

SPIRITWOOD ENERGY PARK ASSOCIATION, LLC

Minutes Meeting of the Members February, 6 2014

A meeting of the Members of Spiritwood Energy Park Association, LLC, a North Dakota limited liability company was held at the offices of Jamestown/Stutsman Development Corporation on February 6, 2014. All members were in attendance waived notice of the special meeting of the members.

Gary Rife called the meeting to order at 2:58 p.m. (CST).

In attendance at the meeting were Gary Riffe and Chris Rathjen, Authorized Member Representatives of Jamestown/Stutsman Development Corporation; Greg Ridderbusch, Authorized Member Representative of Great River Energy; Al Christianson, Authorized Member Representative of Great River Energy via phone; Rich Garman, Senior Project Manager, SEPA; Connie Ova, Business Manager, SEPA; Joseph Larson, Esq.; Sandra Brokema, Business Development, SEPA via phone, DeAnn Brunner, JSDC Business Development Coordinator and Guest; Steve Kadriik; Railworks Track Systems, Howard Swanson; Swanson & Warcup LTD; Keith Norman, Jamestown Sun

Greg Ridderbusch moved to approve the minutes as presented, and Chris seconded the motion. Motion passes unanimously.

Joe Larson proceeded to chair and facilitate the discussion. Joe Larson reviewed the history of SEPA and informed everyone that SEPA takes the protest of Railworks very seriously.

Joe Larson asked Steve and Howard to make their presentation in regards to the protest.

Howard and Steve made a presentation protesting the award of rail loop project to DMVW and asked that SEPA rescind the award and award the project to Railworks as low bidder or re bid the project.

Howard and Steve contended that the bid evaluation and equalization process violated SEPA bid requirements and North Dakota statute on public improvement bids and contracts. They submitted 13 exhibits.

After the conclusion Howard and Steve presentation, Joe Larson responded to their concerns and advised the board that they need to go over these matters at later meeting to be schedule.

Greg made a motion to adjourn at 4:01 p.m. (CST) and Chris seconded the motion. Motion passes unanimously.

Attachments to the minutes.

Exhibit 1) SEPA Request for Bid and Contractor Qualifications for Loop Rail Project

- Exhibit 2) DMVW bid submittal
- Exhibit 3) DMVW revised pricing dated 01/07/2014
- Exhibit 4) Bid Evaluation Form
- Exhibit 5) SEPA Bid normalization
- Exhibit 6) SEPA Rail Project Bid Normalization
- Exhibit 7) SEPA Rail Procurement and Construction and Bid Evaluation
- Exhibit 8) Railworks Cross Tie Differences
- Exhibit 9) Railworks Bid submittal
- Exhibit 10) SEPA Press release dated 01/16/2014
- Exhibit 11) DMVW approval from BNSF for industrial grade ties
- Exhibit 12) Railworks Bid Normalization
- Exhibit 13) Railworks Worksheet

Respectfully submitted by,
DeAnn Brunner: JSDC Business Development Coordinator.

