

MINUTES**North Dakota State Water Commission
Bismarck, North Dakota****July 1, 1992**

The North Dakota State Water Commission held a meeting in the Benton Room at the Holiday Inn, Bismarck, North Dakota, on July 1, 1992. Chairman, Sarah Vogel, called the meeting to order at 1:30 PM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Joyce Byerly, Member from Watford City
Marjorie Farstveet, Member from Beach
Jacob Gust, Member from Fargo
Lorry Kramer, Member from Minot
Daniel Narlock, Member from Grand Forks
Norman Rudel, Member from Fessenden
Jerome Spaeth, Member from Fargo
David Sprynczynatyk, State Engineer and Chief Engineer-
Secretary, North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

Lieutenant Governor Lloyd Omdahl

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 people in attendance interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

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

APPROVAL OF AGENDA

There being no additional items for the agenda, the Chairman declared the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

**CONSIDERATION OF MINUTES
OF MAY 26, 1992 MEETING -
APPROVED**

The minutes of the May 26, 1992 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Rudel, and unanimously carried, that the minutes of the May 26, 1992 meeting be approved as circulated.

AGENCY FINANCIAL STATEMENT

Charles Rydell, Assistant State Engineer, presented and discussed the Program Budget Expenditures, dated June 15, 1992, reflecting 45.8 percent of the current biennium. The Contract Fund expenditures for the 1991-1993 biennium were reviewed and discussed.

The Commission members were provided copies of the preliminary agency budget for the 1993-1995 biennium. Mr. Rydell explained the guidelines, provided by the Office of Management and Budget, and the procedure used in preparing the budget. A detailed overview of information relating to the agency's budget, and response to questions from the Commission members was provided.

Secretary Sprynczynatyk indicated the Office of Management and Budget would soon be releasing the June, 1992 revenue forecast. Depending on the results of the updated forecast, he said agencies may be required to make allotment cuts for the current biennium and prepare a budget reduction package for the 1993-1995 biennium. He also advised the Commission members that if a significant reduction is required, the agency may need to consider making long-term cuts rather than short-term adjustments, which could involve cutting entire programs in addition to reductions in all programs.

**SOUTHWEST PIPELINE PROJECT -
PROJECT UPDATE AND
CONTRACT/CONSTRUCTION STATUS
(SWC Project No. 1736)**

Tim Fay, Manager of the Southwest Pipeline Project, reported construction has begun on Contracts 2-3E and 2-3F of the main transmission line extending from Dickinson to the junction of Highways 21 and 22. The contractor has delivered some equipment and begun making bores at street crossings in Dickinson.

A pre-construction conference for Contract 3-1B, the second reservoir at Zap, was held on June 10, 1992, with construction to commence soon.

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Mr. Fay reviewed the schedule for construction for the remainder of the funding cycle for this biennium. It is anticipated all construction contracts will be awarded by the end of this calendar year, allowing for an early start next spring.

**SOUTHWEST PIPELINE PROJECT -
SWC APPROVAL TO ASSIST SWA IN
OBTAINING EASEMENTS FOR
ROSCHAU SUBDIVISION
(SWC Project No. 1736)**

Tim Fay stated Bartlett & West/Boyle Engineering was authorized to begin design of the distribution system for the Roschau Subdivision adjacent to Dickinson. This is a small-scale project that will result in water delivery this fall if the engineering is completed by mid-July, 1992. Mr. Fay indicated a 50-percent design review meeting was held on June 17, and a 90-percent review is scheduled for June 25, with the system expected to be completed this year. The Southwest Water Authority has requested the State Water Commission assist them in obtaining easements.

It was the recommendation of the State Engineer that because of the short timeframe involved to obtain the required easements that the State Water Commission assist the Southwest Water Authority. He said approval of this request is not intended to set a precedence for future easement work.

It was moved by Commissioner Farstveet and seconded by Commissioner Kramer that the State Water Commission assist the Southwest Water Authority in obtaining easements for the Roschau Subdivision for the Southwest Pipeline Project. This motion shall not set a precedence for future easement work.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
RURAL WATER DEVELOPMENT STATUS
(SWC Project No. 1736)**

Tim Fay indicated the Southwest Water Authority is currently working to finalize their rural water sign-up. Results of the campaign are being reviewed to determine which areas are feasible and what needs to be done in other areas.

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Mr. Fay stated the sign-up campaign has discovered a high level of interest in eastern Mercer County and Oliver County. The City of Hazen has also expressed an interest and will have the issue of a water service agreement on their city ballot in November. Oliver County was not originally a member of the Southwest Water Authority, although Mr. Fay said representatives of the county appeared at the Authority's meeting on June 22, 1992 and requested that they be included as a member, which was approved by the Authority.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF AWARD OF
CONTRACT 2-7A, ALTERNATE 1,
TO GEORGE E. HAGGART, INC.
(SWC Project No. 1736)**

Bids were opened for Southwest Pipeline Contract 2-7A, Alternate 1, on June 9, 1992, consisting of approximately 7.4 miles of 12-inch transmission piping. Mr. Fay indicated the

engineer's estimate for this contract was \$667,116.75. An alternate was included in bid item No. 3, which substituted a lower pressure classification and different specification for the pipe. The engineer's estimate for the contract with the alternate was \$663,815.25. Mr. Fay explained that the lower pressure class has a larger interior diameter, resulting in lower lifetime pumping cost. The different specification includes more stringent manufacturer's testing of the pipe before shipment.

The apparent low bid was submitted by George E. Haggart, Inc. of Fargo, with a bid of \$635,333.10 for the base bid and \$636,445.10 for Alternate 1.

Mr. Fay indicated that George E. Haggart, Inc. built the east Dickinson reservoir, the Dodge pump station, and pipeline Contract 2-3C for the Southwest Pipeline Project. Mr. Fay said their work on these contracts has been exemplary, particularly the pipelaying on Contract 2-3C, much of which was located in the residential and business sections of Dickinson. That contract was marked by excellent relations with the residents and city officials and good coordination of the work to avoid disruptions.

The Bureau of Reclamation has been requested to approve award of this contract with Alternate 1.

It was the recommendation of the State Engineer that the State Water Commission approve award of Southwest Pipeline Contract 2-7A, Alternate 1, to George E. Haggart, Inc., contingent upon approval by the Bureau of Reclamation.

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It was moved by Commissioner Rudel and seconded by Commissioner Gust that the State Water Commission approve the award of Southwest Pipeline Project Contract 2-7A, Alternate 1, to George E. Haggart, Inc., Fargo. This motion is contingent upon approval of the award of this contract by the US Bureau of Reclamation.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
STATUS REPORT ON PROJECT
RURAL WATER ENGINEER
SELECTION PROCESS
(SWC Project No. 1736)**

At the May 26, 1992 meeting, the State Engineer was directed to name a Southwest Pipeline Project Rural Water Engineer Selection Committee and that the Committee immediately initiate the selection process to hire an engineer to develop the rural water distribution system for the Southwest Pipeline Project.

On May 26, 1992, the State Engineer named the following to serve on the Southwest Pipeline Project Rural Water Engineer Selection Committee: Commissioners Gust and Farstveet, representing the State Water Commission; Loren Myran and Willie Mastel, representing the Southwest Water Authority; and Tim Fay, representing the State Engineer. Mr. Fay was appointed as Chairman and Secretary of the Committee.

Tim Fay reported that the Engineer Selection Committee held its initial meeting on June 2, 1992, in Dickinson, ND. He reviewed past selection procedures as examples of how the process should work, explaining that the goal was to select an engineering firm based on qualifications rather than on cost. He explained the process as outlined in the minutes of the meeting which are attached hereto as APPENDIX "A".

Seven responses to the Request for Information were received by noon on June 26, 1992, the published deadline. Copies of the proposals were sent to the Committee members by express mail. Each Committee member read and scored each firm according to the seven criteria approved at the June 2, 1992 meeting. The responding firms were:

Bartlett & West/Boyle Engineering
Hanson Engineering

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Houston Engineering
 Interstate Engineering
 Kadrmas-Lee-Jackson/KBM
 Toman Engineering
 Ulteig Engineering

On June 29, 1992, the Engineer Selection Committee met in Bismarck, ND. The minutes of the meeting are attached hereto as APPENDIX "B". Gregg Thielman, State Water Commission Investigations Engineer, who was not involved in the engineer selection process, had custody of the averaged criteria importance factors and was in attendance to do the calculations necessary to rank the proposals. Mr. Thielman collected the scoring sheets from each Committee member, combined them by adding all members' scores for each firm for each criteria, and then multiplied each combined score by the appropriate criteria importance factor. Each firm's total score was determined by adding the individual criteria scores. Total scores were as follows:

Bartlett & West/Boyle Engineering	3991.4
Houston Engineering	3832.0
Kadrmas-Lee-Jackson/KBM	3699.2
Ulteig Engineering	2752.2
Interstate Engineering	2521.2
Toman Engineering	1926.0
Hanson Engineering	1161.0

The three highest scoring firms, Bartlett & West/Boyle Engineering, Houston Engineering and Kadrmas-Lee-Jackson/KBM, were selected for interviews on July 6, 1992 in Dickinson, ND.

It was suggested by Secretary Sprynczynatyk, and agreed to by the Commission members, that the State Water Commission meet on July 6, 1992 at the Southwest Pipeline Operation and Maintenance Headquarters in Dickinson, ND, at 4:00 PM, Mountain Standard Time, to consider the Engineer Selection Committee's report and recommendations.

The subsequent steps in the selection process were discussed, which included the interviews, final ranking, the Committee's report to the State Water Commission, and the negotiation process of the contract.

Kris Moelter, Assistant Attorney General, reviewed Chapter 54-44.7 of the North Dakota Century Code addressing the selection of professional services. She made specific reference to 54-44.7.03 of the NDCC, Procurement Procedures, stating, in part:

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6. The agency selection committee shall submit its written report ranking the interviewed persons or firms to the governing body of the using agency for its evaluation and approval. When it is determined that the ranking report is final by the agency, written notification of the selection and order of preference must be immediately sent to all of those that responded to the agency selection committee's invitation to submit information.

7. The governing body of the using agency or its designee shall negotiate a contract for services with the most qualified person or firm, at a compensation which is fair and reasonable to the state, after notice of selection and ranking. Should the governing body of the using agency or its designee be unable to negotiate a satisfactory contract with this person or firm, negotiations must be formally terminated. Negotiations must commence in the same manner with the second and then the third most qualified until a satisfactory contract has been negotiated. If no agreement is reached, three additional persons or firms in order of their competence and qualifications must be selected after consultation with the agency selection committee, and negotiations must be continued in the same manner until agreement is reached.

In discussing the contract negotiation process, Secretary Sprynczynatyk indicated that in the past the Commission has given the State Engineer the authority to negotiate. When the contract is essentially agreed to by all parties involved, it is then referred to the Attorney General's office for approval. Upon approval by the Attorney General's office, the contract is then executed.

Commissioner Spaeth suggested that the State Water Commission have a representative on the contract negotiation team and that the Commission have an opportunity to review the contract prior to execution. Commissioner Spaeth strongly emphasized the fact that whenever possible more engineering firms need to become involved in a project of this magnitude; and, therefore, he expressed concerns and objections to the selection process as provided for by state law and suggested that the legal counsel review for possible legislative amendments.

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission authorize the State Engineer

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to negotiate the contract with the firm selected by the Selection Committee to develop the rural water distribution system for the Southwest Pipeline Project.

Commissioners Byerly, Farstveet, Gust, Kramer, Rudel, and Chairman Vogel voted aye. Commissioners Narlock and Spaeth voted nay. The recorded vote was 6 ayes; 2 nays. The Chairman declared the motion passed.

**CONSIDERATION OF REQUEST
FROM RICHLAND COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING IN LAKE ELSIE PROJECT
(SWC Project No. 1496)**

The Commission considered a request from the Richland County Water Resource District to cost share in 25 percent of the local share for the Lake Elsie Project. The project

consists of replacing an existing roadway bridge which incorporates features to control erosion and stabilize the lake shoreline. The project will allow for a boat access between the two parts of the lake, widen the area to provide safe fishing off the ends of the structure and concrete pads to allow easier netting of rough fish.

Cary Backstrand, State Water Commission Water Development Division, presented the project. The total cost is estimated at \$160,850, and the Water Resource Board has requested a grant from the Game and Fish Department for 75 percent, or \$120,637.50. If the Game and Fish Department's grant is approved, the local share would be \$40,212.50. Twenty-five percent of the projected local costs is approximately \$10,000. The Commission has traditionally cost shared on eligible items only. The eligible items would be approximately \$46,000, of which 25 percent would be \$11,500.

It was the recommendation of the State Engineer that the State Water Commission cost share with the Richland County Water Resource District in the construction of the Lake Elsie Project, and that cost sharing be based on 25 percent of eligible items, not to exceed \$11,500, or 25 percent of the local costs, whichever is less.

Beverly Stone, Richland County Commission, addressed the project and commented this is a cooperative project with local and state interests. She expressed appreciation to the Commission for its support in Richland County.

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It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve cost sharing with the Richland County Water Resource District in the construction of the Lake Elsie Project, and that cost sharing be based on 25 percent of eligible items, not to exceed \$11,500, or 25 percent of the local costs, whichever is less. This motion is contingent upon the availability of funds.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**COMPREHENSIVE STATE WETLAND
CONSERVATION PLAN
(SWC Project No. 1489)**

In January, 1992, the State Water Commission and the Game and Fish Department entered into an agreement to jointly apply for and administer a grant from the Environmental Protection Agency (EPA) to develop a comprehensive state wetland conservation plan. The application was submitted to the EPA regional office in Denver by letter dated January 31, 1992.

Secretary Sprynczynatyk indicated the total cost of the effort is estimated at \$606,300, of which the state would provide a 25 percent match of \$151,575. The grant request was for \$454,725 of federal funds. He said unofficial notification has been received from EPA representatives that the grant will be forthcoming, however, one state agency must take the lead. As a result of discussions with the Game and Fish Department Commissioner, the Executive Vice President of the North Dakota Water Users Association, and staff, Secretary Sprynczynatyk indicated he agreed that the State Water Commission would be the lead agency and the EPA has been informed of this.

Secretary Sprynczynatyk indicated it is his intent to contract out many of the major components of the grant and has appointed LeRoy Klapprodt, State Water Commission Planning and Education Division, to administer the grant.

LeRoy Klapprodt reviewed the following major components in developing a state wetland conservation plan:

- 1) Creation of a North Dakota Wetlands Institute as part of the North Dakota Water Education Foundation;
- 2) Continue our wetland education and information program;

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- 3) Develop a GIS computer system to aid in wetland identification and inventory;
- 4) Complete a legal review of state and federal statutes and determine what state legislative changes may be necessary for North Dakota to assume the 404 program;
- 5) Develop a methodology for assessing wetlands water quality and for implementing water quality standards for wetlands;
- 6) Provide a coordinator for the Game and Fish Department's private lands initiative to deal directly with development and implementation of the wetlands conservation plan in providing opportunities for landowners to participate in various partnership and incentive programs; and
- 7) Provide funding for watershed demonstration projects such as the Grand Harbor Project and a Devils Lake wetlands coordinator to help implement the conceptual water management plan for the Devils Lake Basin.

Mr. Klapprodt indicated he has discussed with the Devils Lake Task Force the possibility of providing a wetlands coordinator to help refine and implement the overall Devils Lake Water Management Plan. Meetings have been tentatively scheduled with representatives of the Environmental Protection Agency for July 8, 1992 to discuss what activities need to be undertaken for the state to assume the 404 program. He commented that the development of a comprehensive state wetland conservation plan will further our ongoing efforts to provide state leadership in wetland issues.

**STATE WATER MANAGEMENT
PLAN UPDATE
(SWC Project No. 322)**

LeRoy Klapprodt reported the final round of public meetings were completed for the 1992 North Dakota State Water Management Plan update during the first week of June. The Citizens Advisory Board members and others interested met in eight locations around the state to finish the updating process begun in early 1992.

The final round of meetings were used by the Citizens Advisory Boards to recommend projects and other proposals they wished to pursue for each of their regions' water management problems and opportunities. The Boards also prioritized the projects and programs by placing them in either the early action, mid-term or long-term time frames. Citizens Advisory Boards ranked solutions to their regions' problems and

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opportunities by weighing factors such as which were the most pressing problems, whether studies had been done, the amount of local interest, and financial considerations. Meeting the desired implementation schedule will prove difficult since in many cases there are issues to resolve and funding to secure before construction can begin. Staff made a strong point at each meeting that local initiative must move projects forward.

Mr. Klapprodt stated that the ranking process was made more difficult because it asked the Citizens Advisory Board members to plan for an often unpredictable future. In some cases, forces beyond local control such as new federal laws or programs can change when projects are implemented. Conditions such as floods or drought can move a project slated for completion in later years to the forefront. Mr. Klapprodt said the collective experience and judgement of the Citizens Advisory Boards members offer the best available means of planning for the state's future water needs.

A draft report will be written and circulated to the public and other state agencies later this summer. After a comment period, the final report will be published. The final report will be used by the State Water Commission and the Legislature as a guideline during the budgeting process for the 1993-1995 biennium and future years.

It was moved by Commissioner Gust, seconded by Commissioner Spaeth, and unanimously carried, that the State Engineer be directed to forward letters of appreciation to the members of the Citizens Advisory Boards.

**MISSOURI RIVER UPDATE
(SWC Project No. 1392)**

Secretary Sprynczynatyk provided the Commission members with an update on the Missouri River lawsuit. At the May 26, 1992 meeting, the Commission members were briefed on a settlement conference meeting held in Billings, MT. The judge scheduled a telephone conference call of the settlement conference group for June 3, 1992 and ordered a temporary stay for filings of documents, amicus briefs and responses to the defendant's motion for a summary judgement until after the June 3 conference call. The court has extended the stay until the middle of July, 1992 to allow the parties time to continue their discussions in an effort to resolve the lawsuit.

Secretary Sprynczynatyk informed the Commission members that the Corps of Engineers is continually

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postponing the schedule for releasing the results of the Master Manual review analysis. The Missouri River States Association has sent a letter to the Omaha Missouri River Division Engineer expressing its displeasure with the Corps in this matter. Secretary Sprynczynatyk suggested that it would be appropriate for the State Water Commission to take an action expressing its displeasure with the Corps's repeated postponements.

It was the consensus of the Commission members that the State Engineer and staff draft a resolution for the Commission's consideration at its July 6, 1992 meeting to express its extreme displeasure with the Corps of Engineers repeated postponements of the schedule for releasing the result of the Master Manual analysis.

**NORTH DAKOTA WATER USERS
ASSOCIATION INITIATED TAX
MEASURE UPDATE
(SWC Project No. 1852)**

Steven Hoetzer, President of the North Dakota Water Users Association, provided the Commission members with an update on the initiated tax measure for a one-half cent sales tax for water development.

On June 23, 1992, the North Dakota Water Users Association held a meeting in Medora, ND. At that meeting the decision was made to place the initiated tax measure on the November election ballot. Mr. Hoetzer made reference to the factors upon which the decision was based.

The North Dakota Water Users Association currently has approximately 13,000 petition signatures, which will be filed with the Secretary of State in mid-August.

Mr. Hoetzer presented the results of a June 3, 1992 survey poll on the initiated measure conducted in conjunction with the University of North Dakota. The survey question asked was, "Do you favor or oppose a one-half cent sales tax increase for seven years to protect and develop North Dakota's water resources such as the Missouri River rights?" The poll indicated that 31 percent strongly favored the one-half cent tax; 19 percent mildly in favor; 12 percent expressed mild opposition; 24 percent strongly opposed the issue; and 14 percent were undecided or refused to answer the question.

Mr. Hoetzer concluded his remarks by addressing the plans for the advertising campaign and education program for the tax measure. According to Mr. Hoetzer, the North Dakota Water Users Association and others will place strong emphasis on these major objectives in the next few months prior to the election.

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**DROUGHT DISASTER LIVESTOCK WATER
ASSISTANCE PROGRAM UPDATE
(SWC Project No. 1851)**

Cary Backstrand provided the Commission members with an update on the Drought Disaster Livestock Water Assistance Pro-

gram. To date, 176 applications have been received, of which 140 have been approved. Approximately, \$198,000 has been paid out for 123 projects and approximately 25 percent of the completed projects have been inspected. Mr. Backstrand indicated that the \$250,000 originally allocated to the project has been obligated, therefore, we have stopped accepting applications. When individuals inquire about the program, their names are placed on a waiting list should future funding become available. The program has been widely accepted by the state's livestock producers and there continues to be a need for livestock water supply assistance.

Mr. Backstrand reported some of the ASCS county offices have been contacted to determine if funds are available for livestock water under their ACP program. The county offices contacted indicated the ACP funds are in short supply. A representative from the State ASCS office indicated the ACP Program, which cost shares 75 percent, is extremely short of funds and is not a viable option for funds at this time. However, Mr. Backstrand said they also administer the ECP Program that will cost share 64 percent for temporary measures, such as an overland pipeline from an existing water supply to a pasture area. This program will also cost share in 50 percent of permanent features.

Mr. Backstrand indicated these funds are not available unless the local ASCS committee requests the funds. The State of South Dakota has been using this program to supply needed funds to drought-stricken livestock producers in that state. The State ASCS office has indicated it will be making contacts with the ASCS committee offices and encouraging them to request the funding. Mr. Backstrand indicated that the State Water Commission staff is developing a letter to the State ASCS office encouraging them to work closely with the county offices in implementing the ECP Program.

The shortcoming of the ECP Program, as well as the ACP Program, is that funds are not available for water supply projects at the headquarters. Mr. Backstrand said a viable water supply at the headquarters is necessary for sustaining the herd during the winter months and because of the short supply of hay, some producers have been forced to feed and water their livestock at their headquarters during the spring and summer months.

Secretary Sprynczynatyk stated the original legislation authorizing the Livestock Water Assistance Program referred to a potential of \$300,000 in program assistance.

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The State Water Commission initially allocated \$250,000 for the program, all of which has been obligated. Since there is still a need for the Drought Disaster Livestock Water Assistance Program, it was the recommendation of the State Engineer that an additional \$50,000 be allocated to the program from the Water Resource Fund's general grants. This would bring the total allocation for the program to \$300,000.

It was moved by Commissioner Rudel and seconded by Commissioner Byerly that the State Water Commission approve an additional \$50,000 to be allocated to the Drought Disaster Livestock Water Assistance Program from the Water Resource Fund's general grants. This motion is contingent upon the availability of funds.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

The following changes in administering the Drought Disaster Livestock Water Assistance Program were recommended by the State Engineer. He reminded the Commission members that any changes in the program's rules are required to follow the administrative rules promulgation process:

- 1) Only those counties considered to be in severe drought according to the Palmer Index dated June 13, 1992, be eligible for the cost share program. Those areas include the counties in the southwest, west-central, south-central, and central districts within the state. These are the areas in which the majority of applications for cost sharing have been received;
- 2) The maximum cost share per producer be set at \$2,000. The average cost share to date has been approximately \$1,500 per producer of which one-third exceeded \$2,000. Setting the maximum cost share per producer at \$2,000 would allow cost share dollars to be provided to more producers; and
- 3) Funds be made available first to those producers which have inquired about the program and their names have been placed on the waiting list. Since some of these producers needed to develop a water supply whether assistance was available or not, those producers on the waiting list that have started or completed their water supply project, be eligible for program benefits provided all other requirements of the program are met.

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In discussion of proposed rule change No. 1, indicating that only those counties considered to be in severe drought according to the Palmer Index dated June 13, 1992, be eligible for the cost share program, the Commission members expressed concern that the Palmer Index reflects an overall drought average of a region rather than the specific conditions. The Commission members suggested each area of a region should be reviewed as well as the long-term drought effects when considering an application for drought assistance and, therefore, the Commission did not concur solely with the use of the Palmer Index.

It was moved by Commissioner Kramer and seconded by Commissioner Spaeth that the Palmer Index not be used as criteria for evaluating applications for funds from the Drought Disaster Livestock Water Assistance Program.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay vote. The Chairman declared the motion unanimously carried.

It was moved by Commissioner Rudel and seconded by Commissioner Byerly that proposed rule changes 2) and 3) as recommended by the State Engineer be approved.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

It was moved by Commissioner Byerly and seconded by Commissioner Narlock that the Drought Assistance Livestock Program Committee, consisting of Commissioners Vogel, Gust and Rudel, review the program rules and regulations.

Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, and Chairman Vogel voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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In discussion of future funding for the program, the Commission directed the State Engineer to forward a letter to all local ASCS committees encouraging implementation of the ECP Program.

There being no further business to come before the State Water Commission, it was moved by Commissioner Spaeth, seconded by Commissioner Rudel, and unanimously carried, that the State Water Commission meeting adjourn at 4:45 PM.



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE July 1, 1992 PLACE Bismarck, ND
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
G. KRENZ	Bismarck	SWC
Bruce F McCollom	"	BW/BEC Engineers
CHUCK RYDELL	"	SWC
Tim Fay	"	"
WADE MOSER	"	N.D. STOCKMEN'S ASSOC.
Willie Mast	Dickinson	S.W. W Authority
Felicia Felix-Fox	New Town, ND	M&F Water Project the Appellate Trib
Maggie Jay Gaa	New Town ND	M&F Water Project → have 4 riparian sites
Donald Morgan	Box 140 New Town, N.D.	Adminis for Natural Resources Three affiliated Tribes
Cary Backstrand	Bismarck	SWC/SE
LEE RAGAN	Bismarck	USFWS
Loren Myra	Taylor	SWR
Brian Kramer	Box 575 Tuttle Lake 58575	ND Farm Bureau

MINUTES**Southwest Pipeline Project
Rural Water Engineer Selection Committee
Dickinson, North Dakota****June 2, 1992**

The first meeting of the selection committee was held at the Southwest Pipeline Project Operation and Maintenance Headquarters conference room.

MEMBERS PRESENT:

Loren Myran
Jacob Gust
Willie Mastel
Marjorie Farstveet
Tim Fay

OTHERS PRESENT:

Dave Sprynczynatyk, State Engineer
Kris Moelter, Legal Counsel

In his introductory remarks, Dave Sprynczynatyk appointed Tim Fay as his representative, chairman, and secretary. He referred to the action of the State Water Commission on May 26, 1992, initiating the selection procedure. He also reviewed past selection procedures as examples of how the process should work, explaining that the goal was to select an engineering firm based on qualifications rather than on cost. He explained that the process should work as follows:

1. The committee considers the seven criteria identified in the law and decides whether any additional criteria are needed.
2. The committee members individually assign weighting factors to each of the criteria. The sum of each member's weighting factors must equal 100. The weighting factors are collected from each committee member and placed in an envelope. The weighting factors are averaged by someone not involved in the process. The average weighting factors are not revealed to the members, which allows them to consider the proposals more objectively.
3. A Request for Information from interested firms is published. Proposals are to be submitted on Forms SF 254 and SF 255.

4. The proposals are reviewed by the committee members. Each member scores each firm on each of the seven criteria. The members' scores for each firm on each criterion are averaged. These averages are then multiplied by the average weighting factors from step 2 to determine a score for each firm. These averages and scores are calculated by someone not involved in the process.
5. The firms are ranked by their combined scores and the top scorers are invited to interview.
6. The firms are interviewed. Questions are related to the criteria. Committee members score each interviewing firm on each of the criteria.
7. After the interviews, the members' scores are again averaged and multiplied by the weighting factors. Contract negotiations can then begin with the top scoring firm.

The committee determined that only the seven criteria identified in the law would be used in this process. These are:

1. Past performance.
2. Ability of professional personnel.
3. Willingness to meet time and budget requirements.
4. Location.
5. Recent, current, and projected workloads of the firm.
6. Related experience on similar projects.
7. Recent and current work for the agency.

The committee members then determined their weighting factors. Their sheets were collected and placed in an envelope.

Copies of Forms SF 254 and SF 255 were distributed to the committee members for them to become familiar with.

The committee then reviewed a draft Request for Information. After some modifications it was adopted. The committee decided to publish the request as a regular ad as soon as possible in the Dickinson and Bismarck newspapers and make a mailing to firms who may be interested. This would be followed by publication as a legal ad in the major papers at the earliest possible date.

It was decided to send copies of minutes and materials distributed to the members of the State Water Commission.

The schedule of future meetings was then discussed. The following timetable was adopted:

May 26, 1992 (completed)
Selection committee appointed

June 2, 1992 (completed)
First meeting:
 Discuss procedure
 Determine criteria and weighting factors
 Prepare Request for Information

June 5, 1992
Publish Request for Information

June 26, 1992
Deadline for proposals

June 29, 1992
Committee meets at 10:00 a.m. in Bismarck to rank proposals
Selection of three highest firms

July 6, 1992
Interview three highest firms
Select highest

July 7, 1992
State Water Commission conference call meeting to approve negotiations with selected firm

July 8-31, 1992
Negotiate contract

August 1, 1992
Begin design

The meeting on June 29, 1992, was to have been held in Dickinson at 5:00 p.m. MDT, however, scheduling conflicts led to rescheduling.

MINUTES

Southwest Pipeline Project
Rural Water Engineering Selection Committee

June 29, 1992

The selection committee met at 10:00 a.m. in the Lewis and Clark Room of the Capitol Building, Bismarck, North Dakota.

MEMBERS PRESENT:

Jacob Gust
Marjorie Farstveet
Wilfred Mastel
Loren Myran
Tim Fay

OTHERS PRESENT:

David Sprynczynatyk, State Engineer
Gregg Thielman, Investigations Engineer

Mr. Thielman had custody of the averaged criteria importance factors and was in attendance to do the calculations necessary to rank the proposals.

Seven responses to the Request for Information had been received by noon on June 26, the published deadline. The responding firms were:

Bartlett & West/Boyle Engineering Corp.
Hanson Engineering
Houston Engineering
Interstate Engineering
Kadrmass-Lee-Jackson/KBM
Toman Engineering
Ulteig Engineering

Copies of the proposals were sent to the committee members by express mail. Each committee member had read and scored each firm according to the seven criteria.

Mr. Thielman collected the scoring sheets from each committee member, combined them by adding all members' scores for each firm for each criteria, and then multiplied each combined score by the appropriate criteria importance factor. Each firm's total score was determined by adding the individual criteria scores. Total scores are as follows:

Bartlett & West/ Boyle Engineering Corp.	3991.4
Houston Engineering	3832.0
Kadrmass-Lee-Jackson/KBM	3699.2
Ulteig Engineers	2752.2
Interstate Engineers	2521.2
Toman Engineering	1926.0
Hanson Engineering	1161.0

The three highest scoring firms were selected for interviews.

The committee discussed the subsequent steps in the selection process, including interviews, final ranking, and the report to the State Water Commission. It was concluded that the committee's role under the law is to recommend the best qualified firm.

Discussion followed regarding questions to be asked at the interviews. Several subjects were suggested and the secretary was charged with formulating them into a standard list of questions.

weighted

**SOUTHWEST PIPELINE PROJECT
BALLOT FOR
RATING OF ENGINEERING FIRMS**

Criteria	Hanson	Interstate	Ulteig	BW/DEC	Houston	KLJ/KBM	Toman	
1. Past performance	115.2	345.6	388.8	619.2	561.6	547.2	216.0	
2. The ability of professional personnel	167.2	456.0	501.6	653.6	547.2	592.8	258.4	
3. Willingness to meet time and budget requirements	138.6	415.8	508.2	600.6	569.8	554.4	308.0	
4. Location	228.8	239.2	249.6	384.8	353.6	416.0	364.0	
5. Recent, current, and projected workloads of the firm	93.6	260.0	218.4	332.8	332.8	343.2	228.8	
6. Related experience on similar projects	216	540.0	583.2	972.0	950.4	842.4	324.0	
7. Recent and current work for the agency	201.6	264.6	302.4	428.4	516.6	403.2	226.8	
	1161.0	2521.2	2752.2	3991.4	3832.0	3699.2	1926.0	

INSTRUCTIONS:

Assign a number from 1 to 10 which reflects your feelings of how the respective criteria is satisfied by each of the firms. A 10 is most favorable and 1 is most unfavorable. (No zeros, please.)