

NORTH DAKOTA PUBLIC SERVICE COMMISSION
CONTRACT AMENDMENT

CONTRACT NUMBER PU-701-14-EE	
Purchase of Service Contract Amendment #: 1	Public Service Commission Case Number PU-14-218

AMENDMENT to Contract between the State of North Dakota, acting through its North Dakota Public Service Commission, "STATE", and Houston Engineering, Inc., "CONTRACTOR".

The parties agree to the following terms and conditions and expressly agree that if any of the following terms and conditions conflict with any of the terms and conditions of the Contract, then, notwithstanding any term in the Contract, the following terms and conditions govern and control the rights and obligations of the parties.

Whereas, STATE agreed to pay for two inspections under the original contract an amount not to exceed \$7,000, and

Whereas, Section 17, Merger and Modification allows for terms to be amended, and

Whereas, CONTRACTOR conducted a visual inspection of the Project on November 14, 2016 focusing on erosion control issues and finding that the majority of the site was not reseeded and was bare ground, and

Whereas, ONEOK Rockies Midstream, L.L.C. indicates that reclamation and revegetation activities will take place in the spring of 2017, and

Whereas, the parties agree to amend the Contract for the purpose of CONTRACTOR performing and documenting an additional inspection after one full growing season but not less than one year from the anniversary date of completion of fertilization and seeding to confirm that fertilization and reseeded has been completed and the vegetation is thriving (RECLAMATION AND REVEGETATION INSPECTION); and the parties further agree CONTRACTOR shall also confirm that areas where erosion was previously noted are now controlled either through vegetation, contouring of the land or by other appropriate permanent means; and the parties further agree CONTRACTOR shall be paid \$2,500 for this inspection and the inspection Report on this inspection; and

Whereas, CONTRACTOR shall provide to the STATE within 15 days after the Reclamation and Revegetation Inspection, a written RECLAMATION AND REVEGETATION INSPECTION REPORT. This Report must contain:

- 1) location-referenced color photographs of construction activities;
- 2) a map identifying locations where photographs were taken and locations where compliance checks were performed;
- 3) an executive summary of the Inspection findings concerning issues requiring resolution, areas of concern, and recommendations for resolution of issues; and
- 4) a determination whether the area affected by construction activities has been restored as near as practicable to the condition as it existed prior to the beginning of construction, including the reestablishment of desired plant species where applicable.
- 5) an approval and signature by the lead Project Manager responsible for this project:

Whereas, STATE shall pay for the accepted services provided by CONTRACTOR under this Contract Amendment an amount not to exceed \$2,500 and a maximum amount under the original Contract plus this Contract Amendment not to exceed \$9,500.

Whereas, CONTRACTOR agrees to invoice STATE for amounts not to exceed \$2,500 for the Reclamation and Revegetation Inspection upon submission of the Reclamation and Revegetation Inspection Report.

Whereas, Section 2, Term of Contract, states that the agreement will end on December 31, 2017, and

Whereas, Section 2, Term of Contract, states that the contract may be extended for an additional period of time, not to exceed 24 months, beyond the current termination date of the Contract, and

Whereas, the parties agree to amended the Contract to change the expiration date to December 31, 2019, and

Therefore, the parties agree the contract is amended.

The written negotiated proposal provided by CONTRACTOR for the Reclamation and Revegetation Inspection is attached to and incorporated into this agreement.

All other terms of the Contract remain in effect.

This Contract Amendment is not effective until fully executed by all parties.

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EXECUTION

CONTRACTOR NAME:

STATE OF NORTH DAKOTA

Houston Engineering, Inc.

Acting through its North Dakota Public
Service Commission

By: Emmy Backerville

By: _____

Title: Emmy Backerville

Title: Randy Christmann, Chairman

Date: 2/7/17

Date: _____

By: _____

Title: Julie Fedorchak, Commissioner

Date: _____

By: _____

Title: Vacant, Commissioner

Date: _____