

Beaches and Creeks TMDL Cost-Benefit Analysis
Steering Committee Meeting #3
October 7, 2015

Committee Members Present

Jeremy Haas, San Diego Regional Water Quality Control Board
Jimmy Smith, San Diego Regional Water Quality Control Board
Jeff Van Every, City of San Diego Public Utilities Division
Ted Shaw, San Diego County Taxpayers Association (Alternate for Chris Clark)
Ruth Kolb, City of San Diego, Storm Water and Transportation (Alternate for Drew Kleis)
Todd Snyder, County of San Diego, Watershed Protection Program
Chris Crompton, County of Orange, Storm Water
Jian Peng, County of Orange, Storm Water
Rob Hutsel, San Diego River Park Foundation
Cindy Lin, Environmental Protection Agency

Supporting Roles

Bree Robertoy, Katz & Associates
Michelle Mata, San Diego Regional Water Quality Control Board
Chris Minton, Larry Walker Associates
Jo Ann Weber, County of San Diego
Clint Boschen, Tetra Tech

Review of Sept. 16 Meeting Minutes

- T. Snyder: Correction to the Sept. 16 public meeting summary: “In terms of BMP effectiveness, most of the data are related to reducing loads of indicator bacteria as opposed to removal of the pathogens themselves. These don’t necessarily prevent the public from getting sick.” This should be changed to say the indicator bacteria don’t necessarily make people sick.

Public Meeting Feedback Discussion

- The committee decided to have another public meeting based on feedback from the Sept. 16 meeting.
- Uncertainty needs to be addressed.
- C. Lin – If the Cost Benefit Analysis (CBA) will evaluate the costs and benefits of meeting current regulations, what will the alternatives look at?
 - J. Smith: The alternatives will be slight variations to meeting current regulations.
 - T. Snyder: The alternatives will look beyond the criteria. For example, the CBA could look at high-flow suspensions or the distribution of load reduction burden (e.g., sewer collection systems).
 - J. Smith: The regional board is not in support of doing a Use Attainable Analysis (UAA) for high-flow suspensions.
 - C. Crompton: High-flow suspensions are usually addressed in implementation.
 - C. Lin: Santa Ana’s approach to high flow suspensions was more arduous for the Environmental Protection Agency (EPA) than Orange County’s approach.

- R. Kolb: The CBA may look at different schedules for meeting regulations as they relate to costs.

Scope of Work Review/Discussion

- A request for statements of qualifications will be released in mid-October and available for 30 days.
- The scope of work (SOW) is an “example” as there is flexibility for suggestions based on expertise
- The San Diego County contracts department added background information to the SOW for potential contractors.
- The contract will be as-needed.
- Work can be tasked out to subcontractors if needed.
- The contracts department underscored the need for a multi-disciplinarian team in the last paragraph of the introduction.
- Environmental scientists are listed first as requested by the contracts department.
- C. Crompton: “Health experts” should be called “public health experts.” “Sociologists” should be called “social scientists.”
- R. Hutsel: The opening sentence speaks about a coalition; it should specifically call out non-government organizations.

Task 1.1 Meetings and Communication

- All: Add a description of the independent review panel.
 - T. Shaw: The independent review panel should have a mix of academics and practitioners.
- J. Weber: Should the SOW include revisions to the CBA based on independent review panel comments?
 - C. Minton: That is implicit, but the SOW can say review panel comments shall be *addressed* in final CBA.

Task 2.1 Develop Draft Environmental CBA Workplan

- C. Lin: Section 2.1 seems to lose sight of the goal of the CBA, which is to evaluate the costs and benefits of compliance. Regardless of the outcome of the study, responsible agencies will still need to meet current regulations. Potential alternatives explored in the CBA should also ultimately meet regulatory requirements.
 - R. Kolb: If costs were deemed to be too high, could agencies look at an extended schedule?
 - C. Lin: Yes, that would be a reasonable consideration.
- C. Minton: Number 3 should be changed to say “MS4 implementation costs.”
- J. Haas: In regards to the fifth bullet of number 4, the example reads as though collection systems aren’t regulated, when really the burden is just misplaced on MS4s.
 - R. Hutsel: The SOW shouldn’t include an example like this, because it predetermines the analysis. The SOW is only meant to define the process. Discussions about possible alternatives should be saved for the contractor.
 - C. Lin: Take out the example and say “investigation will include all responsible parties meeting requirements.”
 - J. Peng: The example should say “different responsible parties, including MS4s and non-MS4s.”

- C. Lin: Take out the word “unfairly,” as that is a judgement.
- T. Snyder: We want potential contractors to form teams with critical experts. Sewer collection system experts should be part of the team.
- Task 2 should include the following:
 - Copermittees will provide costs to the consultant.
 - The Consultant will double-check the costs provided and identify additional costs necessary to complete the CBA.
 - Copermittees will compile additional costs as needed.

Task 2.2 Develop Final Workplan

- C. Crompton: The SOW should include the option to make changes to the work plan at the end of task 2.2.

Task 3.1 Develop Draft Environmental Cost Benefit Analysis

- C. Lin: Task 3 doesn’t talk about the costs and benefits of compliance; it only focuses on the alternatives. It should also include the costs and benefits of compliance.
- C. Crompton: Task 3.1 should include another public meeting.
 - T. Shaw: The SOW should include *options* to have a public meeting at the end of task 3.1 and/or task 3.2.
 - J. Smith: Public input would be most valuable at the draft SOW stage.

Scope of Work Schedule

- Language was added indicating the schedule may need to be modified.
- The consultant may propose an alternate schedule.
- Task 1 should have an estimated completion date of January 2017 date or “ongoing.”
- The contract will be open for three years in case of amendment.

Consultant Evaluation Criteria

- The criteria are generally listed in order of importance on the scoring sheet.
- All: Make it a weighted, one through 10 point system (no half points).

1. Project Team

- R. Hutsel: Remove internal measures, as that is included in number 3.
- J. Haas: This category should include experience in regulatory framework.
- Change the weight to 40 percent.

2. Firm’s Capabilities

- C. Crompton: This should include an item about the project manager’s experience. Also, the presentation lead must be the project manager to avoid a bait and switch.
- Change the weight to 40 percent.

4. Past Performance

- This category is primarily looking at the firm’s background.
- Maybe an independent party should check references.

5. Location of Firm

- T. Snyder: The location of firm should be 5 percent of the total score or less.

- San Diego or Southern California experience might matter.
- Strike the second bullet and add it to another category.

6. Business Status of Primary Firm

- R. Kolb: The City of San Diego has a 25 percent minimum weighting for small business enterprise status.
 - That's not a requirement in this case.

7. Other Key Project Specific Technical Considerations

- All: Move these criteria into categories one and two as appropriate.

Selection Process and Schedule

- The consultant will be chosen via an oral interview process. The contractors will be scored as interviews are in process.
 - J. Smith: There is a level of detail in written copy that isn't provided in oral interviews.
- Bidders will give a 30-minute presentation, which will be followed by a question-and-answer session.
- The selection committee may have a copy of the applications if they are available. The committee will likely only have one day to review them.

Interview Questions

- The interview questions will be weighted.
- There will be a maximum of four questions.
- J. Peng: One question should pose a scenario in which the consultant must present results at a public meeting and ask how they would respond to questions (e.g., questions regarding the weighting of costs and benefits or the factors considered in the CBA).
 - C. Lin: Wouldn't the regional board respond in that scenario?
 - J. Smith: The question should ask the consultant to describe a situation in which a CBA was met with controversy/adversity and how they responded.
- T. Snyder: One of the questions should ask the consultant how they would present the technical data to best inform decision making (i.e., to convey information in a meaningful way).
- C. Crompton: A potential question could be to ask how the consultant would deal with a multi-stakeholder/multi-organizational project.
 - J. Peng: This is key to the viability of the project.
- All: Combine example questions 1 (describe non-monetary benefits) and 3 (how would you use data from a winter weather epidemiology study conducted on surfers in the CBA) into one question.
- Scoring:
 - There is a 20 percent maximum for questions.
 - The criteria will be given to the bidders prior to the presentation.
- J. Weber will send the draft interview questions to the steering committee for review and comment.

Selection Committee Members' Responsibilities and Commitments

- Committee members were chosen to review the statements of qualifications. They will need to have availability in November. The members are:

- R. Kolb,
 - J. Peng, and
 - J. Weber.
- The selection committee will be responsible for participating in oral interviews and selecting a contractor. The committee will include:
 - one member of the San Diego Regional Water Quality Control Board,
 - R. Kolb,
 - one member of the San Diego County Tax Authority,
 - one member from the County of San Diego, and
 - one member from the County of Orange, and
 - possibly one member of the EPA.
- All members of the selection committee need to be available on December 17 and January 7, as these are potential interview dates.