

Consent Agenda Briefing for PWSRCAC Board of Directors – May 2023

ACTION ITEM

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

Project number and name or topic: 651 - 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 spill prevention and response 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.

The process for selecting pre-qualified technical experts for Project 651 - Oil Spill Prevention and Response Planning began in March 2023. A Request for Qualifications was advertised on the PWSRCAC.org website and sent to potential contractors. Submittals were evaluated and selected, and the following contractors were selected for approval by the Board at the May 2023 meeting:

- (1) Nuka Research and Planning, 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

Approval of FY2023 Contingency Plan Contractor Pool 3-5

Discharge Prevention and Contingency Plan (VMT C-Plan) was renewed in November 2019, and expires in November 2024.

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.

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

Approval of FY2023 Contingency Plan Contractor Pool 3-5

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 pre-selected contractors for FY2024 for Board approval.
6. **Relationship to LRP and Budget:** Project 651 Contingency Plan Review is in the approved FY2023 budget and annual work plan. The proposed FY2024 budget for project 651 is \$80,000. Please refer to the approved FY2024 budget for the most up-to-date amount.
7. **Action Requested of the Board of Directors:** Authorize 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 651 Contingency Plan Review in the final FY2024 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.
8. **Attachments:** None.

This page intentionally left blank.