

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
January 30, 2018

The Richland-Sargent Joint Water Resource Board (RSJWRB) met January 30, 2018 at 10:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: Korey Martinson and Don Moffet

Minutes

A motion was made by Mgr. Burvee and seconded by Mgr. Siemieniewski to approve the minutes of the April 11, 2017 meeting as presented. The motion carried unanimously.

The Secretary reported the 2017 maintenance levies for Richland-Sargent Legal Drain #1 were discussed and voted on by each individual County's Water Resource Board. The decision of both Boards was to levy a maintenance assessment of \$4.00 per acre based on the weighted method of assessment. The Richland County Water Resource Board (RCWRB) voted on this matter August 1, 2017; the Sargent County Water Resource Board (SCWRB) voted on this matter August 21, 2017. Both motions passed unanimously and the assessment was levied accordingly.

Financial Matters

A motion was made by Mgr. Stein and seconded by Mgr. Zetocha to accept the March 2017 through December 2017 financial reports as presented. The motion carried unanimously.

Board Reorganization

The meeting was turned over to Secretary Zentgraf for the reorganization of the RSJWRB for calendar year 2018.

Secretary Zentgraf called for nominations for Chairman of the RSJWRB. Mgr. Stein nominated Gary Friskop to serve as Chairman of the RSJWRB. Brief discussion followed about some feelings that a Sargent County Board Member should serve as Chairman of the Joint Board. Mgr. Stein withdrew his nomination. Mgr. Burvee nominated Bruce Speich to serve as Chairman of the RSJWRB. A motion was made by Mgr. Stein and seconded by Mgr. Friskop that nominations cease and a unanimous ballot be cast for Bruce Speich to serve as Chairman of the RSJWRB. Mgrs. Burvee, Rostad, Friskop, Haugen, Stein, Zetocha, and Siemieniewski voted in favor of said motion; Mgr. Speich voted against the motion. The motion carried.

The meeting was turned over to Chr. Speich.

Chr. Speich called for nominations for Vice Chairman of the RSJWRB. Mgr. Rostad nominated Gary Friskop to serve as Vice Chairman of the RSJWRB. A motion was made by Mgr. Siemieniewski and seconded by Mgr. Zetocha that nominations cease and a unanimous ballot be cast for Gary Friskop to serve as Vice Chairman of the RSJWRB. Mgrs. Stein, Zetocha, Siemieniewski, Speich, Burvee, Rostad, and Haugen voted in favor of said motion; Mgr. Friskop voted against the motion. The motion carried.

Chr. Speich called for nominations for Secretary-Treasurer of the RSJWRB. Mgr. Friskop nominated Monica Zentgraf to serve as Secretary-Treasurer of the RSJWRB. A motion was made by Mgr. Burvee and seconded by Mgr. Friskop that nominations cease and a unanimous ballot be cast for Monica Zentgraf to serve as Secretary-Treasurer of the RSJWRB. The motion carried unanimously.

Chr. Speich called for nominations for Legal Counsel for the RSJWRB. Mgr. Zetocha nominated Sean Fredricks, of Ohnstad Twichell, PC, to serve as Legal Counsel to the RSJWRB. The vote carried unanimously.

RSJWRD Drain #1- Phase II Reconstruction

- Preliminary Plans- Mr. Bassingthwaite reported that preliminary construction plans have been prepared. He provided the Managers with aerial photo overlaid plan sheets showing the scope of work and spoil spreading details. The route of the project runs from State Highway 11 to the original start of the legal drain; a distance of approximately 5.5 miles which will follow the existing channel alignment. Estimated cost of the project is \$900,000 with approximately \$410,000 in cost share assistance (ND State Water Commission and Sargent County Highway Department), for an estimated local cost of \$490,000. Discussion was held relative to also replacing the bridge, located between Sections 28/29, Kingston Township, with a box culvert. The engineer estimated the cost to be \$160,000 (before State cost share assistance was applied). A motion was made by Mgr. Burvee and seconded by Mgr. Zetocha to revise the preliminary plans to include an additive alternate to the current plans for replacing the bridge between Sections 28/29, Kingston Township. Upon roll call vote Mgrs. Haugen, Friskop, Rostad, Burvee, Stein, Zetocha, Siemieniewski, and Speich voted in favor of the motion. The motion carried unanimously.

- ND State Water Commission (ND SWC) Drainage Permit- The ND SWC concluded that the project is not of state-wide or interdistrict significance and therefore it is the responsibility of the RSJWRB to act on the application. A motion was made by Mgr. Stein and seconded by Mgr. Burvee to approve the ND SWC permit application for Phase 2 reconstruction of Richland-Sargent Drain #1. The motion carried unanimously.

- US Army Corps of Engineers (USACE) Permit- Mr. Bassingthwaite reported that the permit is pending approval by the USACE. (Permission for Chr. Martinson to sign the application was voted on and unanimously granted by the RCWRB on August 1, 2017 and by the SCWRB on August 21, 2017.)

- SD DOT Railroad Crossing Improvements Construction and Maintenance Agreement- The District has received the signed Agreement from the SD DOT.

- Rights-of-Way- Mr. Bassingthwaite reported that the District has permanent right-of-way; temporary easements will be needed for spoil spreading and payment of

crop damages. Mr. Bassingthwaite was directed to work with Legal Counsel on the documents. Mgr. Siemieniewski volunteered to assist the Engineer with securing the necessary easements from the landowners. Plans are to meet with the landowners in February.

- Communication/Board Updates- Discussion was held relative to the Engineer providing monthly project updates to the two individual Boards. Consensus of the Managers was for the Engineer to provide monthly email updates to both Richland and Sargent County WRD offices on a monthly basis.

Request for Qualifications (RFQ) for Engineering Services

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT

Agency Selection Committee – Initial Report

January 30, 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") discussed appointing 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 District reasoned that all ten of its members must ultimately approve a final contract with any firm selected; the District's members are best-equipped to measure and judge the qualifications of engineering firms regarding the District's business; and the District's members can mobilize relatively quickly and easily as necessary for purposes of conducting interviews, meeting to evaluate engineering firms, and otherwise performing the requisite tasks required to meet the requirements of the SWC Policy and Chapter 54-44.7. At this time a motion was made by Mgr. Burvee and seconded by Mgr. Zetocha to appoint all ten of its members to the Agency Selection Committee. The motion carried unanimously.

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.

The Committee developed "a formal invitation to firms for submission of information" as required under Section 54-44.7-03(2)(c); see the RFQ attached as **Exhibit A**.

As required under Section 54-44.7-03(2)(c), the Committee made the following conclusions:

1. The manner in which this RFQ must be published:
 - a. The Committee concluded a single publication in the *Richland County Daily News* and *Sargent County Teller* would appropriately, adequately, and sufficiently invite qualification statements.
2. The content of the publication:
 - a. The Committee approved the attached RFQ.
3. The frequency of the publication:
 - a. The Committee concluded a single publication in the *Richland County Daily News* and *Sargent County Teller* would appropriately and sufficiently invite qualification statements.

EXHIBIT A

Request for Qualifications

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT REQUEST FOR QUALIFICATIONS REGARDING ENGINEERING SERVICES

The Richland-Sargent Joint Water Resource District (the "District") is a political subdivision headquartered in Richland County, North Dakota. The District owns, operates, maintains, develops, and constructs drainage, flood protection, and other water infrastructure projects in accordance with its statutory authorities. The District occasionally requests cost-share participation from the North Dakota State Water Commission (the "SWC") regarding various project development, design, and construction activities. In accordance with the SWC's cost-share policies, the District must conduct an engineering services selection process at least every three years to qualify for cost-share regarding project engineering and development. This RFQ process will satisfy the SWC cost-share requirements.

Scope of Services

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.

Submission Requirements

The Qualification Statements must include:

1. Name of Respondent and general information regarding Respondent's entity structure;
2. Name, title, address, telephone number, and email address of contact person authorized to contractually obligate Respondent;
3. General introduction and brief history of Respondent's firm;
4. Description of Respondent's specialized or relevant experience or knowledge;
5. Confirmation that Respondent meets the appropriate North Dakota licensing requirements;
6. Description of noteworthy water infrastructure projects the firm has developed, designed, administered, and managed in the area, specifically including legal assessment drains and retention projects;
7. Description of any other characteristics that would be uniquely relevant in evaluating Respondent's experience of Respondent;
8. Identification of key management, field, and staff members Respondent would assign to provide District's services;
9. Information regarding Respondent's management, field, and staff members designated above, including name, position, telephone number, email address, education, and experience, including information regarding relevant project experience; and
10. General description of Respondent's ability to meet Respondent's time and budget requirements.

Respondents must submit one Qualification Statement to the District by 4:30 p.m. on Friday, March 9, 2018, by mail or email, to:

Richland-Sargent Joint Water Resource District
c/o Monica Zentgraf
418 2nd Avenue North
Wahpeton, ND 58075
mzentgraf@co.richland.nd.us
701-642-7773

Selection Criteria

The District will evaluate each Respondent 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.

The District will evaluate all Qualification Statements and will rank firms based on the above criteria. The District will conduct interviews with the top three firms. Following interviews, the District will select the top-rated firm and will enter into contract negotiations with that firm. The District will provide written notice of its decision to all Respondents.

The District reserves the right, in its discretion, to waive any deficiencies in any submissions, and to accept or reject any and all Qualification Statements submitted. The District is not responsible for the costs of proposal or interview preparation.

Future Meetings

The next meeting has been scheduled for March 13, 2018 for the purpose of setting the date for the bid opening for the Phase 2 reconstruction, selecting engineering firms to interview for the RFQ process, and setting the date for engineer interviews.

Adjournment

There being no further business to come before the Board, Chr. Speich adjourned the meeting at 11:15 AM.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Bruce Speich
Bruce Speich
Chairman of the Board