

**STATE OF NORTH DAKOTA
STATE WATER COMMISSION
1200 MEMORIAL HWY, BISMARCK, ND 58504-5262**

Request For Information (RFI)

Solicitation Number: 770.5000-25-01

Date of Issue: June 16, 2025

RFI Title: State Water Commission Cost-Share Program Policy Evaluation

Purpose of RFI: To obtain initial information from vendors/respondents for consequent use in potentially selecting a contractor or contractors to assist in meeting study requirements as directed by North Dakota's 69th Legislative Assembly, as provided in Section 22 of House Bill 1020 – to evaluate if project funding for water projects, in conjunction with existing cost-share policy, will adequately address anticipated water project funding needs through July 1, 2039. In addition, this study shall evaluate the schedules or timing of water projects and the state's financial role in deferred maintenance and replacement projects and recommend strategies to address potential funding shortfalls.

Please Note: Also as provided in Section 22 of House Bill 1020 – the State Water Commission is not subject to procurement requirements under North Dakota Century Code Chapter 54-44 for the purpose of contracting for this study and may contract for the study only with an entity or entities that do not receive direct or indirect financial benefits from the Cost-Share Program.

SECTION I INTRODUCTION & INSTRUCTIONS

1.01 Purpose of the RFI

The State of North Dakota, acting through the State Water Commission (SWC) and Department of Water Resources (DWR), (together, referred to as State), is soliciting information from potential bidders for an evaluation of the financial sustainability of State's Cost-Share Program and policy.

The information, data, comments, or reactions obtained may be used for a future solicitation. This RFI does not constitute an invitation for Bid, Request for Proposal, or informal Request for Bid or Proposal and shall not be construed as a commitment by State.

1.02 Contact and Response Information

The procurement officer is the point of contact for this RFI. Please submit responses to the procurement officer by the deadline specified in the RFI Schedule. Please reference the RFI Solicitation Number and Title. Respondents may submit their response to the procurement officer at:

Address: North Dakota State Water Commission
 Attention: Sarah Felchle
 State Water Commission Cost-Share Program Policy Evaluation
 1200 Memorial Highway
 Bismarck, ND 58504-5262
Email: skfelchle@nd.gov

1.03 Assistance to Individuals with a Disability

Contact the procurement officer as soon as possible if an individual with a disability needs assistance with the RFI, including any events in the RFI Schedule, so reasonable accommodations may be made.

1.04 RFI Schedule

EVENT	DATE
RFI Issued	June 16, 2025
Deadline for Submission of Questions and Requests for Clarification by 5:00 PM, Central Time (CT)	June 26, 2025
Amendment with Responses to Questions and Requests for Clarification Issued Approximately (if required)	July 1, 2025

Deadline for Submission of Responses by 5:00 PM, CT	July 21, 2025
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1.05 Approximate Project Schedule

EVENT	DATE
Execute Agreement with Vendor(s)	August 29, 2025
First Draft Available for State Review	December 19, 2025
Final Draft Available for State Review	February 27, 2026
Final Report Complete	March 31, 2026

1.06 Questions and Requests for Clarification

Please submit any questions or requests for clarifications about this RFI in writing to the procurement officer by the deadline for submission of questions and requests for clarification identified in the RFI Schedule. Preferred method of question or clarification request submissions is email.

Two types of questions generally arise. One type of question may be answered by directing the questioner to a specific section of the RFI, and the procurement officer may informally answer these questions over the telephone or via email. The second type of question may be more complex and may consequently require a formal written amendment to the RFI. The procurement officer will decide whether to informally answer a question or submit a formal written amendment to the RFI.

1.07 Notice Provided – State Procurement Website

This RFI and any related amendments and notices will be posted on the North Dakota OMB website using SPO Online at: <https://apps.nd.gov/csd/spo/services/bidder/main.htm>.

Notices related to this RFI will be sent to the Bidders List for the needed commodity or service and other known potential vendors.

Additionally, vendors may request to receive notices related to this RFI by contacting the procurement officer in writing with the following information: RFI title, business name, contact person, mailing address, telephone number, and email address.

As directed by North Dakota's 69th Legislative Assembly in Section 22 of House Bill 1020 – SWC is not subject to procurement requirements under N.D.C.C. ch. 54-44 for the purpose of contracting for this study and may contract for the study only with an entity or entities that do not receive direct or indirect financial benefits from the Cost-Share Program.

1.08 Respondents Responsible for All Preparation Costs

A respondent is responsible for all costs associated with the preparation, submittal, and presentation of the respondent's response to this RFI.

1.09 Bidders List Registration

If a competitive solicitation is issued, notice will be sent to approved bidders on the Bidders List and other known potential bidders. Individuals or business entities desiring to be notified of bidding opportunities may apply to be placed on the Bidders List ([N.D.C.C. § 54-44.4-09](#)). Placement on the Bidders List does not guarantee a vendor will receive notice of every solicitation ([N.D.A.C. § 4-12-05-01](#)). Visit the OMB website for instructions and the online Bidders List Application: [Bidders List Registration Website](#).

For assistance with Bidders List Registration, contact the State Procurement Help Desk at 701-328-1728 or infospo@nd.gov.

1.10 Disclosure of Information and Compliance with North Dakota Open Public Records Laws

State is subject to North Dakota open public records laws. All documents and information submitted by respondents are subject to North Dakota open public records laws and become the property of State and may be returned to respondents only at State's option. Documents and other records are exempt or confidential and not subject to disclosure only if specifically stated in law.

A respondent may make a written request to hold confidential any trade secrets and other proprietary, financial, or commercial data contained in its response. See [N.D.C.C. ch. 44-04-18.4](#) and other North Dakota laws. Respondent must clearly identify the material considered confidential and explain why the material is confidential. See the North Dakota Office of the Attorney General website for additional information at <https://www.legis.nd.gov/cencode/t44c04.pdf> and <https://attorneygeneral.nd.gov/open-records-meetings>.

If State receives a request for disclosure of records under open public records laws, the procurement officer, in consultation with the Office of the Attorney General, shall determine whether the record is or is not subject to disclosure under North Dakota open public records laws, and the record shall be processed accordingly.

SECTION II

GOAL & BACKGROUND INFORMATION

2.01 Goal and Background Information

State is requesting information on qualifications and proposed methods of study from potential vendors that may potentially assist with an evaluation of the long-term sustainability of State's Cost-Share Program and policy. This will include an evaluation if project funding for water projects, in conjunction with existing cost-share policy, will adequately address anticipated water project funding needs through July 1, 2039. In addition, the study shall evaluate the schedules and timing of water projects and State's financial role in deferred maintenance and replacement projects and recommend strategies to address potential funding shortfalls.

The information provided through this RFI process may be used by State to select and negotiate a contract with a vendor or vendors for the study.

The following background information is provided to detail State needs and minimum requirements in relation to this RFI.

2.01.01 State's Cost-Share Program

The State's Cost-Share Program assists local project sponsors with financial support of water development projects – making them more affordable to local constituents. Definitions, eligibility requirements, cost-share percentages, and standard operating procedures followed by State are outlined in the [Cost-Share Project Funding Policy, Procedures, and General Requirements](#).

2.01.02 Cost-Share Program Oversight and Administration

The decision-making body that reviews cost-share requests is the SWC board. The 10-member SWC consists of the Governor as chairman, the Agriculture Commissioner, and eight members appointed by the Governor who represent North Dakota's major water drainage basins. Day-to-day administrative duties associated with the Cost-Share Program are administered by the DWR. The Director of the DWR also serves as Secretary to the SWC.

The SWC hosts Pre-Commission meetings each year in January, March, May, July, September, and November to review cost-share applications from eligible project sponsors. Full SWC meetings, where decisions for approval or denial of requests take

place, are held each year in February, April, June, August, October, and December. Additional special meetings of the SWC can also be held if necessary.

2.01.03 Funding Support for Cost-Share Program

North Dakota funds the majority of its water projects through the DWR. State funding that is provided through DWR primarily comes from the Resources Trust Fund (RTF). The RTF is funded with 20.5 percent of revenues from North Dakota's oil extraction tax. Funding available through the Cost-Share Program is appropriated by the North Dakota Legislature. During the 2021-2023 and 2023-2025 budget cycles, revenues available through the RTF to support the Cost-Share Program have averaged about \$486 million. Future revenues available through the RTF are anticipated to be \$300-\$355 million per biennium.

New state funding available for water project assistance through DWR's budget and State's Cost-Share Program during the 2023-2025 biennium and 2025-2027 biennium is approximately \$621 million, and \$615 million, respectively. As part of these Cost-Share Program budget totals, the North Dakota Legislature has authorized lines of credit through the Bank of North Dakota in the amounts of \$100 million and \$260 million for the 2023-2025 biennium and 2025-2027 biennium, respectively.

The purpose of this RFI is to obtain information from vendors to assist State in assessing vendors and determine whether: (1) the vendors can effectively and realistically compare and model anticipated project funding needs against projected future revenues into the RTF in the context of current Cost-Share Program policy percentages and project eligibility allowances; and (2) the vendors can develop and make well-founded, effective, and realistic Cost-Share Program policy modification recommendations and alternatives that will mitigate potential budget shortfalls.

Please note, vendors are not expected to project future revenues into the RTF but may be asked to work with other North Dakota state entities that can provide that information.

2.01.04 Water Project Inventory & Project Schedules

On a biennial basis, State develops and maintains a comprehensive Water Development Plan, which includes an inventory of water development projects that may come to State for future cost-share assistance. State has developed a detailed inventory of water projects for the 2025-2027 biennium. State has also developed longer-term estimates of water project funding needs through 2039. This information is available to support the end product of this process, and is available for review on [State's Water Development Plan Dashboard](#).

Eligible water development projects included in State’s project inventory are prioritized using the SWC’s [Project Prioritization Guidance](#). This guidance assists State with designating projects as “Essential, High, Moderate, or Low” priority for planning and budgeting purposes.

2.02 Information Requesting

State is requesting information to potentially contract with a vendor (or vendors) that can effectively and realistically evaluate the long-term financial sustainability of State’s Cost-Share Program and policy.

At a minimum, information provided should include the ability of vendor(s) to:

1. Complete a financial analysis model that considers future RTF revenue streams with anticipated project funding needs and schedules in the context of current Cost-Share Program policy percentages, priorities, and project eligibility allowances.
2. Estimate biennial State funding trends and water project funding needs from State through July 1, 2039.
3. Evaluate State’s existing Cost-Share Program policies, prioritization guidance, and eligibility requirements, including State’s role in financially supporting deferred maintenance and replacement projects.
4. Develop recommendations, strategies, and alternatives to mitigate potential budget shortfalls.
5. Confirm a willingness to provide study updates and final study results to the SWC and interim Legislative committees.
6. Validate and certify that the vendor (or vendors) do not receive direct or indirect financial benefits from State’s Cost-Share Program.

SECTION III

RESPONSE FORMAT & CONTENT

3.01 Response Preparation Instructions

Respondents are requested to provide a response in the following format:

A. Introduction

To include:

1. Business name, address, contact name, contact phone number, and contact email.
2. General overview of business background and technical expertise of team members who would support development of final products.

B. Technical Response

To include respondent's ability to:

1. Evaluate functionality of government grant programs.
2. Develop a financial model that compares schedules of estimated revenue streams and anticipated costs over the course of multiple biennia.
3. Estimate potential budget shortfalls on a biennial basis through July 1, 2039.
4. Confirm a willingness to provide study updates and final study results to the SWC and interim Legislative committees.
5. Develop recommendations, strategies, and alternatives to mitigate potential budget shortfalls.

Respondents are encouraged to provide other pertinent research recommendations that could add to or otherwise improve anticipated final study end results.

C. Cost Estimate

Respondents are asked to provide estimated costs. Any cost estimates are for SWC/DWR initial budget forecasting purposes only. Respondents will not be held to any price estimates provided as part of the RFI should State subsequently decide to issue a competitive solicitation.