

## GRAND FORKS COUNTY SPECIAL COMMISSION MEETING

August 6, 2015 – 8:00am

Topic: Grand Sky

The Board met pursuant to adjournment with Commissioners Knauf, Malm, Engen, Pic and Falck present.

Tom Ford, BRIC/EUL Coordinator, said only one bid was received for the taxiway connection and restoring the alert pad at Grand Sky/Grand Fork Air Force Base. The one bid received was out of scope for the required work.

Tom Swoyer, Grand Sky Development Corporation, participated via telephone. The one bid received was out of scope because of schedule and budget. They are looking for guidance on the best way to proceed.

Brad Gerken, Grand Sky Development Corporation, said their first choice would be to work with the sole bidder and determine if there is some combination of schedule, price and scope of work that is mutually acceptable to Grand Sky and the bidder. Since there is only one bidder they believe they are empowered to negotiate changes to the scope of work and/or schedule from what was published in the RFP. If the results of the negotiations are not mutually acceptable to the bidder and Grand Sky, they believe they have the following two options. Option A would be to re-notice the previous RFP. There is no reason to believe we would get more than one bidder. Option B would be to substantially revise the RFP and publish. This would take four weeks to accomplish and create execution risk, as we move toward the end of the year.

David Jones, States Attorney, said one of the options that had been considered was if the “Emergency Clause”, exception for bidding, in the North Dakota Century Code would apply. It is his opinion it would not apply.

Mr. Jones said he could not find any authority that would allow Grand Sky to negotiate with a single nonconforming bidder without re-submitting an RFP and going through the bidding process.

Brad Gerken asked if there would be any latitude with the 3 consecutive notices requirement. David Jones said he sees no exceptions for that.

Commissioner Pic asked when Grand Sky would like to see the project completed. Brad Gerken said in 2015.

Brad Gerken said they are in discussions with potential tenants that would like to have access to the runway by March 2016. So there is potential to lose a large tenant, if the runway is not complete by then.

Commissioner Pic asked would there be time to notice for 3 consecutive weeks and get the project done by this fall. Brad Gerken said the project will not be able to begin until October. If we have a warm October, November and December, we could definitely get it done.

Commissioner Engen asked if there was a cost factor as well. Brad Gerken said the bid came in relatively high compared to the estimate.

Commissioner Falck said the bid should be rejected and Grand Sky should send the revised RFP for publishing in Tuesday's Grand Forks Herald. The Commission agreed.

Moved by Pic, seconded by Engen, to adjourn. Motion carried unanimously. The meeting adjourned at 8:26am.

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Diane Knauf, Chair  
Grand Forks County Commission

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Debbie Nelson, County Auditor