

Resolution No. 110

WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Use of Independent Consultants; and

WHEREAS notice of such proposed adoption, amendment or repeal was contained in Notice No. 6151 filed September 8, 1976, with the Code Reviser's office and continued by Notice No. 7224 filed October 27, 1976, with the Code Reviser's office;

NOW THEREFORE BE IT RESOLVED by the Energy Facility Site Evaluation Council that the rules listed on Exhibit "A" attached hereto, and by this reference made a part hereof, concerning Use of Independent Consultants are hereby approved and adopted as permanent rules of the Energy Facility Site Evaluation Council;

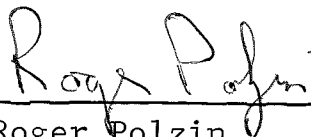
BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that this resolution and annexed regulations, after first being recorded in the Order Register of the Energy Facility Site Evaluation Council, shall be forwarded to the Code Reviser for filing pursuant to RCW 34.04.

Dated this 8th day of November, 1976.



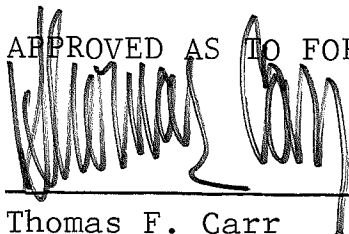
Keith Sherman, Chairman

ATTEST:



Roger Polzin
Executive Secretary

APPROVED AS TO FORM:



Thomas F. Carr
Assistant Attorney General

INDEPENDENT CONSULTANTS--GUIDELINES

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3 WAC 463-50- PURPOSE AND SCOPE OF THIS CHAPTER. It is the
4 purpose of this chapter to publish guidelines regarding Council use
5 of independent consultants.

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7 WAC 463-50- SOLICITATION OF PROPOSALS TO PERFORM WORK. Each
8 proposal to contract with an independent consultant shall be the
9 subject of a formal, written "Request for Proposal." The "Request
10 for Proposal" shall generally follow the outline and address the
11 provisions of the "Guidelines for using outside consultants"
12 published by the Office of Program Planning and Fiscal Management.
13 A copy of the "Request for Proposal" shall be distributed to any
14 requesting consulting firm. Further notice of the availability of
15 the "Request for Proposals" may be provided by appropriate commercial
16 advertising.

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18 WAC 463-50- PRINCIPLES GOVERNING SELECTION OF INDEPENDENT
19 CONSULTANTS. Each consultant selected to perform independent
20 consulting services shall have demonstrated its qualifications on
21 the basis of experience and competence in specific, or closely
22 associated, areas for which consulting services are desired. A
23 consultant shall not be hired or retained by the Council if upon
24 examination by the Council, a significant conflict of interest is
25 found with regard to the applicant or other parties involved or
26 potentially involved in the contested case proceedings.

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28 WAC 463-50- DUTIES TO BE PERFORMED. The independent
29 consultant shall be primarily responsible for the review and
30 evaluation of information provided by the applicant to determine
31 areas of possible omissions or assignments or studies as may be
32 specified or provided for by the contract with the Council. The
33 independent consultant may be contracted to: (1) Review and analyze

1 the site certification application and supporting documents for
2 compliance with the topical guidelines and for technical veracity,
3 (2) identify areas of critical environmental sensitivity, (3) develop
4 and provide such information as the Council may deem essential to
5 an adequate site appraisal and (4) provide technical advice to the
6 Council during the site certification process.

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8 WAC 463-50- BASIS FOR COMPENSATION. The basis for
9 compensation to be specified in contracts with independent consultants
10 shall generally be as follows: (1) For applications for site
11 certification, where the total scope and/or volume of work is
12 variable and acts to prevent advance determination of total project
13 cost, the consultant shall be compensated on the basis of actual
14 cost plus a net fee for profit, (2) for potential site studies,
15 where the total scope and/or volume of work to be performed can be
16 specified in advance, the consultant shall be compensated on the
17 basis of a lump sum payment.

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19 All payments to independent consultants shall be subject to
20 audit.

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