

Briefing for PWSRCAC Board of Directors – January 2022**ACTION ITEM**

Sponsor: Austin Love and the Scientific Advisory Committee

Project number and name or topic: 9510 – Long-Term Environmental Monitoring Program

1. **Description of agenda item:** This agenda item requests Board approval of a contracts for work to interpret and report on the oil chemistry, laboratory results of the 2021 Long-Term Environmental Monitoring Program (LTEMP) samples. This year, that scope-of-work was put through the Council’s competitive request-for-proposals (RFP) process, as a best practice to solicit competitive bids. 2015 and 2009 were the last years in which this scope-of-work was subject to the RFP process – so this RFP solicitation occurs about every five years. Since 2002, the Council has worked with Payne Environmental Consultants to perform this scope of work and they were selected through past LTEMP RFP rounds.

This agenda also requests Board approval of a budget modification to add more money for contract expenses under this project. This budget modification is needed to cover costs not accounted for when the FY2022 LTEMP budget was originally approved. As originally approved, the FY2022 LTEMP budget included a total \$147,720 for contract expenses and a portion of that funding was planned to be used to fund this work. However, that funding was also planned to be used on LTEMP work related to genetic testing on mussel samples, also known as transcription. Since the FY2022 LTEMP budget was passed, the scope of work for the transcription part of LTEMP has been expanded as recommended by the Scientific Advisory Committee and subsequently costs for that part of LTEMP became higher than originally budgeted. Therefore, to cover the costs of the expanded transcription work and this work a budget modification will be needed, adding additional funding for LTEMP.

2. **Why is this item important to PWSRCAC:** The Oil Pollution Act of 1990 instructs the PWSRCAC to “devise and manage a comprehensive program of monitoring the environmental impacts of the operations of terminal facilities and of crude oil tankers while operating in Prince William Sound.” The work done under the Council’s Long-Term Environmental Monitoring Program has been designed by the Scientific Advisory Committee to fulfill the responsibility mandated by the Act.

3. **Previous actions taken by the Board on this item:** The Long-Term Environmental Monitoring Program has been conducted by PWSRCAC since 1993, and many actions have been taken by the Board on this item since that time. In the interest of providing currently pertinent information regarding actions items taken by the Board on this item, only the last five years of actions are presented below. However, all historic actions pertaining to this

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LTEMP FY2022Contract Approval 4-8

agenda item are available for review upon request (please contact Austin Love for that information).

<u>Meeting</u>	<u>Date</u>	<u>Action</u>
Board	5/5/2016	The Board approved the following: 1. Contractor selection and contracting with Payne Environmental Consultants, Inc., for sampling, training, and analytical reporting work on mussels and sediments to be performed under the Long-Term Environmental Monitoring Project (LTEMP) for FY2017 at an amount not to exceed \$52,390. 2. Contractor selection and contracting with NewFields-Environmental Forensics Practice for analytical laboratory work to be performed under LTEMP for FY2017 at an amount not to exceed \$28,625. 3. Contractor selection and contracting with Oregon State University for analytical laboratory work on passive sampling devices to be performed under LTEMP for FY2017 at an amount not to exceed \$27,750.
Board	5/4/2017	The Board approved: (1) Contractor selection and contract negotiation with Payne Environmental Consultants Inc. for sampling, training and analytical reporting work on mussels and sediments to be performed under the LTEMP for FY18 at an amount not to exceed \$45,960. (2) Contractor selection and negotiation with NewFields Environmental Forensics Practice for analytical laboratory work and sample storage to be performed under LTEMP for FY18 at an amount not to exceed \$51,592. (3) Contractor selection and contract negotiation with Oregon State University for analytical laboratory work on passive sampling devices to be performed under LTEMP for FY18 at an amount not to exceed \$27,750 and (4) The 2017 LTEMP Report "Long-Term Environmental Monitoring Program Final Report: 2015 Sampling Results and Interpretations" as approved by SAC at its January 31, 2017 meeting.
XCOM	6/7/2017	The Executive Committee authorized a change order to contract number 951.17.03 with NewFields Companies, LLC by adding \$2,619 to the contract. This would increase their contract from the current amount of \$41,300 to \$43,919.
Board	1/18/2018	The Board accepted the report titled "Long-Term Environmental Monitoring Program - Final Report: 2016 Sampling Results and Interpretations" (prepared by James R. Payne Ph.D. and William B. Driskell) as meeting the terms and conditions of the contract and for posting on the PWSRCAC website.
Board	5/3/2018	The Board approved: contract with Payne Environmental (PECI) for sampling and analytical reporting work on mussels and sediments to be performed under FY19 LTEMP not to exceed \$139,086; contract with NewFields Companies, LLC for analytical laboratory work and sample storage under LTEMP FY19 not to exceed \$61,402; contract with Oregon State University (OSU) for passive sample device purchase and analytical lab work on passive sampling devices under LTEMP for FY19 not to exceed \$27,310; and authorized this contract work to commence prior to the start of FY19 to accommodate tidal considerations in an estimated amount of \$20,000.
Board	5/3/2018	The Board accepted the report titled "September 2017 Berth 5 Oil Spill - Sampling Results and Interpretations" by James R. Payne, Ph.D., and William Driskell for distribution & posting on PWSRCAC's website.
Board	5/2/2019	The Board authorized contract negotiations with Payne Environmental Consultants for sampling and analytical report work on mussels and sediments to be performed under LTEMP for FY20, at an amount not to exceed \$65,866; and authorized contract negotiations with Newfields Environmental Forensics Practice for analytical laboratory work and sample storage to be performed under LTEMP for FY20 at an amount not to exceed \$28,506. Authorized contract negotiations with Oregon State University for passive sample device purchase and analytical laboratory work on passive sampling devices to be performed under LTEMP for FY20, at an amount not to exceed \$20,590; and authorized contract work to

		commence prior to the start of FY20, as approximately \$20,000 of these funds will need to be expended in May and June 2019 because of the supply prerequisites and sampling timing.
Board	9/19/2019	The Board accepted the report titled “Long Term Environmental Monitoring Program: 2018 Sampling Results and Interpretations” by Dr. James R. Payne and William B. Driskell, dated July 2019 as meeting the terms of the contract and for distribution to the public.
Board	5/7/2020	The Board accepted the report titled “Long-Term Environmental Program: 2019 Sampling Results and Interpretations,” by Dr. James Payne and William B. Driskell, dated March 2020, as meeting the terms and conditions of contract number 951.20.04, and for distribution to the public.
Board	5/21/2020	Approved the following: Authorizing a contract negotiation with Payne Environmental Consultants Inc., for work to be performed under LTEMP, at an amount not to exceed \$115,064. Authorizing a contract negotiation with Newfields Environmental Forensics Practice, for work to be performed under LTEMP, at an amount not to exceed \$95,807. Authorizing a contract negotiation with the United States Geological Survey, for work to be performed under LTEMP, at an amount not to exceed \$65,371. Authorizing a contract negotiation with Oregon State University, for work to be performed under LTEMP, at an amount not to exceed \$22,030. Authorizing a contract work to commence prior to the start of FY2021, as approximately \$33,000 of these funds will need to be expended in May and June 2020.
Board	5/6/2021	Accepted the report titled “Long-Term Environmental Monitoring Program: 2020 Sampling Results and Interpretations,” by Dr. James R. Payne and William B. Driskell, dated March 2021, as meeting the terms and conditions of contract number 951.21.04, and for distribution to the public. The Board accepted the report titled “Using Mussel Transcriptomics for Environmental Monitoring in Port Valdez, Alaska: 2019 and 2020 Pilot Study Results”, dated February 17, 2021, as meeting the terms and conditions of contract number 951.21.06 and for distribution to the public.
Board	5/21/2021	Authorized individual contracts with Newfields Environmental Forensics Practice, Oregon State University, and the United States Geological Survey (USGS) with the aggregate total not to exceed the amount approved in the final FY2022 LTEMP budget (\$147,720) for contract expenses, and delegated authority to the Executive Director to enter into individual contracts with the aforementioned consultants; and authorized that the contract work commence prior to the start of FY2022 as approximately \$30,000 of these funds will need to be expended in May and June 2021.

4. **Summary of policy, issues, support or opposition:** This agenda item is related to another agenda item at this meeting seeking approval of a research contribution of \$75,555 to the United States Geological Survey, to genetically analyze blue mussel samples obtained to monitor the environmental impacts of the April 12, 2020 oil spill at the Valdez Marine Terminal. Information under that related agenda item may help answer some questions related to this agenda item. The FY2022 budget estimated that only \$23,452 would be needed to cover LTEMP costs associated with mussel gene transcription work, but for reasons more thoroughly described under that other agenda item the costs expanded to \$75,555.

5. **Committee Recommendation:** At their January 14, 2022 meeting the Scientific Advisory Committee passed the following action:

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- Recommend the Board of Directors approve contract negotiation with Owl Ridge Natural Resource Consultants, Inc. to complete the scope of work in RFP #951.21.06, and with Payne Environmental Consultants, Inc., to support Owl Ridge’s work, at a total cost not to exceed \$77,000.00

6. **Relationship to LRP and Budget:** The Council’s 9510 Long-Term Environmental Monitoring Program (LTEMP) is in the approved FY2022 budget and annual work plan.

9510—Long-Term Environmental Monitoring (LTEMP)

As of December 10, 2021

FY-2022 Budget

Original	\$154,980.00
Modifications	
Revised Budget	<u>\$154,980.00</u>

Actual and Commitments

Actual Year-to-Date	\$37,906.65
Commitments (Professional Services)	<u>\$11,553.00</u>
Actual + Commitments	<u>\$49,459.65</u>
Amount Remaining	<u>\$105,520.35</u>

7. **Action Requested of the Board of Directors:**

- Authorize a budget modification, adding \$53,880.00 to project #9510 – Long-Term Environmental Monitoring Program.
- Authorize contract negotiation with Owl Ridge Natural Resource Consultants, to complete the LTEMP scope of work in RFP #951.21.06, and with Payne Environmental Consultants, to support Owl Ridge’s work, at a total aggregate cost not to exceed \$77,000.00

8. **Alternatives:** None recommended.

9. **Attachments:** None.