

**Minutes of Special Meeting
Souris River Joint Water Resource Board
Friday, November 15, 2024**

A special meeting of the board of directors of the Mouse River Park Bridge ACM Selection Committee was called to order by Chairman David Ashley at 8:00 a.m. on Friday, November 15, 2024, after announcing that a quorum was present. The meeting was held via Microsoft Teams/Teleconference. Joint Board members in attendance were Dan Steinberger and Jason Sorenson.

Jack Dwyer of Dwyer Law Office opened the meeting by summarizing status of the ACM process. Jack Dwyer indicated he has contacted several engineers across the state who have worked for cities or political subdivisions but has not come across any that have used the ACM project delivery method. Using the North Dakota statutes as a guide, a plan was created. Working with HDR, Jack Dwyer looked at several different templates from the EJCDC document and selected an agreement that embodies the statutes and how the ACM project delivery method was envisioned and drafted the RFQ to correspond with the North Dakota statutes. The ACM is an advisor of the Joint Board. The Joint Board will enter into the contracts with the different contractors. The ACM will take the existing plans and specs that were prepared by HDR and break them down into multiple bid packages in an effort to solicit bids from contractors. The idea is that those bid packages will be small enough that local contractors will be bidding so that large bid contractors who are limited in number or at full capacity will no longer be needed. The ACM will be hired on an hourly basis and the ACM will be bidding the bid packages out for the Joint Board.

The Joint Board first reviewed the description of the proposed Mouse River Park Bridge. NDCC 48-01.1-19 (2)(a) provides that the agency selection committee shall develop a description of the proposed public improvement. In the RFQ there is draft language for the proposed description. The Joint Board did not voice any concerns with the proposed project description.

Jason Sorenson moved to approve the description of the proposed Mouse River Park Bridge. Dan Steinberger seconded the motion. The motion passed without opposition.

The Joint Board next looked at enumerating each required agency construction management service for the Mouse River Park Bridge. Jack Dwyer reviewed NDCC 48-01.1-19 (2)(b) with the Joint Board and looked at the paragraph entitled "Services to be provided by the ACM and general scope of work" in the RFQ, which is the draft language to satisfy that statutory requirement.

Dan Steinberger moved to approve the language of the services to be provided by the ACM and general scope of work language. Jason Sorenson seconded the motion. The motion passed without opposition.

Jack Dwyer indicated that the next task of the Selection Committee is to prepare the formal invitation request for qualifications, which must include the project title, the general scope of work, a description of each service required for the public improvement, the final selection criteria, the address to which responses to the request must be submitted, and the deadline for submission of responses, per NDCC 48-01.1-19 (2)(c). Jack Dwyer indicated the RFQ contains these criteria and advised that the plan is to get feedback on the draft documents and incorporate any changes that need to be made, so there is a blank for the date in the RFQ. Jack Dwyer provided his legal opinion that the RFQ complies with North Dakota Century Code for this project delivery method. Dennis Reep of HDR Engineering questioned whether to allow the opportunity to submit electronic proposals for the RFQ.

Jason Sorenson moved to approve the formal invitation request for qualifications. Dan Steinberger seconded the motion. The motion passed without opposition.


Dennis Reep questioned whether approval could be expedited via a special meeting prior to the December regular SRJB meeting.

Dan Steinberger moved to schedule a special meeting at 8:00 a.m. on Wednesday, November 20, 2024 to bring this proposed procedure forward to the Joint Board. Jason Sorenson seconded the motion. The motion passed without opposition.

Jack Dwyer next reviewed a draft agreement between owner and construction manager as advisor and Chairman Ashley opened it up for questions on the agreement. All members of the committee were in agreement that the terms of the agreement were acceptable.

Dan Steinberger moved to approve the draft agreement between owner and construction manager as advisor. Jason Sorenson seconded the motion. The motion passed without opposition.

There being no other business on the Special Meeting Agenda, Chairman Ashley declared the special meeting adjourned.



Jack Dwyer
Legal Counsel