

# Cooperative Monitoring Evaluation and Research Committee (CMER)

## March 27, 2012 – Half Day Meeting Natural Resources Building – Room 184

Attendees	Representing
*Baldwin, Todd	Kalispel Tribe
Ehinger, Bill	Department of Ecology
*Hicks, Mark	Department of Ecology, CMER Co-chair
Hitchens, Dawn	Dept. of Natural Resources, CMER Coordinator
Hotvedt, Jim	Dept. of Natural Resources, AMPA
*Jackson, Terry	Dept. of Fish & Wildlife
Kurtenbach, Amy	Dept. of Natural Resources, Project Manager
*Kroll, AJ	Weyerhaeuser, LWAG Co-chair
*Lingley, Leslie	Dept. of Natural Resources
*Martin, Doug	Washington Forestry Protection Association
McCrea, Chad	Spokane Tribe of Indians, SAGE co-chair
McIntyre, Aimee	Dept. of Fish & Wildlife
*Mendoza, Chris	Conservation Caucus Contractor, CMER Co-Chair
*Miller, Dick	Washington Family Forestry Association
*Mobbs, Mark	Quinault Indian Nation
Phillips, Jeff	Skagit River System Coop
Roorbach, Ash	CMER Staff, Northwest Indian Fisheries Commission
Shramek, Patti	Dept. of Natural Resources
Sturhan, Nancy	Northwest Indian Fisheries Commission
Schuett-Hames, Dave	CMER Staff, Northwest Indian Fisheries Commission

\* Indicates official CMER members and alternates; ph indicates attended via phone & v indicates attended by video conferencing.

The CMER Co-chairs and the AMPA called this meeting in order for CMER to decide on two major projects with significant costs. These projects are tied to CMER's annual budget proposal which will be decided upon at the Policy meeting on April 5<sup>th</sup>.

### ➤ RSAG

#### Western Washington Type N Experimental Buffer Treatment - Hard Rock Extended Monitoring

At the February CMER meeting, CMER approved \$184,000 for the vegetation and stream temperature/sediment transport for FY13. The proposal included \$200,000 for channel metrics and CMER could not make a decision at that time based on the lack of details for this budgeted item. This is in the context of Policy requesting CMER to develop a proposal to extend sampling for the Type N Experimental Buffer Treatment- Basalt (Type N) and the Westside Type N Buffer Characteristics, Integrity and Function (BCIF) studies over a longer timeframe. They have had several presentations from the principal investigators during the winter quarter. The principal investigators believe that extending these studies over a longer timeframe would provide additional insights into the duration of harvest effects and the timing and trajectory of disturbance and recovery processes.

The recommendation is to re-sample at 5 and 10 years post-harvest. The exception is amphibian genetics, which would be re-sampled at the 7<sup>th</sup> year post-harvest. This provides long term sampling and provides the opportunity to answer questions about recovery processes in the

buffer and clear-cut sites following harvest. The BCIF study went 5 years post-harvest. The Type N studies need one year to get to the 5<sup>th</sup> year post-harvest; this will synch up both projects.

Aimee McIntyre provided an answer about what the \$200,000 was originally paying for: channel metrics, project coordination and site maintenance. Site maintenance is going back to the sites that field staff have not been to for a while and re-flagging and monumenting so they can hit the ground running for the field season. The general oversight for landowner contact was lumped into channel metrics and this was separated out. DFW will do site maintenance & NWIFC will do riparian vegetation. The revised budget is \$163,000 to extend the channel metrics sampling. Channel metrics includes sediment input, large woody debris load, debris, and channel morphology.

She added landowners are interested in the long-term results. They have expressed interest in the future and sustainability which is why they were interested in participating at the start of the study.

Nancy Sturhan moved to approve the FY13 cost estimates for channel metrics at \$163,000 and the full Type N Experimental costs of \$347,000.

Leslie Lingley seconded the motion.

**CMER members agreed to the extended monitoring approach for BCIF and Type N Basalt studies and costs for FY13.**

➤ SAGE

Eastside Type N Forest Hydrology

Background:

In fall 2011, SAGE chose to use the Request for Proposal (RFP) contracting process to help settle a disagreement over what data and associated sampling method to collect for the Forest Hydrology project, rather than using a Request for Qualifications and Quotations (RFQQ) to contract completion of the Study Design as it existed. Under the RFP process, potential vendors are asked to submit proposals on how they would meet the objectives and research questions contained in the RFP, with the apparent successful bidder's proposal chosen by scoring evaluation criteria listed in the RFP. The proposal with the highest score would be the apparent successful bidder, unless the weighted average score of the reviewers indicated that none of the proposals were responsive to the RFP.

Based on the scoring of the proposals, the proposal by the apparent successful bidder (ASB) was responsive to the RFP. The weighted average score of scorers was high, particularly in comparison to the one other proposal. Nevertheless, after scoring the proposals, individuals in SAGE were not in agreement about the data the apparent successful bidder proposed collecting. SAGE then contacted the ASB to verify they were not going to collect the data that some members wanted, and to understand their reasoning for not proposing to do so. The ASB clarified their intent and reasoning, but this was not satisfactory to the SAGE members in disagreement. Although not necessary according to DNR's contract selection process and the CMER PSM, SAGE wanted a consensus agreement on moving forward with negotiating a contract with the apparent successful bidder. Not getting that after two meetings, SAGE agreed to forward the issue to CMER for resolution.

As guidance to CMER, SAGE proposed four options:

1. Move forward “As Is” with the proposal from the apparent successful bidder (ASB), and continue with contract award processes.
2. Move forward with the ASB, and request additional funding for field data collection (channel bankfull width and depth, channel gradient, and vegetation) to provide ground truth and closer alignment with the CMER-approved Study Design.
3. Drop the current RFP, and send out a new, revised RFQQ.
4. Drop FHS (Forest Hydrology Study), and proceed with other projects (e.g., Type N Effectiveness).

CMER co-chairs clarified the state contracting process does not require a consensus decision. The RFP evaluation criteria was used by the selection committee (readers) and the ASB has been contacted. SAGE has completed this competitive procurement process.

Jim Hotvedt added he wanted to make sure everyone understood what seemed like an issue was not an issue. The vendors were responding to an RFP, not a study design. The study design was submitted as an appendix to provide context for the potential bidders.

Leslie Lingley responded she was confused about why CMER would go through the work of getting a study design approved by ISPR and then have it as a conceptual framework and not core to the work of the contractor. Is this not the specific approach CMER has been following?

Ash Roorbach clarified the problem: SAGE was in non-consensus of the technical approach and decided to issue an RFP and when the RFP process was complete SAGE was in non-consensus of the competitive procurement results.

Todd Baldwin added that is why SAGE hired M2 Environmental through the RFP process back in 2007. The RFP asked for bidders to design a study to describe spatial and temporal existence of surface water discharge in Type N streams across eastern Washington. The RFP asked for the study design to be consistent with the scoping document which was an exhibit. They provided a method on how to get unbiased site selection.

Leslie Lingley asked if it ever happened if the study designs are followed or do the approaches always change. Is this normal business where CMER has paid for an approved approach and then the approach is revised or changed?

Bill Ehinger added the original study plan identified in Section 4.3 that the main task of determining where the channels are & where the surface waters are? Potential bidders had only two metrics to measure; they only need to measure the dependent variable channels and surface. The rest is simply additional information. He added his experience with study designs is it is like an act of congress to get them approved.

Mark Hicks added the study design is a mixed bag as it does ask how data and models from the forest hydrological study will be used as well as emphasizing the two metrics. This is confusing in terms of the study design. He added it was written by the same people that came up with the highest ranked application from the RFP process.

Amy Kurtenbach added the disagreement is to what type of data to collect and it was unfortunate the people who are in dispute were not in attendance. She has not received information from the disputants.

Jim Hotvedt added he wanted to clear up the email message that went out to SAGE; once in the contracting process it means we are no longer in a consensus process. The contract process is

not one where an individual can declare a proposal is non-responsive. The decision rests on the weighted average scores from the readers as they used specific criteria to score the proposals. The fact that one proposal rose to the top shows that SAGE and CMER have an ASB. That a member of the SAG is in disagreement with the ASB that was selected, not the process for selecting the ASB, is a side issue.

Leslie Lingely asked if this is not a consensus process to get ASB, then what do you do when there are disagreements in the SAG? When does that get resolved?

Jim Hotvedt responded the RFP asks the questions and identifies the deliverables. The bidders respond to the RFP. The scoring reflects an ASB. When we negotiate the contract we can modify the contract without changing the scope of work.

Chris Mendoza added he needed to leave and voted for Option 1. He received an email from Doug Martin, who could not attend this meeting and he requested his vote for Option 1 to be recorded.

Terry Jackson added she did not understand the issue around the study design and what the RFP required. It sounds like Jim Mathews and Charles Chesney see this as not consistent with what was asked for and they see a departure.

Dave Schuett-Hames agreed with Todd's point, it is critical on how the information will be used. The study design is flawed and to have a contractor decide on the study design is when we run into problems. Because the study design was punted to the RFP stage, the critical question is how they analyze the collected data. It seems what is in dispute is the analysis on data.

Nancy Sturhan added she predicts continued failure with this project. When a committee or SAG asks what a contractor would do, the same arguments will remain, and will continue throughout the life of the project. SAGE is not clear about the project and needs to do the hard work.

Mark Hicks responded that the RFP states the study design is a general guide and defers to the SAG. We teed this up for the contractor, we stated that we are confused and asked them to decide. We have already stated we do not know what we want. Then we asked the ASB to clarify, they responded and we do not like the response. This is not accidental.

Ash Roorbach added he understood the dispute is they cannot get the data remotely. It sounds like they have another study they want to do; to calibrate and validate the model.

Leslie Lingely shared that one of the main issues identified in the memo from Jim and Charles is that if the contractor does not measure the bankfull width, depth & gradient, we do not know what kind of streams we have. This is a stream project. She did not understand the push back for the physicals. SAGE has spent two years finding sites and did not validate them. How will you know where to start and stop? How will you know the right physicals for Type N? It seems the streams need to be identified.

Bill Ehinger added the study is clear, modeling for the channel and water. The physicals do play into modeling. This is not an input or output model. This describes the sites and where they have been. What happens is we ask contractors to do more collection without a reason for it. This is a model to predict where to find channels or not. This is a model to find channels and where is the water in the channel. They will worry about type later.

Mark Hicks moved for CMER to approve Option 1: move forward “As Is” with the proposal from the apparent successful bidder (ASB) at \$450,000 and continue with the contract award processes. CMER has been true to the process.

Todd Baldwin seconded the motion.

Chris Mendoza, Doug Martin, Mark Hicks, Todd Baldwin and Mark Mobbs voted yes. Dick Miller, Nancy Sturhan, Terry Jackson and Leslie Lingley declined from voting.

**CMER moves forward with the ASB and the project without gathering additional information by the contractor.**

Jim Hotvedt clarified that CMER decided to go with the ASB and develop a contract based on the RFP. SAGE will be informed that components cannot be added to the contract nor can additional costs. SAGE will need to work on the field manual.

Terry Jackson expressed concern about the scientific objectives and the clarity of the project.

Mark Hicks amended the motion to negotiate with the contractor to collect additional data at no additional cost.

Jim Hotvedt asked CMER if it was worth entertaining a second motion; for SAGE to see if they can come up with a consensus on additional data to be included in the project (within the current budget & scope): vegetation, bankfull width, depth and gradient.

CMER members supported the intent to allow SAGE to use their next meeting to reach an agreement on what limited data set to discuss incorporation of with the successful bidder as part of the contract negotiation process under the existing budget. However, if an agreement cannot be reached at the next SAGE meeting, then the request for additional data needed to be dropped as it was not part of the outcome of contractor selection process that was appropriately followed.