

Scoping Team- Boardman River Dams Project Draft Recommendation to the Implementation Team

Background: The Scoping Team (ST), a group of nine volunteers drawn from the Boardman River Dams Committee (BRDC) membership, has been requested to provide advice, guidance and recommendations to the Implementation Team (IT) with respect to project budgeting and contracting tasks involving the consultant team.

Toward this end, the ST completed a six step process:

1. A conference call was convened on October 11, 2006 for the purpose of reviewing draft contract language and project budget estimates prepared by ECT. At that meeting, the ST determined that additional information was needed before a recommendation could be made to the IT with regard to approval of a contract and associated project budget. Information needs included a) provision of a budget range for each project task; b) reallocation of existing funds among various tasks to recognize project –related work being accomplished by other entities (e.g., Boardman River Dams Project Team); and c) an understanding of the prospective U.S. Army Corps of Engineers’ study and how it might be “harmonized” with the consulting team work to ensure efficiency and cost effectiveness.
2. A meeting was subsequently held in Traverse City on October 17, 2006 for the purpose of generating and discussing additional information to inform the ST recommendation. A particular focus was on means to “harmonize” prospective work of the U.S. Army Corps of Engineers with the Scope of Work for the consultant team. Attendees included members of the ST, IT, U.S. Army Corps of Engineers, the Project Management Team and the Great Lakes Nonprofit Institute.
3. A presentation by the ECT project manager was offered at the October 24, 2006 BRDC meeting for the purpose of informing the public of current budget/ contract development efforts, and to receive any additional input on those items.
4. On October 24, 2006 the project technical coordinator (via email) invited ST members to offer additional comments in the interest of shaping a recommendation to the IT. These comments were subsequently incorporated into a revised draft that was distributed to ST members.
5. On November 14, 2006, a conference call was conducted for the benefit of ST members with remaining questions/ comments on the draft recommendation, contract and project budget guidance.
6. On November 22, 2006, the project technical coordinator forwarded a recommendation to the IT on behalf of the ST. It was accompanied by the latest version of the draft contract and project budget guidance document.

During these meetings/ consultations, discussion generally focused on the need to a) provide a range of cost estimates for project tasks; b) look for means to “harmonize” the study with prospective U.S. Army Corps of Engineers’ work in the interest of cost efficiency and effectiveness; and c) determine an optimal approach to moving forward, recognizing that only a portion of required funds are presently available. To address these and related matters, the ST recommended that ECT accommodate a number of items in its draft contract and project budget information:

1. Revise the draft project budget to also include a total estimated cost of \$850,000 for a study that will rely upon existing data and information only.
2. Do not allocate any available funds to the Communications/ Public Education task, given that the Project Team is addressing this with the use of other funds. Focus instead on the Engineering, Environmental and Socio-economic tasks.
3. Direct the \$125K in funds from the City, County and TCLP to the socio-economic and engineering elements of the Existing Conditions task.
4. Note in the contract that the consultant team will coordinate and “harmonize” its project elements with the U.S. Army Corps of Engineers study, recognizing that the Corps will likely focus on three areas with funds available in the coming year: hydraulics and hydrology; decision making alternatives assessment; and NEPA documentation.
5. Understand that any funds allocated to hydrology and hydraulics work in a Work Order will be reassigned to other tasks in the event that the U.S Army Corps of Engineers is in a position to undertake that work in a timely manner.
6. Ensure that the contract contains language regarding the following:
 - a) The consultant team will coordinate and “harmonize” its project elements with the prospective U.S. Army Corps of Engineers study, and reallocate funds, as needed, in the event that the Corps is addressing tasks previously budgeted for.
 - b) The contract should note that the overall estimated budget ranges from \$850,000 (for reliance on existing data and information only) to \$1.4 million (for reliance on newly generated data and information).
 - c) The contract should specify that a Work Order approach will be used (subject to IT approval) for the conduct of additional tasks, should additional funding be secured.
 - d) The contract should specify that a deliverable will be associated with every task, irrespective of the funding level scenario.
 - e) The contract should specify that the final report will include, irrespective of the funding level scenario, a presentation and comparative evaluation of a range of dam disposition options as a means to provide guidance to all parties responsible for/ interested in decisions relating to dam disposition. (It is recognized that such an evaluation may need to be qualified depending upon the availability of data.)

- f) The contract should specify that 10% of the total amount of each invoice should be withheld until the Work Order deliverable is received and accepted.
- g) Dispute resolution language in the contract should provide for 45 days, rather than 15, to resolve issues.
- h) The contract should stipulate that ECT will provide proof of insurance with regard to all policies carried.
- i) ECT should include the CLIENT in its insurance policy.

With the exception of Item 6i, the above items have been addressed to the satisfaction of the Scoping Team, and reflected in revised draft contract and budget allocation materials (see attached.) ECT legal counsel has advised that inclusion of CLIENT in the ECT insurance policy is not possible.

Recommendation: The ST recommends that the IT approve the attached contract and project budget materials and promptly initiate the contracting process. In so doing, the Scoping Team emphasizes the following:

- The IT should recognize that Item 6i is not accommodated in the attached draft contract, and address this matter when considering approval of the contract.
- The IT should make every effort to work with ECT and the Finance Committee to raise the funds needed to ensure that the consultant team's study is fully responsive to the expressed interests of the BRDC, as presented in the approved Scope of Work;
- The attached project budget allocation sheet is to be viewed as a guidance document only, and may be adjusted over time, as needed, to ensure that the consultant team's work is fully responsive to the needs of the BRDC.
- The inventory and analysis of existing environmental, engineering and socio-economic data and information (from U.S. Army Corps of Engineers and all other relevant sources) is a priority and, based upon that work, funds may be reallocated, as needed, to other critical components of the study; and
- The Scoping Team and Finance Team should have a key role in the development of the individual Work Orders and associated budget, and in recommending their approval to the IT.
- The project technical coordinator should facilitate the Work Order development process, and ensure that all consultant team activities, under various contracts, are fully coordinated to ensure the efficient and cost-effective conduct of the study process.

Prepared by M. Donahue, Project Technical Coordinator, at the request of the Scoping Team. Submitted to Implementation Team chair on November 22, 2006.