

**Request for Qualifications –**  
California Ocean Protection Council  
Coastal and Marine Spatial Planning Consultant

The California Ocean Protection Council (OPC) is seeking an environmental services consultant to develop a background analysis and report that outlines how coastal and marine spatial planning (CMSP) can be implemented in California and how it can further improve the state’s ability to carry out regulation and permitting under and compliance with ocean and coastal protection laws and establish environmental management policies management decisions. These environmental laws and management policies include, but are not limited to, the following: The California Coastal Act; the California Marine Life Management Act; the federal Coastal Zone Management Act; the federal Oceans Act of 2000, and the resulting US Commission on Ocean Policy report *An Ocean Blueprint for the 21st Century*; the *Interim Framework for Effective Coastal and Marine Spatial Planning, Interagency Ocean Policy Task Force*, December 9, 2009; President Obama’s *Executive Order--Stewardship of the Ocean, Our Coasts, and the Great Lakes*, July 19, 2010; and the Public Trust Doctrine.

The report will be an important component of the next OPC strategic plan. The consultant will be expected to submit a draft final report by August 31, 2011. The draft will be finalized by OPC staff and incorporated into the strategic plan by December 8, 2011. A maximum of \$50,000 has been authorized for this contract.

**Background and Need:**

In September 2009, the OPC passed a resolution that included the staff directive to “analyze and develop recommendations on marine spatial planning, including planning principles and objectives, for future approval by the Council.” As staff began to work on this directive, President Obama signed an Executive Order in July 2010 that adopted the Final Recommendations of the Interagency Ocean Policy Task Force<sup>1</sup> and provided for the development of coastal and marine spatial plans that build upon and improve existing federal, state, tribal, local, and regional decision-making and planning processes. These plans are to be developed on a regional basis, and California will work with Oregon and Washington to develop a plan for the West Coast Region.

A few months later, Governor Schwarzenegger signed Assembly Bill (AB) 2125 (Ruskin) in response to the federal task force findings. This bill added Public Resources Code Section 35620 to the California Ocean Protection Act, which provides that “the OPC shall support state agencies’ use and sharing of scientific and geospatial information for coastal and ocean decision-making, including marine spatial planning” (See AB 2125, Attachment 1).

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<sup>1</sup> *Final Recommendations of the Interagency Ocean Policy Task Force July 19, 2010 (The White House Council on Environmental Quality)*. [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf).

The OPC is now seeking a consultant to help gather relevant information regarding CMSP efforts that is occurring at the national level and is being undertaken in other states, to evaluate this information in the context of California’s environmental laws and regulations, and to develop a draft background analysis and report.

### **Scope of Work:**

The consultant will be expected to develop a background analysis and report including the following components:

- A clear problem statement: The consultant will develop a problem statement that identifies the challenges faced by decision-makers in carrying out coastal and ocean laws, policies and management decisions, and issues where CMSP approaches can improve and assist these decision-making processes. The consultant will meet with a range of governmental agencies, stakeholders, and decision-makers to develop and obtain feedback on this deliverable.
- Situation analysis and prioritization of strategic actions: Building on existing work completed by OPC staff, the consultant will assess the different approaches and best practices for CMSP, analyses of both scientific and technical information, and policy and institutional issues. This also includes terrestrial spatial planning approaches that could be applied to marine and coastal resources. The consultant will evaluate these approaches in the context of California coastal and ocean resource use, law, and management policies and identify current legal and regulatory constraints to implementing the various approaches in California. The consultant will also identify critical gaps in existing information, capacity, authorities, funding, and other areas that constitute barriers to implementing CMSP approaches.
- Rationale and need for Ocean Protection Council engagement (unique niche): The consultant will develop recommendations on a CMSP approach that best serves California’s regulatory, permitting and decision-making needs, including state planning principles and objectives, and the need, opportunity and “unique niche” the OPC can play in the design and implementation of CMSP.
- Action plan: Through engaging key governmental and non-governmental partners, the consultant will develop a workplan, that lays out goals, objectives, and tasks for the OPC related to advancing changes in policy, management, institutional operations, and/or research and development, as appropriate. The plan will include higher-level analysis of the broader roles of state and agencies in this issue area.
- Identification and engagement of key partners: The consultant will collect and analyze the perspectives of stakeholders and partners and will use this information to develop a strategy for the engagement of partners in the CMSP approach moving forward.
- Anticipated outcomes and measurable goals: The consultant will develop outcomes and measurable goals, with indicators of progress for the next 3 to 5 years.
- Funding requirements and potential sources of funding: The consultant will conduct research

and analysis on: 1) costing and funding sources and mechanisms; 2) developing a budget; and 3) determining feasible funding options moving forward.

In addition to the report, the consultant may be asked to dedicate a limited amount of hours to the following tasks:

- Prepare background papers and recommendations for consideration by the OPC
- Support the OPC Executive Director in vetting marine spatial planning recommendations, and any draft legislation with other state agencies.

The consultant will work collaboratively and closely with and under the Executive Director of the OPC and the OPC Project Manager. The consultant will also work in cooperation with staff at the California Ocean Science Trust who will be concurrently undertaking an assessment of resources and data that would contribute to California's CMSP effort.

### **Timeline**

A draft final version of the background analysis and report will need to be completed by August 31, 2011. The consultant may be asked to provide additional work to adapt and finalize the report for incorporation into the OPC strategic plan by December 8, 2011. The contract shall be extended if there are funds remaining and if it is determined that additional services are needed to finalize the OPC CMSP strategy.

### **Terms of Environmental Services Contract**

The consultant will be hired under contract to the State Coastal Conservancy (Conservancy), on behalf of the Ocean Protection Council. The Conservancy will attempt to negotiate a contract with the best qualified individual or firm at compensation which the Conservancy determines is fair and reasonable to the State of California. If the Conservancy is unable to do so, negotiation with that individual or firm will be terminated and negotiations will then proceed in the same manner with the other individuals or firms on the list in order of ranking. If the Conservancy is unable to negotiate a satisfactory contract with any of the selected individuals or firms, the Conservancy may select additional individuals or firms and continue the negotiation process.

The retained consultant will be paid for its actual time and expenses for work under the contract up to the amount provided for each task in the final project budget. The consultant should anticipate that ten percent (10%) will be withheld until all work is completed to the satisfaction of the Conservancy. The Conservancy must also approve all interim work products before payment. The consultant will also be required to comply with the substantive requirements of the "Standard Provisions", provided as Attachment 1.

### **Required Knowledge, Skills, and Abilities:**

- Expertise in CMSP and/or marine focused area-based management;

- Specific knowledge of relevant federal and state marine and coastal environmental laws and policies (as specified above) and the and the regulatory and management agencies that operate in the coastal zone (including, but not limited to California Coastal Commission, California State Lands Commission, California Department of Fish and Game, the Coastal Conservancy, and the San Francisco Bay Conservation Development Commission).
- Solid understanding of natural resource policy issues and the role of natural and social science in achieving policy outcomes, preferably with respect to California marine resources;
- Proven experience leading successful strategic analysis and planning efforts;

Resumes and qualifications should also reflect the following skills and abilities:

- Well-developed analytic abilities.
- Ability to synthesize complex information and present findings accurately, clearly, and effectively to a broad variety of audiences;
- Excellent writing and editing skills, and the ability to prepare clear, complete, and useful communication products.
- Ability to work independently or cooperatively with others;
- Ability to interact with various levels of OPC staff and management in a professional and courteous manner; and,
- Ability to negotiate and resolve issues without confrontation.

In addition, the following criteria will be used to rank contractors who otherwise have comparable qualifications and competence under the above criteria:

- State-Certified small Business status of the contractor submitting a statement of qualification.
- State-Certified Disabled Veteran Business Enterprise (DVBE) status of the contractor submitting a statement of qualification
- The “good faith effort” of the contractor to subcontract with DVBEs. Good faith effort" means that a contractor has taken all of the following steps: (a) made contact with the Conservancy to identify DVBEs; (b) made contact with other state and federal agencies and with local DVBE organizations to identify DVBEs; (c) advertised in trade papers and papers focusing on DVBEs unless the Conservancy's time limits do not allow; (d) submitted to DVBEs invitations to bid or other offers to contract; and (e) considered available DVBEs.

## **Materials to be Submitted**

Statements of Qualifications should include:

1. Cover letter describing relevant experience and qualifications
2. Resume/Curriculum vitae of consultant or participating employees of consultant
3. An estimate of the number of hours and percent of time consultant will devote to the project
4. At least one writing sample
5. Name and contact information of three professional references
6. Any potential conflicts of interest that the individual or firm may have in carrying out the tasks described herein.

## **Submission and Timing**

Statement of Qualifications must be received by the Ocean Protection Council on or before **5pm on January 5, 2011** to be considered.

Please mail the statement of qualifications to:

Laura Engeman  
Ocean Protection Council  
1330 Broadway, 13th Floor  
Oakland, CA 94612

Please email electronic copies of the Statement of Qualifications to:  
[lengeman@scc.ca.gov](mailto:lengeman@scc.ca.gov) and [mmcenespy@scc.ca.gov](mailto:mmcenespy@scc.ca.gov)