

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

**Video Conference  
December 21, 2022**

Garrison Diversion Conservancy District's Red River Valley Committee met by video conference on December 21, 2022. The meeting was called to order by Chairman Greg Bischoff at 9 a.m.

**DIRECTORS PRESENT**

Committee Chairman Greg Bischoff  
Director Jay Anderson  
Director Roger Fenstad  
Secretary Duane DeKrey

**MEMBERS ABSENT**

Board Chairman Alan Walter  
Director Bill Krivarchka

**OTHERS PRESENT**

Staff members and 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.

**CONSIDERATION OF MINUTES**

**Motion by Director Fenstad to dispense with a reading of the October 27, 2022, Red River Valley Committee minutes and approve them as distributed. Second by Director Anderson. Upon roll call vote, motion carried.**

**RED RIVER VALLEY WATER SUPPLY PROJECT (RRVWSP)**

**Contractor Prequalification Process** - - Kip Kovar, District Engineer, Garrison Diversion, referred to the Draft General Contractor Prequalification Submittal Package prepared by Black & Veatch, which pertains to the RRVWSP. He added legal counsel has reviewed and provided comments on the draft document.

Mr. Kovar stated the purpose of prequalification is to determine if the contractor meets the minimum requirements specified in the project bidding documents. The prequalification package would be sent out to contractors who would like to be prequalified to bid on RRVWSP construction projects. Once prequalified, the contractor would remain prequalified for the next four years.

Paul Boersma, Black & Veatch, said there are two benefits to using the prequalification process. It makes it easier for the owner and engineering firm from the bid evaluation phase. There is also the potential to bid a lot of pipeline work in the next four years. The best way to control costs on the RRVWSP is to have multiple competitive bids for each bid package that is advertised. This allows momentum and excitement about the RRVWSP and a reason to reach out to contractors sending the signal this is a wide-open field, and we are looking for people to bid and generate interest in the RRVWSP.

Nick Suma, Vogel Law, explained what is required in the prequalification process according to North Dakota Law.

Mr. Boersma added the prequalification process will not be used to limit the number of contractors. It will simply set a minimum bar for the contractor to demonstrate they can meet the prequalification standards.

Mr. Boersma reviewed the draft prequalification package and highlighted the procedures that will be followed with the prequalification process.

Mr. Boersma questioned whether the prequalification submittals need to be published. The preference would be to keep this information confidential.

Tami Norgard, Vogel Law, said from an open records standpoint, she did not feel it could be kept confidential. There may be some things the contractor submits that can be kept confidential, but in terms of name of the contractors who have prequalified, this would be difficult to protect.

Mr. Suma stated there is not an obligation to publish the information, but it would need to be disclosed if requested.

Mr. Boersma commented the prequalification process has been broken into two categories. One is essential requirements for prequalification, which are things that are absolutely hardline. If these requirements are not met, the contractor's application would be eliminated. The second is items to be considered during prequalification, which include legal considerations and compliance with safety, health and labor laws.

Mr. Boersma reviewed the details of both categories with the committee members and legal counsel; each providing input on various items of concern.

Mr. Boersma said he will incorporate the suggested changes from today and send back a redline version before finalizing the prequalification package.

### **Statement of Interest for Engineering Services**

Mr. Kovar referred to the Draft Request for Statement of Interest for Professional Engineering Service for the RRVWSP, adding as the project grows, it is hoped more funding will be received from the state legislature and construction will speed up. This will cast a wider net when it comes to engineering and construction services.

Mr. Kovar said, as a result, Black & Veatch was asked to prepare a statement of interest to gauge the interest and capabilities of engineering firms with offices in North Dakota to provide various services. Firms who complete this request will start to receive future updates regarding the RRVWSP.

Mr. Boersma reviewed the draft statement and its attachments, commenting the statement of interest is not a promise of future work on the RRVWSP or a selection process. The purpose of this document is to notify the engineering community, if the RRVWSP continues to grow the way it is envisioned, of the opportunity for a variety of services that will be needed. Some of the services could involve design, material testing, soil borings, construction inspection, etc.

The committee indicated a preference toward the use of local engineering firms when, and if, possible.

Ms. Norgard pointed out there is a provision in Black & Veatch's contract stating they get to select its subcontractors. She offered to look into this further, adding there is some level of state preference they can abide by here.

Mr. Boersma stated the submitted materials will not be used to select a firm but to help Garrison Diversion and Black & Veatch better understand the interests and capabilities of engineering firms. The materials will also be used to help establish expectations for qualification in a future formal request for qualifications.

Mr. Boersma said there is a form to be filled out by the engineering firm asking for some basic information and a summary of their firm. A table of eight potential services for the RRVWSP is also included. The engineering firm should indicate "yes" on the table as to which services their firm may be interested in providing. They should then provide general qualifications for those particular services.

Mr. Boersma asked from a high-level perspective, does the committee feel this draft statement of interest is sending the right message.

The committee consensus was yes, the statement sends the right message.

Mr. Boersma said in order for the timing to be effective, the document should be sent out at the start of the legislative session.

Mr. Kovar suggested also relaying this message to the Lake Agassiz Water Authority (LAWA) Board of Directors.

**Pipeline Contract 7**

Mr. Kovar shared a Draft 2023-2025 RRVWSP Work Plan which shows a map of the RRVWSP. The cost of the work plan is a \$339 million. It includes design on the intake and water treatment plant at the McClusky Canal, design on ENDAWS, design on Contract 4 (Wells County), constructing Contracts 5C, D and 6 and designing Contract 7.

Mr. Kovar commented there has been discussion recently as to whether the money could be spent if additional funding was available. This question is hard to answer since there currently are not enough things shovel ready. Something that could be done this winter is the geotechnical boring in Contract 7. This would allow for final design to start in the summer to get Contract 7 shovel ready.

Kurt Ronnekamp, Black & Veatch, said if the geotechnical work is done this winter, it would cost approximately \$400,000 to \$450,000.

Chairman Bischoff asked where will the \$400,000 come from.

Mr. Kovar said there are reserves built into the work plan so funding could be obtainable; however, approval would be required from the State Water Commission (SWC). He added the application could be submitted to the SWC so the project could be ready if a decision is made to move forward.

**Motion by Director Fenstad authorizing a submittal for funding to the State Water Commission for geotechnical work on RRVWSP Contract 7. Second by Director Anderson. Upon roll call vote, the following directors voted aye: Anderson, Bischoff and Fenstad. Those voting nay: none. Absent and not voting: Krivarchka and Walter. Motion carried.**

There being no further business to come before the committee, the meeting was adjourned at 10:55 a.m.

(SEAL)

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Greg Bischoff, Chairman

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Duane DeKrey, Secretary

# REGISTRATION

RED RIVER VALLEY COMMITTEE MEETING  
Garrison Diversion Conservancy District

VIDEO CONFERENCE

December 21, 2022

NAME	ADDRESS
Kip Kovar	Garrison Diversion
Lisa Schafer	Garrison Diversion
Duane DeKrey	Garrison Diversion
Kimberly Cook	Garrison Diversion
Merri Mooridian	Garrison Diversion
Ashley Reisenauer	Garrison Diversion
Greg Bischoff	Garrison Diversion
Nick Suma	Vogel Law
Tami Norgard	Vogel Law
Jay Anderson	Garrison Diversion
Kurt Ronnekamp	Black & Veatch
Ken Vein	Garrison Diversion
Shawn Gaddie	Advance Engineering & Environmental Services
Dave Anderson	Garrison Diversion
Steve Metzger	Garrison Diversion
Paul Boersma	Black & Veatch