

**CONSULTING SERVICES FOR POST-CONSTRUCTION SITING  
INSPECTIONS  
RFP Number: PU-10-123**

**1. INTRODUCTION**

**A. Complete Contract Information for the Firm: *Western Plains Consulting, Inc.***, PO Box 1401, Bismarck ND 58502 or 1102 S Washington Str., Suite 210, Bismarck ND 58504; **Phone** 701-221-3113; **Toll-free** 888-821-3113; **Fax** 701-221-2140; or [info@wpcnd.com](mailto:info@wpcnd.com). **President – Lance Loken, Project Manager – Myron Senechal.** *Western Plains Consulting, Inc.* is also known as WPC Inc. WPC's federal tax identification number is 20-1584716.

WPC is a North-Dakota based consulting firm. The majority of its staff are North Dakota natives and/or educated in the State's universities. Half of our 22-person staff have been providing environmental/natural resource services in North Dakota for more than 20 years.

**B. *Western Plains Consulting, Inc.*** and its staff will comply with all provisions in the RFP Number: PU-10-123 issued April 28, 2010, by North Dakota Public Service Commission. We are not aware of any instances where WPC or any individuals working on the contract has a possible conflict of interest.

**C.** This proposal has been signed by Lila Marquart, Vice President, ***Western Plains Consulting, Inc.*** and is empowered to bind the company.

**D.** This proposal is valid for 60 days from the signature date.

## **2. UNDERSTANDING OF PROJECT**

The Public Service Commission has been given the responsibility to determine the location, construction and operation of jurisdictional energy conversion and transmission facility to ensure that they produce minimal adverse effects on the environment and welfare of our citizens. Extensive efforts are put into reviewing siting permit applications and development permits that minimize adverse effects. Applicants are expected to meet all permit requirements and conditions. Over the years, a good faith effort has been made to monitor permit requirements. However, undoubtedly the increasing volume of permit applications has created a need for a more formal monitoring process.

The purpose of this contract would be to design and implement a formal process that would:

- a. conduct post-construction ground inspections of permitted facilities for the purpose of determining if permit conditions were met;
- b. document findings and potential concerns/deficiencies if found;
- c. discuss potential concerns with the PSC so they can be addressed with permit holders;
- d. provide documentation to the PSC certifying that the energy conversion and transmission facility siting project has been constructed in compliance with the siting laws and rules and the applicable Findings of Fact, Conclusions of Law and Order.

### **2.1 Deliverables**

The ultimate deliverable for this project would be documentation that certifies each permitted facility has satisfied its permit conditions as observed in the field. There would be a separate document for each post-construction facility. This document would include a narrative providing the date, time, and conditions that the field observation was conducted, with a checklist composed of the specific requirements in the order, and photographs for the individual project site. If potential concerns/deficiencies are identified, they would be described on the narrative and discussed with the appropriate PSC staff. Additional documentation may be required if correction of potential concerns is required. The completed document would be signed by the WPC professional that the facility has satisfied its permit conditions as observed in the field.

### **2.2 Project Schedule**

This project currently involves field observation of 23 sited facilities/corridors. Because permit conditions typically involve avoidance of identified wetlands and/or revegetation plans, it will be necessary to conduct the field work without snow cover.

WPC staff would be available to begin field work within one week of contract award and continue, as needed until the first snow cover, which would likely be in late October or early November of 2010. Field work could then resume in April 2011.

### **2.3 Contract Terms and Conditions**

- A. Western Plains Consulting, Inc. understands the requirements of the project that the Public Service Commission must determine location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and welfare of citizens of North Dakota. WPC staff

would complete post-construction inspections to ensure that project was completed in compliance with the siting laws, rules, and the applicable Findings of Fact, Conclusions of Law, and Order. Further, we understand that the current list of siting projects needing post-construction inspections are on Attachment 6 of the Request for Proposal (RFP) PU-10-123 issued by ND PSC on April 28, 2010.

- B. WPC will submit invoicing on a monthly basis for services rendered. Invoices will be detailed, and include project progress reports.
- C. WPC meets all requirements detailed related to insurance in the RFP. However, Items 4 and 5 on page 5 of the RFP related to insuring the State of North Dakota and Waiver of Subrogation require negotiation with WPC's AAA-rated insurance carrier and may generate additional fees, which would be added to the cost of the this proposal.

#### 2.4 Pertinent Issues and Potential Problems

- A. **Deficiencies.** It is unknown to WPC as this time if there will be a high rate of compliance with the details of each Siting Order. If WPC finds potential concerns at a site, the finding will be discussed with the PSC and a deficiency may be identified. WPC's assumption is that the permit holder will be given direction by the PSC to correct the concern. The available budget may allow WPC to conduct a second field inspection to certify that the concern was addressed by the permit holder. However, for long corridors, there is a potential concern that the budget may not allow a second visit.
- B. **Access.** WPC assumes that site access will be available on easement right-of-way for the WPC project manager. However, if WPC must contact significant numbers of landowners to obtain site access, there may be inadequate resources in time and budget available.
- C. **Corridor/Facility Accessibility and Length.** This proposal assumes that staff will be able to drive to and along the permit area, except underwater corridors, with some walking where necessary.
- D. **Number of Hours Involved.** WPC was unable to readily obtain information on the length of the corridors. Without this information or information on accessibility, it is not possible to make an accurate estimate of professional time need for each corridor.

### **3. METHODOLOGY USED**

Upon contract award, WPC staff would obtain from the PSC the following items for each project facility/corridor that are ready for field observation:

- an electronic copy of the order granting corridor certificate and route permit or facility siting (which will be used to prepare the facility checklist);
- map(s) showing each permit location/corridor, as well as any avoidance areas, wetlands, habitat, cultural zones, etc.; and
- input from PSC staff related to prioritizing the order of facilities to be inspected.

WPC would prepare a checklist for each inspection project and obtain landowner access permission as appropriate prior to field work. WPC would develop a timeframe to conduct the inspections in the most efficient route possible. It will be our goal to conduct all inspections prior to snow-cover in the late fall of 2010. If necessary, any left-over or follow up inspections could be conducted in April/May of 2011.

WPC would travel to the site and conduct the field work. Depending on the project size, location, access and terrain, WPC plans to drive the majority of the permit area, with some walking as needed. If the corridor crosses a body of water, WPC will not conduct underwater inspections, but rather will inspect the points where the corridor enters and exits the water. If the access is limited, WPC staff may discuss with the PSC project manager alternate methods (such as an air survey, etc.) to observe the post-construction corridor within the available budget. WPC will follow the checklist for that specific project, noting any concerns, and documenting with photographs and notes. WPC will ensure that the inspections are conducted in a safe manner and meet safety requirements of WPC and of the permit holder. Staff will have personal protective equipment including hard hats, high-visibility vests, first aid kit, and fire extinguisher. Temperature related safety precautions will be followed. WPC staff use a daily check-in system with the home office.

For each post-construction inspection, WPC will prepare a brief document form that provides detail on the date, time, and conditions that the field observation was conducted, a checklist, notes and photographs. WPC intends to provide the documents as soon as possible after each inspection. The post-construction inspection document would certify that the energy conversion and transmission facility siting project has been constructed in compliance with the siting laws and rules and the applicable Findings of Fact, Conclusions of Law and Order.

If potential concerns/deficiencies are identified, they would be discussed with the PSC project manager. If the PSC is in agreement with the concern, WPC will document the concern on the post-construction inspection document, and certify that the project was constructed in compliance with the exceptions noted. It is possible that the PSC project manager may direct the permit holder to take corrective actions. If directed by the PSC project manager and the budget, WPC conduct a follow up inspection to ensure that items of concern have been addressed by the permit holder. Or, the PSC project manager may require the permit holder to document that corrective actions were taken.

WPC will document the professional hours and travel hours worked on each project, plus all out-of-pocket travel costs and incidentals (such as photocopies, etc.) Hours worked times the contract rate plus any necessary costs to travel on-site by case number will be

tracked per inspection. Invoices will be sent on a monthly basis, if work is performed during that month. A brief progress report will be included with invoices.

#### **4. EXPERIENCE AND QUALIFICATIONS**

##### **Experience of the Firm**

Western Plains Consulting, Inc. specializes in providing high quality environmental and natural resource consulting. WPC and its staff offer our clients a single source of professional expertise to handle a multitude of regulatory, legal, and environmental issues. WPC is composed of experienced and dynamic professionals representing the top expertise in their fields. Our staff expertise includes wetlands, botany, wildlife, soils, geology, hydrogeology, soil erosion and sediment control, and revegetation/range management. We have been involved in many soil/wetland mapping projects, and wildlife, botanical and environmental assessment projects. It should be noted that we have not prepared a permit application for review by the North Dakota Public Service Commission, so there would be no conflicts of interest. WPC is uniquely suited for this contract.

WPC provides high-quality, experienced environmental and natural resource professionals for your resource team. We are committed to our clients and serve as a valuable resource through application of our knowledge and expertise to integrate nature and development; incorporate sound science in land-use solutions and management; and restore degraded environments.

Our qualifications are based on extensive project experience; training and professional development; professional registrations and certifications; and demonstrated leadership in our fields on local, state and national levels. Half of our 22-person staff have been providing environmental/natural resource services in North Dakota for more than 20 years.

WPC and its professionals serve a broad client base—from the private to public sector, and from large organizations to small business. They include:

- Federal and State Agencies
- Municipal Governments
- Banks and Lending Institutions
- Engineering and Environmental Firms
- Real Estate and Development Companies
- Law Firms
- Manufacturing Companies
- Commercial Businesses
- Private Individuals
- Universities and Public Organizations
- Sand & Gravel, and other Mining Companies
- Construction Companies
- Agricultural Industries
- Landfill and Transfer Station Clientele
- Oil and Pipeline Companies
- Power Generation Companies

WPC staff has conducted field inspections, surveys and assessments on hundreds of projects that range from small properties, to miles of highway corridors, to hundreds of acres of threatened and endangered species surveys. While we have worked throughout the Midwest, the majority of our projects have been in North Dakota. We believe that you will not find a single environmental consulting firm with more knowledge and experience in the soils, geology, range, vegetation, wildlife, wetlands and climate of our state.

WPC staff, dating back originally to High Plains Consortium, has developed a long history of performing quality work, done on time and on budget. Our clients include the US Department of Justice (wetlands), the US EPA (leaking underground storage tanks), the North Dakota Department of Health (hazmat emergency response and Brownfield assessments), the North Dakota State Water Commission (Devils Lake Outlet), the North Dakota Department of Transportation (wetlands and hazmat assessments), North Dakota Workforce Safety (indoor air quality), City of Bismarck (hazardous material management and emergency response), the City of Jamestown (wetlands), the City of Grand Forks (wetlands), and the City of Bowman (wetlands and assessments).

### **Personnel and Project Team**

The Project Manager would be Myron Senechal, Senior Natural Resource Conservationist, Certified Professional Erosion/Sediment Control Specialist, Certified Crop Advisor and Certified Conservation Planner. Mr. Senechal would conduct the bulk of the Post-Construction Siting Inspections. He would report to Lance Loken, WPC's President, a Soil Scientist/Geologist and Environmental Manager.

If questions arise on a specific project site, WPC may call on the resources of Sara Simmers, Environmental Scientist/Botanist, Justin Askim, Environmental Scientist/Natural Resource Specialist, or John Schulz, Certified Wildlife Specialist.

**WPC's proposal project team does not include subcontractors or joint ventures.** Staff resumes are included in Attachment A.

The majority of the hours would be provided by Mr. Senechal. His time would be estimated at approximately 90%. Other WPC staff would be available for consultation, as needed, and for clerical support. In the event of unforeseen circumstances, other WPC staff would be available to provide the inspection. Lance Loken, Sara Simmers, and Justin Askim, would be primary backups.

WPC believe that the field work can be completed within the approximate five-month window between mid-June and mid-October, with April and May of 2011 reserved for follow-up, as needed. **Costing is discussed in Section 5. Cost Proposal.**

## **5. COST PROPOSAL**

### **A. List of Direct and Indirect Costs**

Attachment A contains WPC's fee schedule. The majority of the cost will be related to the professional's hourly rate and travel rate. There may be a minimal amount of clerical needed to prepare checklists/progress reports and transfer documents. There will be travel costs related to mileage and per diem. In addition, it is expected that there will be minimal costs for photocopies, camera usage, long distance phone charges, and postage.

WPC's hourly rate for our professional staff on this project will be \$55.00 hour. Our travel rate will be \$45.00 per hour. Our clerical rate will be \$45 per hour. These rates include WPC's direct cost multiplier, indirect cost multiplier, and profit. We use federal IRS rates for mileage and per diem. We use the lowest cost hotel rooms that are still clean and safe, and bill actual cost plus a 5% markup. The fee schedule shows the rates for office supplies, copies, postage, and telephone.

### **B. Example Cost of Post-Construction Inspection**

Attached is a worksheet showing the project cost for one post-construction inspection, using the Order provided as an example in the RPF. WPC has not provided an estimate on the number of hours needed to complete all inspections, as the size/length of the permitted corridors was not readily available.

### **C. Percentage of each person's time devoted to the project**

WPC would set aside 100% of Myron Senechal's time on this project. Other professional staff would likely contribute less than 5% of their time on this project, although more could be made available in the event of unforeseen circumstances. Clerical staff would likely spend less than 7% of their time on this project.

## 6. SIGNATURES

By signature on the proposal, an offer or certifies that it complies with:

- a) The laws of the State of North Dakota;
- b) North Dakota Administrative Code;
- c) All applicable local, state and federal laws, code and regulations;
- d) The applicable portion of the Federal Civil Rights Act of 1964;
- e) The Equal Employment Opportunity Act and the regulations issued by the federal government;
- f) The Americans with Disabilities Act of 1990 and the regulations issued by the federal government;
- g) all terms, conditions and requirements set forth in this RFP;
- h) a condition that the proposal submitted was independently arrived at, with collusion;
- i) a condition that the offer will remain open and valid for the period indicated in this solutions; and
- j) a condition that the firm and any individuals working on the contract or not have a possible conflict of interest.

Signed:

---

Lila J. Marquart, President

---

Date