

Scenic Rivers Joint Study Committee Regular Meeting

January 6, 2014

10:00 AM

US Fish and Wildlife Service/Ecological Services

9014 E 21st Street

Tulsa, Oklahoma 74129

Meeting start time 10:00

Members Present:

Arkansas Representatives	Oklahoma Representatives
Brian Haggard (HAGGARD)	Shellie Chard-McClary (CHARD-MCCLARY)
Marty Matlock (MATLOCK)	Shannon Phillips (PHILLIPS)
Thad Scott (SCOTT)	Derek Smithee (SMITHEE)

I. Call to Order - SMITHEE - 10:00

Committee would like to thank the US Fish and Wildlife for their hospitality in allowing us to use their space. A “special thanks” for providing the coffee.

The committee members introduced themselves (all members present). Then the audience was allowed to introduce themselves (see attached sign-in sheet).

SMITHEE stated that the main business for the committee today is to review SOQs and select the top three to make presentation to the full committee at the February 5 meeting.

CHARD-MCCLARY presented the minutes which were circulated to the committee by email prior to the meeting.

MATLOCK identified one typographical error that needed correction.

SCOTT identified one typographical error that needed correction.

- **MOTION 1: To approve minutes as presented with the two typographical errors corrected.**

Representative		Yes	No	Abstain	Absent
Shellie Chard-McClary		X			
Brian Haggard		X			
Marty Matlock	Motion	X			
Shannon Phillips		X			
Thad Scott	Second	X			
Derek Smithee		X			

Approved minutes and sign in sheet to be provided to PHILLIPS to be scanned and uploaded to the website

II. Update on Procurement and Other Administrative Process - CHARD-MCCLARY

CHARD-MCCLARY discussed the request from Randy Young regarding a request for a budget.

MATLOCK had prepared a memo and circulated to the committee electronically for review. Based on comments received the memo was updated. Additional changes were discussed and it was determined that other minor changes would be made to the memo that states essentially that the committee will work with the contractor to include broad budget categories such as indirect costs, travel, sample analysis, etc.

MATLOCK will provide the updated draft that includes the budget categories.

CHARD-MCCLARY will update the memo with the changes that MATLOCK will provide and send to Randy Young and JD Strong.

- **MOTION 2: To approve the memo as drafted with the additional budget categories added and its distribution.**

Representative		Yes	No	Abstain	Absent
Shellie Chard-McClary		X			
Brian Haggard	Second	X			
Marty Matlock		X			
Shannon Phillips		X			
Thad Scott	Motion	X			
Derek Smithee		X			

III. Review and Discussion of Statement of Qualifications - SMITHEE and ALL SMITHEE offered thanks to CHARD-MCCLARY for collecting and distributing the submittals and for answering questions.

SMITHEE pointed out that each committee member had our own way of reviewing the documents. He proposed going around the table and having each committee member identify their top and bottom candidates in an attempt to determine if there were any submittals that should definitely be granted an interview or any that should be excluded.

CHARD-MCCLARY wanted to make sure the committee members knew that a team member on the Kaiser submittal was a former Oklahoma DEQ employee with experience in the TMDL area of the Water Quality Division.

MATLOCK stated that he has worked closely with Geosyntec on past projects.

SMITHEE stated he would like to go around the table to discuss the submittals. He asked that each committee member to disclose relationships with any of the submitters or their team. He stated that we will do this review of the Statement of Qualifications (SOQ) in open session and that the SOQs will be uploaded on the website. These are large documents to go through.

CHARD-MCCLARY distributed the contact sheet which contained all the dates of submittals and distribution to the committee as well as other contacts.

PHILLIPS was pleased with the number of SOQ made and with the qualifications of the team members. She said that she had "alarm bells" regarding the Baker/Utah State submittal. It was not as strong and she had specific issues with the social side that they emphasized. The committee specifically stated in a previous meeting that we didn't want to focus on the social side. However, she was willing to discuss if others felt strongly. She stated that King/Baylor was a really strong submittal and that we have good knowledge about his credentials, etc. She would rate this SOQ as really good and thinks it is high on the list if not the top.

SCOTT stated that the way he was thinking about this was an intersection of the state of science and the ecological function of the river and where we are in terms of policy to protect water. Based on that thought, he looked for capitalization of the opportunity. He felt that the university submittals moved to the top. He said that he thought there are clear distinctions between the university and consulting firms. He thought the Geosyntec submittal was huge by volume. He thought they did better than the other firms. He has concerns about the other consulting firms (Tetra Tech and Kaiser). He stated that he personally knows Baker, Dodds and King. He does not know Huggins but Huggins does reference a lot of Dodds work. He thinks any of three could do good work. He thinks that it would be good for the committee to hear from 2 University submitters and 1 consultant submitter.

HAGGARD - Thad (SCOTT) stole his ideas. In looking at the submittals, Tetra Tech does good package but in the past with a project on the Illinois River they didn't do "due diligence" in understanding local issues. He is afraid we would see same thing here. He is not familiar with Kaiser, but he didn't think their submission popped to the top. He thought Geosyntec has a surprisingly good package. He looked at academic and consulting firms separately. He thought Geosyntec was at the top and thought that Kansas/Huggins should be eliminated. Most of the work referenced collaboration with Dodds. He thought other than the typos in cover letter which King later acknowledged, King was at the top. There will be a lot to come out in the interview process and it will be interesting to see if they come in with preconceived ideas. He is not as concerned with Baker/Utah State as Phillips. He thought Baker and Dodds were pretty even; Huggins and Tetra Tech were on the low end; King was the highest and the others were in the middle.

MATLOCK stated that he is not really familiar with this process. Therefore, he used a Rubric method to evaluate the submittals. He acknowledged that this was his first cut and may need to look more closely to consider other items. He agrees that Geosyntec is top for consultant; agrees with PHILLIPS on Baker; and felt Dodds did not do a good submittal but based on his reputation he is good. He thinks that King and Dodds and then Huggins and then Baker for the academics. The contractor has to be able to hit the ground running and he doesn't think Baker can do that but King certainly can. He thinks Dodds is top notch. King, Dodds, Huggins, Baker, Geosyntec, Kaiser, Tetra Tech would be his order.

SMITHEE he considers his perspective to be antidotal...Tetra Tech should be out. They make him uncomfortable based on past experience. He thinks Kaiser is a lot like Tetra Tech. Geosyntec scored highly in his evaluation. He was extremely disappointed in Dodds submittal. He thought several of the submittals were a lot of icing and very little cake. However, he thought King was outstanding.

CHARD-MCCLARY stated that she would not rehash. She agreed with much of what had already been said. She thought that King was the best; that Baker's focus on the social science was problematic and should be out.

MATLOCK stated that based on the volume of the SOQ submitted, the committee should consider a page limit on the final proposal(s).

SMITHEE stated that he thinks King and Geosyntec are at the top; and he would like more from Dodds.

MATLOCK agrees that King, Geosyntec and Dodds should be the three.

HAGGARD stated that the committee really had to read a lot into Dodds. However, he stated that academic types don't really know how to put together SOQs.

SCOTT acknowledged that fact and that it is an important distinction but also noted that he made no inquiries.

SMITHEE commented that Dodds applied early so he was obviously really interested.

SCOTT said he thought that may be due to the upcoming Holiday break

HAGGARD stated that King and Geosyntec were the clearly the top two. He knows Baker and has confidence in her abilities but the distance is his big red flag. There would have to be more money invested in travel. He wants to see more money in sample collection and analysis and less in travel.

SCOTT is clear that King and Geosyntec should be invited. He will need to be convinced of others. He thinks there are very different approaches when looking at academics and consulting firms. He personally leans heavily toward having another academic. He knows Baker through reputation and she is outstanding but geography is a key concern. He knows Dodds and agrees submittal was not the best work. He thinks the committee needs a third option.

MATLOCK asked the question "who is the third?"

SCOTT replied "Dodds"

PHILLIPS stated that King and Geosyntec are clear choices. She also leans more toward an academic for the third based on her experience. She believes that they listen more and invest more time to get local input. She stated that she went to KSU and Dodds was her professor. She found him to be diligent and hard-working. She acknowledged that was many years ago and she has had very limited contact since then and has not worked with him. Dodds would be her third choice

SMITHEE raised the concern about the potential to not get answers from the academics. For this study they can't delay, extend, etc. Contractors in the private sector generally meet deadlines. We need to decide if we get more "bang for the buck" from contractors.

MATLOCK didn't think so.

HAGGARD is of the opinion that academic institutions deliver more "bang for the buck" due to lower costs, student labor, etc. However, in this case it likely doesn't matter too much.

SCOTT stated that timely reporting will be key. Consulting companies can deliver on time then they wash their hands and move on. However, academic invests more in time and it is in their best interest to follow up on data to publish papers, etc.

PHILLIPS stated that the backing for the end product is important. Academics will include the end product in the report and will publish more papers and have more peer review, etc. This will give greater validation, gives greater strength, etc. to the study.

SCOTT wanted to make sure the committee understood that he has interacted with King in the past and published a paper with him based on historical work.

SMITHEE stated that if an academic gets contract, his name is on the top line

MATLOCK stated that reputation is key.

ALL The entire committee agreed that Dodds has the reputation

CHARD-MCCLARY stated that she thought King and Geosyntec were at the top and that Dodds was the appropriate third applicant to consider.

HAGGARD said that Dodds is partnering with an up and coming scientist whom he thinks is a really good. He is a good applied scientist

MATLOCK state that we need to be very clear about expectations for the end of this project.

- **MOTION 3: To invite the teams of King, Geosyntec and Dodds to meet with the committee on February 5, 2014 to make a presentation and answer questions.**

Representative		Yes	No	Abstain	Absent
Shellie Chard-McClary		X			
Brian Haggard	Motion	X			
Marty Matlock		X			
Shannon Phillips		X			
Thad Scott	Second	X			
Derek Smithee		X			

SMITHEE asked if there were questions from audience.

AUDIENCE would like to look at the proposals and ask questions

SMITHEE stated that all applications were great and that the SOQ will be posted on the website in the next few days.

MATLOCK stated that he thought we had a very good response; both in terms of applicants and proposals.

AUDIENCE asked if there was anything in the process to ensure that the groups selected have no conflict of interest related to the committee or lawsuit, etc.

MATLOCK responded that the Joint Principles document and the RFQ specifically addressed past and current conflict of interest. We cannot control potential future conflicts.

AUDIENCE wanted to know how people who want to follow the committee activities could do so.

SMITHEE stated that the website was an easy way. He also explained that there will be meetings open to the public twice each year for updates.

MATLOCK stated that the committee will be transparent and that the website would be updated frequently.

HAGGARD pointed out that there would be two written reports over the life of project and a final report.

AUDIENCE inquired if the contractors would "own" the data and if they can write peer reviewed papers?

SMITHEE replied that it will be public data but the contractor will be able to publish papers, do follow-up work, etc.

HAGGARD commented that even though the data is public the collector usually has the first right to publish the data.

MATLOCK wanted to ensure that the committee avoided a situation where the contractor made a claim that he "can't share the data until after I publish the data."

IV. Consideration of possible action on Selection of Finalist - ALL
see the above discussion

V. Discussion and Consideration of and Possible Action on Mechanism, Timing and Strategy for Final Selection of Scientific Professionals to Conduct the Referenced Three Year Water Quality Study - SMITHEE and ALL

SMITHEE posed the question of how the committee should notify the selected three applicants and the applicants that were not selected.

MATLOCK stated that as Secretary for the committee, CHARD-MCCLARY should do it.

SCOTT added that it should be done electronically. The "no thanks" could simply be by email while the selected would be an email with a letter .pdf file attached.

SMITHEE thought a discussion about the logistics for those selected might be helpful. Tulsa is in the middle for the committee members and actually for the three selected applicant teams. There was a brief discussion on if the selection meeting should occur somewhere in the watershed or specifically in Cherokee County.

MATLOCK stated that there were many more logistical challenges to a meeting in Cherokee County. The teams would have a tough time getting in and out. The Tulsa airport is easier and cheaper than Northwest Arkansas Airport.

COMMITTEE discussed that 9:00 am is an early start time so the teams would have to come in the night before. The committee members could travel either early on the 5th or come in the day before. We will need a hotel and convention/conference space. We will make to make sure the teams and the committee has easy access to the meeting. Also, it is important that the public have access. Access and transparency is key.

SHORT BREAK 11:05-11:15

SMITHEE stated that the committee needs to be mindful of the "basin people" to make sure they get to participate.

AUDIENCE thinks the openness of the process is not a big deal. It will be bigger later when there are findings or other things to report.

COMMITTEE stated the need to evaluate the AV equipment and make it available to the teams the day before to make sure everything works. Our previous meeting location was perfect if we can get it again that would be great. If not, we need to find a similar set up since that seems to work best.

MATLOCK thought he might be able to get some funds to help with the cost of a meeting space if we could not find a space at a government building.

COMMITTEE agreed that we should be able to find a suitable space for no cost.

SMITHEE stated that the committee was in agreement that the meeting would occur in Tulsa and that we needed to get the letters of invitation out to the three teams ASAP.

SCOTT thought that the letter should outline what the day will look like.

COMMITTEE agreed that the letter needs to say congratulation, where, when, day before technology test, what to provide, questions to answer in general term, include information about the schedule of the day will be, presentation time, be prepared for questions, etc.

COMMITTEE discussed how long the presentation should last. It was determined that the presentations would be starting at approximately 9, 10, 11, there would be a brief introduction, a 30 minute proposal presentation and approximately 25 minutes

for questions, etc. It was determined that the order of the presentations would be drawn out of a hat.

A member of the audience drew the presentation times out of the hat and the result was

- 1) Dodds at 9
- 2) Geosyntec at 10
- 3) King at 11

COMMITTEE discussed that after the three presentations were completed, lunch would be brought in and the discussion would occur. The applicants would be given the opportunity to leave after their presentation or they could remain. The committee will notify the selected team within 1 week if selected and then notify the remaining two after acceptance from the selected team.

MATLOCK raised the question of when and how the committee will look at the submitted information.

COMMITTEE agreed that between 1 and 3 we would look at information and then we will need to negotiate the contract. We should be able to select the applicant based on the presentation and then work forward from there.

CHARD-MCCLARY asked if there would be any opportunity for the teams to follow up with more information.

COMMITTEE determined that the only information considered would be what was submitted in the SOQ and in the one hour interview.

HAGGARD thought that a good team would be able to get in all the information necessary to sell the team to the committee in that one hour.

PHILLIPS stated that it should be tackled like you are hiring. Ask standard questions to all and then specific questions based on the proposal. We have to recognize that the issues will be different for each team.

ALL agreed that the letter would say that the presentation should address the issues included in the Second Joint Principles document, page 2 "Mandatory Study Components" and page 3 "Use of Study Findings and Results." Also the link <http://www.ok.gov/conservation/documents/IRSecond%20StmtofJoint%20Principles%20and%20Actions.pdf> would be provided in the letter.

AUDIENCE asked if there would be any pre-meeting handouts.

MATLOCK stated that "not in general"

SCOTT stated that materials would be made public after the presentation.

COMMITTEE agreed that the 2/5 meeting there would be only a presentation and that a proposal from the selected team will come later.

COMMITTEE agreed that the meeting will be from 9-3 with the presentations as discussed earlier; there would be lunch and then up to 2 hours of discussions.

AUDIENCE asked if the committee needed to share the First Joint Principles document.

COMMITTEE stated that that document is about 10 years old and doesn't really add much. However, PHILLIPS will upload it for historical purposes.

MATLOCK stated this was like the Cherokee word for gauntlet...aliyesulo (ah lee yay soo lah). This is what this process will be like for the applicant teams. They have to go through a gauntlet and survive.

COMMITTEE agreed that we would refer the teams to the Joint Principles document and tell them to answer those issues. The presentation should also answer broad budget issues like "what can you give us for this amount of money?" We tell them in the letter to tell us how much goes into data vs salary, indirect costs, etc.; this should just be an outline of a budget with the details to come later.

COMMITTEE discussed what would happen if none of the applicants addressed the issues or answered our questions satisfactorily. The committee agreed that if all three show unexpected incompetency then we will back up and rethink the process. It is believed that at least one of the selected applicants will get it right.

CHARD-MCCLARY will email the non-selected applicants after the other three have accepted.

CHARD-MCCLARY will email a .pdf letter with the details to the selected applicants ASAP. The draft will go to the committee ASAP but no later than the morning of 1/7.

AUDIENCE asked what the selection process would look like.

COMMITTEE replied that "we will know it when we see it." We do not want to tie ourselves to only one method. It is possible that one applicant could "knock it out of the park." We do not want to box ourselves in to only one type of scoring.

BREAK 11:53 - 11:57

- **MOTION 4:** CHARD-MCCLARY will send an email notifying those not selected after receiving confirmation from the 3 selected applicants. She will also send a letter in .pdf format inviting the teams of Dodds, Geosyntec and King to interview, requiring the presentations by 4:30 February 3, 2014, offer opportunity to work with technology day before after 3:00 pm, the presentations will be kept confidential until after the verbal presentation is made, then they will be uploaded. The letter will refer to the Joint Principles document specifically page 2 "sd" and page 3 "sd", the presentations will be limited to 30 minutes, there will be a 5 minute introduction and 25 minutes at the end for questions. The meeting will occur from 9-3 in Tulsa, Dodds will present at 9, Geosyntec at 10 and King at 11; and they will be free to leave after the presentation.

Representative		Yes	No	Abstain	Absent
Shellie Chard-McClary	Motion	X			
Brian Haggard		X			
Marty Matlock	Second	X			
Shannon Phillips		X			
Thad Scott		X			
Derek Smithee		X			

SMITHEE wants to add his cellphone number and HAGGARDs cellphone number for interviewees to contact them the day before in order to verify the technology to deliver the presentations. Also, the letter will include a statement that the presentations will be kept confidential until after the presentation. They will be added to the website later in the week after the contractor is selected.

VI. New Business

SMITHEE announced the next meeting will be February 5, 2014 at 9:00 am. The exact location in Tulsa will be determined soon.

VII. Adjournment

- MOTION 5: To adjourn**

Representative		Yes	No	Abstain	Absent
Shellie Chard-McClary		X			
Brian Haggard		X			
Marty Matlock	Motion	X			
Shannon Phillips		X			
Thad Scott	Second	X			
Derek Smithee		X			

Meeting adjourned at 12:00 pm

Sign-In Sheet

1-6-14

Name

Contact Information

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