00
Gladen Construction	\$465,194.55	\$160,366.00	\$122,857.85	\$ 748,418.40
JAV Construction	\$421,484.00	\$142,505.00	\$114,794.00	\$ 678,783.00
Kern & Tabery	\$627,677.40	\$163,124.58	\$143,989.38	\$ 934,791.40
M&M Contractors	\$795,069.00	\$311,500.00	\$281,179.00	\$1,387,748.00
Midwest Contracting	\$602,013.00	\$176,260.00	\$150,859.00	\$ 929,132.00
Quam Construction	\$691,230.00	\$184,040.75	\$169,020.50	\$1,044,291.25
Riley Bros Construction	\$558,079.00	\$138,610.00	\$121,019.00	\$ 817,708.00
R.J. Zavoral & Sons	\$667,395.25	\$161,470.00	\$180,462.25	\$1,009,327.50

Upon conclusion of the bid opening, a motion was made by Mgr. Burvee and seconded by Mgr. Siemieniewski to refer all bids to Interstate Engineering for verification and tabulation. The motion carried unanimously.

Minutes

A motion was made by Mgr. Zetocha and seconded by Mgr. Rostad to approve the minutes of the March 13, 2018 meeting as presented. The motion carried unanimously.

Financial Matters

●A motion was made by Mgr. Burvee and seconded by Mgr. Stein to accept the March 2018 financial reports as presented. The motion carried unanimously.

●April Bills- The following bills were presented for review and approval:

Daily News	\$ 298.80
Sargent County Teller	\$ 226.99

Ohnstad Twichell, PC \$6,672.50

A motion was made by Mgr. Stein and seconded by Mgr. Moffet to approve the bills as presented. The motion carried unanimously. It was noted that additional bills are expected this month. These bills will be presented to each individual Board for approval.

North Dakota Insurance Reserve Fund Policy

The general liability insurance for the RSJWRD was written with the same agent who serviced the Richland County Water Resource District (RCWRD) policies. The RCWRD is in the process of transferring their insurance to the Carlson Family Insurance Agency. The Secretary suggested the Board transfer the RSJWRD insurance to the Carlson Family Insurance Agency. At this time a motion was made by Mgr. Siemieniewski and seconded by Mgr. Zetocha to authorize the transfer of the NDIRF insurance policy for the RSJWRD to the Carlson Family Insurance Agency, Wahpeton, North Dakota, retroactive to the renewal date of April 1, 2018. The motion carried unanimously. The Heartland Insurance Agency will be notified of the transfer.

Mail

- 1.) North Dakota Insurance Reserve Fund (NDIRF)- Notice of the May 17, 2018 annual meeting and election of Board of Directors. A motion was made by Mgr. Burvee and seconded by Mgr. Stein to appoint the Chairperson of the NDIRF as its proxy holder, to attend and vote for Randy Bina at the annual meeting of members of the NDIRF to be held on May 17, 2018, and any adjournments thereof, to cast the votes of the RSJWRD on such business as may properly come before the meeting in conformance with the directions of the majority of the Board of Directors of the NDIRF. The motion carried unanimously.

Chr. Speich joined the meeting; Vice Chr. Friskop turned the meeting over to the Chairman.

RSJWRD Drain #1- Phase II Reconstruction

Mr. Bassingthwaite provided updates on the following matters relative to the Phase II reconstruction:

- Right-of-Ways- Mr. Bassingthwaite reported that most of the temporary construction easements have been secured. The rest of the documents should be secured shortly.

- Project Update- Mr. Bassingthwaite will have to consult with the South Dakota Department of Transportation Railroad before the Board awards the project, as they will want to review the bids for their portion of the project. The alternate bid, for the bridge located between Sections 28/29, Kingston Township, cannot be awarded until the United States Army Corps of Engineers (USACE) permit is issued. The USACE permit will not be issued until wetland delineations are done. The delineations cannot be done until weather conditions improve. Mr. Bassingthwaite explained that the Board can award the project without the alternate bid (and issue a change order later to add it) or wait until the permit is issued.

A brief discussion was held regarding the amount of money to keep in the maintenance fund. The Managers felt \$140,000 should be kept in the

maintenance account, which would leave an approximate \$148,000 to be used for the reconstruction. Action was tabled until final bonding needs are determined.

Request for Qualifications (RFQ) for Engineering Services-Interviews

As a part of the Request for Qualifications (RFQ) process for engineering services, the Board held interviews with the following firms: Interstate Engineering, Inc, Houston Engineering, Inc, and Moore Engineering, Inc. At the conclusion of the interviews, the Board issued the following final report.

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT

AGENCY SELECTION COMMITTEE - FINAL REPORT

April 10, 2018

In accordance with the NORTH DAKOTA STATE WATER COMMISSION'S COST-SHARE POLICY, PROCEDURE, AND GENERAL REQUIREMENTS (the "SWC Policy"), and in accordance with Chapter 54-44.7 of the North Dakota Century Code, the Richland-Sargent Joint Water Resource District (the "District") previously prepared and approved an INITIAL REPORT dated January 30, 2018, and a SECOND REPORT dated March 13, 2018. In the INITIAL REPORT, the District appointed all ten of its members as the "Agency Selection Committee" for purposes of conducting the requisite engineering selection process (as specifically required under Section I(C) of the SWC Policy and under N.D. Cent. Code § 54-44.7-03(1)). The Committee developed the following "description for the proposed project" as required under Section 54-44.7-03(2)(a):

The Richland-Sargent Joint Water Resource District (the "District") is seeking general engineering services and consulting to assist, advise, and act on behalf of the District regarding all proceedings and projects of the District, including regular attendance at meetings of the District; surveys; inspection and maintenance of existing projects, including assessment projects, drains, and retention projects; development, study, survey, design, bidding, contract administration, and right of way acquisition regarding new projects, improvements to the District's existing projects, and snagging and clearing projects; administration and negotiation of land and right of way acquisition on behalf of the District; assistance regarding permit administration, including surface drainage, subsurface drainage, dam, and dike permitting; investigation and assistance regarding administration of dike, dam, drainage, and obstruction complaints; assessment district development; negotiation with road authorities, railroads, and other entities on the District's behalf; regular cooperation and interaction with the District's staff, legal counsel, and other consultants; and otherwise performing all other tasks as necessary to act on the District's behalf.

In accordance with the Committee's INITIAL REPORT and SECOND REPORT, and as required under the SWC Policy and Chapter § 54-44.7 of the North Dakota Century Code, the Committee performed the following tasks:

1. the Committee developed and approved "a formal invitation to firms for submission of information" (a Request for Qualifications) as required under Section 54-44.7-03(2)(c);
2. the Committee concluded a single publication in the *Richland County Daily News* and *Sargent County Teller* appropriately, adequately, and sufficiently invited Qualification Statements;
3. the Committee procured publication of its invitation/RFQ in the *Richland County Daily News* and *Sargent County Teller* on February 9, 2018;
4. the Committee's invitation/RFQ set the deadline for submitting Qualification Statements as 4:30 p.m. on March 9, 2018 (more than twenty-one days following publication of the invitation/RFQ);
5. the Committee accepted timely-submitted Qualification Statements from the following firms:
 - a. Houston Engineering, Inc.
 - b. Interstate Engineering, Inc.
 - c. Moore Engineering, Inc.
6. in light of the three firms' qualifications and the District's familiarity with the quality of the firms' work, the Committee concluded re-advertising was unnecessary and that all three firms were entitled to interviews;
7. the Committee set April 10, 2018, at the office of the Richland-Sargent Joint Water Resource District as the date and place of the firms' interviews with the Committee; and
8. the Committee authorized an invitation to interview, and the District's staff subsequently mailed interview invitations to Houston Engineering, Inc.; Interstate Engineering, Inc.; and Moore Engineering, Inc.

Interviews:

The Committee conducted separate interviews with representatives from Houston Engineering, Inc.; Interstate Engineering, Inc.; and Moore Engineering, Inc., at the offices of the Richland-Sargent Joint Water Resource District on April 10, 2018.

Post-Interview Evaluations

In accordance with the SWC Policy and Chapter § 54-44.7 of the North Dakota Century Code, the Committee evaluated and analyzed the firms interviewed on the basis of the following criteria:

1. Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects;
2. Qualifications of personnel;
3. Ability and willingness to meet time and budget requirements;
4. Location, with higher priority given to firms headquartered in North Dakota;
5. Recent, current, and projected workloads;
6. Related experience on similar projects; and
7. Recent and current work for the District.

Under Section 54-44.7-03(5), the Committee must select the three most qualified firms and must rank those three firms in priority order. The Committee's rankings must include data substantiating its rankings. In this case, the Committee provides the rankings and related data below to support the rankings. Rankings are 1 through 10, with 10 as the highest ranking and 1 as the lowest in each category.

Houston Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 9.6
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 9
- Location, with higher priority given to firms headquartered in North Dakota: 10
- Recent, current, and projected workloads: 10
- Related experience on similar projects: 10
- Recent and current work for the District: 7.3

Final Ranking: 65.9/70

Additional data and rationale to support rankings:

Houston Engineering has a large staff with extensive watershed experience in Minnesota, two water resource districts in northern North Dakota, and limited experience in Richland and Sargent Counties in North Dakota. Houston Engineering is willing to take on construction engineering for projects designed by other engineering firms.

Interstate Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 8.7
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 8.8
- Location, with higher priority given to firms headquartered in North Dakota: 10
- Recent, current, and projected workloads: 10
- Related experience on similar projects: 10
- Recent and current work for the District: 9.3

Final Ranking: 66.8/70

Additional data and rationale to support rankings:

Interstate Engineering has extensive water resource district experience in North Dakota, including in Richland County. They are very familiar with the area, having served as the engineering firm for the design and construction of the Richland-Sargent Phase I reconstruction project. Interstate Engineering designed the current Richland-Sargent Phase 2 reconstruction project. They have a very good working relationship with the apparent low bidder for the Phase 2 project.

Moore Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 9.4
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 9.4

- Location, with higher priority given to firms headquartered in North Dakota: 10
- Recent, current, and projected workloads: 10
- Related experience on similar projects: 10
- Recent and current work for the District: 7.4

Final Ranking: 66.2/70

Additional data and rationale to support rankings:

Moore Engineering has extensive water resource district experience in North Dakota, including in Sargent County. They have a very large staff to handle water resource district work and stress timeliness in completing work. Houston Engineering has handled construction engineering for several projects designed by other engineering firms.

Based on the rankings above, the Committee recommends Interstate Engineering, Inc., as the most qualified firm.

Report Approval and Notice of Decision

The Committee and the District both approve this FINAL REPORT, including the final recommendation regarding Interstate Engineering, Inc., as the most qualified firm. The District will provide written notice of its decision, including the priority order of the firms, to all firms that submitted Qualification Statements. In addition, the District will provide a copy of this FINAL REPORT to the North Dakota State Engineer.

The District will commence negotiations with Interstate Engineering, Inc., and will ultimately enter into a written agreement with the firm if the parties can agree on a compensation that is reasonable and fair to the District. If the parties cannot negotiate a satisfactory agreement, the District will terminate negotiations and will commence negotiations with the second-ranked firm. If the District cannot negotiate a satisfactory agreement with the second-ranked firm, the District will otherwise continue its selection process as required under Section 54-44.7-03(7).

Adjournment

There being no further business to come before the Board, Chr. Speich adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Bruce Speich
Bruce Speich
Chairman of the Board