

Metro Flood Diversion Authority/Red River Valley Alliance Technical Dispute Review Board Meeting Minutes

1:00 PM – September 23, 2025

Metro Flood Diversion Authority Office

An regular quarterly meeting of the Metro Flood Diversion Authority/Red River Valley Alliance Technical Dispute Review Board (TDRB) was held on September 23, 2025. The following members were present: Joseph Allegro, Randy Hafer and Chris Kane.

Member(s) absent: no members were absent.

1. CALL TO ORDER

Mr. Allegro called the meeting to order at 12:59 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Kane moved to approve the order of the agenda as presented and Mr. Hafer seconded the motion. On a voice vote, the motion carried.

3. a. Opening Remarks/Introductions

Mr. Shockley provided an overview of the meeting agenda, attendees introduced themselves and indicated their respective affiliations.

b. DRB Role and Goals

Mr. Shockley provided an overview of the intended roles and goals as set forth in the Project Agreement and other applicable agreements for each of the TDRB members and discussion occurred.

c. Project Teams Organizational Charts

Mr. Shockley provided an overview of the organizational team charts that are associated with Project. These charts include the P3 structure; the Metro Flood Diversion Authority Board of Authority; Red River Valley Alliance and ASN Constructors. Mr. Shockley noted that the chair of the Metro Flood Diversion Authority Board of Authority rotates every year with the City of Fargo, City of Moorhead and Cass County, respectively. The organizational structures of the MFDA, Jacobs staff and program team was also noted in addition to the developer's contractual arrangements and the equity member funding arrangements.

d. Contract Orientation by Project Team

Mr. Shockley provided an update regarding the following contract orientation per project team of which includes:

- Contract Scope, Schedule, Budget
- Change Order / Dispute Resolution Process
- Other Relevant Contract elements
- Utilities and Third Parties
- Overview of recent global settlement

The Settlement also tolls (pauses) any obligations of the Authority for new claims that may be referred to the DRBs until the Definite Settlement is executed.

e. Project Team Discussion of Current Progress and Status

Mr. Shockley provided an overview of the project team and work status that included:

- Ongoing work activities
- Schedule Status / Earned Value Status
- Safety
- Quality
- Submittals / RFIs

f. Project Team Discussion of Current Project Issues

Mr. Shockley addressed the current project issues and noted that the working group of six meets bi-weekly to discuss and/or resolve any current or pending issues.

- Potential Changes / Disputes
- Long Lead Items
- Risk Considerations
- Other issues for DRB Consideration

g. Administrative Matters

Mr. Shockley provided an overview of the following administrative matters:

- Communication Protocol
- Invoicing Process
- Regular Information on SharePoint
- Board Operating Procedures – Confirmation
- Confirm Next Two DRB Meetings

Next Meetings

The next quarterly meeting will be held on December 3, 2025, remotely. The March/April meetings dates are to be determined, and it was requested that they be held remotely in the interest of keeping expenses down. TDRB members will email Mr. Shockley their availability.

Adjournment

Mr. Hafer moved to adjourn, and Mr. Kane seconded the motion. The meeting adjourned at 3:07 PM.