

GARRISON DIVERSION CONSERVANCY DISTRICT**RED RIVER VALLEY COMMITTEE**

**Garrison Diversion Conservancy District
Carrington, North Dakota
January 20, 2022**

Garrison Diversion Conservancy District's Red River Valley Committee met by video conference on January 20, 2022. The meeting was called to order by Chairman Greg Bischoff at 8:30 a.m.

DIRECTORS PRESENT

Board Chairman Alan Walter
Committee Chairman Greg Bischoff
Director Jay Anderson
Director Roger Fenstad (video conference)
Director Bill Krivarchka
Secretary Duane DeKrey

OTHERS PRESENT

Garrison Diversion staff, along with others, were present. A copy of the registration sheet is attached to these minutes as Annex I.

The meeting was recorded to assist with compilation of the minutes.

RED RIVER VALLEY WATER SUPPLY PROJECT (RRVWSP)

Work Plan Update - - Kip Kovar, District Engineer, Garrison Diversion, referred to the RRVWSP Work Plan Update of January 14, 2022, provided as a summary of RRVWSP engineering and funding activities. He also provided an update on the construction projects. A copy of the update is attached to these minutes as Annex II.

2021-2023 Work Plan Funding

Mr. Kovar referred to the RRVWSP 2021 to 2023 Biennium Budget dated September 29, 2021, listing the work items and cost breakdowns of the \$89.7 million work plan budget. This budget will be updated once the task orders presented today have been approved by the LAWA board.

Task Orders

Mr. Kovar presented and reviewed each of the following RRVWSP task orders.

Task Order 1420 - Operational Planning, Phase 2

The objectives of this task order are to: 1) develop new draft operational plan protocols based on the framework established in Phase 1. The operational plan protocols will focus on necessary operational activities, processes, protocols, and stakeholder responsibilities that are needed for the effective operation of the RRVWSP, 2) engage project stakeholders and users to incorporate their concerns or priorities into the draft operational plan protocols and 3) develop a draft reservoir operations tool and water accounting tool which will be the first step toward having a predictive reservoir operations tool.

The cost of this task order is \$290,584.

Chairman Bischoff asked if the funds from the Phase 1 task order have been totally expended and all work completed.

Steve Burian, Burian & Associates, replied the budget for Phase 1 of the operational plan has been fully expended as of December 31, 2021. There was a small asset management component with that, which was delayed and will be completed in 2022 as part of the former task order.

Phase 1 included drought monitoring, preliminary governance efforts, and a review of the former operational plan from the federal project. A framework for the operational plan was also laid out, including various steps for monitoring the drought and the reservoirs. All of this will be used as the basis for the more detailed operational plan in Phase 2.

Motion by Director Fenstad to recommend approval of RRVWSP Task Order 1420, Operational Planning, Phase 2, in the amount of \$290,584 to the full board. Second by Director Walter. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Task Order 5632 - Transmission Pipeline East, Contract 5B, Construction Phase Services

The objective of this task order is to oversee installation of approximately nine miles of pipe and accessory items generally in Foster County just south and east of Carrington. Contract 5B will connect to the east end of Contract 5A and continue east toward the outfall on the Sheyenne River. The pipeline will be 72-inch diameter steel pipe primarily installed with cut-and-cover methods. There will be one tunneled crossing under the Canadian Pacific Railway.

Mr. Kovar pointed out a material testing firm will be hired, which is different from the previous construction phase services task order. The previous contract allowed for the pipeline installer to hire their own material testing firm. This time Garrison Diversion will do that.

Paul Boersma, Black & Veatch, added material testing is part of engineering oversight to provide quality control.

Mr. Kovar also pointed out resident project representation will require two full-time people in the field at all times for the pipeline construction, as well as an additional full-time person while tunneling is taking place underneath the railroad.

The cost of the task order is \$4,034,000.

Motion by Director Anderson to recommend approval of RRVWSP Task Order 5632, Transmission Pipeline East, Contract 5B, Construction Phase Services, in the amount of \$4,034,000 to the full board. Second by Director Krivarchka. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Task Order 5270 - Pipeline Extensions Conceptual Design Update – Phase 1

The objectives of this task order are to: 1) obtain user feedback regarding updated domestic nominations, industrial nominations, projected peak day flow rates, point(s) of service, and route(s) of service, 2) develop a technical memorandum to document updated user nominations, peak flow rates, point(s) of service, and route(s) of service, 3) update the conceptual design of extension pipelines and estimated costs to support an updated plan for how each user will access project water and 4) provide ongoing support of project leadership meetings, project strategy meetings, project participation agreement development, and continued user outreach.

The cost of the task order is \$436,000.

Motion by Director Fenstad to recommend approval of RRVWSP Task Order 5270, Pipeline Extensions Conceptual Design Update, Phase 1, in the amount of \$436,000 to the full board. Second by Director Walter. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Task Order 5280 - ENDAWS Transmission Pipeline, Preliminary Design Services

Initial routing of the pipeline from the McClusky Canal to the hydraulic break tanks site was completed during the appraisal-level design, building upon previous efforts completed about a decade ago when the project was being advanced as part of the original Federal RRVWSP. The preliminary design under this task order effort will further advance the pipeline design, confirm constraints of the pipeline installation so the horizontal alignment can be finalized, and allow for the purchase of right-of-way. Plan and profile drawings will be developed as part of this task order's effort. Another objective is to provide environmental consulting services within a 400-foot-wide survey corridor centered on the proposed ENDAWS route. The work will be performed to demonstrate compliance with commitments outlined in the Environmental Impact Statement (EIS). Field wetland delineation will be completed, building upon the wetland delineation work done in 2009/2010. A wetland delineation report will be developed and submitted to the Corps of Engineers. A threatened and endangered species and eagle review will also be undertaken along with a cultural resource inventory.

The cost of the task order is \$1,239,000.

Task Order 8410 - 2021-2023 Financial Planning Support

Merri Mooridian, Administrative Officer, Garrison Diversion, referred to and reviewed RRVWSP Task Order 8410, 2021 to 2023 Financial Planning Support. The primary objectives for this task order will be to continue to refine and build upon the draft financial implementation model.

Specific focus will include the finalization of the preferred financial implementation model to be included with the Project Participation Agreements (PPA), including the development of final preferred cost-share and cost allocation approaches for core project infrastructure (i.e., main pipeline and facilities), non-core project infrastructure (i.e., branch pipelines), and varied project O&M cost allocation conditions (i.e., baseline versus drought supply conditions).

The cost of the task order is \$438,000.

Ms. Mooridian reported the LAWA Financial Advisory Committee has reviewed Task Order 8410 and will recommend its approval at the next LAWA Board meeting. The Garrison Diversion Executive Committee also recommends its approval.

Motion by Director Krivarchka to recommend approval of 1) RRVWSP Task Order 5280, ENDAWS Transmission Pipeline, Preliminary Design Services, in the amount of \$1,239,000 and 2) RRVWSP Task Order 8410, 2021 to 2023 Financial Planning Support, in the amount of \$438,000 to the full board. Second by Second Director Anderson. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Pipeline & Hydraulic Analysis

Mr. Kovar referred to the RRVWSP Pipeline & Hydraulic Analysis commenting that an in-depth report on this was given to the LAWA Technical Advisory Committee on January 11. The analysis considers increasing the pipe size of the RRVWSP from the break tank to Cooperstown to determine if more water could be delivered to Lake Ashtabula.

Additional information will be provided on the analysis at Garrison Diversion's board meeting this afternoon.

Transmission Pipeline East, Contract 5B -- Mr. Kovar informed the board the bid opening for Contract 5B, Transmission Pipeline East, took place on January 13. A total of four bids were received. He read the base bid, plus Alternates 1 and 2, consisting of nine miles of pipe, received as follows:

S.J. Louis Construction, Inc.	\$44,778,550
Oscar Renda Contracting, Inc.	\$53,110,650
Garney Companies, Inc.	\$45,961,700
Thaille Construction Company	\$56,673,150

The engineer's estimate was \$62,768,500.

The bidding process included the base bid of seven miles of pipe, along with three alternative bids. Alternate 1 added an additional mile of pipe, Alternate 2 added another mile of pipe and Alternate 3 asked for the incremental cost to switch the pipe size to 78 inches.

Mr. Boersma said Alternate 3 relates to the hydraulic analysis and the possible increase in pipe size. There could be future consideration given to future portions of the pipe size being increased from 72 inch to 78 inch. Black & Veatch is not recommending the pipe for Contract 5B be increased in size, but this bid alternate did provide a data point, if when getting closer to the Sheyenne River, on the cost of enlarging the pipe. Black & Veatch recommends Alternate 3 not be accepted.

Mr. Kovar remarked once the bids were opened, the bid submittals were sent to Black & Veatch to review the contractors' qualifications.

Engineer's Recommendation

Mr. Boersma referred to the draft letter from Black & Veatch to Garrison Diversion including the bid tab results and addressed four considerations: 1) evaluation of bids, 2) evaluation of submitted qualifications for general contracting and tunneling, 3) assessment of a bid irregularity of the apparent low bidder and 4) the apparent low bidder's approach to performing electrical work.

Mr. Boersma stated the bottom line is Black & Veatch, with the support of Garrison Diversion's legal counsel, is making the recommendation to award Contract 5B to Garney Companies, Inc., which is the second low bidder and not to the low bidder, which is S.J. Louis Construction, Inc.

Mr. Boersma then reviewed, in detail, the four considerations addressed in Black & Veatch's letter resulting in the recommendation to award to Garney Companies.

Mr. Boersma pointed out that once Black & Veatch realized S.J. Louis Construction would not meet the contractor qualifications, a similar level of due diligence was conducted for Garney Companies. The findings on Garney Companies' qualifications are also provided in Black & Veatch's letter.

Tami Norgard and Nick Surma, Vogel Law, addressed the legal analysis provided by Vogel Law regarding the bid irregularity.

Notice of Award

Motion by Director Fenstad to award the Base Bid, plus Alternate 1 and Alternate 2, for the RRVWSP Transmission Pipeline East, Contract 5B, to Garney Companies for a grant total of \$45,961,700, based on the recommendation from Black & Veatch and Vogel Law. Second by Director Walter. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Notice to Proceed

Mr. Kovar said once the contractor returns all of the proper documentation to Garrison Diversion, a notice to proceed with the construction contract needs to be issued.

Motion by Director Krivarchka authorizing the general manager to move forward with the notice to proceed on RRVWSP Contract 5B, Transmission Pipeline East with Garney

Companies pending submittal of the contractor's documentation. Second by Director Fenstad. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

Planning Level Budget - - The total RRVWSP program expenses as of December 31, 2021, are \$49.7 million.

2022 RED RIVER VALLEY COMMITTEE WORK PLAN

Mr. Kovar referred to and reviewed the Red River Valley Committee Work Plan and Budget, copies which are attached to these minutes as Annex III.

Suggestions were made to add research number of potential new users in conjunction with continuing to study hydraulics and increased pipe size to the work plan.

The 2022 budget for the RRVWSP is \$25.4 million.

Motion by Director Walter to approve the 2022 Red River Valley Committee Work Plan and Budget, with the addition of Item 8, Research number of potential new RRVWSP users in conjunction with continuing to study hydraulics and increased pipe size, to the work plan. Second by Director Anderson. Upon roll call vote, the following directors voted aye: Anderson, Bischoff, Fenstad, Krivarchka and Walter. Those voting nay: none. Motion carried.

OTHER

There being no further business to come before the committee, the meeting was adjourned at 9:52 a.m.

(SEAL)

Greg Bischoff, Chairman

Duane DeKrey, Secretary

REGISTRATION

RED RIVER VALLEY COMMITTEE MEETING
Garrison Diversion Conservancy District

Carrington, ND

January 20, 2022

NAME	ADDRESS
Lisa Schafer	Garrison Diversion
Duane DeKrey	Garrison Diversion
Tami Norgard	Vogel Law
Steve Burian	Burian & Associates
Nick Suma	Vogel Law
Kurt Ronnekamp	Black & Veatch
Cindy Hewitt	Garrison Diversion
Merri Mooridian	Garrison Diversion
Dave Anderson	Garrison Diversion
Joe Zauner	American Pipe

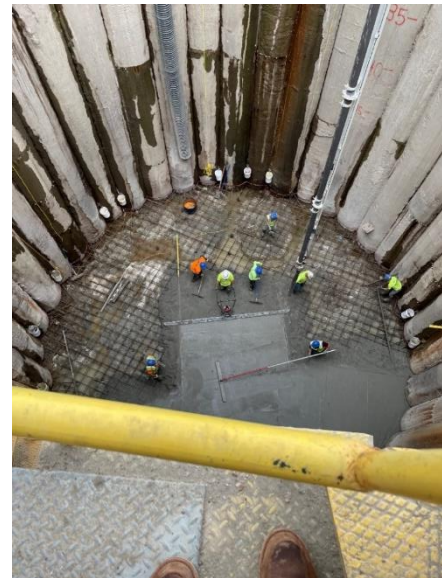
**RRVWSP Work Plan Update
January 14, 2022**

CONSTRUCTION

Wet Well Construction Contract 1

The last finish grade pour (approximately 1.5' thick) completed on August 30 was deemed defective. The final floor heaved due to poor water pressure, and two secants continue to leak small amounts of water. We are currently working with the contractors to remedy the issues. Grout void space below the existing 1' reinforced concrete slab and secant repair will be removed from this contract and added to Contract 2 through Work Change Directive No.1. This will allow Contract 2 to continue without delay in schedule.

Pump truck moving concrete to the bottom for the second pour



Pipeline Construction

All pipe and trenchless work have been installed to date (5,950' total distance). The pipeline walk through was completed and approved. Forty percent of the final restoration has been completed. The pipeline passed the pressure test.

To date, \$5,965,851.76 has been paid on the original contract amount of \$8,366,201.00.



Discharge Structure Construction

The contractor has reached substantial completion and is waiting for steel fabrication this winter. To date, \$1,362,147.25 has been paid on the original contract amount of \$1,516,955.00.



Missouri River Intake Tunnel and Screen Final Design Contract 2

As the apparent low bidder at \$18,896,900, Michels was issued notice of award on June 9, 2021. Michels has completed the road work, temporary bridge and will start driving sheet pile next week. Michels continues to mobilize and prepare for the tunneling efforts. It is anticipated tunneling will begin February 26, 2022. To date, \$2,598,773.13 has been paid on the original contract amount of \$18,896,000.00.





DESIGN

Pipeline segments 5C (8 miles), 5D (10 miles) and 6 (25 miles) are currently under design.

Bids were opened January 13, 2022, at 2:00 p.m. for Contract 5B. Four bids were received; SJ Louis, Garney Corp, Oscar Renda and Thalle submitted bids.

2022 WORK PLAN
Garrison Diversion Conservancy District

Red River Valley Committee Work Plan

A. Red River Valley Water Supply Project

1. Provide support for Lake Agassiz Water Authority
2. Explore James River water for MR&I water delivery
3. Complete 2019-2021 RRVWSP work plan
4. Continue to execute the 2021-2023 RRVWSP work plan
5. Support affordable funding plan for RRVWSP
6. Develop and execute Project Participation Agreement with LAWA
7. Begin construction on 7 to 9-mile (Contract 5B) segment east of Carrington
8. Continue User Participation meetings

GARRISON DIVERSION CONSERVANCY DISTRICT
BUDGET EXPENDITURES
January 1, 2022 to December 31, 2022

	Budget 2021	Budget 2022
RRV Water Supply Project		
ROW	\$250,000	\$1,000,000
Construction	\$20,000,000	\$24,000,000
Salaries & Benefits	\$107,000	\$0
Financing/Legal/Administration	\$650,000	\$400,000
Total RRVWSP	\$21,007,000	\$25,400,000