

Consent Agenda Briefing for PWSRCAC Board of Directors – May 2022

ACTION ITEM

Sponsor: Linda Swiss
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 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, cost-effective process.

Pre-qualified technical experts for Project 651/Oil Spill Prevention and Response Planning were previously selected and approved to provide services for a five-year period. These experts include:

- (1) Attorney Breck Tostevin
- (2) Nuka Planning and Research, LLC.
- (3) Polaris Applied Sciences, Inc.

2. **Why is this item important to PWSRCAC:** The tanker and facility 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 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 plan reviews and tasks related to the plans, a process that is often driven by external deadlines, is key to PWSRCAC fulfilling its plan review mission. It is important to be prepared and 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 January 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 2024.

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3. **Previous actions taken by the Board on this item:** The concept of a C-Plan Contractor pool has been conducted by PWSRCAC since 1997, was formally approved in 2010 and 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 agenda item are available for review upon request. Please contact Linda Swiss for additional information.

Meeting	Date	Action
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 an 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.

4. **Summary of policy, issues, support, or opposition:** In the past, Board members have expressed concerns regarding PWSRCAC's use of pre-qualified experts/consultants. In 2010, the OSPR Committee addressed this process 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

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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 identified for managing the c-plan review process and related tasks.

5. **Committee Recommendation:** The OSPR Committee approved the pre-selected contractors for FY2023.

6. **Relationship to LRP and Budget:** Project 651 - Contingency Plan Review is in the approved FY2023 budget and annual work plan. The proposed FY2023 budget for project 651 is \$120,000 with \$80,000 allocated for contracts. Please refer to the approved FY2023 budget for the most up-to-date amount.

7. **Action Requested of the Board of Directors:** Authorize individual contracts with Attorney Breck Tostevin; Nuka Research and Planning Group, LLC.; and Polaris Applied Sciences, Inc. for professional services, with the aggregate total not to exceed the amount approved for 651 Contingency Plan Review in the final FY2023 budget, and delegate authority to the Executive Director to enter into individual contracts with selected consultants.