

TRANSMITTAL OF RULES ADOPTED

FROM: Energy Facility Site Evaluation Council
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 110
Emergency rules

relating to (Name of rules or description of subject matter)

Use of Independent Consultants

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7224 ① filed with the code reviser
on 10/27/76 ② were regularly adopted as permanent rules of
(date)
this agency at Olympia, WA on 11/8/76 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules is necessary for the
preservation of the public health, safety, or general welfare and
that observance of the requirements of notice and opportunity to
present views on the proposed action would be contrary to the
public interest, were regularly adopted as emergency rules of this
agency at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

Dated this 16th day of November 1976.

STATE OF WASHINGTON
FILED
NOV 16 1976
CODE REVISER'S OFFICE
DOCKET # 111 FILE # 1

Energy Facility Site Evaluation Council
(AGENCY)

Roger Polzin
By Roger Polzin
Executive Secretary
Title _____

① Notice number as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in
another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

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;

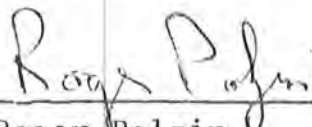
BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that this resolution and annexed regulations, after first being recorded in the Order Register of the Energy Facility Site Evaluation Council, shall be forwarded to the Code Reviser for filing pursuant to RCW 34.04.

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

1
2
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.
6

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.
17

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.
27

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.

7
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.

18
19 All payments to independent consultants shall be subject to
20 audit.

NEW WAC 463-50-010 PURPOSE AND SCOPE OF THIS CHAPTER. It is the purpose of this chapter to publish guidelines regarding Council use of independent consultants.

NEW WAC 463-50-020 SOLICITATION OF PROPOSALS TO PERFORM WORK. Each proposal to contract with an independent consultant shall be the subject of a formal, written "Request for Proposal." The "Request for Proposal" shall generally follow the outline and address the provisions of the "Guidelines for using outside consultants" published by the Office of Program Planning and Fiscal Management. A copy of the "Request for Proposal" shall be distributed to any requesting consulting firm. Further notice of the availability of the "Request for Proposals" may be provided by appropriate commercial advertising.

NEW WAC 463-50-030 PRINCIPLES GOVERNING SELECTION OF INDEPENDENT CONSULTANTS. Each consultant selected to perform independent consulting services shall have demonstrated its qualifications on the basis of experience and competence in specific, or closely associated, areas for which consulting services are desired. A consultant shall not be hired or retained by the Council if upon examination by the Council, a significant conflict of interest is found with regard to the applicant or other parties involved or potentially involved in the contested case proceedings.

NEW WAC 463-50-040 DUTIES TO BE PERFORMED. The independent consultant shall be primarily responsible for the review and evaluation of information provided by the applicant to determine areas of possible omissions or assignments or studies as may be specified or provided for by the contract with the Council. The independent consultant may be contracted to:

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

NEW WAC 463-50-050 BASIS FOR COMPENSATION. The basis for compensation to be specified in contracts with independent consultants shall generally be as follows:

- (1) For applications for site certification, where the total scope and/or volume of work is variable and acts to prevent advance determination of total project cost, the consultant shall be compensated on the basis of actual cost plus a net fee for profit,
- (2) for potential site studies, where the total scope and/or volume of work to be performed can be specified in advance, the consultant shall be compensated on the basis of a lump sum payment.

All payments to independent consultants shall be subject to audit.