

**NORTH DAKOTA PUBLIC SERVICE COMMISSION**

**CONTRACT AMENDMENT**

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

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:

Houston Engineering, Inc.

By: Emmy Backerville

Title: Emmy Backerville

Date: 2/7/17

STATE OF NORTH DAKOTA

Acting through its North Dakota Public  
Service Commission

By: Randy Christmann

Title: Randy Christmann, Chairman

Date: 3-1-17

By: Julie Fedorchak

Title: Julie Fedorchak, Commissioner

Date: 2/1/17

By: \_\_\_\_\_

Title: Vacant, Commissioner

Date: \_\_\_\_\_

February 7, 2017

Sara Cardwell  
Public Utility Analyst  
North Dakota State Water Commission  
600 E. Boulevard Ave. Dept. 408  
Bismarck, ND 58505-0480

**Subject: Quote for Additional Site visit: Lonesome Creek Gas Plant (PU-14-218) in McKenzie County, ND.**

Dear Sara:

Houston Engineering, Inc. (HEI) is pleased to provide a cost estimate to complete an additional site visit for permit compliance at the ONEOK Lonesome Creek Gas Plant in McKenzie County, ND. HEI completed two permit compliance site visits previously; the first was completed during construction on April 2<sup>nd</sup>, 2015, and a second was completed on November 14<sup>th</sup>, 2016, after construction was complete. During this most recent visit, we observed considerable erosion issues, likely due to incomplete revegetation efforts throughout most of the site. The following quote is for an additional site visit, as requested by the NDPSC. HEI will conduct an additional site visit in 2018 to observe revegetation efforts and provide an opinion of compliance.

As part of this project, HEI will provide the following services and deliverables:

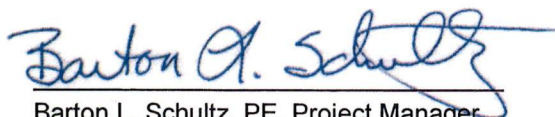
1. One (1) site visit to observe the revegetation efforts at the ONEOK Lonesome Creek Gas Plant site.
2. Prepare a supplementary report summarizing the revegetation efforts observed during the site visit, and provide an opinion regarding permit compliance.

**Compensation:**

Site Visit and scheduling / coordination	\$1,400
Report Preparation (1 Additional Inspection Report)	\$1,100
<b>TOTAL</b>	<b>\$2,500</b>

Thank you for the opportunity to provide compliance inspection services to the NDPSC. We look forward to continuing our work with you. Please call Emmy Baskerville at 763-493-6669 or me at 763-493-6662 if you have any questions.

Sincerely,  
HOUSTON ENGINEERING, INC.



Barton L. Schultz, PE, Project Manager

763.493.4522

bschultz@houstoneng.com