

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
October 23, 2018

The Richland County Water Resource Board (RCWRB) met October 23, 2018 at 8:15 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, James Haugen, Don Moffet, Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

Minutes

The October 16, 2018 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to approve the October 16, 2018 minutes as presented. The motion carried unanimously.

Financial Matters

●Vouchers- Vouchers for the month of October 2018 were presented for the Board's review and approval. A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to approve Vouchers #17890 through #17914 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Sean Fredricks, the Board's Legal Counsel, joined the meeting.

Request for Engineering Services (RFQ)

Separate interviews were conducted with representatives of the following engineering firms as required under the North Dakota State Water Commission's Cost-Share Policy, Procedure, and General Requirements:

Interstate Engineering- Mike Bassingthwaite and Damon DeVillers
Moore Engineering- Chad Engels, Kurt Lysne, Rich Slagle, and Nick Gludt
Houston Engineering- Gregg Thielmann, Zach Herrmann, and Gabe Bladow

Upon completion of post-interview evaluations a motion was made by Mgr. Burvee, seconded by Mgr. Haugen, and unanimously carried to approve the Agency Selection Committee Final Report here-in recited.

RICHLAND COUNTY WATER RESOURCE DISTRICT AGENCY SELECTION COMMITTEE - FINAL REPORT October 23, 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 County Water Resource District (the "District") previously conducted an engineering selection process for purposes of procuring an engineering firm. As noted in the District's INITIAL REPORT dated September 18, 2018, the District selected Interstate Engineering, Inc., following the conclusion of the first engineering process, and notified the North Dakota State Engineer and Interstate Engineering of its selection. However, the District later concluded a single firm was not likely equipped to handle all of the District's projects and other tasks. Further, the District concluded engaging more than one firm would be more economically advantageous for the District and for the residents of Richland County. With that in mind, the District elected to proceed with the engineering selection process again with the objective of selecting more than one qualified firm to act as consultant engineers for the District.

For the second selection process, the District once again appointed all five of its water managers 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” for firms’ consideration, as required under Section 54-44.7-03(2)(a):

The Richland County 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 Daily News* would appropriately, adequately, and sufficiently invite Qualification Statements. In addition, the District provided copies of its invitation/RFQ to the engineering firms that submitted Qualification Statements in the course of the District’s initial selection process.
3. The Committee procured publication of its invitation/RFQ in *The Daily News* on September 23, 2018.
4. The Committee’s invitation/RFQ indicated the deadline for submitting Qualification Statements to the Richland County Water Resource District was 5:00 p.m. on October 15, 2018 (more than twenty-one days following publication of the invitation/RFQ).
5. The Committee accepted timely-submitted Qualification Statements from the following firms:
 - Houston Engineering, Inc.
 - Interstate Engineering, Inc.
 - 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 all three firms were entitled to interviews.

7. The Committee set October 23, 2018, at the office of the Richland County Water Resource District as the date and place of the firms' interviews with the Committee.
8. The Committee authorized an invitation to interview, and the District's staff subsequently mailed interview invitations to Houston Engineering, Inc.; Moore Engineering, Inc.; and Interstate Engineering, Inc.

Interviews:

The Committee conducted separate interviews with representatives from Houston Engineering, Inc.; Moore Engineering, Inc.; and Interstate Engineering, Inc., at the offices of the Richland County Water Resource District, in the Richland County Courthouse, on Tuesday, October 23, 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 rank the 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.

Interstate Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 10
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 7
- Location, with higher priority given to firms headquartered in North Dakota: 10
- Recent, current, and projected workloads: 7
- Related experience on similar projects: 10
- Recent and current work for the District: 10

Final Ranking: 64/70

Additional data and rationale to support rankings:

Interstate has served as the District's engineering firm for several years and they have substantial institutional knowledge of the District's projects, procedures, and expectations. Their staff provides strong work product and the District has enjoyed significant success with Interstate. The District was concerned with Interstate's workload and their ability to timely complete projects. In light of those concerns, the District opted to conduct an additional engineering selection process with the intention of selecting at least one, and possibly more, additional consulting firms to ensure the District is equipped and prepared to proceed with multiple projects simultaneously. Interstate's work product was not a concern and, in fact, the District has been satisfied and impressed with Interstate's work over the years.

Moore Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 10
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 10
- Location, with higher priority given to firms headquartered in North Dakota: 7
- Recent, current, and projected workloads: 10
- Related experience on similar projects: 10
- Recent and current work for the District: 4

Final Ranking: 61/70

Additional data and rationale to support rankings:

Moore provided an impressive presentation and the District is familiar and comfortable with their staff, particularly Chad Engels. Several water managers have worked with Chad regarding Red River Joint Water Resource District matters and the District has been impressed with his work. Moore has a large staff but the District is less familiar with their staff compared to the District's familiarity with the staffs at Interstate and Houston. The District is certainly comfortable with Moore.

Houston Engineering, Inc.

- Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects: 10
- Qualifications of personnel: 10
- Ability and willingness to meet time and budget requirements: 10
- Location, with higher priority given to firms headquartered in North Dakota: 7
- Recent, current, and projected workloads: 10

- Related experience on similar projects: 10
- Recent and current work for the District: 5

Final Ranking: 62/70

Additional data and rationale to support rankings:

Houston also provided an impressive presentation and the District was impressed with the qualifications of their staff. Houston has unique technological capabilities that would be advantageous to the District and would result in cost savings on projects, for the benefit of the District's constituents. In addition, Houston has in-house environmental permitting expertise, a feature other regional firms lack. Houston has a large and qualified staff and is equipped to handle multiple projects for the District simultaneously if necessary. Houston's technical staff is impressive, and the District is familiar with the principals, Zach Herrmann and Gregg Thielman. After Interstate, the Board is most comfortable with Houston.

Based on the rankings above, the Committee recommends the District rank the firms as follows:

1. Interstate Engineering, Inc.
2. Houston Engineering, Inc.
3. Moore Engineering, Inc.

Report Approval and Notice of Decision

The Committee and the District both approve this FINAL REPORT, including the final recommendation regarding the firm rankings. The District's objective in conducting a second Engineering Selection Process was to identify at least two firms to provide consulting engineering services, to meet the District's substantial workload in a timely and cost-efficient manner, for the benefit of the District and the residents of Richland County. While the District ranked the firms in priority order, the District is ultimately comfortable with all three firms. With that in mind, the District elected to engage all three firms in contract negotiations. 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 all three firms and will ultimately enter into written agreements with the firms if the parties can agree on compensation that is reasonable and fair to the District. If the District cannot negotiate a satisfactory agreement with any of the firms, the District will terminate negotiations with that firm and will continue negotiations with the other two firms. If the District cannot negotiate satisfactory agreements with any of the firms, the District will otherwise continue its selection process as required under Section 54-44.7-03(7).

Before leaving the meeting, Chr. Friskop turned the meeting over to Vice Chr. Burvee.

Houston Engineering

The Managers met with Engineers Zach Herrmann and Gabe Bladow, of Houston Engineering, to discuss the following on-going projects:

- Proj #31 Partial Reconstruction- Surveying in the E1/2 Section 28 and SE1/4 Section 21, Devillo Township, will begin within the next two weeks. (RCWRD #18-022)

●Proj #7 Reconstruction- Survey results were reviewed with the Managers; the required sediment analysis will be completed and forwarded to the North Dakota State Water Commission within the next week. (RCWRD #17-016)

Mr. Herrmann and Mr. Bladow left the meeting.

NE1/4 Section 17 & NW1/4 Section 16, Abercrombie East

Office Staff informed the Managers and Mr. Fredricks about Bryan Olson's concern with work done by Bruce Yaggie in the NW1/4 Section 16, Abercrombie East. Mr. Yaggie recently placed dirt in a low area, adjacent to the county road right-of-way, on the west side of the NW1/4 Section 16. (Mr. Olson also reported Mr. Yaggie removed an approach from the county road ditch in the NW1/4 Section 16 and the spoil material was placed in the low area. The County Highway Department did not grant permission for removal of the approach.) Mr. Johnson inspected the site. A cross-culvert allows the water from the NE1/4 Section 17 to flow east through County Road 81 into the NW1/4 Section 16. Prior to the low area being filled in, it appears the water flowed from the culvert, through the low area, and into the adjacent natural channel, which flows north. The farmstead in the NE1/4 Section 17 is low and has a history of flooding; filling the low area in Section 16 will exacerbate the existing problem. Mr. Johnson also found that water is not able to flow north in the Section 16 county road ditch until the level is significantly higher than a typical functioning drainage system. In order for the water to move north in the Section 16 county road ditch, it appears work would be needed in that ditch, especially in the NWCR, and in the east-west township ditch on the north side of the NW1/4, or the culvert in the NWCR would need to be lowered. A survey would be required to determine what actually could be done.

Mr. Fredricks recommended Mr. Olson talk to Mr. Yaggie to see if he intends to or will do the work necessary to make the water flow north in the county ditch. If Mr. Olson and Mr. Yaggie cannot work together to resolve the problem, Mr. Olson's next step would be to file a complaint with the County Highway Department; his third step would be to file a complaint with the RCWRD.

Proposed Legislative Bills

Brief discussion was held with Mr. Fredricks regarding proposed legislation for the upcoming session. Bills being proposed by the Red River Joint Water Resource Board include reinstatement of cost-share assistance for snagging and clearing and elimination of the economic analysis currently required for cost-share projects in excess of \$1,000,000. The Board intends to meet with District 25 and 26 House Representatives in late November to garner their support for both bills.

Applications

Appl #18-032, Carter & Monte Gylland: E1/2 Section 25, Eagle South The RCWRB acknowledged the notification for installation of 40 acres of drain tile. A State subsurface permit is not required as the project involves less than 80 acres.

Appl #18-033, 5K Farms LLLP: S1/2NE1/4 & N1/2SE1/4 Section 19, Abercrombie West A motion was made by Mgr. Rostad and seconded by Mgr. Haugen to defer the drain tile application pending a *Thirty Day Notice* to downstream landowners. The motion carried unanimously.

Adjournment

There being no further business to come before the Board, Vice Chr. Burvee adjourned the meeting at 11:30 A.M.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Vice Chairman of the Board