

**Briefing for PWSRCAC Board of Directors – May 2024**

**ACTION ITEM**

**Sponsor:** Linda Swiss and the Oil Spill  
Prevention and Response Committee

**Project number and name or topic:** 6510 – Contingency Plan Review

1. **Description of agenda item:** In January 2010, the Board approved a process where contractors are selected to provide technical advice on contingency plan reviews every five years. The method involves a full competitive bid process through a Request for Qualifications (RFQ). An evaluation team made up of staff and volunteers review and rank submittals to the RFQ, and contractors are selected to provide expert advice. Each contractor selected verifies on an annual basis their availability to provide expert advice to the PWSRCAC.

Since FY1998, work on projects related to oil discharge prevention and contingency plans (c-plans) has been managed using pre-qualified contractors. The primary project manager administers the contracts, and the c-plan project team discusses specific activities and makes recommendations for action to be taken. Pre-identifying technical experts/contractors for use in PWSRCAC's review of c-plans and various issues associated with the plans is a timesaving and cost-effective process.

Pre-qualified contractors for Project 6510 - Oil Spill Prevention and Response Planning were selected and approved in 2023 to provide services for five years. These contractors include:

- (1) Nuka Research and Planning Group, LLC.
- (2) Attorney Breck Tostevin

2. **Why is this item important to PWSRCAC:** The tanker and terminal c-plan approval process includes important actions that could potentially impact every member organization, as c-plans outline response and prevention activities that a spiller will be required to undertake to protect our region's shorelines, resources, and communities in the event of a spill. Review of c-plans is a major task for PWSRCAC as outlined in both the PWSRCAC/Alyeska contract and OPA 90. Having adequate expertise readily available to perform c-plan reviews and tasks related to the plans, a process that is often driven by external deadlines, is key to PWSRCAC fulfilling its c-plan review mission objectives. It is important to be prepared and to have the expertise and resources readily available to address issues as they arise.

The Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Tanker C-Plan) was renewed in February 2022 and expires in 2027. The Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan (VMT C-Plan) was renewed in November 2019, and expires in November 2024.

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### 3. **Previous actions taken by the Board on this item:**

<u>Meeting</u>	<u>Date</u>	<u>Action</u>
Board	May 2017	Approved individual contracts with Brendan Environmental, E-Tech Environmental, Harvey Consulting, Nuka Research and Planning, Pegasus Environmental for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2018 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
Board	Sept 2017	Approved individual contracts with Sharry Miller and 152 Degrees West Environmental Services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2018 budget.
Board	May 2018	Approved individual contracts with Harvey Consulting, Integrity Environmental, Nuka Research and Planning, and Shannon & Wilson for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2019 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
Board	May 2019	Approved individual contracts with Harvey Consulting, Integrity Environmental, Nuka Research and Planning, and Shannon & Wilson for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2020 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
Board	May 2020	Approved individual contracts with, Integrity Environmental, Nuka Research and Planning, Polaris Applied Sciences, Shannon & Wilson, and 152 Degrees West Environmental Services for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2021 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants. XCOM July 2020 Approved Attorney Breck Tostevin to the selected contingency plan contractor list, and delegate authority to the Executive Director to enter into individual contracts with the pre-approved selected consultants with the aggregate total not to exceed \$80,000.
Board	May 2021	Approved individual contracts with Attorney Breck Tostevin, Nuka Research and Planning, Polaris Applied Sciences, and Shannon & Wilson for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2023 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
Board	May 2022	Approved individual contracts with Attorney Breck Tostevin, Nuka Research and Planning, and Polaris Applied Sciences for professional services with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the FY2023 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
Board	May 2023	Approved individual contracts with Nuka Research and Planning, LLC, and Attorney Breck Tostevin for professional services with the aggregate total not to exceed the amount approved for Project 651 Contingency Plan Review in the final FY2024 budget, and delegation of authority to the Executive Director to enter into individual contracts with selected consultants.
Board	January 2024	Delegation of authority to the Executive Director to negotiate contract increases with selected contingency plan review contractors at a cost not to exceed \$90,000 for project 6510: State Contingency Plan Reviews for FY2024.

4. **Summary of policy, issues, support, or opposition:** Over the years, Board members have expressed some concern regarding PWSRCAC's use of pre-qualified experts/consultants. The OSPR Committee addressed this process in an effort to improve it

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and made the following recommendation, which was approved by the Board at the January 2010 meeting:

**Process for Contingency Plan Contractor Selection:** Advertise Request for Qualifications (RFQ) for contingency plan contractor technical support every five (5) years. Selected contractors will be included on a list of qualified contingency plan contractors and will be valid for a five-year term. Interested contractors are welcome to submit qualifications at any time to be considered for inclusion on the list of qualified contractors. The list of qualified contingency plan contractors will be submitted to the Board for approval at the next Board meeting following OSPR Committee recommendation. An annual letter will be submitted to contractors on the list to confirm availability and any other changes.

The Board has recognized that the current RFQ method appears to be the most time efficient, cost-saving process so far identified for managing the c-plan review process and related tasks.

5. **Committee Recommendation:** The OSPR Committee recommended the list of preselected contractors for FY2024 for Board approval.
6. **Relationship to LRP and Budget:** Project 6510 – State Contingency Plan Reviews is in the approved FY2025 annual work plan. The proposed FY2025 budget for project 6510 is \$80,000. Please refer to the approved FY2025 budget for the most up-to-date amount.
7. **Action Requested of the Board of Directors:** Authorize individual contracts with Nuka Research and Planning Group, LLC. and Attorney Breck Tostevin for professional services in FY2025 with the aggregate total not to exceed \$80,000.

*Note: This action is contingent upon approval of full funding of this project in the FY2025 budget.*

8. **Alternatives:** None recommended.
9. **Attachments:** None.