

**Daniel S. Sullivan**  
Chief Executive Officer



February 20, 2018

Denise Northrup, Director  
Office of Management and Enterprise Systems  
State Capitol, Room 122  
2300 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105

Re: Request for Waiver under OAC 260:65-3-8

Dear Ms. Northrup:

On behalf of the Grand River Dam Authority (GRDA), I am writing to you to request a waiver of the *Selection of Architects, Engineers, and Other Design Consultants* provisions of the Oklahoma Administrative Code (OAC), Title 260, Chapter 65, Subchapter 3, to allow the GRDA to enter into an agreement with Merrick & Company for engineering services in connection with the development of a kayaking and whitewater park on the Illinois River in Adair, County, Oklahoma. This request is submitted pursuant to your authority under OAC 260: 65-3-8, which provides: "The Director may waive or modify any provision or requirement of this Subchapter when such waiver is in the best interest of the State." We are hopeful that, after reviewing this correspondence, you will concur that a waiver of the regulations providing for the selection of engineers is in the best interests of the State of Oklahoma in this instance.

In October 2017, the GRDA entered into a Memorandum of Understanding with the Walton Family Foundation, Patton Limited, the City of Siloam Springs, Arkansas, and the Siloam Springs Water Resource Company to develop a kayaking and whitewater park on the Illinois River in Adair, County, Oklahoma. Prior to entering into the Memorandum of Understanding, the Walton Family Foundation began designing the park using the services of McLaughlin Whitewater Design Group, a division of Merrick & Company.

The GRDA will be accepting title to the land on which this project will be designed through transfers from the property owners, Patton Limited and the Siloam Springs Water Resources Company. The GRDA will also coordinate the construction of the park, which will be funded by a grant from the Walton Family Foundation, and will operate the park upon completion of construction.

Title 61 O.S. § 62 and the regulations contained in Title 260, Chapter 65, Subchapter 3 of the OAC provide a process for the selection of engineers for the performance of construction management and consulting services for state agencies. The process involves selecting between three and five firms and conducting a review of those firms focusing on:

1. Professional qualifications for the type of work contemplated;
2. Capacity for completing the project in the specified time period; and
3. Past performance on projects of a similar nature.



61 O.S. § 62(E).

Given the initial design services that have already been performed by Merrick & Company through its McLaughlin Whitewater Design Group, we wish to engage Merrick & Company to complete the design and assist with the construction of the park. We respectfully request that you waive the GRDA's compliance with the *Selection of Architects, Engineers, and Other Design Consultants* provisions of the OAC under the authority provided to you by OAC 260:65-3-8 to allow the GRDA to enter into an agreement with Merrick & Company for design and construction management services as discussed above. Should you have any questions, please do not hesitate to contact me at 918-256-0600.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel S. Sullivan". The signature is written in a cursive, flowing style with a large initial "D".

Daniel S. Sullivan  
Chief Executive Officer