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# Attachment 3 Handbook Comparison

#### Differences exist between documents.

**New Document:** 

**Old Document:** 

tpc-handbook-2016 76 pages (451 KB) 8/18/2016 3:51:26 PM Used to display results. tpc-handbook-April2014 83 pages (366 KB) 8/18/2016 3:51:25 PM

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# How to read this report

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**August 2016** (rev)

# HANDBOOK FOR USING THIRD-PARTY CONTRACTORS TO PREPARE ENVIRONMENTAL DOCUMENTS

For Natural Gas Facilities and Hydropower Projects

Federal Energy Regulatory Commission Washington, DC 20426

Summary of Comment #1636006 Filed: 09/15/2016 Page 4 of 369 Summary of Comments on FERC Staff Revises Handbook for Using Third-Party Contractors to Prepare Environmental Documents for Natural Gas Facilities and Hydropower Projects Manual

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- A OCI Representation/Disclosure Statement
- **B OCI Questionnaire**
- C Contractor's CEII Non-Disclosure Agreement
- D OCI Certification

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- **E Project Overview Map**
- F List of Available Background Documents
  G Sample Hemorandum of Understanding

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# The deeral Energy degulatory Commission's (FERC or Commission) voluntary third-party contracting program enables applicants seeking certificates for natural gas facilities and licenses for hydropower projects to fund a third-party contractor (3PC) to assist the Commission deaff in reviewing the environmental aspects of applications and preparing the environmental documents required by the National Environmental Policy Act of 1969 (NEPA). Mese environmental documents could be environmental assessments or environmental impact statements, depending upon the potential project

Energy Policy Act of 1992. The Commission formally extended this to pipeline projects in 1994 through a Commission notice citing Council on Environmental Quality regulations on 3PC use. This handbook provides guidance on how the program works for natural gas and hydropower projects analyzed by the Commission's Office of Energy Projects (OEP).

#### **PROGRAM OVERVIEW**

In the context of the Commission's program, involves the use of an independent contractor to assist the interest in its environmental analyses and review of a proposal. Under this voluntary program, the independent contractor is:

- > selected by 13e Director of OEP and works 12 lely under the 14rection of the OEP staff;
- responsible for conducting environmental analyses and preparing environmental documentation; and
- > paid by the project applicant(s).

Third-party contracting provides TEP with additional flexibility in satisfying the Commission's NEPA responsibilities. It also complements other procedures presently in place for the environmental review of natural gas and hydropower projects, including the Commission's Pre-Filing Processes. For hydropower projects, such contracts have been used for applicants using the Commission's Alternative Licensing Process; wever,

See the Environmental Policy Act of 1992, P.L. No. 202-186 and 16 U.S.C. 797d.

See News Release issued February 9, 1994. Subsequent announcements were published in the Commerce Business Daily (March 25, 1994) and the Federal Register (April 20, 1994).

<sup>3</sup> See Question 16 of NEPA's Forty Most Asked Questions at

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# Chapter 1. INTRODUCTION AND OVERVIEW

Document #1636006

The Federal Energy Regulatory Commission's (FERC or Commission) voluntary third-party contracting program enables applicants seeking certificates for natural gas facilities and licenses for hydropower projects to fund a third-party contractor (3PC) to assist the Commission staff in reviewing the environmental aspects of applications and preparing the environmental documents required by the National Environmental Policy Act of 1969 (NEPA). These environmental documents could be environmental assessments or environmental impact statements, depending upon the potential project impacts.

Congress provided authorities for the use of 3PCs on hydropower projects in the Energy Policy Act of 1992. The Commission formally extended this to pipeline projects in 1994 through a Commission notice<sup>2</sup> citing Council on Environmental Quality regulations on 3PC use. This handbook provides guidance on how the program works for natural gas and hydropower projects analyzed by the Commission's Office of Energy Projects (OEP).

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tps://ceg.doe.gov/nepa/regs/40/40p3.htm.

<sup>1</sup> See the Environmental Policy Act of 1992, P.L. No. 212-186 and 16 U.S.C. 797d.

See News Release issued February 9, 1994. Subsequent announcements were published in the 2 Commerce Business Daily (March 25, 1994) and the Federal Register 22 April 20, 1994) 23

<sup>24</sup> See Question 16 of NEPA's Forty Most Asked Questions at

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there is the potential to use it for both the Integrated Licensing Process as well as the Traditional Licensing Process. To fully explore this potential, an applicant for a hydropower license or relicense should contact the EP Hydropower Licensing Program staff identified at the end of this chapter 1914 1917 1918

# PRE-FILING CONSULTATION

# 11 aditional Applications

For traditional certificate application filings and those using the Traditional Licensing Process (i.e., those NOT involving the Commission's Pre-Filing Process), the applicant should plan to have the 3PC under contract concurrent with the filing of the application. As a result, the applicant should plan on meeting with FERC staff before completing the Request for Proposal (see the following section). Doing otherwise will delay the review of the application and preparation of the environmental document. Thus, we strongly recommend that applicants meet with us to discuss their proposals, whether or not third-party contracting would fit their particular needs, and to answer any questions they might have relative to the program itself.

# 15 e-Filing Process 14

For certificate and license application filings where an applicant intends to use one of the Commission's Pre-Filing Processes that engage Commission staff in the application preparation phase, it is extremely important that the applicant meet with us well in advance of its planned date for asking us to approve the use of that program. This will not only allow us to properly prepare for the request, it will help to ensure that the request will contain everything we need to make a decision.

# PREPARATION OF A DRAFT EQUEST FOR PROPOSAL

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4 "We", "us," and "our" refer to staff of the Office of Energy Projects

In lieu of third-party contracting, applicants proposing natural gas or hydropower projects of small to moderate size as well as license amendments may want to consider using an applicant-prepared draft EA. Contact OEP staff listed in this document regarding that process.

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# Pre-Filing Process

For certificate and license application filings where an applicant intends to use one of the Commission's Pre-Filing Processes that engage Commission staff in the application preparation phase, it is extremely important that the applicant meet with us well in advance of its planned date for asking us to approve the use of that program<sup>5</sup>. This will not only allow us to properly prepare for the request, it will help to ensure that the request will contain everything we need to make a decision.

## PREPARATION OF A DRAFT REQUEST FOR PROPOSAL

Following a decision to use a 3PC and before an application is filed or a request for use of the Commission's Pre-Filing Process is submitted, the applicant will prepare a draft Request for Proposals (RFP). The draft RFP will be submitted for review and approval by the OEP staff before the RFP is issued by the applicant. The draft RFP

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- In 36 u of third-party contracting, applicants proposing natural gas or hydropower projects of small to moderate size as well as license amendments may want to consider using an 37 pplicant-prepared draft EA. Contact OEP staff listed in this document regarding that process.

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hould be submitted directly to the OEP staff, rather than formally filed with the Commission.

The draft RFP will include a distribution plan that identifies where the RFP will be advertised/posted. This information must demonstrate that the RFP will be widely distributed (e.g. posted to applicant's website, RFP databases/services, provided to professional associations, provided to a wide range of potential contractors).

To assist applicants in developing an RFP for selection of 3PCs, we have included specific guidelines for the content of RFPs in Chapter 2. **The elements presented in these guidelines must be incorporated into all draft RFPs.** In addition, Chapter 3 contains two sample RFPs (based on RFPs previously used) that show how the specific guidelines in Chapter 2 might translate into an actual RFP.

#### SELECTION OF THE THIRD-PARTY CONTRACTOR

Following OEP staff's review and approval of the draft RFP, the applicant will:

- 1. Issue the approved RFP 4er the 2 istribution plan.
- 2. Interest [OCI).
- 3. Pile in the project docket (once a docket number is established) a certification that the RFP was widely distributed.
- received in response to the RFP, including: technical poposals, cost poposals, and Critical Energy Infrastructure Information (CEII) non-disclosure agreements. All proposals must also be filed in the project docket in accordance with the Commission's instructions for filing of privileged material. For each proposal submitted, the applicant must review carefully all OCI materials to determine whether the candidate contractor, including any subcontractor(s), is capable of impartially performing the environmental services required under the third-party contract. The applicant must provide an OCI certification stating that it has reviewed the proposal for OCI and found it to be acceptable or an explanation if found unacceptable. The applicant may also provide an appraisal or ranking of the proposals and identify any proposal it considers unacceptable based on technical, cost, or other factors.

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should be submitted directly to the OEP staff, rather than formally filed with the Commission.

The draft RFP will include a distribution plan that identifies where the RFP will be advertised/posted. This information must demonstrate that the RFP will be widely distributed (e.g. posted to applicant's website, RFP databases/services, provided to professional associations, provided to a wide range of potential contractors).

To assist applicants in developing an RFP for selection of 3PCs, we have included specific guidelines for the content of RFPs in Chapter 2. **The elements presented in these guidelines must be incorporated into all draft RFPs.** In addition, Chapter 3 contains two sample RFPs (based on RFPs previously used) that show how the specific guidelines in Chapter 2 might translate into an actual RFP.

#### SELECTION OF THE THIRD-PARTY CONTRACTOR

Following OEP staff's review and approval of the draft RFP, the applicant will:

- 1. Issue the approved RFP per the distribution plan.
- 2. Screen all proposals received for Organizational Conflict of Interest (OCI).
- 3. File in the project docket (once a docket number is established) a certification that the RFP was widely distributed.
- 4. Submit to the OEP staff one electronic and one hardcopy of all proposals received in response to the RFP, including: technical proposals, cost proposals, OCI materials, and Oci cartificial Energy Infrastructure Information (CEII) 7 ndisclosure agreements. All proposals must also be filed in the project docket in accordance with the material. For each proposal submitted, explicant must review carefully all OCI materials to determine whether the oci applicant must review carefully all oci materials to determine whether the oci might have applicant must provide any subcontractor(s), is capable of impartially performing the environmental services required under the third-party contract. The applicant must provide an OCI certification stating that it has reviewed the proposal for OCI and found it to be occurred to an explanation if found unacceptable. The applicant may also provide an appraisal or ranking of the proposals and identify any proposal it considers unacceptable based on technical, cost, or other factors. Commission staff will consider this information in its independent evaluation of the proposals.
  - a) For projects proceeding under one of the Commission's traditional processes, i.e., NOT one of the Commission's Pre-Filing Processes, this

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[New text]: "proposals,"

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"their"			
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Old text]: "non-d	isclosure agreements to"		
[New text]: "nond	isclosure agreements. All prop	osals must also be f	iled in the project docket in accordance with"
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"the applicant mu	ist review carefully all OCI mate	erials to determine v	vhether"
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"candidate contra party contract. Th	9 ,	tor(s), is capable of i	impartially performing the environmental services required under the third-
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identify any propo			e applicant may also provide an appraisal or ranking of the proposals and cost, or other factors. Commission staff will consider this information in its
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- material should be submitted directly to the OEP staff and filed no later than when the certificate or license application is filed.
- For Dejects which ARE expected to proceed under one of the Commission's Pre-Filing Processes, the material listed bove must be provided to the OEP staff and filed no later than the request for approval to use that process.

Lack of an OCI Statement, or the existence of an identifiable OCI that cannot be mitigated to the formission staff's satisfaction, will be sufficient grounds for the Commission staff to reject the proposal. Fuidance concerning the Commission's OCI requirements, including the format of an applicant's OCI certification, is presented in Chapter 4. Questions concerning OCI and CEII matters should be directed to the formission's General and Administrative Law section of the Office of General Counsel LAL). See the listing at the end of this chapter for the appropriate LAL contacts.

Under the direction of the Commission's Designated Agency Ethics Officials, GAL 153 14 rform an OCI review of the proposals by reviewing any relationships between the contractor and any 17 usiness entity that could be affected by the 16 oposed work done under the contract. This process is discussed in Chapter 4 below. Final contractor selection from those contractors cleared by GAL will be made by the Director of OEP, based on an independent evaluation by OEP staff of the technical, managerial, and personnel aspects of the qualified candidates' proposals. While bid fees and applicant rankings (if provided) will not be the controlling factor in the selection of the 3PC, OEP will take into consideration the applicant's appraisal of the proposals, including any proposals deemed unacceptable or recommended for rejection by the applicant due to cost or other factors.

# OEP staff will evaluate and select the 3PC based on the following criteria:

- a. prior experience in preparing environmental documents for large natural gas facility or hydropower construction projects, or other similar projects, that have satisfied NEPA requirements;
- b. a demonstrated understanding of the project, potential issues, available data, and needed supplemental analyses;
- c. sufficient resources to meet the schedule requirements;
- d. ability to assign and commit key personnel to the project;
- e. past record in meeting performance and delivery requirements of similar contracts;

# Page: 7

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- material should be submitted directly to the OEP staff and filed no later than when the certificate or license application is filed.
- b) For projects which ARE expected to proceed under one of the Commission's Pre-Filing Processes, the material listed above must be provided to the OEP staff and filed no later than the request for approval to use that process.

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Under the direction of the Commission's Designated Agency Ethics Officials, GAL will perform an OCI review of the proposals by reviewing any relationships between the contractor and 191y business entity that could be affected by 18 proposed work done under 29 proposed work done und

33EP staff will evaluate and select the 3PC based on the 32llowing criteria:

- gas facility or hydropower construction projects, or other similar projects, that have satisfied NEPA requirements;
- b. a demonstrated understanding of the project, potential issues, available data, and needed supplemental analyses;
- c. sufficient resources to meet the schedule requirements;
- d. ability to assign and commit key personnel to the project;
- e. past record in meeting performance and delivery requirements of similar contracts;

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	will take into consideration the or rejection by the applicant du		al of the proposals, including any proposals deemed unacceptable or
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[New text]: "follo			
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Number: 34	Author: Compare: Replace	Subject: text	Date: Indeterminate es which remain outstanding following review of the selected contractor's
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- material should be submitted directly to the OEP staff and filed *no later* than when the certificate or license application is filed.
- b) For projects which ARE expected to proceed under one of the Commission's Pre-Filing Processes, the material listed above must be provided to the OEP staff and filed no later than the request for approval to use that process.

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OEP staff will evaluate and select the 3PC based on the following criteria:

- a. prior experience in preparing environmental documents for large natural gas facility or hydropower construction projects, or other similar projects, that have satisfied NEPA requirements;
- demonstrated understanding of the oject, potential issues, available data, and needed supplemental analyses;
- c. 41 fficient resources to meet the 40 hedule requirements;
- d. ability to assign and commit key personnel to the 42 oject;
- e. past record in meeting performance and livery requirements of definition contracts;

technical proposal.\*\*

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[New text]: "prior experience in preparing environmental documents for large natural gas facility or hydropower construction projects, or other similar projects, that have satisfied NEPA requirements;"

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			three contractors a	re qualified, fewer than three proposals may be accepted. However, specific
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- g. the applicant's appraisal or ranking of the PC proposals (if provided); and
- h. total cost.

Following OEP's decision on a 3PC, an approval letter will be issued to the applicant. This letter will clarify any details and/or resolve any issues that the outstanding following review of the belected contractor's proposal.

As soon as practical, the OEP-selected PC, and the DEP staff will enter into a Memorandum of onderstanding (MOU) that of the open staff will enter into a Memorandum of onderstanding (MOU) that of the open staff will enter into a Memorandum of onderstanding (MOU) that of the open staff will be applicable to party (a sample MOU is provided in Appendix G). Although the applicant will pay for the 3PC's work, the MOU will stipulate that the applicant will have no control over the work done under the contract and will not be able to review the work product before its release to the public. 3PCs must update their OCI statements annually, at a minimum, and must self-report any changes in financial situation or business relationships that may affect its previously submitted OCI statement. In addition, the MOU must indicate that the applicant retains no right to the products of the contract. The OEP staff will:

- ➤ direct the scope, content, and quality of the contractor's work;
- independently evaluate the results of the contractor's work,
- ➤ have sole ownership of all documents (other than those related to financial aspects) produced under the contract, and
- have complete discretion over the schedule for completion of the 3PC's work.

The MOU will be signed prior to award of the contract and the MOU will be posted to the Commission's public docket for the proceeding. Within 14 days from the receipt of the Commission's approval letter, the applicant should award a contract, consistent with the roles and responsibilities defined in the MOU, and notify the Commission that the contract has been awarded. The applicant and the 3PC will determine the appropriate form of agreement for payment of the 3PC by the applicant.

<sup>6</sup> See 18 CFR 157.21(f)(2)

# Page: 8

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"f. ability to satis computer servic		o effectively mana	ge the project such as materials, transportation, document production,
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	ract has been awarded. The app	licant"	
[New text]: "role	s"		
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[New text]: " each party (a sample MOU is provided in Appendix G). Although"

f. ability to satisfy the logistical requirements to effectively manage the project such as materials, transportation, document production, computer services, etc;

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- g. the applicant's appraisal or ranking of the 3PC proposals (if provided); and
- h. total cost.

Following OEP's decision on a 3PC, an approval letter will be issued to the applicant. This letter will clarify any details and/or resolve any issues that remain outstanding following review of the selected contractor's proposal.

As soon as practical, the applicant, the OEP-selected 3PC, and the OEP staff will enter into a Memorandum of Understanding (MOU) that details the roles and responsibilities of each party (a sample MOU is provided in Appendix G). Although the 23 plicant will 19 y for the 21 C's work, the 22 OU will 20 pulate that the 124 141 17 cant will 18 we no control over the work done under the 25 ntract and will not be able to review the work product before its release to the public. 26 Cs must update their OCI statements annually, at a minimum, and must self-report any changes in financial situation or business relationships that may affect its previously submitted OCI statement. In addition, the MOU must indicate that the applicant retains no right to the products of the contract. The OEP staff will:

- > 27 rect the scope, content, and quality of the contractor's work;
- independently evaluate the results of the contractor's work,
- ➤ have sole ownership of all documents (other than those related to financial aspects) produced under the contract, and
- have complete scretion over the schedule for completion of the 3PC's work.

posted to the Commission's public docket for the proceeding. Within 14 days from the receipt of the Commission's approval letter, the applicant should award a contract, consistent with the roles and responsibilities defined in the MOU, and notify the Commission that the contract has been awarded. The applicant and the 3PC will determine the appropriate form of agreement for payment of the 3PC by the applicant.

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Number: 26 Author: Compare: Insert Subject: text Date: Indeterminate "3PCs must update their OCI statements annually, at a minimum, and must self-report any changes in financial situation or business relationships that may affect its previously submitted OCI statement."			
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"The MOU will be signed prior to award of the contract and the MOU will be posted to the Commission's public docket for the proceeding. Within 14 days from the receipt of the Commission's approval letter, the applicant should award a contract, consistent with the roles and responsibilities defined in the MOU, and notify the Commission that the contract has been awarded.6 The applicant and the 3PC will determine the appropriate form of agreement for payment of the 3PC by the applicant."			
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f. ability to satisfy the logistical requirements to effectively manage the project such as materials, transportation, document production, computer services, etc;

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- g. the applicant's appraisal or ranking of the 3PC proposals (if provided); and
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<sup>6</sup> See 18 CFR 157.21(f)(2)

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#### PREPARATION OF THE ENVIRONMENTAL DOCUMENT

Once the selected 3PC is retained by the applicant, the 3PC will begin work for the 2 Commission, under the sole direction of the OEP staff. The Commission, through its staff, will bear ultimate responsibility for full compliance with the requirements of NEPA. 13

If essential 4 formation critical to the integrity of OEP's environmental 5 ocument is found missing from the applicant's environmental report and related documents, the 3PC will be directed by OEP staff to acquire the missing information in one of two ways. The OEP staff will instruct the 3PC to either:

- > prepare a data request, which the DEP staff will review and forward to the applicant to obtain the information; or
- > perform supplemental studies or data gathering needed to acquire the missing information.

Following public release of the environmental document, the 3PC will organize, analyze, and prepare draft responses to public comments (including those comments filed by the applicant). However, OEP staff will review and retain final responsibility for all the responses in the final document.

#### FERC CONTACTS

This handbook should provide a basic understanding of the Commission's voluntary program for the use of 3PCs to prepare environmental documents for natural gas-related projects and may be of general use for environmental documents related to hydropower facilities. However, the Commission encourages applicants with specific questions about the third-party contracting program or its applicability to a specific project to contact OEP directly to arrange a pre-filing conference. Additional information may also be obtained from the following Commission staff:

#### **General Inquiries:**

Rich McGuire, Acting Director OEP, Division of Gas - Environment and Engineering (PJ-11) rich.mcguire@ferc.gov

Telephone: (202) 502-6177

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#### **Hydropower Licensing program:**

Nick Jayjack, Deputy Director OEP, Division of Hydropower Licensing (PJ-12) nicholas.jayjack@ferc.gov

Telephone: (202) 502-6073

## All inquiries regarding OCI, off-the-record communications or CEII: 1

General and Administrative Law (GC-13)

Shailto al ethics ferc.gov

Telephone: (202) 702-6457

The mailing address for all Commission staff contacts listed in this handbook is:

(contact name and organization)
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

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#### Chapter 2. SPECIFIC GUIDELINES FOR REQUEST FOR PROPOSALS

At a minimum, an applicant's RFP should include:

- 1. A cover page identifying that the RFP is not a federal procurement, and that the parties agree to hold harmless and indemnify the FERC and its staff. (See Disclaimer page in Chapter 3.)
- 2. A statement describing the third-party arrangement and establishing the roles and responsibilities of the applicant, 3PC, and FERC staff as follows:
  - a. The applicant widely distributes the RFP and screens all bid proposals occil. All responses to the RFP, and supporting material for their technical and cost proposals, will be submitted to the OEP taff and filed on the project docket in accordance with the Commission's instructions for filing of privileged material.
  - b. The OEP staff will review the proposals submitted and select a 3PC. The selected contractor must be found free of OCIs (or be able to mitigate any OCI to the satisfaction of the commission staff).
  - c. The applicant, the selected 3PC, and the OEP staff will sign a MOU that details the roles and responsibilities of each party.
  - The applicant will finalize and award the contract to the 3PC selected by DEP.
  - The OEP staff will be solely responsible for the scope of the environmental document, the schedule for completion of the document, and for the technical quality of the 3PC's work.
  - The 3PC will prepare the environmental document (and/or perform related tasks as may be specified in the RFP) under the technical direction of the OEP staff, although the financial contract is between the applicant and the contractor for payment.
  - The 3PC will provide special consultants and conduct special studies required by the OEP staff for analysis of the project even if not specifically identified in the RFP. The cost for any such requirements will be borne by the applicant.
  - h 15 Ane documents produced under the contract will be the sole property of the federal government.
- 3. An overview the proposed project that contains:

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#### Chapter 2. SPECIFIC GUIDELINES FOR REQUEST FOR PROPOSALS

At a minimum, an applicant's RFP should include:

- 1. A cover page identifying that the RFP is not a federal procurement, and that the parties agree to hold harmless and indemnify the FERC and its staff. (See Disclaimer page in Chapter 3.)
- 2. A statement describing the third-party arrangement and establishing the roles and responsibilities of the applicant, 3PC, and FERC staff as follows:
  - a. The applicant widely distributes the RFP and screens all bid proposals for OCI. All responses to the RFP, and supporting material for their technical and cost proposals, will be submitted to the OEP staff and filed on the project docket in accordance with the Commission's instructions for filing of privileged material.
  - b. The OEP staff will review the proposals submitted and select a 3PC. The selected contractor must be found free of OCIs (or be able to mitigate any OCI to the satisfaction of the Commission staff).
  - c. The applicant, the selected 3PC, and the OEP staff will sign a MOU that details the roles and responsibilities of each party.
  - d. The applicant will finalize and award the contract to the 3PC selected by OEP.
  - e. The OEP staff will be solely responsible for the scope of the environmental document, the schedule for completion of the document, and for verifying the technical quality of the 3PC's work.
  - f. The 3PC will prepare the environmental document (and/or perform related tasks as may be specified in the RFP) under the technical direction of the OEP staff, although the financial contract is between the applicant and the contractor for payment.
  - g. The 3PC will provide special consultants and conduct special studies required by the OEP staff for analysis of the project even if not specifically identified in the RFP. The cost for any such requirements will be borne by the applicant.
  - The documents produced under the contract will be the sole property of the federal government.
- 3. An overview of the proposed project that contains:

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- a. For a natural gas project the following information:
  - (i) the general purpose of the project;
  - (ii) a description of the project location by state, county, and pertinent landmarks;
  - (iii) the length, diameter, and capacity of all pipelines, including potential pipeline routes different from the proposed one;
  - (iv) the number and horsepower of all new and modified compressor stations;
  - (v) for liquefied natural gas (LNG) facilities, the number and size of LNG storage tanks, the number of berths for tankers, and the terminal size;
  - (vi) for storage facilities, the number of wells and type of storage;
  - (vii) the location and land requirements of all aboveground facilities, temporary work spaces, pipe storage yards, access roads, storage field boundaries, etc.; and
  - (viii) a complete list of available data pertinent to the project's environmental review.
- b. For a hydropower license proposal the following information:
  - (i) maps showing lands and waters within the existing or proposed project boundary that identify the state, county, river, river mile, and closest town and also showing the specific location of any federal and tribal lands and the location of existing and proposed project facilities, including water-retaining structures (including the physical composition, dimensions, and general configuration of any dams, spillways, penstocks, canals, tailraces, and other structures proposed to be included as part of the project or connected directly to it) power generating facilities, transmission lines, and any other appurtenant facilities;
  - (ii) the number, type, and minimum and maximum hydraulic capacity and installed (rated) capacity of any proposed turbines or generators to be included as part of the project and the normal maximum water surface area and normal maximum water surface elevation (mean sea level), and gross storage capacity of any existing or proposed impoundments;
  - (iii) the number, length, voltage, and interconnections of any primary transmission lines proposed to be included as part of the project,

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including a single-line diagram showing the transfer of electricity from the project to the transmission grid or point of use;

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- (iv) a description of the current (if applicable) and proposed operation of the project, including any daily or seasonal ramping rates, flushing flows, reservoir operations, and flood control operations;
- (v) a description of the existing environment and of any known or potential adverse impacts and issues associated with the construction, operation or maintenance of the proposed project; and
- (vi) a complete list of available data pertinent to the project's environmental review.
- c. Projects involving facilities *other* than natural gas pipelines or hydropower projects (e.g., natural gas storage facilities or LNG import/export terminals) should provide a detailed description of the specific facilities known or under consideration for the proposal. To the extent that some information may NOT be available, it should be specifically highlighted as unavailable in the project overview section of the RFP.
- 4. A detailed description of the services required of the 3PC, including:
  - a. Preparing all project-related documents, reports, and notices. In addition to paper copies, all materials must be provided to the OEP staff in Microsoft (MS) Word 2010 format, or as otherwise agreed to by the OEP Environmental Project Manager. Any required databases (such as mailing lists) must be MS Excel or MS Access compatible.
  - b. Arranging for and participating in public and/or interagency meetings, and preparing reports that summarize the results of the meetings.
  - c. Developing and maintaining a computerized (sortable database) mailing list of interested parties.
  - d. Facilitating issue identification and resolution, and during the Commission's Pre-Filing Process reviewing draft Environmental Reports or Environmental Resource Reports (RRs) for the FERC application.
  - e. Preparing an environmental document to meet the requirements of NEPA, the National Historic Preservation Act, federal and relevant state Endangered Species Act(s), and any additional requirements of the OEP staff. The document shall include:
    - (i) characterizations of and impact assessments for all resource areas having the potential to be significantly affected by the proposed facilities' construction, operation, maintenance and abandonment;

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(ii) analysis of appropriate alternatives;

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- discussion of proposed mitigation as well as 3PC and Dommission (iii) staff recommended mitigation measures designed to reduce impact to acceptable levels;
- consideration of all issues raised during scoping; and \[ \begin{aligned} \begin{aligned} \leq \begin{aligned} \leq \end{aligned} \] (iv)
- detailed maps showing the location of all project facilities and (v) alternative routes or locations under consideration, related areas of disturbance, and pertinent resource data. The scale of the supporting maps should be appropriate to the project scope and the complexity/sensitivity of the resources potentially affected, but never less detailed than 1:250,000.
- f. Providing the camera-ready documents in hard copy and/or email, as well as electronically on CDs as .pdf liles, or as otherwise instructed by the OEP Environmental Project Manager.
- Maintaining an ongoing review of potential issues and an assessment of g. adequacy of the overall scope of the environmental analysis, for the purpose of immediately advising the OEP staff of any potential data gaps or analysis shortcomings.
- Arranging for site inspections and, as appropriate, right-of-way inspections h. (including overflights) for 3PC personnel and OEP staff. The applicant may be consulted for logistical information.
- Analyzing and preparing draft responses to comments on the draft and final i. environmental documents.
- j. Preparing a Biological Assessment and/or Essential Fish Habitat Assessment, if appropriate.
- 5. The applicant's proposed schedule with dates for the following key milestones:
  - RFP issued to contractors: a.
  - b. proposals submitted to OEP;
  - 3PC selected by OEP; c.
  - d. Federal Register Notice of Intent and mailing list submitted to OEP;
  - Preliminary administrative draft environmental document submitted to e. OEP:
  - f. Administrative draft environmental document distributed to OEP and cooperating agencies;

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- g. Federal Register Notice of Availability submitted to OEP;
- h. Camera-ready draft environmental document submitted to OEP;
- i. Preliminary final environmental document submitted to OEP;
- j. Federal Register Notice of Availability submitted to OEP; and
- k. Camera-ready final environmental document submitted to OEP.
- 6. A requirement that each bid address OCI by including:
  - a. Either an OCI Representation Statement or an OCI Disclosure Statement, indicating that the contractor has no financial or other conflicting interest in the outcome of the project;
  - b. An OCI Questionnaire; and
  - c. An abstract, listing all FERC-regulated Intities that the 3PC and any subcontractors have had either an ongoing or previous business relationship with and whether that relationship results in either no conflict, or a real or perceived conflict.

Detailed information concerning the **Bommission's** OCI disclosure requirements is presented in Chapter 4.

- 7. A requirement that each bid include a CEII non-disclosure agreement signed by the contractor submitting the bid and any subcontractors proposed for use. (A format for this agreement is included as Appendix C.)
- 8. A list of the information the 3PC proposals must contain, including:
  - a. A description of the 3PC's technical approach for preparing the environmental document and a management plan for the project. Any proposed subcontractors should be identified.
  - b. A description of the qualifications and experience of the 3PC and the key personnel (including subcontractors).
  - c. A proposed schedule for completing major work tasks (which highlights any differences from the applicant's proposed schedule as presented in the RFP). Any changes to the schedule presented in the RFP must be fully justified.
  - d. A statement disclosing any potential OCI, and any proposed mitigation.
- 6. An itemized estimate of cost. 789

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The following section presents two sample RFPs. The RFPs are generic documents that illustrate how the guidelines presented in that illustrate how the guidelines presented in application to a wide variety of proposals and situations.

The first sample RFP shows how the hapter 2 guidelines might translate for the Commission's Pre-Filing Process for a new natural gas facility. The second sample RFP shows how the guidelines could be used for a traditional certificate application. Note that handbook ppendices A through G should be included as appendices to all RFPs.

The sample RFPs include the seven appendices at the end of this manual.

- A. OCI Representation and Disclosure Statements
- B. OCI Questionnaire
- C. Contractor CEII Non-Disclosure Agreement
- D. OCI Certification
- E. Project Overview Map
- F. List of Available Background Documents
- G. Sample 100U

Italicized items in parentheses represent information to be inserted by the user, supply guidance, or have been included for illustrative purposes.

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			y to satisfy the logistical requirements to effectively manage the project such
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## Dample RFP – Using the Commission's Pre-Filing Process

# Request for Proposal for Preparation of Third-Party Environmental Impact Statement

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(date)

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#### DISCLAIMER

THIS IS NOT A FEDERAL PROCUREMENT.

THE FOLLOWING REQUEST FOR PROPOSALS (RFP) WILL RESULT IN A PRIVATE CONTRACT BETWEEN (applicant name) AND A CONTRACTOR, AND WILL BE GOVERNED BY THE LAWS OF THE STATE OF (state name). NEITHER THE PROCUREMENT NOR ADMINISTRATION OF THE RESULTING CONTRACT IS SUBJECT TO FEDERAL PROCUREMENT LAWS, REGULATIONS, OR PROTEST PROCEDURES. ANY DISPUTES NOT SETTLED BY THE PARTIES THEMSELVES MUST BE RESOLVED BY A COURT OF COMPETENT JURISDICTION, OR THROUGH ALTERNATIVE DISPUTE RESOLUTION PROCEDURES TO BE DETERMINED BY THE PARTIES AND DESCRIBED IN THE CONTRACT.

QUESTIONS CONCERNING THIS PROCUREMENT SHOULD BE DIRECTED ONLY TO (applicant name). (Applicant name) MUST PROVIDE INFORMATION SUPPLIED TO ANY INDIVIDUAL CONTRACTOR TO ALL CONTRACTORS SUBMITTING A LETTER OF INTENT TO RESPOND TO THE RFP.

THE FEDERAL ENERGY REGULATORY COMMISSION STAFF SHOULD NOT BE CONTACTED AND WILL NOT RESPOND TO ANY QUESTIONS CONCERNING THE PROCUREMENT PROCESS.

#### **4OLD HARMLESS**

The parties agree that the Federal Energy Regulatory Commission and its employees are not liable for any costs or judgments arising from the conduct of this procurement, and administration or supervision of the contract for the environmental services described herein.

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#### (Applicant Letterhead)

**TO**: (name of potential contractor)

**FROM**: (name and title of applicant contact)

(applicant name)

**DATE**: (issuance date)

SUBJECT: Request for Proposals (RFP) to Prepare an Environmental Impact

Statement (EIS) for the (project name) Project

(Proposal Due Date: (due date & time))

#### 1.0 BACKGROUND, OVERVIEW, AND SCOPE

#### 1.1 Background

(Applicant name) proposes to construct (an LNG import terminal and related natural gas facilities) at (location and state) to be known as the (project name) Project. (A (length)-mile-long natural gas pipeline would also be required to connect the terminal with (company name)'s system at (location of interconnection)). (Applicant name) is soliciting proposals for the consultation and coordination of the development of an Environmental Impact Statement (EIS) and alternatives, early identification and resolution of issues, and preparation of related documents to address the proposed (project name) Project as more specifically described in Section 1.2. The EIS will be prepared under a third-party contractor arrangement with (applicant name) as the Applicant and the Federal Energy Regulatory Commission FERC or Commission) as the lead dederal agency for the National Environmental Policy Act (NEPA) process. (Applicant name) intends to request FERC to begin the NEPA review prior to filing its application, in accordance with the Commission's pre-filing process detailed in section 157.21 of the Commission's regulations. The FERC's Office of Energy Projects (OEP) will be responsible for providing technical direction to the hirdparty contractor throughout the NEPA review process. A contract will be executed pursuant to the third-party contracting procedures set forth in 40 CFR

<sup>7</sup> For Natural Gas Act-related projects.

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2506.5(c) and as referenced in the FERC third-party contracting program announced on February 4 and 9, 1994.

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As the Applicant, (applicant name) is soliciting proposals through this RFP for a third-party contractor to provide the services described in sections 1.3 and 1.4. The technical and cost proposals will be initially reviewed and evaluated by (applicant name) who will then submit 411 the proposals to the OEP staff and file the proposals in the FERC project docket as privileged. The OEP staff will make the final selection of the third-party contractor, based on its independent review of the technical, managerial, personnel, and Organizational Conflict of Interest (OCI) aspects of each proposal. Upon Telection, the hird-party contractor, (applicant (ame), and the Director of OEP will sign a Memorandum of Understanding (MOU) that details the roles and responsibilities of each party (A sample MOU is provided in Appendix G). (Applicant name) will finalize a contract with and fund the successful contractor for the scoped activities.

Once a third-party contractor is selected, the OEP staff will direct the activities of the contractor in the consultation, reviews, and preparation and processing of documents within the scope identified herein. (Applicant name) will have no control over nor direct the activities of the contractor. Other federal agencies participating in the NEPA process may include (identify potential deral cooperators). Appropriate regulatory agencies in (state where facilities would be located) will also be encouraged to participate in the NEPA process and may be cooperating the encies, as defined by the Council on Environmental Quality regulations at 40 CFR 1501.6.

(Applicant name) has selected a site for the (specify the general facilities) and has secured the services of (consultant name), (applicant name)'s environmental consultant to assist in the development and preparation of the Environmental Resource Reports (RRs) required for the application to be filed with the FERC.

#### 1.2 **Overview of the Project**

(Summarize the general purpose of the project. Provide a detailed description of all proposed facilities, and potential routes, sites including alternatives. Tailor details to project specifics. Any locational or other project information that is not available should be specifically highlighted.

For LNG facilities identify and describe LNG storage tanks; the LNG tanker size and expected number of tanker arrivals per week; berth and unloading facilities; LNG vaporization or liquefaction facilities; and any associated facilities for

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			standing (MOU) that details the roles and responsibilities of each party (A			
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refrigerant storage, gas processing, or natural gas liquids removal. In addition, identify and describe any related facilities necessary to deliver gas to or send gas from the LNG facility (e.g., pipelines, trucks, barges).

For storage fields, describe the geologic structure and proposed use of the storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines.

For pipelines related to any type of project: provide details such as the length, outside diameter, initial design capacity, pipeline system the gas will be delivered to, number and location of new or upgraded compressor stations, and total horsepower. Identify any potential alternative routes. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, and pig launchers/receivers as well as significant other construction areas such as pipe and contractor yards. Identify any potential alternative sites. Identify the land requirements and location of all aboveground facilities. Include the size [horsepower] and location of any new compressor stations, and details of any other project-related activities that would occur at existing stations. Indicate the width of the construction right-of-way, the number of perennial waterbodies and major highways crossed, and the extent to which the pipeline would parallel other existing rights-of-way.)

Maps of the proposed (*project name*) project are included as ppendix E. (*Applicant name*) will identify any nonjurisdictional facilities associated with its proposal for possible inclusion in the scope of the review as soon as possible.

#### 1.3 Scope

#### 1.3.1 Pre-Filing Activities

In an effort to resolve issues early and to obtain stakeholder concurrence that the best facility site (e.g., LNG terminal and interconnecting pipeline route) has been selected, (applicant name) has requested FERC staff to begin its NEPA review process prior to receipt of (applicant name)'s application. Accordingly, (applicant name) has provided as much information as is currently available about project scope at this time in the process.

is (applicant name)'s intention to hire a third-party contractor, under the direction of the OEP staff, to:

1. verify, update, and maintain mailing lists;

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"In addition, the normal project review schedule that would be included in an RFP has been changed in accordance with the Pre-Filing process. In particular, some of the significant modifications include: • a preliminary administrative draft EIS (PADEIS) is to be prepared and submitted to the				
OEP staff right before or soon after (applicant's name) files an application with the FERC, and"				
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"• In this process, most reasonable questions should be developed and answered during the field surveys prior to filing the application, resulting				
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- 2. coordinate and attend scoping meetings and other meetings and site visits, as required by the OEP staff;
- 3. identify and summarize concerns raised by regulatory agencies and other stakeholders;
- 4. prepare meeting minutes for all attended meetings;
- 5. attend (applicant name)'s open house/public meetings;
- 6. work with OEP staff to identify additional concerns of affected/adjacent landowners, landowner organizations, environmental groups, and federal, state and local agencies;
- 7. communicate with and assess information from those concerned parties and advise (*applicant name*)'s environmental consultant and (*applicant name*)'s staff in the collection of data and the suggestions of alternative sites (/routes) and mitigations to respond to these concerns;
- 8. prepare periodic draft project update tri-folds;
- 9. prepare a draft Notice of Intent for public scoping, and coordinate and participate in public scoping meetings;
- review and comment on field surveys conducted by (applicant name)'s environmental consultant, e.g.,
  - review information that will be the basis of both the RRs and the EIS;
  - ➤ anticipate the OEP staff's questions, or communicate directly with the OEP staff to determine possible environmental questions so that the appropriate answers may be developed while conducting environmental surveys; and
  - identify potential alternatives for further review.

The third-party contractor will also review and comment on the background data developed by (*applicant name*)'s environmental consultant to support the RRs. The contractor awarded this contract should request additional data through the OEP staff, where needed for the development of the EIS and anticipate the OEP staff's questions with the goal of minimizing environmental data requests after the filing of the application. This review may include the following items:

- > maps and alignment sheets;
- work required to comply with the Endangered Species Act, including field surveys;
- ➤ work required to comply with the National Historic Preservation Act;

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work required to delineate waters of the U.S. and wetlands that will be subject to the federal permitting requirements; and

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work required to comply with the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

(Applicant name)'s environmental consultant will prepare the RRs for filing with (applicant name)'s application, in compliance with FERC's regulations. The content of each of the thirteen RRs is listed in the FERC's regulations at 18 CFR 380.12.

The third-party contractor will also be expected to prepare a reliminary administrative draft EIS (PADEIS) that can be submitted to the OEP staff for review before or soon after (applicant name) files the application with FERC. See Section 2 of this RFP.

#### 1.3.2 Post-Filing Activities

Once (applicant name) has filed its application with the FERC, in addition to performing the functions listed in section 1.3.1 above, the selected third-party contractor will:

- > prepare and submit a PADEIS to the OEP staff;
- incorporate comments from OEP staff into an administrative DEIS (ADEIS);
- > submit the ADEIS to OEP staff and the cooperating agencies;
- incorporate/resolve comments on the ADEIS from OEP staff and the cooperating agencies;
- > prepare and submit a DEIS to OEP staff;
- > assist the OEP staff in preparing responses to public comments on the DEIS;
- repare and submit an administrative final EIS (AFEIS) to OEP staff and the cooperating agencies, as necessary;
- > prepare and submit a FEIS to the OEP staff;
- Prepare periodic draft project update tri-folds, as necessary; and
- Assist OEP staff, as necessary, with project-related tasks between the issuance of the NEPA document and the Commission Order. Examples of such tasks include support in responding to comments on the EIS.

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### 1.0 SERVICES REQUIRED

The selected third-party contractor will be responsible for working along with the OEP and the various stakeholders while (applicant name)'s RRs are being developed. The selected third-party contractor will keep the OEP staff apprised of issues as they arise, and, when the OEP staff determines it is appropriate, participate in stakeholder meetings and site visits to identify and possibly help resolve issues.

The selected third-party contractor will also be responsible for assisting the OEP staff in conducting the NEPA review, preparing an EIS, and completing related work within the agreed-upon schedule and approved budget. It will be the contractor's responsibility to notify (*applicant name*) if the work effort ultimately required by the OEP staff exceeds the work effort on which the bid was based, or the approved budget.

The third-party contractor will be responsible for satisfactory completion of the following tasks:

- 2.1 Preparation of all project-related documents, reports, and notices required by OEP staff. In addition to paper copies, all materials must be provided to the OEP staff on compact disks, in Microsoft Word 2010 format, or as otherwise agreed to by the OEP Environmental Project Manager. Any required databases (such as mailing lists) must be excel or Access 5010 compatible. The camera-ready EA or DEIS and FEIS will be provided as pdf files as specified by the OEP staff in addition to hard copy.
- Preparation and maintenance of a computerized (sortable database) mailing list of agencies, officials, community/environmental groups, concerned citizens, affected

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property owners and other interested parties. (Applicant name) will provide initial agency and affected property owner lists.

- Characterization of existing environmental conditions, incorporation of issues identified during scoping, assessment of the significance of the potential environmental effects of the proposed project, identification of potential site, route, and facility location alternatives (both locally and regionally), and determination of mitigation necessary to avoid or reduce impacts to acceptable levels for the environmental topics listed in section 2.5 (below). Studies shall take into account both direct and indirect effects of project facility construction, operation and maintenance, upset conditions, and abandonment for all proposed and alternative project facilities. Special expertise may be needed for areas of non-routine environmental sensitivity (such as marine environments). The RRs contained in other major applications, if any, and other already available technical data shall be used to the maximum extent practicable.
- 2.53 Preparation of the EIS to meet the requirements of NEPA, the National Historic Preservation Act, Endangered Species Act, other applicable laws and regulations, any additional requirements of the OEP staff, and to address any scoping and public meeting issues.

The EIS shall include, but not necessarily be limited to, the following sections:

- 1. Cover Sheet
- 2. Executive Summary (including Impact Summary Table)
- 3. Introduction
- 4. Description of Proposed Project
- 6. Alternatives
- Affected Environment
- Environmental Consequences (including Cumulative Impacts)
- 8. Conclusions (including summary of unavoidable significant adverse effect) and Recommendations (mitigation measures, including mitigation monitoring plan). [10] [10]
- 9. Agencies and Sources Consulted
- 10. List of Preparers and Contributors
- 11. References
- 12. EIS Distribution List
- 13. Index
- 14. Comments and Responses (FEIS only)

<sup>13</sup> 14 See 18 CFR 380.7 and 40 CFR 1502.10 for additional guidance.

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15. Appendices and Technical Reports (including Essential Fish Habitat Assessment, if appropriate)

In conjunction with the OEP staff, the third-party contractor will be responsible for identifying and assessing potential alternatives to the proposed project that are capable of meeting the project's goals and are sufficient to meet the requirements of NEPA, including reducing potentially significant effects associated with the proposed project and fostering informed decision-making. Potential alternatives to the (*project name*) Project identified by (*applicant's name*) will be identified in Resource Report #10 of the RRs. Any project alternatives identified by the OEP staff will also be addressed.

The Description of the Proposed Project and Alternatives should include, at a minimum, the following subsections:

- 1. Purpose and Need for the Project
- 2. Approvals to be Sought through Use of the EIS
- 3. LNG Terminal, Storage Field and Compression Facilities, and Pipeline Route Description, as appropriate
- 4. Ancillary Facilities
- 5. General Design Parameters
- 6. Construction Methods, (for Terminal, LNG Storage, Compressor Stations, Storage Field Facilities and Pipeline, as pplicable) including Applicant-Proposed Mitigation Measures
- 7. Construction Schedule and Work Force
- 8. Operation and Maintenance Procedures
- 9. Abandonment Procedures
- 10. Interrelationships with Other Planned Projects and Nonjurisdictional Facilities
- 11. Alternatives (including No Action)

The majority of this information will be available in the RRs. The third-party contractor shall review the RRs for accuracy and adequacy to meet the needs of NEPA for the preparation of an EIS, and hall prepare a data request(s) to (applicant name) (routed through the OEP staff) requesting any other data that may be deeded. He EIS hall fully address the following resource topics (as applicable):

- 1. Geology [Including mineral resources and geologic hazards]
- 2. Soils (including erosion control and restoration/revegetation)
- 3. Water Resources (surface water and groundwater hydrology and quality)

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- 4. Biological Resources (including wildlife, vegetation, wetlands, aquatic biology, essential fish habitat, and threatened and endangered species)
- 5. Land Use and Recreation
- 6. Socioeconomics
- 7. Visual Resources/Aesthetics
- 8. Air Quality
- 9. Noise
- 10. Cultural and Paleontological Resources
- 11. Public Safety
- 12. Cumulative Impacts
- 2.6 Prepare supporting maps showing the location of all project facilities and related areas of disturbance, and pertinent resource data. (*Applicant name*) will be responsible for developing most maps requested by the third-party contractor. The scale of the supporting maps will normally range from 1:24,000 to (*identify larger scale*), depending on the complexity/sensitivity of the resources potentially affected and project specifics.
- **2.7** Maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the environmental analysis. The OEP staff shall be advised immediately of any potential data gaps or analysis shortcomings.
- 2.8 Arrange with (applicant name) to participate in inspections of the proposed facility locations (including overflight, as appropriate) with the OEP staff. This may occur in conjunction with per houses or the scoping meetings. (The FERC will reimburse [applicant name] for all costs associated with OEP staff participation in overflights.)
- **2.9** Analyze comments and prepare draft responses to comments on the PADEIS, ADEIS, DEIS, and FEIS, and related documents.
- 2.10 Prepare camera-ready copies of the DEIS and FEIS and any required notices for submission to the FERC staff for printing and mailing. For purposes of proposal preparation, assume that the contractor will print and distribute at least (25) copies of the preliminary documents (ADEIS, etc.) to cooperating agencies. (The actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs.)
- **2.11** Develop and maintain a formal project management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.

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- **2.12** Prepare a Biological Assessment, if appropriate.
- **2.13** Prepare an Essential Fish Habitat Assessment, if appropriate.

#### 3.0 PROJECT TIMELINE

Proposals submitted in response to this RFP should identify any perceived need for specific supplemental studies to fully comply with NEPA and the FERC's implementing regulations.

Assuming (applicant name) responds expeditiously to data requests, the major milestones of the project schedule are summarized below, however, it should be understood that the ultimate schedule for NEPA will be determined by the Epstaff, not the Applicant.

## 3.1 Third-Party Contractor Selection

- 1. (Applicant name) sends out RFP to Sontractors.
- 2. Hold contractors' [lele] conference.
- 3. Submit proposals to (applicant name) by 5:00 p.m. on:
- 4. Hold ontractors' oral presentations (il equired).
- 5. Submit poposals to OEP taff.
- 6. OEP selects third-party 11 ontractor,
- 7. Complete contract negotiations with (applicant 12 me).
- 8. Third-party contractor begins 13 ork.

## 3.2 (Applicant name)'s Certificate Application Development Work

- 1. Conduct open houses/public 14 eetings.
- 2. Begin environmental 15 rveys.
- 3. Completion of civil and design survey.
- 4. Completion of environmental surveys.
- 5. Submission of draft RRs to OEP Staff.
- 6. Submission of FERC application and RRs.
- 7. Receive FERC authorization.

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- **2.12** Prepare a Biological Assessment, if appropriate.
- **2.13** Prepare an Essential Fish Habitat Assessment, if appropriate.

#### 3.0 PROJECT TIMELINE

Proposals submitted in response to this RFP should identify any perceived need for specific supplemental studies to fully comply with NEPA and the FERC's implementing regulations.

Assuming (*applicant name*) responds expeditiously to data requests, the major milestones of the project schedule are summarized below, however, it should be understood that the ultimate schedule for NEPA will be determined by the OEP staff, not the applicant.

### 3.1 Third-Party Contractor Selection

- 1. (Applicant name) sends out RFP to contractors.
- 2. Hold contractors' (*tele*)conference.
- 3. Submit proposals to (applicant name) by 5:00 p.m. on:
- 4. Hold contractors' oral presentations (if required).
- 5. Submit proposals to OEP staff.
- 6. OEP selects third-party contractor,
- 7. Complete contract negotiations with (applicant name).
- 8. Third-party contractor begins work.

## 3.2 (Applicant name)'s Certificate Application Development Work

- 1. Conduct open houses/public meetings.
- 2. Begin environmental surveys.
- 3. Completion of civil and design 17 rvey. 16
- 4. Completion of environmental 18 rveys.
- 5. Submission of draft RRs to OEP 19 aff.
- 6. Submission of FERC application and 20Rs.
- 7. Receive FERC 21 thorization.

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 81 of 369 <u>N</u>umber: 16 Author: Compare: Move Subject: artifact Date: Indeterminate This artifact was moved from page 31 of old document to page 31 of this document Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "survey:" [New text]: "survey." Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "surveys:" [New text]: "surveys." Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " Staff: [New text]: "Staff." Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "RRs:" [New text]: "RRs." Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "authorization:" [New text]: "authorization."

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# 3.3 (Applicant name) Project Schedule dilestones

The following EIS review tasks will be conducted by the third-party contractor and/or OEP staff:

### 3.3.1 Pre-Filing

- 1. Study (facility location, LNG terminal engineering, and pipeline route) plans, attend open house/public meeting(s)
- 2. Coordinate agency scoping meetings
- 3. Issue Notice of Intent, hold EIS scoping meeting(s)
- 4. Conduct site visit(s) (, route investigations,) and alternative site(/route) analysis
- 5. Review draft RRs
- 6. Begin preparation of PADEIS

### 3.3.2 Post-Filing

(File FERC application on day 0)

- 1. Contractor delivers PADEIS to OEP staff: \_\_day
- 2. Comments on PADEIS returned to contractor: \_\_day
- 3. Contractor delivers ADEIS to OEP staff and Cooperating Agencies: \_\_day
- 4. Comments on ADEIS returned to contractor: \_\_day
- 5. Contractor delivers camera-ready DEIS to OEP staff: \_\_day
- 6. OEP mails DEIS:\_\_day
- 7. Hold public meetings to receive comments: 345
- 8. Contractor delivers preliminary FEIS to OEP staff and Cooperating Agencies:\_\_day
- 9. Comments on preliminary FEIS returned to contractor: \_\_day
- 107 Contractor delivers camera-ready FEIS to OEP staff: \_\_day
- 11. OEP mails FEIS: \_\_day

Note that for Natural Gas Act-related projects section 157.21 of the Commission's regulations specifies some general timelines that must be met.

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#### 4.0 PROPOSAL REQUIREMENTS AND PROCESS

Document #1636006

(Applicant may elect to use a Letter-of-Intent and Contractors' (Tele)Conference approach, e.g., ...

#### 4.1 **Letter of Intent**

Third-party contractors shall submit a Letter of Intent before the Contractors' (Tele)Conference to offer a proposal to (applicant name) at the e-mail address or the regular address listed in section 4.3.12. Those submitting a Letter of Intent will receive amendments to this RFP, if any, and copies of any written material from the (tele)conference as described in section 4.2. This letter will facilitate the distribution of written information but does not obligate the contractor to submit a proposal.

#### 4.2 Contractors' (Tele)Conference

A Contractors' (Tele)Conference will be held by (applicant name) on (conference date) beginning at (time). At the conference, questions will be answered by (applicant name). Contractors who submit a Letter of Intent and who do not attend the (tele)conference will be notified of any modifications and receive a copy of the minutes of the meeting within two (2) days of the meeting if an e-mail address or telephone facsimile number is provided. Otherwise, minutes of the meeting will be sent via regular mail.

*The purpose of this (tele)conference will be to:* 

- answer contractors' questions about the RFP;
- discuss any other information to be used in the submission of a proposal;
- discuss software that will be used by (applicant name)'s environmental consultant and engineering consultant in the development of documents for the FERC certificate application; and
- > entertain requests for other background documents, which may be available for use during the preparation of the proposal but were not sent to contractors.

All third-party contractors are strongly encouraged to participate in this Contractors' (Tele)Conference since this is the only opportunity to receive responses to questions. Individual telephone calls are not permitted; no questions related to this RFP will be answered in any forum other than at the Contractors' (Tele)Conference. All questions must be answered while the conference is in open session so that all participants have equal access to the responses.

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### 4.3 Proposal Requirements

If a contractor provides a Letter of Intent to bid on the RFP, and subsequently does not intend to submit a proposal, the contractor shall notify (*applicant name*) as soon as possible, but in any event no later than (*number*) of days prior to the proposal due date. Contractors shall also return all material to (*applicant name*).

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Contractors must provide (number) copies of the technical proposal and cost estimate; (applicant name) will coordinate distribution, and ultimately provide the OEP staff with one hardcopy and one electronic copy of the proposals. Cost estimates must be submitted in separate sealed envelopes labeled "COST ESTIMATE." The proposal is limited to (50) pages (single-sided, space and a half). All materials should be easily readable. The proposal should be concise, well organized and contain the following information in the order presented below:

#### 4.3.1 Introduction

Explain the contractor's understanding of the project and a summary of the contractor's qualifications for this project in one or two pages. Because the project is located in (*identify state(s)*), qualifications for assessing impacts to the environment of this region of the country should be highlighted.

## 4.3.2 Technical Approach

Present both an overall technical approach for the preparation of the EIS and the approach proposed for individual technical areas and tasks. Include any recommendations to improve the scope (including rationale) and reflect those recommendations in the cost estimate.

## 4.3.3 Project Organization and Management Approach

Describe the proposed project organization, with an organization chart including positions, responsibilities and reporting relationships. Labe project manager, deputy project manager, environmental specialists with responsibility for each resource crea, administrative support personnel, and any subcontractor(s) must be identified and their location specified. These key personnel shall not be reassigned within the project or to other projects without prior consultation with the OEP staff.

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Describe the proposed management scheme for the project, with a discussion of where the work will be done and where each key person and subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors.

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### 4.3.4 Qualifications and Experience

Describe qualifications and prior experience in completing similar NEPA Projects, particularly pipeline construction projects or other linear facility projects, and, as applicable, marine terminal projects. Emphasize prior work experience with the FERC for natural gas-related projects, (identify affected state(s)) state agencies, major relevant construction projects, and the geographical areas of study. Discuss the contractor's familiarity with the specialized issues and requirements of proposed facility construction. Discuss the contractor's understanding of the FERC environmental requirements for projects under the Natural Gas Act as reflected in FERC's regulations and current policies.

Describe the contractor's past record in meeting performance and delivery requirements for similar contracts.

Statements of ducation, qualifications, and prior experience should be provided not only for the contractor but also for the key personnel and subcontractors that will be assigned to the project, along with their specific experience with the type of project under consideration.

The past, current, and proposed use of small and small disadvantaged owned business enterprises by the contractor should be described.

## 4.3.5 Project Schedule

Submit a proposed schedule delineating dates for completion of the major work tasks specified in section 3 of this RFP. In suggested modifications to the schedule must be presented with reasons for the hanges. Note, however, that the ultimate schedule will be determined by the OEP staff, not the applicant.

It is important that contractors demonstrate to (applicant name) and the OEP staff that ample resources exist to meet the project schedule. If a contractor has multiple EIS obligations underway concurrently, it must clearly show separate resources or provide convincing evidence that it can meet the schedule.

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#### 4.3.6 References

List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager. Additionally, list three client references specifically for the proposed project manager.

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### 4.3.7 Conflicts of Interest and Critical Energy Infrastructure Information

Identify possible conflicts of interest that may require investigation by the FERC staff. Include a discussion of all work completed by the contractor for similar work on natural gas-related projects within the last 3 years. Pursuant to 40 CFR 1506.5(c), contractor selection is based on ability and absence of conflicts of interest. The contractor must also submit a Critical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used.

All proposals must include the following items:

- Either the FERC's (a) Organizational Conflict of Interest (OCI) representation statement, or (b) OCI Disclosure Statement, prepared by a responsible official attesting the contractor and its subcontractor(s) have no financial or other conflicting interest in the outcome of the project, or proposing a mitigation plan if an actual or potential OCI exists. (See Appendix A.)
- The FERC's OCI Questionnaire. (See Appendix B.)
- A Contractor CEII Non-Disclosure Agreement. (See Appendix C.)

  (Applicant name) will complete an OCI Certification. (See Appendix D.)

#### 4.3.8 Resumes

Resumes may be submitted as an attachment to the proposal or as a separate volume. All resumes should be limited to two pages and must include the institution and date of graduation for all academic degrees as well as a summary of relevant work experience and the specific dates of performance.

#### 4.3.9 Cost Estimate

(The applicant should identify the type of contract, such as time and materials, cost plus, etc., and provide additional guidance on how the cost of the contact is to be estimated.)

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(Applicant name) anticipates awarding and signing a dentify type) contract. Since the specific dates and number of field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet. (Applicant name) will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, RR review, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. (Applicant name) understands that there may be out-of-scope requirements for the completion of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

Any limiting assumptions used to prepare the cost estimate should be clearly specified in the proposal. Also include a rate schedule that will apply to the project and for any work beyond the scope stated in this RFP.

Assume that (applicant name), through the OEP staff, will provide the successful contractor with copies of all environmental information filed with FERC, including base maps, Perial photos, and computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties at the time that contact negotiations are completed. (Applicant name) will provide aerial overflights for key contractor and OEP staff (weather conditions permitting), either prior to or in conjunction with the open house/public meetings, or at the OEP staff's request. (However, the FERC will reimburse (applicant name) for all costs associated with OEP staff participation in aerial overflights.)

#### 4.3.10 Available Materials

Appendix F presents a list of documents available from (applicant name) that should assist contractors in preparation of their proposals. Please contact (name and telephone number of applicant's contact) to arrange for review of these documents. Note that (applicant name) will only entertain questions about this RFP at the Contractor's (Tele)Conference discussed in section 4.2.

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## 4.3.11 Sample Memorandum of Understanding (MOU)

Appendix G to this RFP presents a sample MOU with key provisions that must be included in the awarded contract. Contractors are asked to review this ample MOU and point out any difficulties with a language in their proposal. The proposal must indicate the contractor's review of the maple MOU and identify issues that require resolution during ontract negotiations. Issues raised after submittal of the proposal will not be subject to negotiation. The person(s) authorized to negotiate on behalf of the contractor should be identified.

between (applicant name) an 1411117 ntractor.

#### 4.3.12 Addresses

Submit Letters of Intent via e-mail or facsimile to:

(contact name, e-mail/facsimile address, etc.)

Submit Technical Proposals and Cost Estimates to:

(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to (*applicant name*) by (*time and date*).

#### 5.0 SELECTION PROCESS

Only those proposals submitted by contractors prior to the deadline stated herein will be evaluated. The proposals will be initially reviewed by (applicant name), and then all proposals will be submitted to the OEP staff. Proposals will also be filed on the FERC project docket in accordance with the Commission's instructions for filing of privileged material.

(Applicant name) will provide the OEP staff with one hardcopy and one electronic copy of the contractors' proposals, along with the contractors' OCI statements, CEII non-disclosure agreements, and (applicant name)'s OCI certification of each contractor. GAL will perform an OCI review of the submitted proposals. OEP staff will then conduct an independent review of the contracts cleared by GAL and the Director of OEP will make the final selection of the contractor. Lack of an OCI Statement, or the existence of an identifiable OCI (relative to the contractor, its key personnel, or any proposed subcontractor) that

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### 4.3.11 Sample Memorandum of Understanding (MOU)

Appendix G to this RFP presents a sample MOU with key provisions that must be included in the awarded contract. Contractors are asked to review this sample MOU and point out any difficulties with its language in their proposal. The proposal must indicate the contractor's review of the sample MOU and identify issues that require resolution during contract negotiations. Issues raised after submittal of the proposal will not be subject to negotiation. The person(s) authorized to negotiate on behalf of the contractor should be identified.

Please note the OEP staff cannot be contacted on any contract negotiations between (applicant name) and the 18 ntractor.

#### 4.3.12 Addresses

Submit Letters of Intent via e-mail or facsimile to:

(contact name, e-mail/facsimile address, etc.)

Submit Technical Proposals and Cost Estimates to:

(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to (*applicant name*) by (*time and date*).

## 5.0 SELECTION PROCESS

Only those proposals submitted by contractors prior to the deadline stated herein will be evaluated. The proposals will be initially reviewed by (applicant name), and 22en all proposals will be ubmitted to the OEP staff. 21 oposals will also be filed on the FERC project docket in accordance with the Commission's instructions for filing of privileged material.

(Applicant name) will provide the OEP staff with one hardcopy and one electronic copy of the contractors' proposals, along with the contractors' OCI statements, CEII non-disclosure agreements, and (applicant name)'s OCI certification of each contractor. [24]AL will perform an OCI review of the submitted proposals. OEP staff will [25]en conduct an independent review of the contracts cleared by GAL and the Director of OEP will make the final selection of the contractor. Lack of an OCI Statement, or the existence of an identifiable OCI (relative to the contractor, its key personnel, or any proposed subcontractor) that

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cannot be mitigated to the satisfaction of the FERC staff, will be sufficient grounds for proposal rejection.

Once the OEP staff has notified (applicant name) of its selection and the MOU is signed, (applicant name) will negotiate and fund a contract with the contractor. (Applicant name) will keep the OEP staff apprised of the negotiations with the contractor. Once the contract has been executed, the contractor will proceed to work solely under the direction and guidance of the OEP staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., the OEP staff) "shall furnish guidance and participate in the preparation and shall independently evaluate the [environmental document] prior to its approval and take responsibility for its scope and contents."

(This sample RFP is set up to include the seven appendices at the end of this manual.  $\Box$ 

- A. OCI Representation and Disclosure Statements 6
- B. OCI Questionnaire
- C. Contractor CEII Non-Disclosure Agreemen
- D. OCI Certification 9
- E. Project Overview Map 10
- F. List of Available Background Documents 111
- $G_{13}^{13}$ ample Memorandum of Understanding

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## Dample RFP – Traditional Certificate Application

Request for Proposal for Preparation of Third-Party

Environmental Impact Statement

<sup>3</sup>applicant name)

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## 1date)DISCLAIMER

#### THIS IS NOT A FEDERAL PROCUREMENT.

THE FOLLOWING REQUEST FOR PROPOSALS (RFP) WILL RESULT IN A PRIVATE CONTRACT BETWEEN (applicant name) AND A CONTRACTOR, AND WILL BE GOVERNED BY THE LAWS OF THE STATE OF (state name). NEITHER THE PROCUREMENT NOR ADMINISTRATION OF THE RESULTING CONTRACT IS SUBJECT TO FEDERAL PROCUREMENT LAWS, REGULATIONS, OR PROTEST PROCEDURES. ANY DISPUTES NOT SETTLED BY THE PARTIES THEMSELVES MUST BE RESOLVED BY A COURT OF COMPETENT JURISDICTION, OR THROUGH ALTERNATIVE DISPUTE RESOLUTION PROCEDURES TO BE DETERMINED BY THE PARTIES AND DESCRIBED IN THE CONTRACT.

QUESTIONS CONCERNING THIS PROCUREMENT SHOULD BE DIRECTED ONLY TO (applicant name). (Applicant name) UST PROVIDE INFORMATION SUPPLIED TO ANY INDIVIDUAL CONTRACTOR TO ALL CONTRACTORS SUBMITTING A LETTER OF INTENT TO RESPOND TO THE RFP.

THE FEDERAL ENERGY REGULATORY COMMISSION STAFF SHOULD NOT BE CONTACTED AND WILL NOT RESPOND TO ANY QUESTIONS CONCERNING THE PROCUREMENT PROCESS.

#### HOLD HARMLESS

The parties agree that the Federal Energy Regulatory Commission and its employees are not liable for sorts or judgments arising from the conduct of this procurement, and administration or supervision of the contract for the environmental services described herein.

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,			DLLOWING REQUEST FOR PROPOSALS (RFP) WILL RESULT IN A PRIVATE
			WILL BE GOVERNED BY THE LAWS OF THE STATE OF (state name). NEITHER
			INTRACT IS SUBJECT TO FEDERAL PROCUREMENT LAWS, REGULATIONS, OR
			ES THEMSELVES MUST BE RESOLVED BY A COURT OF COMPETENT
,			PROCEDURES TO BE DETERMINED BY THE PARTIES AND DESCRIBED IN THE
CONTRACT. QUEST	IONS CONCERNING THIS PRO	OCUREMENT SHOU	LD BE DIRECTED ONLY TO (applicant name)."
Mumber: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "will be re	esponsible"		
			VIDUAL CONTRACTOR TO ALL CONTRACTORS SUBMITTING A LETTER OF
			ORY COMMISSION STAFF SHOULD NOT BE CONTACTED AND WILL NOT
			PROCESS. HOLD HARMLESS The parties agree that the Federal Energy
Regulatory Commis	ssion and its employees are n	ot liable"	
Mumber: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "contract	ors who are not selected. Crit	teria"	
[New text]: "the con	nduct of this procurement, an	d administration or	supervision of the contract for the environmental services described herein."
Mumber: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "question	าร"		
[New text]: " costs of	or judgments arising"		
Number: 5	Author: Compare: Delete	Subject: text	Date: Indeterminate
"answering"			
Number: 6	Author: Compare: Move	Subject: artifact	Date: Indeterminate
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**TO**: (name of potential contractor)

**FROM**: (name and title of applicant contact)

(applicant name)

**DATE**: (issuance date)

SUBJECT: Request for posals (RFP) to prepare an Environmental Impact

Statement (EIS) for the project name) Project

Proposal Due Date: (due date & time)

**6.0** BACKGROUND AND OVERVIEW

## 1.1 Background

5

[Applicant name] is soliciting proposals for the preparation of an Environmental Impact Statement (EIS) and related documents and services to address its proposed (project name) Project as more specifically described in Section 1.2. The EIS will be prepared under a finite party contractor arrangement project as the Applicant and project and the Federal Energy Regulatory Commission (FERC or Commission) as the lead federal agency for the National Environmental Policy Act (NEPA) process. The FERC's Office of Energy Projects (OEP) will be responsible for doviding technical direction to the third-party contractor during the preparation of the EIS and related secundary and referenced in the FERC third-party contracting program announced on February 4 and 9, 1994.

As the Applicant, (applicant name) is soliciting proposals through this RFP for a third-party contractor to provide the services described in section 2.0. The technical and cost proposals will be initially reviewed and evaluated by (applicant name) who will then submit the proposals to the OEP staff and file the proposals on the FERC's project docket as privileged. The OEP staff will make the final selection of the third-party contractor, based on its independent review of the technical, managerial, personnel, and Organizational Conflict of Interest (OCI) aspects of each proposal. Upon selection, the third-party contractor, (applicant

# Page: 39

	Author: Compare: Insert	Subject: text	Date: Indeterminate
"(Applicant Lette SUBJECT: Reque		contractor) FROM: (	name and title of applicant contact) (applicant name) DATE: (issuance date)
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[New text]: "Prep	pare an Environmental Impact S	tatement (EIS) for"	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
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[New text]: "Prop	oosals (RFP)"		
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[New text]: "(pro	ject name) Project Proposal Du xt attributes were changed:	e Date: (due date &	time)"
Number: 5 Matching graph	Author: Compare: Insert ic not found	Subject: graphic	Date: Indeterminate
Number: 6	Author: Compare: Insert	Subject: text	Date: Indeterminate
	ND AND OVERVIEW 1.1 Backgr		
Number: 7	Author: Compare: Insert	Subject: text	Date: Indeterminate
"for the prepara		t Statement (EIS) an	d related documents and services to address its proposed (project name)
Number: 8 "5.1 Qualification	Author: Compare: Delete ns Appraisal Technical Approac	Subject: text h (40 percent) The p	Date: Indeterminate proposal must show: • familiarity"
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[New text]: "pre	pared under"		
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
	Author: Compare: Replace fications appraisal of all propos	Subject: text als submitted."	Date: Indeterminate
Old text]: "quali		als submitted."	Date: Indeterminate
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[Old text]: "quali [New text]: "third Number: 11 This artifact was Number: 12 [Old text]: "envir [New text]: "(app The following ter font Number: 13 [Old text]: "proc [New text]: "the Act (NEPA) proc Number: 14 [Old text]: "satis	d-party contractor arrangement Author: Compare: Move moved from page 38 of old do Author: Compare: Replace conmental regulations"  blicant name) as the Applicant" axt attributes were changed:  Author: Compare: Replace edures"  Federal Energy Regulatory Compares. The FERC's Office of Energy Author: Compare: Replace fying NEPA"	als submitted."  Subject: artifact cument to page 38 Subject: text  Subject: text  mission (FERC or Cor Projects (OEP) will Subject: text	Date: Indeterminate of this document Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  Date: Indeterminate

# Comments from page 39 continued on next page

Filed: 09/15/2016

**TO**: (name of potential contractor)

**FROM**: (name and title of applicant contact)

(applicant name)

**DATE**: (issuance date)

SUBJECT: Request for Proposals (RFP) to Prepare an Environmental Impact

Statement (EIS) for the (project name) Project

Proposal Due Date: (due date & time)

#### 1.0 BACKGROUND AND OVERVIEW

### 1.1 Background

(Applicant name) is soliciting proposals for the preparation of an Environmental Impact Statement (EIS) and related documents and services to address its proposed (project name) Project as more specifically described in Section 1.2. The EIS will be prepared under a third-party contractor arrangement with (applicant name) as the Applicant and the Federal Energy Regulatory Commission (FERC or Commission) as the lead federal agency for the National Environmental Policy Act (NEPA) process. The FERC's Office of Energy Projects (OEP) will be responsible for providing technical direction to the third-party contractor during the preparation of the EIS and related documents. A contract will be executed pursuant to 117 16 ird-party contracting procedures set forth in 40 CFR 1506.5(c) and as 18 18 ferenced in the FERC third-party contracting program announced on February 4 and 9, 1994.

As the Applicant, (applicant name) is soliciting proposals through this RFP for a third-party contractor to povide the services described in ection 2.0. The technical and cost proposals will be initially reviewed and evaluated by (applicant name) who will then submit the proposals to the OEP staff and file the proposals on the FERC's project docket as privileged. The OEP staff will make the hal selection of the contractor, based on its independent review of the chical, managerial, personnel, and Organizational Conflict of Interest (OCI) aspects o contractor, (applicant)

#### USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 107 of 369

[New text]: "documents. A contract will be executed pursuant" Date: Indeterminate Number: 16 Author: Compare: Replace Subject: text [Old text]: "type being proposed, including pipeline or other linear facilities," [New text]: "third-party contracting procedures set forth in 40 CFR 1506.5(c) and" Number: 17 Author: Compare: Delete Subject: text Date: Indeterminate 'prepare NEPA documentation for projects involving construction of facilities of" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "appropriate; • familiarity with how' [New text]: "referenced in the FERC third-party contracting program announced on February 4 and 9, 1994. As the Applicant, (applicant name) is soliciting proposals through this RFP for a third-party contractor" Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " proceed' [New text]: "provide the services described" Number: 20 Author: Compare: Insert Subject: text Date: Indeterminate section 2.0. The technical and cost proposals will be initially reviewed and evaluated by (applicant name) who will then submit the proposals to the OEP staff and file the proposals on the FERC's project docket as privileged. The OEP staff will make' Author: Compare: Replace Subject: text Date: Indeterminate Number: 21 [Old text]: "environmental evaluation" [New text]: "final selection" Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed project, understanding" [New text]: "third-party contractor, based on its independent review" Author: Compare: Replace Date: Indeterminate Number: 23 Subject: text [Old text]: "available data, identification'

Date: Indeterminate

Date: Indeterminate

[New text]: "technical, managerial, personnel, and Organizational Conflict of Interest (OCI) aspects"

Subject: text

Subject: artifact

Author: Compare: Replace

Author: Compare: Move

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[New text]: " each proposal. Upon selection, the third-party contractor, (applicant"

[Old text]: " possible issues'

Number: 25

Once a third-party contractor is selected, the OEP staff will direct the activities of the 12 ntractor in the preparation 11 d processing of 13 he EIS within the 14 ope identified 15 rein. (Applicant name) will have no control over nor direct the activities of the contractor. The (name of federal cooperating agencies), and possibly others may be cooperating agencies for the NEPA review process.

Appropriate regulatory agencies in (identify affected states) will also be invited and encouraged to participate in the NEPA process.

### 1.2 Overview of the Project

(Summarize the general purpose of the project. Provide a detailed description of all proposed facilities. Tailor details to project specifics. Any locational or other project information that is not available should be specifically highlighted.

For storage fields: describe the geological structure and proposed use of the storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines.

For pipelines related to any type of project: provide details such as the length, outside diameter, initial design capacity, pipeline system the gas will be delivered to, number and location of new or upgraded compressor stations, and total horsepower. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, and pig launchers/receivers as well as significant other construction areas such as pipe and contractor yards. Identify the land requirements and location of all aboveground facilities. Include the size [horsepower] and location of any new compressor stations, and details of any other project-related activities that would occur at existing stations. Indicate the width of the construction right-of-way, the number of perennial waterbodies and major highways crossed, and the extent to which the pipeline would parallel other existing rights-of-way.)

Maps of the proposed (*project name*) are included as Appendix E. (*Applicant name*) will identify any nonjurisdictional facilities associated with the proposal for possible inclusion in the scope of review as soon as possible.

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"name),"			
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " any i	needed supplemental analyses;	ability to prepare	e a complete Work Plan"
[New text]: " Unc	derstanding (MOU)"		
Number: 3	Author: Compare: Insert	Subject: text	Date: Indeterminate
"the Director of 0	OEP WIII SIGN"		
Number: 4 [Old text]: "descr	Author: Compare: Replace	Subject: text	Date: Indeterminate
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	·	arty and mandator	v provicione"
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Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: thord	oughly addresses"		
[New text]: "deta	nils"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
	recognizes any pitfalls or shorto	omings,"	
[Old text]: "RFP,	recognizes any pitialis or shortc		
	J , .	d in Appendix G). (	(Applicant name) will finalize a contract with"
[New text]: "cont	tract (A sample MOU is provided		
[New text]: "cont	tract (A sample MOU is provided Author: Compare: Replace	d in Appendix G). ( Subject: text	(Applicant name) will finalize a contract with"  Date: Indeterminate
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[New text]: "herein. (Applicant name) will have no control over nor direct"

name), and the Director of OEP will sign a Memorandum of Understanding (MOU) that details the roles and responsibilities of each party and mandatory provisions of the contract (A sample MOU is provided in Appendix G).

(Applicant name) will finalize a contract with and fund the successful contractor for the preparation of this third-party EIS and attendant activities.

Once a third-party contractor is selected, the OEP staff will direct the activities of the contractor in the preparation and processing of the EIS within the scope identified herein. (Applicant name) will have no control over nor direct the vivities of the process. The (name 18 17 deral cooperating agencies), and possibly others may be cooperating agencies for the 21 EPA review process.

Appropriate regulatory agencies in 22 dentify affected states) will also be invited and 24 couraged to 23 rticipate in the NEPA process.

## 1.2 Overview of 25 roject

(Summarize the general purpose 29 30 2428 oject. Provide a detailed description 31 proposed facilities. Tailor details to project specifics. Any locational or other project information that is not available should be specifically highlighted.

For storage fields: describe the geological structure and proposed use of the storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines.

For pipelines related to any type of project: provide details such as the length, outside diameter, initial design capacity, pipeline system the gas will be delivered to, number and location of new or upgraded compressor stations, and total horsepower. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, and pig launchers/receivers as well as significant other construction areas such as pipe and contractor yards. Identify the land requirements and location of all aboveground facilities. Include the size [horsepower] and location of any new compressor stations, and details of any other project-related activities that would occur at existing stations. Indicate the width of the construction right-of-way, the number of perennial waterbodies and major highways crossed, and the extent to which the pipeline would parallel other existing rights-of-way.)

Maps of the proposed (*project name*) are included as Appendix E. (*Applicant name*) will identify any nonjurisdictional facilities associated with the proposal for possible inclusion in the scope of review as soon as possible.

Case #16-1081 Document #1636006 Filed: 09/15/2016 Date: Indeterminate Page 111 of 369 construction projects. Highlight experience with projects which used' Number: 17 Author: Compare: Insert Subject: text Date: Indeterminate 'federal cooperating agencies), and possibly others may be cooperating agencies for" Subject: text Number: 18 Author: Compare: Replace Date: Indeterminate The following text attributes were changed: font Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " Commission's Pre-Filing Process; • past record' [New text]: "contractor. The (name" Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "same or similar types" [New text]: "activities" Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contractor's organization" [New text]: "NEPA review process. Appropriate regulatory agencies" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "meeting performance" [New text]: "(identify affected states) will also be invited" The following text attributes were changed: font Number: 23 Author: Compare: Insert Date: Indeterminate Subject: text participate in the NEPA process. 1.2 Overview of Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "delivery requirements for similar contracts; • resources and facilities available' [New text]: "encouraged" Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "organization to fulfill contract requirements, including those [New text]: " Project (Summarize the general purpose" The following text attributes were changed: font Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 27 Date: Indeterminate Author: Compare: Delete Subject: text any subcontractor(s) proposed for use; • familiarity with" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " specialized issues and requirements" [New text]: "project. Provide a detailed description" The following text attributes were changed: font Mumber: 29 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed:

## Comments from page 40 continued on next page

name), and the Director of OEP will sign a Memorandum of Understanding (MOU) that details the roles and responsibilities of each party and mandatory provisions of the contract (A sample MOU is provided in Appendix G). (Applicant name) will finalize a contract with and fund the successful contractor for the preparation of this third-party EIS and attendant activities.

Once a third-party contractor is selected, the OEP staff will direct the activities of the contractor in the preparation and processing of the EIS within the scope identified herein. (Applicant name) will have no control over nor direct the activities of the contractor. The (name of federal cooperating agencies), and possibly others may be cooperating agencies for the NEPA review process. Appropriate regulatory agencies in (*identify affected states*) will also be invited and encouraged to participate in the NEPA process.

#### 1.2 Overview of the Project

(Summarize the general purpose of the project. Provide a detailed description of 341 proposed 33 cilities. Tailor details to project specifics. Any locational or other project 36 formation that is not available should be 35 ecifically highlighted.

For storage fields: describe the geological structure 3/38 proposed use of the storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines.

For pipelines related to any type of project: provide details such as the length, outside diameter, initial design capacity, pipeline system the gas will be delivered to, number and location of new or upgraded compressor stations, and total horsepower. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, and pig launchers/receivers as well as significant other construction areas such as pipe and contractor yards. Identify the land requirements and location of all aboveground facilities. Include the size [horsepower] and location of any new compressor stations, and details of any other project-related activities that would occur at existing stations. Indicate the width of the construction right-of-way, the number of perennial waterbodies and major highways crossed, and the extent to which the pipeline would parallel other existing rights-of-way.)

Maps of the proposed (project name) are included as Appendix E. (Applicant *name*) will identify any nonjurisdictional facilities associated with the proposal for possible inclusion in the scope of review as soon as possible.

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 113 of 369 Number: 32 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "facility construction; and • experience in working with multiple Federal and state agencies on large construction projects, particularly in (identify state(s) where the" [New text]: "facilities. Tailor details to project specifics. Any locational or other" The following text attributes were changed: font Number: 34 Author: Compare: Insert Date: Indeterminate Subject: text 'all' Author: Compare: Replace Subject: text Date: Indeterminate Number: 35 [Old text]: "located)." [New text]: "specifically highlighted. For storage fields: describe the geological structure" The following text attributes were changed: font Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "would [New text]: "information that is not available should" Number: 37 Author: Compare: Insert Subject: text Date: Indeterminate 'and proposed use of the storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines. For pipelines related to any type of project: provide details such as the length, outside diameter, initial design capacity, pipeline system the gas will be delivered to, number and location of new or upgraded compressor stations, and total horsepower. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, and pig launchers/receivers as well as significant other construction areas such as pipe and contractor yards. Identify the land requirements and location of all aboveground facilities. Include the size [horsepower] and location of any new compressor stations, and details of any other project-related activities that would occur at existing stations. Indicate the width of the construction right-ofway, the number of perennial waterbodies and major highways crossed, and the extent to which the pipeline would parallel other existing rightsof-way.) Maps of the proposed (project name) are included as Appendix E. (Applicant name) will identify any nonjurisdictional facilities associated with the proposal for possible inclusion in the scope of review as soon as possible." Number: 38 Author: Compare: Move Subject: artifact Date: Indeterminate This artifact was moved from page 39 of old document to page 39 of this document

Date: Indeterminate

Subject: artifact

Number: 39

Author: Compare: Move

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### 1.3 Available Data

The proposed (project name) Project presented in detail in (applicant name)'s (draft) application to the FERC for a Certificate of Public Convenience and Necessity, Exhibit (exhibit designation/name). (Applicant name) has organized its Exhibit (exhibit designation/name) into Environmental Resource Reports (RR), as identified and dontaining the information listed in the FERC's regulations at 18 CFR 380.12.

Filed: 09/15/2016

The Rs, which (applicant name) (is preparing) except for portions of the Cultural Resources Report (which will be submitted as privileged), will be made available to contractors at the pre-bid conference. These reports must be reviewed in detail to gain an understanding of the proposed project and the level of available environmental data. This information should be assessed for the required supplemental analysis prior to proposal preparation and the best portions of the contractors of the contractors at the pre-bid conference. These reports must be reviewed in detail to gain an understanding of the proposed project and the level of available environmental data. This information should be assessed for the proposed project and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis prior to proposal preparation and the level of available supplemental analysis p

(Discuss any additional sources of pertinent environmental data, such [13] [12] ings with another federal agency, or with states having a NEPA-like statute. Include the status of the following items:

- work required to comply with the Endangered Species Act, including agency scoping, field surveys and preparation of a Biological Assessment and Mitigation Plans;
- work required to comply with the National Historic Preservation Act, including field surveys, and all associated reports and mitigation plans;
- work required to delineate waters of the U.S. and wetlands that will be subject to the Federal and state permitting requirements; and
- work required to comply with the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.)

It is expected that the available data (along with the site-specific information, as discussed above,) will facilitate the preparation of the EIS. Appendix F provides a list of the available background documents. Proposals submitted in response to this RFP should clearly demonstrate an understanding of the extent of the (available/provided) information. Perceived data gaps and the need for specific supplemental studies to fully comply with the EIS requirements should be identified.

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### 1.3 Available Data

The proposed (*project name*) Project is presented in detail in (*applicant name*)'s (*draft*) application to the FERC for a Certificate of Public Convenience and Necessity, Exhibit (*exhibit designation/name*). (*Applicant name*) has organized its Exhibit (*exhibit designation/name*) into Environmental Resource Reports (RR), as identified and containing the information listed in the FERC's regulations at 18 CFR 380.12.

Filed: 09/15/2016

The RRs, which (applicant name) (is preparing) except for portions of the Cultural Resources Report (which will be submitted as privileged), will be made available to contractors at the pre-bid conference. These reports must be reviewed in detail to gain an understanding of the proposed project and the level of available environmental data. This information should be assessed for any required supplemental analysis prior to proposal preparation and submittal.

(Discuss any additional sources of pertinent environmental data, such as filings with another federal agency, or with states having a NEPA-like statute. Include the status of the following items:

- work required to comply with the Endangered Species Act, including agency scoping, field surveys and preparation of a Biological Assessment and Mitigation Plans;
- work required to comply with the that including field surveys, and all associated reports and mitigation plans;
- brk required to delineate waters of the U.S. and wetlands that will be subject 19 17 e Federal and state permitting requirements; 18 d
- 20 ork required 24 22 mply with 23 e 21 oastal Zone Management Act and the Magnuson-Stevens Fishery Conservation 26 d 25 anagement Act.)

It is expected that the available data (along with the site-specific information, as discussed above,) will facilitate the preparation of the EIS. Appendix F provides a list of the available background documents. Proposals submitted in response to this RFP should clearly demonstrate an understanding of the extent of the (available/provided) information. Perceived data gaps and the need for specific supplemental studies to fully comply with the EIS requirements should be identified.

USCA Case #16-1081 Filed: 09/15/2016 Page 117 of 369 Document #1636006 Mumber: 14 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "RFP; [New text]: "National Historic Preservation Act, including field surveys, and all associated reports and mitigation plans;" The following text attributes were changed: font Author: Compare: Replace Date: Indeterminate Mumber: 15 Subject: text The following text attributes were changed: font Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "ability [New text]: "work required to delineate waters of the U.S. and wetlands that will be subject" The following text attributes were changed: font 📊 Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "assign' [New text]: "the Federal and state permitting requirements;" The following text attributes were changed: font Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Date: Indeterminate Number: 20 Author: Compare: Replace Subject: text [Old text]: "commit key personnel" [New text]: "• work required" The following text attributes were changed: Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project," [New text]: "Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation" The following text attributes were changed: font Date: Indeterminate Number: 22 Author: Compare: Insert Subject: text "comply with" Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "use" [New text]: "Management Act.) It is expected that the available data (along with the site-specific information, as discussed above,) will facilitate the preparation of the EIS. Appendix F provides a list" The following text attributes were changed: font Author: Compare: Replace Date: Indeterminate Number: 26 Subject: text The following text attributes were changed:

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#### 1.3 **Available Data**

The proposed (project name) Project is presented in detail in (applicant name)'s (draft) application to the FERC for a Certificate of Public Convenience and Necessity, Exhibit (exhibit designation/name). (Applicant name) has organized its Exhibit (exhibit designation/name) into Environmental Resource Reports (RR), as identified and containing the information listed in the FERC's regulations at 18 CFR 380.12.

Document #1636006

The RRs, which (applicant name) (is preparing) except for portions of the Cultural Resources Report (which will be submitted as privileged), will be made available to contractors at the pre-bid conference. These reports must be reviewed in detail to gain an understanding of the proposed project and the level of available environmental data. This information should be assessed for any required supplemental analysis prior to proposal preparation and submittal.

(Discuss any additional sources of pertinent environmental data, such as filings with another federal agency, or with states having a NEPA-like statute. Include the status of the following items:

- work required to comply with the Endangered Species Act, including agency scoping, field surveys and preparation of a Biological Assessment and Mitigation Plans;
- work required to comply with the National Historic Preservation Act, including field surveys, and all associated reports and mitigation plans;
- work required to delineate waters of the U.S. and wetlands that will be subject to the Federal and state permitting requirements; and
- work required to comply with the Coastal Zone Management Act and the *Magnuson-Stevens Fishery Conservation and Management Act.*)

It is expected that the available data (along with the site-specific information, as discussed above,) will facilitate the preparation of the EIS. Appendix F provides a list of 27 he available background documents. Proposals submitted in response to is RFP should clearly demonstrate an understanding of the extent of the (available/provided) information. Perceived data gaps and the need for specific pplemental studies to 30 llly comply with the EIS requirements 31 ould be identified.

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	[Old text]: "appro	priate personnel"	-		
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### 1.4 Schedule

(The time line below is for illustration purposes only. In the "Contractor" Selection' section, applicants should design their own schedule for contractor screening and completion of contract negotiations. OEP expects to be able 40 Select a third-party contractor within 14 days of the filing date. Once the contractor is hired, OEP recommends that a Notice of Intent and mailing list be provided within 7 days. Intervals in the remaining portion of the "EIS Preparation" section represent 7n6EIS schedule where cooperating agencies play a major role. The schedule also assumes timely applicant response to requests for information from the OEP staff and, through the OEP staff, the third party contractor. In the absence of significant cooperating agency involvement, the time allotted for OEP staff and booperating agency review of the administrative draft document could be substantially reduced. Applicants are encouraged to suggest areas where time savings may be achieved. However, the schedule for the completion of the environmental document is under the control of the OEP staff. Applicant-proposed dates will be considered in light 11 10 mmission staff workload and regulatory requirements as the draft RFP is being reviewed.)

Assuming (applicant name) responds expeditiously and completely to data requests, the schedule (in calendar days) is as follows. However, it should be understood that the ultimate schedule for NEPA w 12 be determined by the OEP staff, not the 13 plicant. Note that contract deliverables are designated with the symbol ">".

### **Third-Party Contractor Selection**

- Send out RFP to contractors: (day 1)
- Hold contractors' conference: (day 6)
- Submit proposals to (applicant name) by 5:00 p.m. on: (day 17)
- Oral presentations by contractors: (day 28)
- File application and contractor proposals with FERC: (day 36)
- OEP selects contractor: (day 50)

  Complete MOU and contract negotiations with (name of applicant): (day 54)

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### 1.4 Schedule

(The time line below is for illustration purposes only. In the "Contractor" Selection" section, applicants should design their own schedule for contractor screening and completion of contract negotiations. OEP expects to be able to select a third-party contractor within 14 days of the filing date. Once the contractor is hired, OEP recommends that a Notice of Intent and mailing list be provided within 7 days. Intervals in the remaining portion of the "EIS" Preparation" section represent an EIS schedule where cooperating agencies play a major role. The schedule also assumes timely applicant response to requests for information from the OEP staff and, through the OEP staff, the third party contractor. In the absence of significant cooperating agency involvement, the time allotted for OEP staff and cooperating agency review of the administrative draft document could be substantially reduced. Applicants are encouraged to suggest areas where time savings may be achieved. However, the schedule for the completion of the environmental document is under the control of the OEP staff. Applicant-proposed dates will be considered in light of Commission staff workload and regulatory requirements as the draft RFP is being reviewed.)

Assuming (applicant name) responds expeditiously and completely to data requests, the schedule (in calendar days) is as follows. However, it should be understood that the ultimate schedule for NEPA will be determined by the OEP staff, not the applicant. Note that contract deliverables are designated with the symbol ">".

### **Third-Party Contractor Selection**

- Send out RFP to contractors: (day 1)
- Hold contractors' conference: (day 6)
- Submit proposals to (applicant name) by 5:00 p.m. on: (day 17)
- Oral presentations by contractors: (day 28)
- File application and contractor proposals with FERC: (day 36)
- Complete MOU and 17 ntract negotiations with (name of 16 pplicant): (day 14/14/24/21/24/24/26)

#### 

[New text]: "applicant. Note that contract deliverables are designated with the symbol "> ". Third-Party Contractor Selection • Send out RFP to contractors: (day 1) • Hold contractors' conference: (day 6) • Submit proposals to (applicant name) by 5:00 p.m. on: (day 17) • Oral presentations by contractors: (day 28) • File application and contractor proposals with FERC: (day 36)"

Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "exper	ience, education,"			
[New text]: "OEP	selects contractor: (day 50) Cor	mplete MOU"		
Number: 15	Author: Compare: Replace	Subject: text	Date: Indeterminate	
The following textent	kt attributes were changed:			
Number: 16	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: " the [	Deputy Project Manager;"			
[New text]: " app	licant): (day 54)"			
Number: 17	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "locati	on"			
[New text]: "cont	ract negotiations with (name"			
Number: 18	Author: Compare: Move		Date: Indeterminate	
This paragraph w	vas moved from page 42 of old	document to page 3	36 of this document	
Number: 19	Author: Compare: Move	Subject: paragraph	Date: Indeterminate	
This paragraph w	vas moved from page 42 of old	document to page 3	36 of this document	
Number: 20	Author: Compare: Move	Subject: paragraph	n Date: Indeterminate	
This paragraph w	vas moved from page 42 of old	document to page 3	36 of this document	
Number: 21	Author: Compare: Move	Subject: text	Date: Indeterminate	
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This text was mo	Author: Compare: Move ved from page 41 of old docum	nent to page 36 of th	nis document	
This text was mo	Author: Compare: Move ved from page 41 of old docum	nent to page 36 of th	nis document	
Number: 24	Author: Compare: Move	Subject: paragraph	Date: Indeterminate	
This paragraph w	vas moved from page 42 of old			
Number: 25	Author: Compare: Move	Subject: paragraph	n Date: Indeterminate	
This paragraph w	Author: Compare: Move vas moved from page 42 of old	document to page 3	36 of this document	
Number: 26	Author: Compare: Move		n Date: Indeterminate	
This paragraph w	vas moved from page 42 of old	document to page 3	36 of this document	
Number: 27	Author: Compare: Move	Subject: paragraph	n Date: Indeterminate	
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Number: 28	Author: Compare: Move	Subject: text	Date: Indeterminate	
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Number: 29	Author: Compare: Move	Subject: text	Date: Indeterminate	
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Number: 30	Author: Compare: Move	Subject: paragraph	Date: Indeterminate	
This paragraph w	vas moved from page 44 of old			
Number: 31	Author: Compare: Move	Subject: artifact	Date: Indeterminate	
This artifact was	moved from page 42 of old doo			

- 3 <sup>2</sup>complete contract negotiations with (name of applicant): (day 0)
- Submit Notice of Intent and mailing list to OEP: (day 7)
- Arrange and attend Scoping Meeting(s): (day 30-42)
- Submit Preliminary Administrative Draft EIS (PADEIS) and draft Biological Assessment, if needed, to OEP: (day 174)
- OEP returns PADEIS and draft Biological Assessment to contractor: (day 205)
- Distribute Administrative Draft EIS (ADEIS) to OEP and Cooperating Agencies; return revised Biological Assessment to OEP: (day 214)
- Submit Federal Register Notice to OEP: (day 254)
- OEP returns ADEIS to contractor: (day 268)
- Submit camera-ready Draft EIS to OEP: (day 275)
- OEP sends Draft EIS to printing: (day 289)
- OEP mails Draft EIS and Gles with PA: (day 303)
- 45-day public comment period begins: (day 311)
- Arrange and attend public comment meetings: (day343-357)
- End of public comment period: (day 356)
- Submit Preliminary Final EIS (PFEIS) to OEP: (day388)
- Submit Federal Degister Notice to OEP: (day 396)
- OEP returns PFEIS to contractor: (day 406)
- Submit camera-ready Final EIS to OEP: (day 413)
- OEP sends Final EIS to printing: (day 427)
- OEP mails Final EIS: (day 441)

#### 1.5 Letter of Intent

Third-party contractors shall submit a Letter of Intent before the Contractors' Conference to offer a proposal to (applicant name) at the e-mail address or regular mail address listed in Section 3.12. Those submitting a Letter of Intent will receive amendments to this RFP, if any, and opies of any written material from

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"EIS Preparation"			
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "experi	ence"	<u>,                                      </u>	
[New text]: "Com	olete contract negotiations wit	h (name of applican	t): (day 0) ► Submit Notice"
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
	t attributes were changed:		
font			
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " the Pi	roject Manager"		
Draft EIS (PADEIS) contractor: (day 2 OEP: (day 214) ►	) and draft Biological Assessme 05) ► Distribute Administrative	ent, if needed, to OE e Draft EIS (ADEIS) to e to OEP: (day 254)	ttend Scoping Meeting(s): (day 30-42) • Submit Preliminary Administrative P: (day 174) • OEP returns PADEIS and draft Biological Assessment to o OEP and Cooperating Agencies; return revised Biological Assessment to • OEP returns ADEIS to contractor: (day 268) ► Submit camera-ready Draft EIS mails Draft EIS"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "multip	ole"		
			(day 311) ► Arrange and attend public comment meetings: (day343-357) • I EIS (PFEIS) to OEP: (day388) ► Submit"
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "Deput	y Project Manager in working"		
[New text]: "files"			
Number: 7	Author: Compare: Insert	Subject: text	Date: Indeterminate
Final EIS to printing Contractors' Conf	ng: (day 427) • OEP mails Final	EIS: (day 441) 1.5 Le applicant name) at t	: (day 406) ► Submit camera-ready Final EIS to OEP: (day 413) • OEP sends tter of Intent Third-party contractors shall submit a Letter of Intent before the he e-mail address or regular mail address listed in Section 3.12. Those any,"
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "state a	agencies"	-	

[New text]: "copies of any written material from 3-28"

The Conference as described in Section 1.6. This letter will facilitate the distribution of written information but does not obligate the contractor to submit a proposal.

#### 1.6 **Contractors' Conference**

A Contractors' Conference will be held by (applicant name) on conference date), beginning at (conference time). At the donference, questions will be answered by (applicant name). Contractors who submit a Letter of Intent and who do not attend the conference will be notified of my modifications and beceive a copy of the minutes of the meeting within two (2) days of the meeting if an e-mail address or telephone facsimile number is provided. Otherwise, minutes of the meeting will be sent via regular mail.

The purpose of this conference will be to:

- answer contractors' questions about the RFP;
- provide copies of any 10 ther information to be used in the submission of a proposal; and
- 11 tertain requests for other background documents, which may be available for use during the preparation of the 14 oposal 13 t were not sent to contractors

All third-party contractors are strongly encouraged to attend this conference since this is the only opportunity to receive responses to questions. Telephone calls are not permitted; no questions related to this RFP will be answered in any forum other than at the contractors' conference. All questions must be answered at the conference so that all participants have equal access to the responses.

#### 2.0 SERVICES REQUIRED

The selected third-party contractor will be responsible for assisting the OEP staff in conducting the NEPA review, preparing an EIS, and completing related work within the agreed-upon schedule and approved budget. It will be the contractor's responsibility to notify (applicant name) if the work effort ultimately required by the OEP staff exceeds the work effort on which the bid was based or the approved budget.

The third-party contractor will be responsible for satisfactory completion of the following tasks:

			Date: Indeterminate the distribution of written information but does not obligate the contractor inference will be held by (applicant name)"
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " large	construction projects, particula	rly in (identify state(	(s) where"
	erence date), beginning at (con attributes were changed:	ference time). At"	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "located	d). • experience, education,"		
[New text]: "answe	ered by (applicant name). Cont	ractors who submit	a Letter of Intent"
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "project	t would"		
	rence, questions will" attributes were changed:		
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
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Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 7 [Old text]: "location	Author: Compare: Replace n"	Subject: text	Date: Indeterminate
[New text]: "who o	lo not attend the conference w	vill be notified"	
Number: 8	Author: Compare: Insert	Subject: text	Date: Indeterminate
	the minutes of the meeting wis of the meeting will be sent v	ithin two (2) days of	the meeting if an e-mail address or telephone facsimile number is provided. purpose of this conference will be to: • answer contractors' questions about
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " variou	s key environmental specialists	s,"	
[New text]: " any n	nodifications"		
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " subco	ntractors proposed for use;"	•	
[New text]: " other	information to be used in the	submission of a pro	pposal;"
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "qualific	cations and experience"		
			ich may be available for use during the preparation"
Number: 12	Author: Compare: Replace attributes were changed:	Subject: text	Date: Indeterminate
font	attributes were changed.		
Number: 13	Author: Compare: Insert	Subject: text	Date: Indeterminate
			ongly encouraged to attend this conference since this is the only opportunity
	ses to questions. Telephone cal onference. All questions"	Is are not permitted	; no questions related to this RFP will be answered in any forum other than at
Number: 14	Author: Compare: Delete	Subject: text	Date: Indeterminate
"administrative su	pport personnel. Schedule and	ı work Plan (20 perc	ent) ine

the Conference as described in Section 1.6. This letter will facilitate the distribution of written information but does not obligate the contractor to submit a proposal.

#### 1.6 **Contractors' Conference**

A Contractors' Conference will be held by (applicant name) on (conference date), beginning at (conference time). At the conference, questions will be answered by (applicant name). Contractors who submit a Letter of Intent and who do not attend the conference will be notified of any modifications and receive a copy of the minutes of the meeting within two (2) days of the meeting if an e-mail address or telephone facsimile number is provided. Otherwise, minutes of the meeting will be sent via regular mail.

The purpose of this conference will be to:

- answer contractors' questions about the RFP;
- provide copies of any other information to be used in the submission of a proposal; and
- entertain requests for other background documents, which may be available for use during the preparation of the proposal but were not sent to contractors

All third-party contractors are strongly encouraged to attend this conference since this is the only opportunity to receive responses to questions. Telephone calls are not permitted; no questions related to this RFP will be answered in any forum other than at the contractors' conference. All questions must 15 answered at the conference so that all participants have equal access to 16 responses.

#### 2.0 **SERVICES REQUIRED**

The selected third-party contractor will be responsible for assisting the OEP staff in conducting the NEPA review, preparing an EIS, and completing related work within the agreed-upon schedule 17 d approved budget. It will be the contractor's responsibility to notify (applicant name) if the work effort ultimately required by the OEP staft 18 xceeds the work effort on which the bid was based or the approved budget.

The third-party contractor will be responsible for satisfactory completion of the following tasks:

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 129 of 369 Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " show: • demonstrated ability' [New text]: "be answered at the conference so that all participants have equal access" Author: Compare: Replace Subject: text Mumber: 16 [Old text]: " meet" [New text]: "the responses. 2.0 SERVICES REQUIRED The selected third-party contractor will be responsible for assisting the OEP staff in conducting the NEPA review, preparing an EIS, and completing related work within the agreed-upon" Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "requirements using" [New text]: "and approved budget. It will be the contractor's responsibility to notify (applicant name) if the work effort ultimately required by the OEP" Mumber: 18 Author: Compare: Insert Subject: text Date: Indeterminate exceeds the work effort on which the bid was based or the approved budget. The third-party contractor will be responsible for satisfactory completion of the following tasks:"

Date: Indeterminate

Subject: artifact

Author: Compare: Move

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Number: 19

- 1.1 Preparation of all project-related documents, reports, and Lotices required by OEP staff. In addition to paper copies, all materials must be provided to the OEP staff in Microsoft Word 2010 format, or as otherwise agreed to by the OEP Environmental Project Manager. Any required databases (such as mailing lists) must be Microsoft Access or Excel compatible. The camera-ready EA or BEIS and FEIS will be provided as pdf files as specified by the OEP staff in addition to hard copy.
- 2.2 Preparation of notices and presentation materials for public scoping meetings and public comment meetings on the EIS. This task will require close coordination with the OEP Environmental Project Manager. Required work will include researching venues, preparing notices, developing materials for meetings, participating in meetings, and preparing reports summarizing the results of the scoping meetings/process and public meetings on the EIS. The contractor will prepare a summary of agency scoping comments/issues for subsequent agency review and concurrence. Assume at least (number) scoping meetings and public comment meetings will be conducted. Potential locations for these meetings are: (list the 5 ocations).
- Preparation and maintenance of a Tomputerized (sortable database) mailing list of 2.3 agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties. (Applicant name) will provide the initial agency and affected property owners list.
- 2.4 Characterization of existing environmental conditions, incorporation of issues identified during scoping, assessment of the significance of the potential environmental effects of the proposed project, identification of potential site, route and facility location alternatives, (both locally and regionally) and etermination of mitigation necessary to avoid or reduce impacts to ecceptable levels for the vironmental topics listed in section 2.5 (below). Studies shall take into account both direct and indirect effects of project facility construction, operation and maintenance, upset conditions, and abandonment for all proposed and alternative project facilities. Special expertise may be needed for areas of non-routine environmental sensitivity (such as marine environments). The RRs contained in the 12ERC application (and other major applications, if any) and other already available technical data shall be used to the maximum extent practicable.
- 2.5 Preparation of an EIS to meet the requirements of NEPA, the National Historic Preservation Act, Endangered Species Act, other applicable laws and regulations, any additional requirements of the OEP staff, and to address any scoping and public meeting issues.

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
	of all project-related document		
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
	irces separate from (or not con		EIS efforts underway"
format, or as oth		nvironmental Proje	pies, all materials must be provided to the OEP staff in Microsoft Word 2010 ct Manager. Any required databases (such as mailing lists) must be Microsoft
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "sched	duled"		
presentation man OEP Environment participating in national contractor will present the pre	terials for public scoping meeti tal Project Manager. Required v neetings, and preparing reports repare a summary of agency sc	ngs and public con work will include re s summarizing the oping comments/i:	by the OEP staff in addition to hard copy. 2.2 Preparation of notices and ment meetings on the EIS. This task will require close coordination with the searching venues, preparing notices, developing materials for meetings, results of the scoping meetings/process and public meetings on the EIS. The saues for subsequent agency review and concurrence. Assume at least conducted. Potential locations"
Number: 4	Author: Compare: Insert	Subject: text	Date: Indeterminate
"these meetings	are: (list"		
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "same	time frame; • presentation"		
[New text]: "loca	tions). 2.3 Preparation and mair	ntenance"	
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
T C 11 .			
font	kt attributes were changed:		
font Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
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font Number: 7 [Old text]: "detail [New text]: "com property owners Characterization	Author: Compare: Replace led Schedule" puterized (sortable database) n and known interested parties. of existing environmental cond	nailing list of agen (Applicant name) v ditions, incorporatio	cies, officials, community/environmental groups, concerned citizens, affected will provide the initial agency and affected property owners list. 2.4 on of issues identified during scoping, assessment of the significance of the
font Number: 7 [Old text]: "detail [New text]: "com property owners Characterization potential enviror regionally)" Number: 8	Author: Compare: Replace led Schedule"  puterized (sortable database) n and known interested parties, of existing environmental concumental effects of the proposed Author: Compare: Replace	nailing list of agen (Applicant name) v ditions, incorporatio	cies, officials, community/environmental groups, concerned citizens, affected will provide the initial agency and affected property owners list. 2.4 on of issues identified during scoping, assessment of the significance of the
font  Number: 7 [Old text]: "detail  [New text]: "com property owners Characterization potential enviror regionally)"	Author: Compare: Replace led Schedule"  puterized (sortable database) n and known interested parties, of existing environmental concumental effects of the proposed Author: Compare: Replace	nailing list of agend (Applicant name) v ditions, incorporation diproject, identifica	cies, officials, community/environmental groups, concerned citizens, affected vill provide the initial agency and affected property owners list. 2.4 on of issues identified during scoping, assessment of the significance of the tion of potential site, route and facility location alternatives, (both locally and
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[New text]: "FERC application (and other major applications, if any) and other already available technical data shall be used to the maximum

- 2.1 Preparation of all project-related documents, reports, and notices required by OEP staff. In addition to paper copies, all materials must be provided to the OEP staff in Microsoft Word 2010 format, or as otherwise agreed to by the OEP Environmental Project Manager. Any required databases (such as mailing lists) must be Microsoft Access or Excel compatible. The camera-ready EA or DEIS and FEIS will be provided as pdf files as specified by the OEP staff in addition to hard copy.
- Preparation of notices and presentation materials for public scoping meetings and public comment meetings on the EIS. This task will require close coordination with the OEP Environmental Project Manager. Required work will include researching venues, preparing notices, developing materials for meetings, participating in meetings, and preparing reports summarizing the results of the scoping meetings/process and public meetings on the EIS. The contractor will prepare a summary of agency scoping comments/issues for subsequent agency review and concurrence. Assume at least (number) scoping meetings and public comment meetings will be conducted. Potential locations for these meetings are: (list the locations).
- **2.3** Preparation and maintenance of a computerized (sortable database) mailing list of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties. (*Applicant name*) will provide the initial agency and affected property owners list.
- Characterization of existing environmental conditions, incorporation of issues identified during scoping, assessment of the significance of the potential environmental effects of the proposed project, identification of potential site, route and facility location alternatives, (both locally and regionally) and determination of mitigation necessary to avoid or reduce impacts to acceptable levels for the environmental topics listed in section 2.5 (below). Studies shall take into account both direct and indirect effects of project facility construction, operation and maintenance, upset conditions, and abandonment for all proposed and alternative project facilities. Special expertise may be needed for areas of non-routine environmental sensitivity (such as marine environments). The RRs contained in the FERC application (and other major applications, if any) and other already available technical data shall be used to the maximum extent practicable.
- Preparation of an EIS to meet the requirements of NEPA, the National Historic Preservation Act, Endangered Species Act, other applicable laws and 13 gulations, any 15 ditional requirements of 14 he OEP staff, and to address any scoping and public meeting issues.

USCA Case #16-1081 Document #1636006 extent practicable. 2.5 Preparation of an ElS to meet the requirements of NEPA, the National Historic Preservation Act, Endangered Species Act, other applicable laws"

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[New text]: " regulations,"

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[New text]: "additional requirements"

The EIS shall include, but not necessarily be limited to, the tollowing sections:

- 4 Cover Sheet
- 2. Executive Summary (including Impact Summary Table)
- 3. Introduction
- 4. Description of Proposed Project
- 5. Alternatives
- 6. Affected Environment
- 7. Environmental Consequences (including Cumulative Impacts)
- 8. Conclusions (including summary of unavoidable significant adverse) effects) and Recommendations (mitigation measures, including mitigation monitoring plan)
- 9. Agencies and Sources Consulted
- 10. List of Preparers and Contributors
- 11. References
- 12... **EIS Distribution List**
- 13. Index
- 14. Comments and Responses (Final EIS only)
- Appendices and Technical Reports (including Essential Fish Habitat 15. Assessment, if appropriate)

The project as proposed by (applicant name) Encludes several pipeline route and aboveground facility site location alternatives. In conjunction with the OEP staff, the third-party contractor will be responsible for identifying and assessing potential alternatives to the proposed project that are capable of meeting the project's goals and are sufficient to meet the requirements of NEPA, including reducing potentially significant effects associated with the proposed project and fostering informed decision-making. System alternatives to the (project name) Project that should be addressed include (*identify any known system alternatives*). Additional project alternatives may be identified by the OEP staff.

The Description of the Proposed Project and Alternatives should include, at a minimum he following subsections:

- 1. Purpose and Need for the Project
- 9 Approvals to be sought through Use of the EIS
- 3. Storage Field, Compression Facilities, and Pipeline Route Description, as appropriate

See 18 CFR 380.7 and 40 CFR 1502.10 for additional guidance.

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			imulative Impacts) 8. Conclusions (including summary of unavoidable
			ures, including mitigation monitoring plan) 9. Agencies and Sources
Consulted 10. List	of Preparers and Contributors	11. References 12. I	EIS Distribution List 13. Index 14. Comments and Responses (Final EIS only)
15. Appendices ar	nd Technical Reports (including	g Essential Fish Habi	tat Assessment, if appropriate) The project as proposed by"
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			on alternatives. In conjunction with the OEP staff, the third-party contractor
			es to the proposed project that are capable of meeting the project's goals
			cing potentially significant effects associated with the proposed project and ject name) Project that should be addressed include (identify any known
	a decision-making, system and es). Additional project alternativ		ject flame, Project that should be addressed include (identity any known
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- 1. Ancillary Facilities
- 5. General Design Parameters
- 6. Construction Methods (for Compressor Stations, Storage Field Facilities and Pipeline, as applicable) (including Applicant-Proposed Mitigation Measures)
- 7. Construction Schedule and Work Force
- 8. Operation and Maintenance Procedures
- 9. Abandonment Procedures
- 10. Interrelationships with Other Planned Projects and Projects and Facilities
- 11. Alternatives (including No Action)

The majority of this information (*is/will be*) available in the RRs included in application made to the FERC. The third-party contractor shall review the Rs for accuracy and adequacy to heet the needs of NEPA for the preparation of an EIS, and shall prepare a data request(s) to (*applicant ame*) (routed through the OEP staff) requesting any other data that may be deeded. The EIS shall fully address the following resource topics (as applicable):

- 1. Geology (including mineral resources and geologic hazards)
- 2. Soils (including erosion control and restoration/revegetation)
- 3. Water Resources (surface water and groundwater hydrology and quality)
- 4. Biological Resources (including wildlife, vegetation, wetlands, aquatic biology, essential fish habitat, and threatened and endangered species)
- 5. Land Use 1081 9 ecreation
- 6. Socioeconomics
- 7. Visual Resources/Aesthetics
- 8. Air Quality
- 9. Noise
- 10. Cultural and leontological Resources
- 11. Public Safety
- 12. Cumulative Impacts
- 2.6 Prepare supporting maps showing the 12 cation of all project facilities and related areas of disturbance, and pertinent resource data. (Applicant name) will be 13 sponsible for developing all maps requested by the 14 ird-party contractor. The scale of the supporting maps will normally range from 1:24,000 to (identify larger scale), depending on the complexity/sensitivity of the resources potentially affected and project specifics.

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- 4. Ancillary Facilities
- 5. General Design Parameters
- 6. Construction Methods (for Compressor Stations, Storage Field Facilities and Pipeline, as applicable) (including Applicant-Proposed Mitigation Measures)
- 7. Construction Schedule and Work Force
- 8. Operation and Maintenance Procedures
- 9. Abandonment Procedures
- 10. Interrelationships with Other Planned Projects and Nonjurisdictional Facilities
- 11. Alternatives (including No Action)

The majority of this information (*is/will be*) available in the RRs included in the application made to the FERC. The third-party contractor shall review the RRs for accuracy and adequacy to meet the needs of NEPA for the preparation of an EIS, and shall prepare a data request(s) to (*applicant name*) (routed through the OEP staff) requesting any other data that may be needed. The EIS shall fully address the following resource topics (as applicable):

- 1. Geology (including mineral resources and geologic hazards)
- 2. Soils (including erosion control and restoration/revegetation)
- 3. Water Resources (surface water and groundwater hydrology and quality)
- 4. Biological Resources (including wildlife, vegetation, wetlands, aquatic biology, essential fish habitat, and threatened and endangered species)
- 5. Land Use and Recreation
- 6. Socioeconomics
- 7. Visual Resources/Aesthetics
- 8. Air Quality
- 9. Noise
- 10. Cultural and Paleontological Resources
- 11. Public Safety
- 12. Cumulative Impacts
- 2.6 Prepare supporting maps showing the location of all project facilities and related areas of disturbance, and pertinent resource data. (*Applicant name*) will be responsible for developing all maps requested by the third-party contractor. The scale 17 the 16 pporting maps will 15 rmally range from 1:24,000 to (*identify larger scale*), depending on the 19 mplexity/sensitivity of the 18 sources potentially affected and project specifics.

CA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 139 of 369 [Old text]: "be ranked using [New text]: "normally range from 1:24,000 to (identify larger scale), depending on" Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Third-Party Contractor Upon completion of the oral presentation (if required), each short-listed bidder' [New text]: "supporting maps" The following text attributes were changed: font Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Mumber: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "oral presentation,"

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- Maintain ongoing review of potential environmental issues and a sessment of adequacy of overall scope of the nvironmental analysis. The EP staff hall be advised immediately of any potential data gaps or analysis shortcomings.
- Arrange wit pplicant name be participate in inspections of the proposed facility locations (including overflight, as appropriate), with the OEP staff. This may occur in conjunction with proposed [applicant name] for december 13 sociated with OEP staff participation in overflights.)
- Analyze comments and prepare draft responses to comments on the PADEIS, ADEIS, DEIS, and FEIS and related documents.
- 2.10 Prepare camera-ready copies of the DEIS and FEIS and any required notices for submission to the FERC staff for printing and mailing. For purposes of proposal preparation, assume that the contractor will print and distribute at least (25) copies of the preliminary documents (ADEIS, etc.) to cooperating agencies. (The actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs.)
- **2.11** Develop and maintain a formal project management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.
- **2.12** Prepare a Biological Assessment, if appropriate.
- **2.13** Prepare an Essential Fish Habitat Assessment, if appropriate.

### 3.0 PROPOSAL REQUIREMENTS

If a contractor provides a Letter of Intent to bid on the RFP, and subsequently does not intend to submit a proposal, the contractor shall notify (applicant name) as soon as possible, but in any event no later than (number) days prior to the proposal due date. Contractors shall also return all materials to (applicant name).

Contractors must provide (*number*) copies of the technical proposal and cost estimate; (*applicant name*) will coordinate distribution, and ultimately provide the OEP staff with one hardcopy and one electronic copy of the proposals. Cost estimates must be submitted in separate sealed envelopes labeled "COST ESTIMATE." The proposal is limited to (50) pages (single-sided, space and a half). All materials should be easily readable. The proposal should be concise,

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- 2.7 Maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the environmental analysis. The OEP staff shall be advised immediately of any potential data gaps or analysis shortcomings.
- 2.8 Arrange with (applicant name) to participate in inspections of the proposed facility locations (including overflight, as appropriate), with the OEP staff. This may occur in conjunction with the scoping meetings. (The FERC will reimburse [applicant name] for all costs associated with OEP staff participation in overflights.)
- Analyze comments and prepare draft responses to comments on the LADEIS, 2.9 ADEIS, DEIS, and FEIS and 16 ated documents.
- 2.10 Prepare camera-ready copies of the 19EIS and FEIS20 nd 18 y required notices for bmission to the staff 2 22 23 inting and mailing. For purposes of proposal preparation, assume that the 27 ntractor will print and distribute at least (25) copies of 29 he preliminary documents 30 DEIS, etc.) to 28 operating agencies. (The actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs.)
- **2.11** Develop and maintain a formal project management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.
- Prepare a Biological Assessment, if appropriate.
- Prepare an Essential Fish Habitat Assessment, if appropriate.

#### 3.0 PROPOSAL REQUIREMENTS

If a contractor provides a Letter of Intent to bid on the RFP, and subsequently does not intend to submit a proposal, the contractor shall notify (applicant name) as soon as possible, but in any event no later than (number) days prior to the proposal due date. Contractors shall also return all materials to (applicant name).

Contractors must provide (number) copies of the technical proposal and cost estimate; (applicant name) will coordinate distribution, and ultimately provide the OEP staff with one hardcopy and one electronic copy of the proposals. Cost estimates must be submitted in separate sealed envelopes labeled "COST" ESTIMATE." The proposal is limited to (50) pages (single-sided, space and a half). All materials should be easily readable. The proposal should be concise,

Author: Compare: Replace Subject: text Date: Indeterminate

Date: Indeterminate

[Old text]: " an Environmental Impact Statement (EIS) and related

Author: Compare: Replace

[New text]: " the preliminary"

Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate

[New text]: "cooperating agencies. (The actual number of preliminary documents needed"

Subject: text

[Old text]: "address its proposed (project name) Project as more specifically described in Section 1.2. The EIS"

- 2.7 Maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the environmental analysis. The OEP staff shall be advised immediately of any potential data gaps or analysis shortcomings.
- **2.8** Arrange with (applicant name) to participate in inspections of the proposed facility locations (including overflight, as appropriate), with the OEP staff. This may occur in conjunction with the scoping meetings. (The FERC will reimburse [applicant name] for all costs associated with OEP staff participation in overflights.)
- Analyze comments and prepare draft responses to comments on the PADEIS, ADEIS, DEIS, and FEIS and related documents.
- 2.10 Prepare camera-ready copies of the DEIS and FEIS and any required notices for submission to the FERC staff for printing and mailing. For purposes of proposal preparation, assume that the contractor will print and distribute at least (25) copies of the preliminary documents (ADEIS, etc.) to cooperating agencies. (The actual number of preliminary documents needed will be termined based on consideration of cooperating agencies' needs.)
- 2.11 Develop and maintain a 32 rmal project management system to allow for weekly or biweekly, as 34 utually agreed, tracking of schedule and 35 dget status for the 33 ime contractor and any subcontractors.
- **2.12** Prepare a Biological Assessment, if appropriate.
- **2.13** Prepare an Essential Fish Habitat Assessment, if appropriate.

### 3.0 PROPOSAL REQUIREMENTS

If a contractor provides a Letter of the to of the TP, and to be sequently does not intend to the total the

Contractors must provide (*number*) copies of the technical proposal and cost estimate; (*applicant name*) will coordinate distribution, and ultimately provide the OEP staff with one hardcopy and one electronic copy of the proposals. Cost estimates must be submitted in separate sealed envelopes labeled "COST ESTIMATE." The proposal is limited to (50) pages (single-sided, space and a half). All materials should be easily readable. The proposal should be concise,

Number: 41 'submit a proposal,'

Author: Compare: Insert

Subject: text

Date: Indeterminate

Number: 42

Subject: artifact Date: Indeterminate Author: Compare: Move This artifact was moved from page 42 of old document to page 42 of this document

Number: 43

Author: Compare: Move This artifact was moved from page 41 of old document to page 41 of this document

Subject: artifact

Date: Indeterminate

Date: Indeterminate

Number: 44

Author: Compare: Insert any event no later than (number) days prior to

Subject: text

Number: 45 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "FERC third-party contracting program announced on February 4 and 9, 1994. As the Applicant,"

[New text]: "proposal due date. Contractors shall also return all materials to"

Number: 46

[Old text]: "referenced"

Author: Compare: Replace

Subject: text

Date: Indeterminate

Comments from page 48 continued on next page

- 2.7 Maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the environmental analysis. The OEP staff shall be advised immediately of any potential data gaps or analysis shortcomings.
- **2.8** Arrange with (applicant name) to participate in inspections of the proposed facility locations (including overflight, as appropriate), with the OEP staff. This may occur in conjunction with the scoping meetings. (The FERC will reimburse [applicant name] for all costs associated with OEP staff participation in overflights.)
- Analyze comments and prepare draft responses to comments on the PADEIS, ADEIS, DEIS, and FEIS and related documents.
- 2.10 Prepare camera-ready copies of the DEIS and FEIS and any required notices for submission to the FERC staff for printing and mailing. For purposes of proposal preparation, assume that the contractor will print and distribute at least (25) copies of the preliminary documents (ADEIS, etc.) to cooperating agencies. (The actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs.)
- **2.11** Develop and maintain a formal project management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.
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- **2.13** Prepare an Essential Fish Habitat Assessment, if appropriate.

## 3.0 PROPOSAL REQUIREMENTS

If a contractor provides a Letter of Intent to bid on the RFP, and subsequently does not intend to submit a proposal, the contractor shall notify (applicant name) as soon as possible, but in any event no later than (number) days prior to the proposal due date. Contractors shall also return all materials to (48) plicant 47 ume).

Contractors must provide wiber) copies of the tetanical toposal and cost copy imate; (applicant 52 me) wiss ordinate distribution, and ultimately provide the OEP st 158 ith one hardcopy and one electronic copy of the 70 posals. Cost estimates must be submitted in separate sealed envelopes labeled "COST ESTIMATE." The proposal is limited to (50) pages (single-sided, space and 159 limited). All materials should be easily readable. The proposal should be concise,

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-	Old text]: "name)	is soliciting proposals through	this RFP for a third	-party contractor to"
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Ţ	Number: 49 "services described	Author: Compare: Delete d in section 2.0. The"	Subject: text	Date: Indeterminate
	Number: 50	Author: Compare: Insert	Subject: text	Date: Indeterminate
_	"(number) copies of		Subject text	Dute. Indeterminate
	Number: 51	Author: Compare: Insert	Subject: text	Date: Indeterminate
	"proposal"	·		
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	[New text]: "estima	ate;"		
Ţ	Number: 55	Author: Compare: Delete	Subject: text	Date: Indeterminate
	"who"			
Ţ	Number: 56 "staff. The OEP"	Author: Compare: Delete	Subject: text	Date: Indeterminate
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		one hardcopy and one electro		
Ţ	Number: 59	Author: Compare: Delete	Subject: text	Date: Indeterminate  Jpon selection of the thirdparty contractor, (applicant name) will finalize"
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ell organized and ontain the following information in the order presented below:

Filed: 09/15/2016

#### 3.1 Introduction

Explain helpontractor's understanding of the project and summary of the contractor's qualifications for his project in one or two pages. Because the contractor is cated in (identify state(s)), qualifications for assessing impacts to the vironment of this region of the untry should be highlighted.

## 3.2 Technical Approach

Present both an overall technical approach for the preparation the EIS 15 hd the 16 proach proposed for individual technical areas and tasks. Include any recommendations to improve the scope (including rationale) and reflect those recommendations in the cost estimate.

## 3.3 Project Organization and Management Approach

Describe the proposed project organization, with an organization chart including positions, responsibilities and reporting relationships. The project manager, deputy project manager, environmental resource specialists with responsibility for each resource area, administrative support personnel, and any subcontractor(s) must be identified and their location specified. These key personnel shall not be reassigned within the project or to other projects without prior consultation with the OEP staff.

Describe the proposed management scheme for the project, with a discussion of where the work will be done and where each key person and subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors.

# Page: 49

Number: 1	Author: Compare: Insert below: 3.1 Introduction Explain	Subject: text	Date: Indeterminate
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Number: 2 "well organized"	Author: Compare: Insert	Subject: text	Date: Indeterminate
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
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	Author: Compare: Replace ring any questions from non-s	Subject: text elected bidders. Bic	
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# Comments from page 49 continued on next page

well organized and contain the following information in the order presented below:

#### 3.1 Introduction

Explain the contractor's understanding of the project and a summary of the contractor's qualifications for this project in one or two pages. Because the project is located in (*identify state(s)*), qualifications for assessing impacts to the environment of this region of the country should be highlighted.

Filed: 09/15/2016

## 3.2 Technical Approach

Present both an overall technical approach for the preparation of the EIS and the approach proposed for individual technical areas and 17sks. Include any recommendations to improve the 18 ope (including rationale) and 19 flect those recommendations in the 20st estimate.

## 3.3 Project rganization and Management Approach

Describe 24c25 roposed 22 oject organization, with an organization chart including positions, responsibilities and reporting relationships. The 26 oject 27 anager, deputy 29 roject 28 anager, environmental resource specialists with responsibility for each resource area, administrative support personnel, and any subcontractor(s) must be identified and their location specified. These key personnel shall not be reassigned within the project or to other projects without prior consultation with the OEP staff.

Describe the proposed management scheme for the project, with a discussion of where the work will be done and where each key person and subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors.

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 151 of 369 [New text]: "approach proposed for individual technical areas" Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "possibly others may be cooperating agencies for" [New text]: "tasks. Include any recommendations to improve" Mumber: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "NEPA review process. Appropriate regulatory agencies in (identify affected states) will also be invited' [New text]: "scope (including rationale)" Mumber: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "encouraged to participate" [New text]: "reflect those recommendations" Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "NEPA process, 1.2 Overview of the [New text]: "cost estimate. 3.3" Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(Summarize the general purpose of [New text]: "Organization and Management Approach Describe" The following text attributes were changed: font Date: Indeterminate Number: 22 Author: Compare: Replace Subject: text [Old text]: "facilities. Tailor details to" [New text]: "project organization, with an organization chart including positions, responsibilities and reporting relationships. The" The following text attributes were changed: Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 25 Author: Compare: Delete Subject: text Date: Indeterminate project. Provide a detailed description of all Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "specifics. Any locational or other" [New text]: "manager, deputy"

The following text attributes were changed:

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Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "information that is'

[New text]: "manager, environmental resource specialists with responsibility for each resource area, administrative support personnel, and any subcontractor(s) must be identified and their location specified. These key personnel shall"

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Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate

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well organized and contain the following information in the order presented below:

#### 3.1 Introduction

Explain the contractor's understanding of the project and a summary of the contractor's qualifications for this project in one or two pages. Because the project is located in (*identify state(s)*), qualifications for assessing impacts to the environment of this region of the country should be highlighted.

Filed: 09/15/2016

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Present both an overall technical approach for the preparation of the EIS and the approach proposed for individual technical areas and tasks. Include any recommendations to improve the scope (including rationale) and reflect those recommendations in the cost estimate.

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Describe 38d3544 posed 36 anagement scheme for 39e 37 oject, with a discussion 40 discussion 41 here the work will be done and 41 here each key person and 42 bcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors.

Case #16-1081 Document #1636006 Filed: 09/15/2016
Author: Compare: Delete Subject: text Page 153 of 369 'available should Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 32 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "specifically highlighted. For storage fields: describe' [New text]: "reassigned within the project or to other projects without prior consultation with the OEP staff. Describe" The following text attributes were changed: Number: 34 Date: Indeterminate Author: Compare: Delete Subject: text 'geological structure and' Number: 35 Date: Indeterminate Author: Compare: Replace Subject: text The following text attributes were changed: font Mumber: 36 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "use of [New text]: "management scheme for" The following text attributes were changed: font Author: Compare: Replace Number: 37 Subject: text Date: Indeterminate [Old text]: "storage field, the wells, storage field pipelines, compressor station, and interconnecting pipelines. For pipelines related to any type" [New text]: "project, with a discussion" The following text attributes were changed: font Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Date: Indeterminate Number: 39 Author: Compare: Replace Subject: text The following text attributes were changed: font Number: 40 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: font Number: 41 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "location of new or upgraded compressor stations," [New text]: "where each key person" The following text attributes were changed: font Number: 42 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "total horsepower. Describe other aboveground facilities such as mainline valves, meter stations, interconnects, [New text]: "subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction" The following text attributes were changed: font Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project: provide details such as" [New text]: "where" The following text attributes were changed:

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well organized and contain the following information in the order presented below:

#### 3.1 Introduction

Explain the contractor's understanding of the project and a summary of the contractor's qualifications for this project in one or two pages. Because the project is located in (*identify state(s)*), qualifications for assessing impacts to the environment of this region of the country should be highlighted.

Filed: 09/15/2016

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Describe the proposed management scheme for the project, with a discussion of where 44 e 45 ork 46 ll be 47 one 48 d where each key person 49 d subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction 51 d 50 ntrol, cost control, schedule control, quality control, quality assurance 52 d 53 ntrol 5455 ubcontractors.

USCA Ca	Se #16-1081 Doci	ument #16360	006 Filed: 09/15/2016 Date: Indeterminate	Page 155 of 369
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[New text]: "work" The following text font	attributes were changed:			
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Number: 47	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "deliver	ed to, number"			
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## 2.4 Qualifications and Experience

Describe qualifications and drior experience in completing similar NEPA projects, particularly pipeline construction projects or ther dinear facility projects.

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Statements of education, qualifications, and prior experience should be provided not only for the contractor, but also for the key personnel and subcontractors that will be assigned to the project, along with their specific experience with the type of project under consideration.

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#### 3.6 References

List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager.

Additionally, list three client references specifically for the proposed project manager.

# Page: 50

<u> </u>			
Number: 1	Author: Compare: Replace n of any new compressor stati	Subject: text	Date: Indeterminate
		10115,	
	ience Describe qualifications" attributes were changed:		
Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
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Number: 3	Author: Compare: Replace attributes were changed:	Subject: text	Date: Indeterminate
font	attributes were changed.		
Number: 4 [Old text]: "details	Author: Compare: Replace of any"	Subject: text	Date: Indeterminate
[New text]: "prior	,	lar NEPA projects, p	articularly pipeline construction projects or"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "project	related activities that would	occur at existing sta	tions. Indicate"
	facility projects. Emphasize pr attributes were changed:	ior work experience	with"
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 8 [Old text]: "width	Author: Compare: Replace	Subject: text	Date: Indeterminate
[New text]: "FERC		ss, (identify affected	state[s]) state agencies, major relevant"
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
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Number: 10 [Old text]: "right-o	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]. Tight-c	n-way,		
[New text]: "project The following text font	cts, and" attributes were changed:		
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[New text]: "geogr The following text font	raphical areas" attributes were changed:		
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# Comments from page 50 continued on next page

## 3.4 Qualifications and Experience

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Emphasize prior work experience with the FERC for natural gas-related projects, (identify affected state[s]) state agencies, major relevant construction projects, and geographical areas 16 study. Discuss 17 le 14 ntractor's familiarity with 18 le ecialized issues and requirements of proposed facility construction. Discuss the 21 ntractor's understanding of the 23 ERC environmental requirements for 22 ojects under the 27 atural Gas Act as 28 flected 24 26 ERC's regulations and current policies. Describe the contractor's past record in meeting performance and delivery requirements for similar contracts.

Filed: 09/15/2016

Statements of education, qualifications, and prior experience should be provided not only for the contractor, but also for the key personnel and subcontractors that will be assigned to the project, along with their specific experience with the type of project under consideration.

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#### 3.6 References

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Additionally, list three client references specifically for the proposed project manager.

[New text]: " study. Discuss"

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Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "extent to which"

[New text]: "contractor's familiarity with" The following text attributes were changed: font

Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate

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Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate

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Date: Indeterminate Author: Compare: Replace Number: 18 Subject: text

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Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "pipeline would parallel other existing rights-of-way.) Maps'

[New text]: "specialized issues and requirements" The following text attributes were changed:

Number: 20 Author: Compare: Insert Subject: text Date: Indeterminate

proposed facility construction. Discuss"

Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed (project name) are included as appendix E. (Applicant name) will identify any nonjurisdictional facilities associated with"

[New text]: "contractor's understanding of"

Author: Compare: Replace Subject: text Date: Indeterminate Number: 22

[Old text]: "possible inclusion in

[New text]: "projects under"

Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: " proposal'

font

[New text]: "FERC environmental requirements"

Number: 24 Author: Compare: Delete Subject: text Date: Indeterminate

1.3 Available Data The proposed (project name) Project is presented

Number: 25 Subject: artifact Date: Indeterminate Author: Compare: Move

This artifact was moved from page 49 of old document to page 49 of this document

Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "detail"

[New text]: "FERC's regulations and current policies. Describe the contractor's past record"

Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "scope of review"

[New text]: "Natural Gas Act"

Author: Compare: Replace Number: 28 Subject: text Date: Indeterminate

[Old text]: "soon as possible."

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Statements of 32 ucation, qualifications, and 31 ior experience should be provided not only for the 35 ntractor, but also for th 334 y personnel and subcontractors that will be 38 signed to 36 he project, along with their specific experience with 37 he 39 ype 41 40 oject under consideration.

The past, current, and proposed use of small and 42 hall disadvantaged owned business enterprises by the contractor should be described.

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#### 3.6 References

List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager.

Additionally, list three client references specifically for the proposed project manager.

[New text]: "reflected" #16-1081 Page 161 of 369 Document #1636006 Filed: 09/15/2016 Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(applicant name)'s (draft) application to the FERC" [New text]: "meeting performance and delivery requirements" The following text attributes were changed: font Number: 30 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "a Certificate [New text]: "similar contracts. Statements" Author: Compare: Replace Subject: text Date: Indeterminate Number: 31 [Old text]: "Necessity, Exhibit (exhibit designation/name). (Applicant name) has organized its Exhibit (exhibit designation/name) into Environmental Resource Reports (RR), as identified and containing" [New text]: "prior experience should be provided not only for" Author: Compare: Replace Number: 32 Subject: text Date: Indeterminate [Old text]: " Public Convenience' [New text]: "education, qualifications," Number: 33 Author: Compare: Delete Subject: text Date: Indeterminate 'portions of" Date: Indeterminate Number: 34 Author: Compare: Replace Subject: text [Old text]: "Cultural Resources Report (which" [New text]: "key personnel and subcontractors that" Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "information listed in the FERC's regulations at 18 CFR 380.12. The RRs, which (applicant name) (is preparing) except" [New text]: "contractor, but also" Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contractors at" [New text]: " the project, along with their specific experience with" Number: 37 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: font Author: Compare: Replace Number: 38 Subject: text Date: Indeterminate [Old text]: " submitted as privileged), will be made available' [New text]: "assigned" Author: Compare: Replace Number: 39 Subject: text Date: Indeterminate [Old text]: "pre-bid conference. These reports must be reviewed in detail to gain an understanding [New text]: " type" The following text attributes were changed: font Date: Indeterminate Number: 40 Author: Compare: Replace Subject: text [Old text]: " the [New text]: "project under consideration. The past, current, and" The following text attributes were changed: font Date: Indeterminate Number: 41 Author: Compare: Replace Subject: text The following text attributes were changed: font Number: 42 Author: Compare: Insert Subject: text Date: Indeterminate small disadvantaged owned business enterprises by

## Comments from page 50 continued on next page

Page 162 of 369

## 3.4 Qualifications and Experience

USCA Case #16-1081

Describe qualifications and prior experience in completing similar NEPA projects, particularly pipeline construction projects or other linear facility projects. Emphasize prior work experience with the FERC for natural gas-related projects, (identify affected state[s]) state agencies, major relevant construction projects, and the geographical areas of study. Discuss the contractor's familiarity with the specialized issues and requirements of proposed facility construction. Discuss the contractor's understanding of the FERC environmental requirements for projects under the Natural Gas Act as reflected in FERC's regulations and current policies. Describe the contractor's past record in meeting performance and delivery requirements for similar contracts.

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The past, current, and proposed 43 e of small and small disadvantaged owned business enterprises by the 45 ntractor should be 44 scribed.

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List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager.

Additionally, list three client references specifically for the proposed project manager.

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 163 of 369 Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project' [New text]: "use of small" Mumber: 44 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "assessed' [New text]: "described. 3.5 Project Schedule Submit a proposed schedule delineating dates" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "level of available environmental data. This information' [New text]: "contractor' Number: 46 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "any required supplemental analysis prior to proposal preparation and submittal. (Discuss any additional sources of pertinent environmental data, such as filings with another Federal agency, or with states having a NEPA-like statute. Include the status" [New text]: "completion" Number: 47 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "following items: •" [New text]: "major" The following text attributes were changed: font Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 49 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Mumber: 50 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "required to comply with" [New text]: "tasks specified in Section 2.5 of this RFP. The selected contractor's proposal must address" The following text attributes were changed: font Number: 51 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "a Biological Assessment and Mitigation Plans; • work required' [New text]: "this RFP. Any suggested modifications" The following text attributes were changed: font Author: Compare: Replace Number: 52 Subject: text Date: Indeterminate [Old text]: "Endangered Species Act, including agency scoping, field surveys and preparation' [New text]: "completion dates as specified in Section 1.4" The following text attributes were changed: font Subject: text Number: 53 Author: Compare: Replace Date: Indeterminate The following text attributes were changed: Number: 54 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Date: Indeterminate Number: 55 Subject: text [Old text]: "comply"

[New text]: "this schedule must be presented" The following text attributes were changed:

Page 164 of 369

## 3.4 Qualifications and Experience

USCA Case #16-1081

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#### USCA Case #16-1081 Filed: 09/15/2016 Page 165 of 369 Document #1636006 Subject: text Number: 56 Author: Compare: Replace Date: Indeterminate The following text attributes were changed: Number: 57 Author: Compare: Insert Subject: text Date: Indeterminate reasons for Author: Compare: Replace Number: 58 Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Subject: text Date: Indeterminate Number: 59 The following text attributes were changed: Number: 60 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "National Historic Preservation Act, including field surveys, and all associated reports and mitigation plans; • work required to delineate waters of" [New text]: "changes. Note, however, that" The following text attributes were changed: font Mumber: 61 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "subject to [New text]: "determined by" The following text attributes were changed: font Number: 62 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Date: Indeterminate Number: 63 Author: Compare: Replace Subject: text [Old text]: "U.S. and wetlands that' [New text]: " ultimate schedule" The following text attributes were changed: font Mumber: 64 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 65 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Mumber: 66 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.)' [New text]: " applicant." The following text attributes were changed: font Author: Compare: Replace Subject: text Number: 67 Date: Indeterminate [Old text]: "Federal and state permitting requirements; and • work required to comply with' [New text]: "OEP staff not" The following text attributes were changed: font Author: Compare: Replace Date: Indeterminate Number: 68 Subject: text The following text attributes were changed:

## Comments from page 50 continued on next page

Subject: text

Date: Indeterminate

Author: Compare: Insert

'contractors demonstrate to (applicant name) and'

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## 3.4 Qualifications and Experience

USCA Case #16-1081

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Additionally, list three client references specifically for the 182 oposed project manager.

ase #16-1081 Document #1636006 Filed: 09/15/2016 Page 167 of 369 [Old text]: "expected [New text]: "important" Number: 71 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "available data (along with" [New text]: "OEP staff that ample resources exist to meet" Mumber: 72 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "site-specific information, as discussed above,) will facilitate the preparation of the EIS. Appendix F provides" [New text]: "project schedule. If" The following text attributes were changed: font Author: Compare: Replace Subject: text Date: Indeterminate Number: 73 [Old text]: "list of the available background documents. Proposals submitted in response to this RFP should' [New text]: "contractor has multiple EIS obligations underway concurrently, it must" Number: 74 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Subject: text Number: 75 Author: Compare: Replace Date: Indeterminate [Old text]: " demonstrate an understanding of" [New text]: "show separate resources or provide convincing evidence that it can meet" Number: 76 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "extent" [New text]: "schedule. 3.6 References List and describe three successfully completed or in-progress projects" Number: 77 Author: Compare: Insert Date: Indeterminate Subject: text a similar nature with' Number: 78 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "need" [New text]: "client's project manager. Additionally, list three client references specifically" Number: 79 Author: Compare: Insert Subject: text Date: Indeterminate 'phone number of" Number: 80 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(available/provided) information. Perceived data gaps" [New text]: "name" Number: 81 Date: Indeterminate Author: Compare: Delete Subject: text 'specific supplemental studies to fully comply with" Date: Indeterminate Number: 82 Author: Compare: Replace Subject: text

[Old text]: "EIS requirements should be identified."

[New text]: "proposed project manager."

Filed: 09/15/2016

## 2.7 Conflicts of Interestand Pritical Energy Infrastructure Information

Identify possible conflicts 14 nterest that may require investigation by the FERC staff. Include 16 iscussion of all work completed by the 8 ontractor 7 or similar work on natural gas-related projects 12 ithin 13 to 11 st 3 years. Pursuant to 40 CFR 1506.5(c), contractor selection is 14 sed on ability and absence of conflicts of interest. The contractor must also submit a Critical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used.

All proposals must include the following three items:

- Either the FERC's (a) Organizational Conflict of Interest (OCI)
  Representation Statement, or (b) OCI Disclosure Statement, prepared by a responsible official attesting the contractor and its subcontractor(s) have no financial or other conflicting interest in the outcome of the project, or proposing a mitigation plan if an actual or potential OCI exists. (See Appendix A.)
- The FERC's OCI Questionnaire. (See Appendix B.)
- A Contractor CEII Non-Disclosure Agreement. (See Appendix C.)

(Applicant name) will complete an OCI Certification. (See Appendix D.)

#### 3.8 Resumes

Resumes may be submitted as an attachment to the proposal or as a separate volume. All resumes should be limited to two pages and must include the institution and date of graduation for all academic degrees, as well as a summary of relevant work experience and the specific dates of performance.

#### 3.9 Cost Estimate

(The Applicant should identify the type of contract, such as time and materials, cost plus, etc., and provide additional guidance on how the cost of the contact is to be estimated.)

(Applicant name) anticipates awarding and signing a (identify type) contract.

Since the specific dates and number of field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet.

# Page: 51

9			
Number: 1 [Old text]: "compl	Author: Compare: Replace	Subject: text	Date: Indeterminate
[New text]: "Critic	al Energy Infrastructure Informa t attributes were changed:	ation Identify possik	ole conflicts"
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	hedule (The time line below is f contractor screening"	for illustration purpo	oses only. In the "Contractor Selection" section, applicants should design their
[New text]: "3.7 C	onflicts of Interest"		
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	act negotiations. OEP expects to		
	est that may require investigati t attributes were changed:	ion by the FERC stat	ff. Include"
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	ssion of all work completed by t attributes were changed: Author: Compare: Insert	Subject: text	Date: Indeterminate
"for similar work	on natural gas-related projects'	1	
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Number: 10 "14 days of"	Author: Compare: Delete	Subject: text	Date: Indeterminate
Number: 11 [Old text]: "filing of	Author: Compare: Replace	Subject: text	Date: Indeterminate
	3 years. Pursuant to 40 CFR 150 t attributes were changed:	06.5(c),"	
Number: 12 The following textont	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
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	t attributes were changed:	Subject, text	Date. macternimate
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "hired,	OEP recommends that"		

Identify possible conflicts of interest that may require investigation by the FERC staff. Include a discussion of all work completed by the contractor for similar work on natural gas-related projects within the last 3 years. Pursuant to 40 CFR 1506.5(c), 17 ntractor 15 lection 16 based on ability and absence of conflicts of interest. The contractor must also submit 19 18 ritical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used.

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Since the specific dates and number of field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet.

Appendix D.) 3.8 Resumes Resumes may be submitted as"

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[Old text]: "remaining portion"

[New text]: "outcome"

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## 3.7 Conflicts of Interest and Critical Energy Infrastructure Information

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(The Applicant should identify the <sup>36</sup>pe of contract, such as time and materials, cost plus, etc., and provide additional guidance on how the <sup>38</sup>st of the <sup>37</sup>ntact is to be estimated.)

(Applicant name) anticipates awarding and signing a (identify type) contract.

Since the 40 ecific dates and number of 39 eld teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet.

USCA Case #16-1081 Page 173 of 369 Document #1636006 Filed: 09/15/2016 Mumber: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " EIS schedule where cooperating agencies play [New text]: "attachment to the proposal or as" The following text attributes were changed: font Author: Compare: Replace Mumber: 29 Subject: text Date: Indeterminate [Old text]: "major role. The schedule also assumes timely applicant response" [New text]: "separate volume. All resumes should be limited" The following text attributes were changed: font Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Mumber: 31 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Date: Indeterminate Number: 32 Subject: text [Old text]: "requests" [New text]: "two pages and must include the institution and date of graduation" The following text attributes were changed: font Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "information from" [New text]: "all academic degrees, as well as a summary of relevant work experience and the specific dates of performance. 3.9 Cost Estimate (The Applicant should identify" The following text attributes were changed: font Author: Compare: Replace Number: 35 Subject: text Date: Indeterminate The following text attributes were changed: font Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "OEP staff and, through" [New text]: "type of contract, such as time and materials, cost plus, etc., and provide additional guidance on how" Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "third party contractor. In" [New text]: "contact is to be estimated.) (Applicant name) anticipates awarding and signing a (identify type) contract. Since" Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "staff," [New text]: "cost of" Number: 39 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "significant cooperating agency involvement," [New text]: " field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet." The following text attributes were changed: font Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "absence'

## Comments from page 51 continued on next page

#### 3.7 Conflicts of Interest and Critical Energy Infrastructure Information

Identify possible conflicts of interest that may require investigation by the FERC staff. Include a discussion of all work completed by the contractor for similar work on natural gas-related projects within the last 3 years. Pursuant to 40 CFR 1506.5(c), contractor selection is based on ability and absence of conflicts of interest. The contractor must also submit a Critical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used.

All proposals must include the following three items:

- Either the FERC's (a) Organizational Conflict of Interest (OCI) Representation Statement, or (b) OCI Disclosure Statement, prepared by a responsible official attesting the contractor and its subcontractor(s) have no financial or other conflicting interest in the outcome of the project, or proposing a mitigation plan if an actual or potential OCI exists. (See Appendix A.)
- The FERC's OCI Questionnaire. (See Appendix B.)
- A Contractor CEII Non-Disclosure Agreement. (See Appendix C.)

(Applicant name) will complete an OCI Certification. (See Appendix D.)

#### 3.8 Resumes

Resumes may be submitted as an attachment to the proposal or as a separate volume. All resumes should be limited to two pages and must include the institution and date of graduation for all academic degrees, as well as a summary of relevant work experience and the specific dates of performance.

#### 3.9 **Cost Estimate**

(The Applicant should identify the type of contract, such as time and materials, cost plus, etc., and provide additional guidance on how the cost of the contact is to be estimated.)

(Applicant name) anticipates awarding and signing a (identify type) contract. Since 41e specific dates and number 42 field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet.

[New text]: "specific dates and number"
The following text attributes were changed:
font

Number: 41	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text	t attributes were changed:		
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Number: 43 This artifact was n	Author: Compare: Move moved from page 51 of old do	Subject: artifact cument	Date: Indeterminate

Applicant name) will compensate the contractor based upon the 2ctual crews and hours worked. All preparation and processing to locuments, NEPA review, EIS submission, and any other costs not associated with he ailly crew rate shall to locument the locument of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

Any limiting assumptions used to prepare the cost estimate should be clearly specified in the proposal. Also include a rate schedule that will apply to the project for any work beyond the scope stated in this RFP.

Assume that (applicant name), through the OEP staff, will provide the successful contractor with copies of all environmental information filed with FERC, including base maps, air photos, and computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties at the time that contract negotiations are completed. (Applicant name) will provide aerial overflights for key contractor and OEP staff (weather conditions permitting) either prior to or in conjunction with the scoping meetings, or at OEP staff's request. (However, the FERC will reimburse (applicant name) for all costs associated with QEP staff participation in aerial overflights.)

#### 3.10 Available Materials

Appendix F presents a list of documents available from (applicant name) that should assist contractors in preparation of their proposals. Please contact (name and telephone number of applicant's contact) to arrange for review of these documents. Note that (applicant name) will only entertain questions about this RFP at the Contractor's Conference discussed in Section 1.6.

## 3.11 Sample Memorandum of Understanding (MOU)

Appendix G to this RFP presents a sample MOU with key provisions that must be included in the awarded contract. Contractors are asked to review this sample MOU and point out any difficulties with contract language in their proposal. The proposal must indicate the contractor's review of the sample MOU and identify issues which require resolution during negotiations. Issues raised after submittal of the proposal will not be subject to negotiation. The person(s) authorized to negotiate on behalf of the contractor should be identified.

## Page: 52

and the same of th	Author: Compare: Insert	Subject: text	Date: Indeterminate
"(Applicant name	) will compensate the contractor	or based upon"	
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "time a	llotted for OEP staff"	,	
	al crews and hours worked. All t attributes were changed:	preparation"	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
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[New text]: " proc The following tex font	essing" t attributes were changed:		
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	PA review, EIS submission, and	•	
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
font	t attributes were changed:		
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Number: 9 The following text font  Number: 10 The following text font  Number: 11 [Old text]: "substate font  Number: 12 The following text font  Number: 12 The following text font  Number: 13	Author: Compare: Replace t attributes were changed:  Author: Compare: Replace antially reduced. Applicants are attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace	Subject: text  Subject: text encouraged to sug	Date: Indeterminate  Date: Indeterminate ggest areas where time savings"  ost breakdown. (Applicant name) understands that there"
Number: 9 The following text font  Number: 10 The following text font  Number: 11 [Old text]: "substate font  Number: 12 The following text font  Number: 12 The following text font  Number: 13 [Old text]: "achieve font  [New text]: "achieve fort"	Author: Compare: Replace t attributes were changed:  Author: Compare: Replace antially reduced. Applicants are attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace t attributes were changed:	Subject: text  Subject: text encouraged to sug with an attached co	Date: Indeterminate  Date: Indeterminate ggest areas where time savings"  ost breakdown. (Applicant name) understands that there"  Date: Indeterminate
Number: 9 The following text font  Number: 10 The following text font  Number: 11 [Old text]: "substate fort  Number: 12 The following text font  Number: 12 The following text font  Number: 13 [Old text]: "achieved fort  Number: 13 [New text]: "out-compared fort  Number: 14	Author: Compare: Replace attributes were changed:  Author: Compare: Replace attributes were changed:	Subject: text  Subject: text encouraged to sug with an attached co	Date: Indeterminate  Date: Indeterminate ggest areas where time savings"  ost breakdown. (Applicant name) understands that there"  Date: Indeterminate

(Applicant name) will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. (Applicant name) understands that there may be out-of-scope requirements for the completion of 15 his project and any resultant costs will be handled between 16 hours and the applicant 19 der the 18 ovisions 20 the 21 ntract.

Any limiting assumptions used to prepare the cost estimate should 23 22 early specified 26 27 e 25 oposal. Also include a rate schedule that will apply to the 28 oject for any work beyond the scope stated in this RFP.

Assume that (applicant name), through the OEP staff, will provide the successful contractor with copies of all environmental information filed with FERC, including base maps, air photos, and computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties at the time that contract negotiations are completed. (Applicant name) will provide aerial overflights for key contractor and OEP staff (weather conditions permitting) either prior to or in conjunction with the scoping meetings, or at OEP staff's request. (However, the FERC will reimburse (applicant name) for all costs associated with QEP staff participation in aerial overflights.)

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font SCA Case #16-1081 Filed: 09/15/2016 Page 179 of 369 Document #1636006 Mumber: 15 Subject: text Date: Indeterminate Author: Compare: Insert this project and any resultant costs will be handled between' Author: Compare: Replace Date: Indeterminate Number: 16 Subject: text The following text attributes were changed: font Mumber: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "environmental document is" [New text]: "contractor and the applicant" The following text attributes were changed: font Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "control" [New text]: "provisions" The following text attributes were changed: font Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Mumber: 21 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "OEP staff. Applicantproposed dates will' [New text]: "contract. Any limiting assumptions used to prepare the cost estimate should" The following text attributes were changed: font Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "considered" [New text]: "clearly specified" The following text attributes were changed: font Author: Compare: Replace Number: 23 Subject: text Date: Indeterminate The following text attributes were changed: Number: 24 Author: Compare: Delete Date: Indeterminate Subject: text "light of Commission staff workload and regulatory requirements as Mumber: 25 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "draft RFP is being reviewed.) Adherence' [New text]: "proposal. Also include a rate schedule that will apply" The following text attributes were changed: font Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 27 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate

[New text]: "project for any work beyond"

[Old text]: "proposed schedule is essential. Assuming (applicant name) responds expeditiously and completely to data requests,"

(Applicant name) will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. (Applicant name) understands that there may be out-of-scope requirements for the completion of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

Document #1636006

Any limiting assumptions used to prepare the cost estimate should be clearly specified in the proposal. Also include a rate schedule that will apply to the project for any work beyond the 29 ope stated in this RFP.

Assume that [31] pplicant name), through the (30] P32 aff, will provide the successful contractor with 35 pies of 3711 environmental information filed 3334 36 RC, including base maps, air photos, and 39 mputerized mailing 38 ts of agencies, officials, community/environmental groups, concerned citizens, affected property owners and 40 nown interested parties at the time that contract negotiations are completed. (Applicant name) will provide aerial overflights for key contractor and OEP 43 aff (weather conditions permitting) either prior to 42 in conjunction with the scoping meetings, or at OEP staff's request. (However, the FERC will reimburse (applicant name) for all costs associated with QEP staff participation in aerial overflights.)

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-1081 Document #1636006 Filed: 09/15/2016 Page 181 of 369 [Old text]: "schedule (in calendar days) is as follows. Note [New text]: "scope stated in this RFP. Assume" Author: Compare: Delete Subject: text Date: Indeterminate "symbol ">". Third-Party Contractor Selection • Send out RFP to contractors: (day 1) • Hold contractors' conference: (day 6) • Submit proposals to (applicant name) by 5:00 p.m. on: (day 17) • Oral presentations by contractors: (day 28) • File application with FERC; submit top three technical proposals directly to OEP: (day 36) •' Author: Compare: Replace Date: Indeterminate Mumber: 31 Subject: text [Old text]: "contract deliverables are designated with' [New text]: "(applicant name), through" The following text attributes were changed: Author: Compare: Replace Date: Indeterminate Number: 32 Subject: text [Old text]: "selects contractor: (day 50) • Complete contract negotiations' [New text]: " staff, will provide the successful contractor" Number: 33 Author: Compare: Delete Subject: text Date: Indeterminate "EIS Preparation • Complete contract negotiations" Number: 34 Author: Compare: Move Subject: artifact Date: Indeterminate This artifact was moved from page 51 of old document to page 51 of this document Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(name' [New text]: "copies' Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(name of applicant): (day 0) ► Submit Notice of Intent' [New text]: "FERC, including base maps, air photos," The following text attributes were changed: font Number: 37 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: " applicant): (day 54)" [New text]: " all environmental information filed" Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "list to OEP: (day 7) ► Arrange" [New text]: "lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners" Number: 39 Author: Compare: Insert Subject: text Date: Indeterminate 'computerized' Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " attend Scoping Meeting(s): (day 30-42) • Submit Preliminary Administrative Draft EIS (PADEIS)' [New text]: "known interested parties at the time that contract negotiations are completed. (Applicant name) will provide aerial overflights for key contractor" Number: 41 Date: Indeterminate Author: Compare: Delete Subject: text 'draft Biological Assessment, if needed, to OEP: (day 174) •' Author: Compare: Replace Subject: text Date: Indeterminate Number: 42 [Old text]: "contractor: (day 205) ➤ Distribute Administrative Draft EIS (ADEIS) to [New text]: "or in conjunction with the scoping meetings, or at" Author: Compare: Replace Number: 43 Subject: text Date: Indeterminate [Old text]: "returns PADEIS and draft Biological Assessment"

### Comments from page 52 continued on next page

[New text]: "staff (weather conditions permitting) either prior"

(Applicant name) will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. (Applicant name) understands that there may be out-of-scope requirements for the completion of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

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Appendix F presents a list 4847 ocuments available from (applicant name) that should assist contractors 49 preparation of their proposals. Please contact (name and telephone number 51 50 plicant's contact) to 52 range for review of these documents. Note that (applicant name) 53 ill only entertain questions about this RFP at the 55 ontractor's Conference discussed in Section 546.

### 3.11 Sample Memorandum of Understanding (MOU)

Compare: Replace Subject: text Date: Indeterminate: 09/15/2016 Page 183 of 369 [Old text]: "and Cooperating Agencies; return revised Biological Assessment to OEP: (day 214) - Submit Federal Register Notice to OEP: (day 254) • OEP returns ADEIS to contractor: (day 268) ► Submit camera-ready Draft EIS to OEP: (day 275) • OEP sends Draft EIS to printing: (day 289) · OEP mails Draft EIS and files" [New text]: "staff's request. (However, the FERC will reimburse (applicant name) for all costs associated" Number: 45 Author: Compare: Delete Subject: text Date: Indeterminate "EPA: (day 303) • 45-day public comment period begins: (day 311) ► Arrange and attend public comment meetings: (day343-357) • End of public comment period: (day 356) ► Submit Preliminary Final EIS (PFEIS) to OEP: (day388) ► Submit Federal Register Notice to OEP: (day 396) •" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "returns PFEIS to contractor: (day 406) ► Submit camera-ready Final EIS to OEP: (day 413) • OEP sends Final EIS to printing: (day 427) • OEP mails Final EIS: (day 441) 1.5 Letter" [New text]: " staff participation in aerial overflights.) 3.10 Available Materials Appendix F presents a list" Author: Compare: Replace Subject: text Date: Indeterminate Number: 47 [Old text]: "Intent Third-party [New text]: " documents available from (applicant name) that should assist" The following text attributes were changed: Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 49 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " shall submit a Letter' [New text]: "in preparation of their proposals. Please contact (name and telephone number" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "Intent before the Contractors' Conference' [New text]: "applicant's contact)" The following text attributes were changed: font Number: 51 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 52 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "offer a proposal to" [New text]: "arrange for review of these documents. Note that" Number: 53 Author: Compare: Insert Date: Indeterminate Subject: text 'will only entertain questions about this RFP" Author: Compare: Replace Number: 54 Subject: text Date: Indeterminate [Old text]: "3.12. Those submitting" [New text]: "1.6. 3.11 Sample Memorandum of Understanding (MOU) Appendix G to this RFP presents" Number: 55 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "e-mail address or regular mail address listed [New text]: " Contractor's Conference discussed" Number: 56 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Letter of Intent will receive amendments' [New text]: "sample MOU with key provisions that must be included in the awarded contract. Contractors are asked" Author: Compare: Replace Number: 57 Subject: text Date: Indeterminate [Old text]: "RFP, if any,"

[New text]: "sample MOU"

### Comments from page 52 continued on next page

(Applicant name) will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. (Applicant name) understands that there may be out-of-scope requirements for the completion of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

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Number: 58 C	ase #16-1081 Doc	ument #16360	D06 Filed: 09/15/2016 Date: Indeterminate	Page 185 of 369	
" review"	·				
Number: 59	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: " writ	ten material from"				
[New text]: "diffi	culties with contract language i	n their proposal. The	e proposal must indicate"		
Number: 60	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: "copie	es of"				
[New text]: "poir	nt out"				
Number: 61	Author: Compare: Move	Subject: artifact	Date: Indeterminate		
This artifact was	moved from page 52 of old do	cument to page 52 o	of this document		
Number: 62	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: "distr	bution"				
[New text]: "sam	ple MOU and identify issues wh	nich require resolutio	on during negotiations. Issues raised after sub	mittal"	
Number: 63	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: "Conf	erence as described in Section 1	1.6. This letter will fa	cilitate"		
[New text]: "con	tractor's review of"				
Number: 64	Author: Compare: Replace	Subject: text	Date: Indeterminate		
[Old text]: "oblig	ate"				
[New text]: " be subject to negotiation. The person(s) authorized to negotiate on behalf of"					
Number: 65	Author: Compare: Replace	Subject: text	Date: Indeterminate		
[Old text]: " writ	ten information but does"				
[New text]: " the	proposal will"				
Number: 66	Author: Compare: Insert	Subject: text	Date: Indeterminate		
" should be ider	tified."				
Number: 67	Author: Compare: Move moved from page 52 of old do	Subject: artifact	Date: Indeterminate		

Please note the OEP staff cannot be contacted on any contract negotiations between (*applicant name*) and the contractor.

### 3.12 Addresses

Submit Letters of Intent via e-mail or facsimile to:

(contact name, e-mail/facsimile address, etc.)

Submit Technical Proposals and Cost Estimates to:

(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to (Pplicant name) y (time and date).

### 4.0 SELECTION PROCESS

(Applicant name) will provide the OEP staff with one hardcopy and the electronic copy of the contractors' proposals, along with the the ntractors' OCI statements, CEII non-disclosure agreements, and (applicant name)'s OCI certification of the contractor. GAL will perform an OCI review of the submitted proposals. OEP staff will then conduct an independent review of the contracts cleared by GAL and the Director of OEP will make the final selection of the contractor. Lack of an OCI Statement, or the existence of an identifiable OCI (relative to the contractor, its key personnel, or any proposed subcontractor) that cannot be mitigated to the satisfaction of the FERC staff, will be sufficient grounds for proposal rejection.

Once the OEP staff has notified (applicant name) of its selection and the MOU is signed, (applicant name) will negotiate and fund a contract with the contractor. (Applicant name) will keep the OEP staff apprised of the negotiations with the contractor. Once the contract has been executed, the contractor will proceed to work solely under the direction and guidance of the OEP staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., the OEP staff) "shall furnish guidance

### Page: 53

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
			gotiations between (applicant name) and the contractor. 3.12 Addresses mail/facsimile address, etc.) Submit Technical Proposals and Cost Estimates
			Proposals and Cost Estimates should be submitted"
			•
Number: 2	Author: Compare: Delete osal. 1.6 Contractors' Conference	Subject: text  A Contractors' Con	Date: Indeterminate  Iference will be held by"
			,
Number: 3	Author: Compare: Replace conference date), beginning at (	Subject: text	Date: Indeterminate
[Old text]. Of (	comerence date), beginning at (	tomerence time). At	
[New text]: "by	(time and date). 4.0 SELECTION I	PROCESS Only those	e proposals submitted by contractors prior to"
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ference, questions"		
[New text]: "dea	adline stated herein will be evalu	ated. The proposals	,"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "ansv	wered"		
[New text]: "init	ially reviewed"		
	·		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "nam	ne). Contractors who submit a Le	tter of intent	
[New text]: "nar	ne),"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
	do not attend"	Subject. text	Date. Indeterminate
[New text]: "the	en all proposals will be submitted	l to"	
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "conf	ference"		
[Now toyt]: " OI	EP staff. The proposals"		
[New text]. Of			
Number: 9	Author: Compare: Insert	Subject: text	Date: Indeterminate
"also"			
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "noti	fied"		
[New text]: "file	d on the FERC project docket in	accordance with the	e Commission's instructions for filing"
			·
Number: 11	Author: Compare: Replace modifications"	Subject: text	Date: Indeterminate
[Old text]. ally	Hodifications		
EN 1	ivilaged material (Applicant nam	o) will provide the (	DEP staff with one hardcopy"
[New text]: " pri	ivilegeu material. (Applicant nam	ie) wiii provide trie (	our stair with one hardcopy
		•	• • • • • • • • • • • • • • • • • • • •
Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 12 [Old text]: "rece	Author: Compare: Replace	•	• • • • • • • • • • • • • • • • • • • •
Number: 12	Author: Compare: Replace	•	• • • • • • • • • • • • • • • • • • • •
Number: 12 [Old text]: "rece	Author: Compare: Replace	•	• • • • • • • • • • • • • • • • • • • •
Number: 12 [Old text]: "rece [New text]: "one Number: 13	Author: Compare: Replace vive a"	Subject: text	Date: Indeterminate
Number: 12 [Old text]: "rece [New text]: "one Number: 13 " the contractor	Author: Compare: Replace vive a" e electronic" Author: Compare: Insert rs' proposals, along with"	Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate
Number: 12 [Old text]: "rece [New text]: "one Number: 13	Author: Compare: Replace e electronic"  Author: Compare: Insert rs' proposals, along with"  Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 12 [Old text]: "rece [New text]: "one Number: 13 " the contractor Number: 14 [Old text]: "mine	Author: Compare: Replace e electronic"  Author: Compare: Insert rs' proposals, along with"  Author: Compare: Replace utes"	Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate
Number: 12 [Old text]: "rece [New text]: "one Number: 13 " the contractor Number: 14 [Old text]: "mine	Author: Compare: Replace e electronic"  Author: Compare: Insert rs' proposals, along with"  Author: Compare: Replace utes"	Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate
Number: 12 [Old text]: "rece [New text]: "one Number: 13 " the contractor Number: 14 [Old text]: "mini [New text]: "cor Number: 15	Author: Compare: Replace e electronic"  Author: Compare: Insert rs' proposals, along with"  Author: Compare: Replace utes"	Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate

## [New text]: " each contractor. GAL will perform an OCI review"

Please note the OEP staff cannot be contacted on any contract negotiations between (*applicant name*) and the contractor.

### 3.12 Addresses

Submit Letters of Intent via e-mail or facsimile to:

(contact name, e-mail/facsimile address, etc.)

Submit Technical Proposals and Cost Estimates to:

(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to (applicant name) by (time and date).

### 4.0 **SELECTION PROCESS**

Only those proposals submitted by contractors prior to the deadline stated herein will be evaluated. The proposals will be initially reviewed by (applicant name), and then all proposals will be submitted to the OEP staff. The proposals will also be filed on the FERC project docket in accordance with the Commission's instructions for filing of privileged material.

(Applicant name) will provide the OEP staff with one hardcopy and one electronic copy of the contractors' proposals, along with the contractors' OCI statements, CEII non-disclosure agreements, and (applicant name)'s OCI certification of each contractor. GAL will perform an OCI review of the bmitted proposals. OEP staff will then conduct an 17 dependent review of the contracts cleared by GAL and the 20 rector of 21 EP will 22 ake the 23 hal selection of the 24 ntractor. Lack of 25 h OCI Statement, or the 28 istence of 27 h identifiable OCI (relative to 26 he 29 ntractor, its key personnel, or any 30 oposed subcontractor) that cannot be 31 itigated to the satisfaction of the FERC staff, will be sufficient grounds for proposal rejection.

Once the OEP staff has notified (applicant name) of its selection and the MOU is signed, (applicant name) will negotiate and fund a contract with the contractor. (Applicant name) will keep the OEP staff apprised of the negotiations with the contractor. Once the contract has been executed, the contractor will proceed to work solely under the direction and guidance of the OEP staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., the OEP staff) "shall furnish guidance

USCA Case #16-1081 Filed: 09/15/2016 Page 189 of 369 Document #1636006 Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "meeting if [New text]: "submitted proposals. OEP staff will then conduct" Mumber: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "e-mail address or telephone facsimile number is provided. Otherwise, minutes [New text]: "independent review" Number: 18 Author: Compare: Insert Subject: text Date: Indeterminate the contracts cleared by GAL and" Number: 19 Author: Compare: Delete Subject: text Date: Indeterminate any other information to be used in' Number: 20 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "meeting will be sent via regular mail. The purpose' [New text]: "Director" Author: Compare: Replace Number: 21 Subject: text Date: Indeterminate [Old text]: " this conference" [New text]: " OEP" Number: 22 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "be to: • answer contractors' questions about' [New text]: "make" Date: Indeterminate Number: 23 Author: Compare: Replace Subject: text [Old text]: "RFP; • provide copies' [New text]: "final selection" Author: Compare: Replace Date: Indeterminate Number: 24 Subject: text [Old text]: "submission" [New text]: "contractor. Lack" Date: Indeterminate Number: 25 Author: Compare: Replace Subject: text [Old text]: " a proposal; and • entertain requests for other background documents, which may be available for use during [New text]: " an OCI Statement, or" Number: 26 Author: Compare: Delete Subject: text Date: Indeterminate 'attend this conference since this is' Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " the proposal but were not sent to contractors. All third-party contractors are strongly encouraged' [New text]: " an identifiable OCI (relative" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "preparation" [New text]: "existence" Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "only opportunity to receive responses to questions. Telephone calls are not permitted; no questions related to this RFP will be answered in" [New text]: "contractor, its key personnel, or" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: " forum other than at the contractors' conference. All questions must' [New text]: "proposed subcontractor) that cannot" Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate

### Comments from page 53 continued on next page

Please note the OEP staff cannot be contacted on any contract negotiations between (*applicant name*) and the contractor.

### 3.12 Addresses

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Technical Proposals and Cost Estimates should be submitted to (applicant name) by (time and date).

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Once the OEP staff <sup>37</sup>as notified (applicant name) of its selection and <sup>36</sup>e <sup>38</sup>OU is signed, (applicant name) will negotiate and <sup>39</sup>ind a contract with the <sup>40</sup>intractor. (Applicant name) <sup>41</sup>ill keep the OEP staff <sup>42</sup>pprised of the negotiations with the <sup>45</sup>intractor. Once the <sup>44</sup>intract has been executed, the contractor will <sup>43</sup>ioceed to work solely under the direction and guidance of the OEP staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., the OEP staff) "shall furnish guidance"

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 191 of 369 [New text]: "mitigated to" Number: 32 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "assisting" [New text]: "proposal rejection. Once" Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "responsible' [New text]: "sufficient grounds" Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "responses. 2.0 SERVICES REQUIRED The selected third-party contractor" [New text]: "FERC staff," Mumber: 35 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "conference so that all participants have equal access to [New text]: "satisfaction of" Number: 36 Author: Compare: Delete Subject: text Date: Indeterminate 'completing related work within" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "in conducting the NEPA review, preparing an EIS," [New text]: " has notified (applicant name) of its selection" Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "agreed-upon schedule' [New text]: "MOU is signed, (applicant name) will negotiate" Mumber: 39 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "approved budget. It will be' [New text]: " fund a contract with" Author: Compare: Replace Number: 40 Subject: text Date: Indeterminate [Old text]: "contractor's responsibility to notify (applicant" [New text]: "contractor. (Applicant" Number: 41 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "if the work effort ultimately required by [New text]: "will keep" Number: 42 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " exceeds" [New text]: " apprised of the negotiations with" Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "be responsible for satisfactory completion' [New text]: "proceed to work solely under the direction and guidance" Number: 44 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "bid was based or" [New text]: "contract has been executed," Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "work effort on which"

### Comments from page 53 continued on next page

[New text]: "contractor. Once"

Please note the OEP staff cannot be contacted on any contract negotiations between (*applicant name*) and the contractor.

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(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to (applicant name) by (time and date).

#### 4.0 SELECTION PROCESS

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Once the OEP staff has notified (applicant name) of its selection and the MOU is signed, (applicant name) will negotiate and fund a contract with the contractor. (Applicant name) will keep the OEP staff apprised of the negotiations with the contractor. Once the contract has been executed, the ontractor will proceed to work solely under the direction and guidance of the official (i.e., the OEP staff) "shall furnish guidance".

Number: 46 Ca	Se #16-1081 Author: Compare: Delete	ument #1636( Subject: text	Date: Indeterminate : 09/15/2016	Page 193 of 369	
"approved budge	t. The third-party"				
Number: 47	Author: Compare: Delete of all project-related document	Subject: text	Date: Indeterminate		
"2.1 Preparation o	of all project-related document	s, reports, and notic	es required by"		
Number: 48	Author: Compare: Move	Subject: artifact	Date: Indeterminate		
	noved from page 53 of old do	cument to page 53 o	of this document		
Number: 49	Author: Compare: Delete	Subject: text	Date: Indeterminate		
"following tasks:"					
Number: 50	Author: Compare: Replace	Subject: text	Date: Indeterminate		
[Old text]: "paper	copies, all materials must be p	rovided to"			
[New text]: "40 CF	R 1506.5(c), the responsible of	fficial (i.e.,"			
Number: 51	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: "In add	ition"				
[New text]: "Pursuant"					
Number: 52	Author: Compare: Replace	Subject: text	Date: Indeterminate		
Old text]: "staff o	n compact disks"				
[New text]: "staff)	"shall furnish guidance"				
Number: 53	Author: Compare: Move	Subject: artifact	Date: Indeterminate		
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(This sample RFP is set up to include 12e 11 ven appendices at 13e 10nd of this manual.)

- A. OCI Representation and Disclosure Statements
- B. OCI Questionnaire
- C. Contractor CEII Non-Disclosure Agreement
- D. OCI Certification
- E. Project 14 verview Map
- F. List of Available Background Documents
- G. Sample Memorandum of Understanding

## Page: 54

Number: 1	Author: Compare: Delete	Subject: text	Date: Indeterminate
"Microsoft Word 2	010 format, or as otherwise a	greed to by"	
Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
"and participate"	·		
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "OEP Er camera-ready EA	vironmental Project Manager	. Any required dat	abases (such as mailing lists) must be Microsoft Access 2002 compatible. The
[New text]: " prepa	aration"		
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "FEIS wi	ll be provided as pdf files as s	pecified by"	
[New text]: "shall i	ndependently evaluate"		
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "OEP sta	aff in addition"		
[New text]: "[envir	onmental document] prior"		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "hard co	opy. 2.2 Preparation of notices	5"	
[New text]: " its ap	proval"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "presen	tation materials"		
[New text]: "take r	esponsibility"		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "public	scoping meetings"		
[New text]: "its sco	ppe"		
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "public	comment meetings on"	,	
[Now toyt]: "conto	nts." (This sample RFP is set u	n to include"	
Number: 10 [Old text]: "OEP Er	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]. OEP EI	ivironmentai		
		entation and Discl	osure Statements B. OCI Questionnaire C. Contractor CEII Non-Disclosure
Agreement D. OCI			
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Number: 11	Author: Compare: Replace is task will require close coord	Subject: text	Date: Indeterminate
	•		
	appendices at" attributes were changed:		
font			
Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
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	attributes were changed:	Judject. text	24to. macterimiate
The following text	_		
font			
	Author: Compare: Replace	Subject: text	Date: Indeterminate

## Comments from page 54 continued on next page

(This sample RFP is set up to include the seven appendices at the end of this manual.)

- A. OCI Representation and Disclosure Statements
- B. OCI Questionnaire
- C. Contractor CEII Non-Disclosure Agreement
- D. OCI Certification
- E. 15 roject Overview Map
- F. List of Available Background Documents
- G. Sample Memorandum of Understanding

[New text]: "Overview Map F. List of Available Background Documents G. Sample Memorandum of Understanding" The following text attributes were changed: font

Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: font

Number: 16 Author: Compare: Move Subject: artifact Date: Indeterminate

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# hapter 4. FERC's ORGANIZATIONAL CONFLICT OF INTEREST AND OFF-THE-RECORD COMMUNICATIONS (EX PARTE) REQUIREMENTS

An OCI exists when the nature of the work be performed may, without some restriction on future activities:

- result in In unfair competitive advantage to a contractor and/or its affiliates; or
- impair the 4 ontractor's objectivity in 5 erforming the 6 ontract work.

OCIs typically exist where the ontractor 2nd/or its employees or affiliates have a ast, present, or ongoing financial interest in 11 poject or in a related project, or have a 12 phancial or business relationship with the 13 pplicant. For example, an OCI exists if the 14 ntractor and/or its affiliates:

- has been involved with the applicant on the project before it is proposed to the Commission, or while it is pending before the Commission;
- has an ongoing relationship with the applicant;
- would be called on to review its own prior work or that of its affiliates; or
- has a financial or other interest in the outcome of the Commission's decision.

All contractors must submit as part of their proposals a statement of Contractor's Organizational Conflicts of Interest Disclosure or Representations (OCI Statement). Specifically, contractors must reveal all relationships, including ownership interests, with all FERC regulated entities, including but not limited to pipelines, gathering companies, brokers and marketers of natural gas, major producers and their affiliates, and end users of natural gas such as industrial users, including cogeneration facilities. Contractors must state whether or not there is an OCI, and if so, to what extent. Contractors must provide an abstract listing all the above entities with which it or its subcontractors have had a business relationship and indicate whether or not that relationship results in a real or perceived conflict. In the event an apparent or real conflict is listed, a detailed mitigation plan to resolve and isolate any OCI should be included in the abstract. Detailed guidance regarding the OCI Statement, including requirements and definitions, begins on page 4-3.

The above obligation carries through the actual performance period of the work covered by this RFP. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the contractor and/or its affiliate's business relationships have changed in a manner that affects the previously submitted OCI Statement.

## Page: 55

"Chanter 4 FFRC	Author: Compare: Insert	Subject: text	Date: Indeterminate
		T OF INTEREST AN	ID OFF-THE-RECORD COMMUNICATIONS (EX PARTE) REQUIREMENTS An O
exists when the r	lature of the"		
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "will in	nclude arranging for meeting pl	aces, placing notic	es/announcements"
[New text]: "to be	e performed may, without some	e restriction on fut	ure activities: • result"
Number: 3	Author: Compare: Insert	Subject: text	Date: Indeterminate
"an unfair compe	etitive advantage to a contracto	r and/or its affiliat	es; or • impair"
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "appro	priate news media (local news	papers, radio statio	ons, etc.), developing materials for meetings, participating"
[New text]: "cont	ractor's objectivity"		
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "meeti	ings, and preparing reports sum		
[New text]: "perfo	ormina"		
	3		
Number: 6 [Old text]: "result	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]. Tesult	5 01		
[New text]: "cont	ract work. OCIs typically exist w	here"	
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "will p	repare"		
Number: 8	or its employees or affiliates ha Author: Compare: Delete	Subject: text	Date: Indeterminate
scoping meeting	gs/process and public meetings	on the EIS. The"	
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
			sequent agency review and concurrence. Assume at least (number) scoping tial locations for these meetings are: (list"
meetings and pu	blic comment meetings will be		
	, present, or ongoing financial i	nterest in"	
[New text]: "past,	, present, or ongoing financial in  Author: Compare: Replace	Subject: text	Date: Indeterminate
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[New text]: "past, Number: 10 [Old text]: "locati	, present, or ongoing financial in  Author: Compare: Replace ons). 2.3 Preparation and maint ect or in a related project, or ha	Subject: text tenance of"	Date: Indeterminate  Date: Indeterminate
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[New text]: "past, Number: 10 [Old text]: "locati [New text]: "proje Number: 11 The following text font	Author: Compare: Replace ons). 2.3 Preparation and maint ect or in a related project, or ha Author: Compare: Replace ot attributes were changed:	Subject: text tenance of" ove" Subject: text	Date: Indeterminate
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[New text]: "past, Number: 10 [Old text]: "locati  [New text]: "proje Number: 11 The following text font  Number: 12 [Old text]: "comp property owners	Author: Compare: Replace ons). 2.3 Preparation and maint ect or in a related project, or ha Author: Compare: Replace at attributes were changed:  Author: Compare: Replace cut attributes were changed:	Subject: text tenance of"  Nove"  Subject: text  Subject: text ailing list of agenc (Applicant name) v	Date: Indeterminate  Date: Indeterminate ies, officials, community/environmental groups, concerned citizens, affected
[New text]: "past, Number: 10 [Old text]: "locati  [New text]: "proje Number: 11 The following text font  Number: 12 [Old text]: "comp property owners  [New text]: "finant Number: 13	Author: Compare: Replace ons). 2.3 Preparation and maint ect or in a related project, or ha Author: Compare: Replace of attributes were changed:  Author: Compare: Replace outerized (sortable database) maind known interested parties. (ancial or business relationship with Author: Compare: Replace outerized relationship with Author: Compare: Replace	Subject: text tenance of"  Ive"  Subject: text  Subject: text ailing list of agenc (Applicant name) v th"  Subject: text	Date: Indeterminate  Date: Indeterminate ies, officials, community/environmental groups, concerned citizens, affected will provide"  Date: Indeterminate
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[New text]: "past, Number: 10 [Old text]: "locati  [New text]: "proje Number: 11 The following textont  [Number: 12 [Old text]: "comp property owners  [New text]: "finant Number: 13 [Old text]: "initial identified during	Author: Compare: Replace ons). 2.3 Preparation and maint ect or in a related project, or hat Author: Compare: Replace of attributes were changed:  Author: Compare: Replace outerized (sortable database) maind known interested parties. (ancial or business relationship with Author: Compare: Replace agency and affected property of agency and affected property of the compare: Replace agency and affected p	Subject: text tenance of"  Ive"  Subject: text  Subject: text  ailing list of agenc (Applicant name) v  th"  Subject: text owners list. 2.4 Cha	Date: Indeterminate  Date: Indeterminate ies, officials, community/environmental groups, concerned citizens, affected will provide"  Date: Indeterminate
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[New text]: "contractor and/or its affiliates: • has been involved with"

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- impair the contractor's objectivity in performing the contract work.

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- has been involved with the policant on the oject before it is proposed to commission, or while it is pending before the commission;
- has an ongoing relationship with the plicant;
- would be 24 lled on to 22 view its own prior work or that of 23 saffiliates; or
- has a financial or other interest in the least the least

All contractors must bmit as part their proposals a statement of morphisms (OCI Statement). Organizational Conflicts of Interest Disclosure or Representations (OCI Statement). Specifically, contractors must reveal all relationships, including ownership interests, with all FERC regulated entities, including but not limited to pipelines, gathering companies, brokers and marketers of natural gas, major producers and their affiliates, and end users of natural gas such as industrial users, including cogeneration facilities. Contractors must state whether or not there is an OCI, and if so, to what extent. Contractors must provide an abstract listing all the above entities with which it or its subcontractors have had a business relationship and indicate whether or not that relationship results in a real or perceived conflict. In the event an apparent or real conflict is listed, a detailed mitigation plan to resolve and isolate any OCI should be included in the abstract. Detailed guidance regarding the OCI Statement, including requirements and definitions, begins on page 4-3.

The above obligation carries through the actual performance period of the work covered by this RFP. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the contractor and/or its affiliate's business relationships have changed in a manner that affects the previously submitted OCI Statement.

		ument #16360 Subject: text	D06 Filed: 09/15/2016 Date: Indeterminate	Page 201 of 369
[Old text]: "potenti	ial environmental effects of"			
[New text]: "applic	ant on"			
Number: 16	Author: Compare: Insert	Subject: text	Date: Indeterminate	
"project before it i				
Number: 17 [Old text]: "avoid"	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[New text]: "the Co				
	Author: Compare: Delete tion of potential site, route an	Subject: text d facility location alt	Date: Indeterminate ternatives, (both locally and regionally) and c	letermination of mitigation
necessary"				
Number: 19 [Old text]: "reduce	Author: Compare: Replace impacts to acceptable levels f	Subject: text for"	Date: Indeterminate	
	it is pending before"			
Number: 20	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "enviror construction, oper	nmental topics listed in section ation and maintenance, upset	n 2.5 (below). Studies conditions, and aba	s shall take into account both direct and indi andonment for all proposed and alternative p auch as marine environments). The RRs conta	project facilities. Special expertise
[New text]: "Comm	nission; • has an ongoing relat	ionship with"		
Number: 21	Author: Compare: Replace	Subject: text	Date: Indeterminate	
			nd other already available technical data sha	"
[New text]: "applic	ant; • would"			
Number: 22	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "the ma	ximum extent practicable. Use	<u>.</u>		
[New text]: "review	its own prior work or that"			
Number: 23	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "any da	ta sources not"			
[New text]: " its aff	iliates; or • has a financial or c	other interest"		
Number: 24	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "used"				
[New text]: "called	on"			
Number: 25	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "project				
[New text]: "Comm	nission's decision. All contracto	ors"		
Number: 26	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "public	record for"			
[New text]: "outco	me of"			
Number: 27 "2.5 Preparation"	Author: Compare: Delete	Subject: text	Date: Indeterminate	
Number: 28	Author: Compare: Replace	Subject: text	Date: Indeterminate	
			ed Species Act, other applicable laws and reg	ulations, any additional
	actor's Organizational Conflict attributes were changed:	s"		
Number: 29	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "be app	roved by the OEP Project Mar	nager."		

# Comments from page 55 continued on next page

# Chapter 4. FERC's ORGANIZATIONAL CONFLICT OF INTEREST AND OFF-THE-RECORD COMMUNICATIONS (EX PARTE) REQUIREMENTS

An OCI exists when the nature of the work to be performed may, without some restriction on future activities:

- result in an unfair competitive advantage to a contractor and/or its affiliates; or
- impair the contractor's objectivity in performing the contract work.

OCIs typically exist where the contractor and/or its employees or affiliates have a past, present, or ongoing financial interest in the project or in a related project, or have a financial or business relationship with the applicant. For example, an OCI exists if the contractor and/or its affiliates:

- has been involved with the applicant on the project before it is proposed to the Commission, or while it is pending before the Commission;
- has an ongoing relationship with the applicant;
- would be called on to review its own prior work or that of its affiliates; or
- has a financial or other interest in the outcome of the Commission's decision.

All contractors must submit as part of leir proposals a statement of Contractor's Organizational Conflicts 22 Lerest Disclosure or Representations (OCI Statement). Specifically, contractors must reveal all relationships, including ownership interests, with all FERC regulated entities, including but not 34 mited 35 pipelines, gathering companies, brokers and 38 arketers of 36 atural gas, major producers and 37 heir affiliates, and 39 d users of 40 atural gas such as industrial users, including cogeneration facilities. Contractors must state whether or not there is an OCI, and if 42 b, to what extent. Contractors must provide an abstract listing all the above entities with which it or its subcontractors have had a business relationship and 43 dicate whether or not that relationship results in a real or perceived conflict. In the event an apparent or real conflict is listed, a detailed mitigation plan to resolve and isolate any OCI should be included in the abstract. Detailed guidance regarding the OCI Statement, including requirements and definitions, begins on page 4-3.

The above obligation carries through the actual performance period of the work covered by this RFP. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the contractor and/or its affiliate's business relationships have changed in a manner that affects the previously submitted OCI Statement.

Number: 41 Author: Compare: Delete Subject: text Date: Indeterminate Technical Reports (including Essential Fish Habitat Assessment,

Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " appropriate) The project as proposed by (applicant name) includes several pipeline route'

[New text]: " so, to what extent. Contractors must provide an abstract listing all the above entities with which it or its subcontractors have had a business relationship"

Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "aboveground facility site location alternatives."

[New text]: "indicate whether or not that relationship results in a real or perceived conflict."

# Chapter 4. FERC's ORGANIZATIONAL CONFLICT OF INTEREST AND OFF-THE-RECORD COMMUNICATIONS (EX PARTE) REQUIREMENTS

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- impair the contractor's objectivity in performing the contract work.

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- has been involved with the applicant on the project before it is proposed to the Commission, or while it is pending before the Commission;
- has an ongoing relationship with the applicant;
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- has a financial or other interest in the outcome of the Commission's decision.

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The above obligation carries through 52 e 51 tual performance period 53 54 50 55 ork covered by this RFP. Therefore, 57 e 58 CI Statement must be 56 freshed on an annual basis, at a minimum, and more frequently if the contractor and/or its affiliate's business relationships have changed in a manner that affects the previously submitted OCI Statement.

USCA Case #16-1081 Document   Number: 44 Author: Compare: Delete   "conjunction with"	ment #16360 Subject: text	06 Filed: 09/15/2016 Date: Indeterminate	Page 205 of 369
,	Subject: text ill"	Date: Indeterminate	
[New text]: "event an apparent or real conflict is lis	sted, a detailed mit	igation plan to resolve and isolate any OCI sl	hould"
Number: 46 Author: Compare: Replace [Old text]: "proposed project that are capable of n	Subject: text neeting"	Date: Indeterminate	
[New text]: "abstract. Detailed guidance regarding	1"		
	Subject: text	Date: Indeterminate	
[New text]: "included in"	31		
Number: 48 Author: Compare: Replace [Old text]: "are sufficient to meet"	Subject: text	Date: Indeterminate	
[New text]: "definitions, begins on page 4-3. The a	above obligation ca	rries through"	
	Subject: text	Date: Indeterminate	
[Old text]: "project's goals"			
[New text]: "OCI Statement, including requirement  Number: 50 Author: Compare: Delete	ts" Subject: text	Date: Indeterminate	
" NEPA, including reducing potentially significant			
Number: 51 Author: Compare: Replace : [Old text]: "requirements"	Subject: text	Date: Indeterminate	
[New text]: "actual performance period" The following text attributes were changed: font			
Number: 52 Author: Compare: Replace The following text attributes were changed: font	Subject: text	Date: Indeterminate	
Number: 53 Author: Compare: Replace The following text attributes were changed:	Subject: text	Date: Indeterminate	
font			
Number: 54 Author: Compare: Replace : The following text attributes were changed:	Subject: text	Date: Indeterminate	
font			
Number: 55 Author: Compare: Replace [Old text]: "proposed project and fostering inform	Subject: text led decision-making	Date: Indeterminate g. System alternatives to"	
[New text]: "work covered by this RFP. Therefore," The following text attributes were changed: font			
NAME OF TAXABLE PARTY O	Subject: text	Date: Indeterminate	
[Old text]: "addressed include (identify any known Description of the Proposed Project and Alternative			ntified by the OEP staff. The
[New text]: "refreshed on an annual basis," The following text attributes were changed: font			
Number: 57 Author: Compare: Replace : The following text attributes were changed:	Subject: text	Date: Indeterminate	
font			
Number: 58 Author: Compare: Replace [Old text]: "(project name) Project that should"	Subject: text	Date: Indeterminate	

# Comments from page 55 continued on next page

# Chapter 4. FERC's ORGANIZATIONAL CONFLICT OF INTEREST AND OFF-THE-RECORD COMMUNICATIONS (EX PARTE) REQUIREMENTS

An OCI exists when the nature of the work to be performed may, without some restriction on future activities:

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- impair the contractor's objectivity in performing the contract work.

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- has been involved with the applicant on the project before it is proposed to the Commission, or while it is pending before the Commission;
- has an ongoing relationship with the applicant;
- would be called on to review its own prior work or that of its affiliates; or
- has a financial or other interest in the outcome of the Commission's decision.

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#### Filed: 09/15/2016 [New text]: Oct Statement must D The following text attributes were changed: Document #1636006 Page 207 of 369

font

Number: 59 The following tex font	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
Number: 60 [Old text]: "follow	Author: Compare: Replace ring subsections:"	Subject: text	Date: Indeterminate
	ractor and/or its affiliate's busin t attributes were changed:	ness relationships ha	ave changed in a manner that affects"
Number: 61 "and more freque	Author: Compare: Insert ently if"	Subject: text	Date: Indeterminate
Number: 62 The following tex	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
Number: 63 The following tex	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
Number: 64 "1. Purpose and N	Author: Compare: Delete Need for"	Subject: text	Date: Indeterminate
Number: 65 "1 See 18 CFR 38	Author: Compare: Delete 0.7 and 40 CFR 1502.10 for add	Subject: text ditional guidance. 3-	Date: Indeterminate 40"
Number: 66 Matching graphic	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
Number: 67	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
Number: 68 [Old text]: "Project	Author: Compare: Replace	Subject: text	Date: Indeterminate

[New text]: "previously submitted OCI Statement. 4-1" The following text attributes were changed: font

2n other words, in addition befreshing the OCI Statement on an annual basis, if during the performance of that work the dontractor and/or its affiliates establish a relationship, including ownership interest, with the open contractor regulated entities identified above, the contractor dust notify the OEP Environmental Project Manager, and file an amended OCI Statement with GAL within 30 days. The amended OCI Statement must include a conflict mitigation plan to address any perceived or potential conflict of interest.

The contractor's conflict mitigation plan should describe mechanisms to resolve and isolate any OCI and ensure the contractor would impartially perform the services under the contract. When a contractor has identified a possible conflict, OEP staff may suspend its work with the contractor until a review has been conducted by the Commission's Designated Agency Ethics Official staff of GAL. The contractor must receive GAL approval, in writing, to implement the mitigation plan. The determination of GAL is final, but may be reconsidered for just cause.

The applicant will review each OCI Statement and abstract to determine whether the contractor is capable of impartially performing the environmental services required under the contract. The applicant shall certify that neither the contractor nor its subcontractors have an OCI. A format for this certification is included as Appendix D. All OCI materials submitted to OEP (including the contractor's OCI Statement, mitigation plans, and the applicant's certification) will be reviewed by GAL.

As more thoroughly discussed below, post-award communications between the applicant and the contractor will be limited by the Commission's <u>off-the-record</u> communications rule. Therefore, any post-award OCI issue or problem identified by the applicant shall be reported directly to the OEP Environmental Project Manager in writing.

Subcontractors also must submit an OCI Statement and, where necessary, a mitigation plan to resolve real or perceived OCIs.

### **Off-the-Record Communications**

In order to avoid all possibilities of prejudice, real or apparent communications between the applicant and contractor are subject to the Commission's off-the-record communications (sometimes referred to as <u>ex parte</u>) rule found at 18 CFR 385.2201.

Note that the restrictions on off-the-record communications do not apply during the Commission's Pre-Filing Process. However, the OEP staff will treat most communications between itself or the third-party contractor and the applicant during this

## Page: 56

Number: 1	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "be sou	ight through Use"		
	shing the OCI Statement on an	annual basis, if du	ring the performance"
The following text font	attributes were changed:		
Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
"In other words, ir	n addition"		
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
font	attributes were changed:		
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
			Route Description, as appropriate 4. Ancillary Facilities 5. General Design
	res) 7. Construction Schedule a		rage Field Facilities and Pipeline, as applicable) (including Applicant-Proposec Operation and Maintenance Procedures 9. Abandonment Procedures 10.
[New text]: "contr	actor and/or its affiliates estab	lish a relationshin	including ownership interest "
	attributes were changed:	nor a relation simp,	melading ownership interest,
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 6	Author: Compare: Insert	Subject: text	Date: Indeterminate
"that work"	, tatilon comparer moore	- Subject text	
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 8	Author: Compare: Delete	Subject: text	Date: Indeterminate
" this information	(is/will be) available in"		
Number: 9 [Old text]: "RRs in-	Author: Compare: Replace	Subject: text	Date: Indeterminate
	regulated entities identified al attributes were changed:	oove,"	
■ Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
	attributes were changed:		
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following text font	attributes were changed:		
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "Other	Planned Projects and Nonjuris	dictional Facilities 1	1. Alternatives (including No Action) The majority"
[New text]: "any" The following text font	attributes were changed:		
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "shall re		•	

In other words, in addition to refreshing the OCI Statement on an annual basis, if during the performance of that work the contractor and/or its affiliates establish a relationship, including ownership interest, with any of the FERC regulated entities identified above, 16 e 19 ntractor must notify 17 he 15 EP Environmental Project Manager, 21 d 22 e 23 20 nended OCI Statement with GAL within 30 days. The amended OCI Statement must include 2524 nflict mitigation plan to 27 dress any 26 erceived or potential conflict of interest.

The contractor's conflict mitigation plan should describe mechanisms to resolve and isolate any OCI and ensure the contractor would impartially perform the services under the contract. When a contractor has identified a possible conflict, OEP staff may suspend its work with the contractor until a review has been conducted by the Commission's Designated Agency Ethics Official staff of GAL. The contractor must receive GAL approval, in writing, to implement the mitigation plan. The determination of GAL is final, but may be reconsidered for just cause.

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Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "RRs for accuracy"

[New text]: "OEP Environmental Project Manager,"

The following text attributes were changed:

font

Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

Number: 18 Author: Compare: Delete Subject: text Date: Indeterminate "application made to the FERC. The third-party"

Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: font

Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "EIS, and prepare"

[New text]: "amended OCI Statement with GAL within 30 days. The amended OCI Statement must include"

The following text attributes were changed:

Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: font

Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "adequacy to meet the needs of NEPA for the preparation of"

[New text]: "file"

The following text attributes were changed:

font

Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate

Old text]: " data request(s)"

[New text]: "conflict mitigation plan"

The following text attributes were changed:

font

Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font

Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: " other data that may be needed."

[New text]: " perceived or potential conflict of interest."

The following text attributes were changed:

font

Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "(applicant name) (routed through the OEP staff) requesting"

[New text]: "address"

The following text attributes were changed:

The ontractor's conflict mitigation plan should scribe mechanisms to resolve and solate any OCI and scribe the contractor would impartially perform the services under the contract. When a contractor has identified a possible conflict, OEP staff may suspend its work with the contractor until a review has been conducted by the deminission's Designated Agency Ethics Official staff of AL. The contractor must receive GAL approval, in writing, to implement the mitigation plan. The determination of AL is final, but may be considered for states.

The plicant will wiew each OCI Statement and abstract to termine whether the contractor is capable of impartially performing the environmental services required under the contract. The applicant shall certify that neither the contractor nor its subcontractors have an OCI. A format for this certification is included as Appendix D. All OCI materials submitted to OEP (including the contractor's OCI Statement, mitigation plans, and the applicant's certification) will be reviewed by GAL.

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### Comments from page 56 continued on next page

In other words, in addition to refreshing the OCI Statement on an annual basis, if during the performance of that work the contractor and/or its affiliates establish a relationship, including ownership interest, with any of the FERC regulated entities identified above, the contractor must notify the OEP Environmental Project Manager, and file an amended OCI Statement with GAL within 30 days. The amended OCI Statement must include a conflict mitigation plan to address any perceived or potential conflict of interest.

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The applicant will review each OCI Statement and abstract to determine whether 42 e 45 ntractor is capable of 46 npartially performing the 43 vironmental 44 rvices required under the 50 ntract. The 47 plicant shall 48 rtify that neither the 49 ntractor nor its subcontractors have an OCI. A format for this certification is included as 51 ppendix D. All OCI materials submitted to OEP 52 ncluding the 53 ntractor's OCI Statement, mitigation plans, and the plicant's certification) will be reviewed by GAL.

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Page 215 of 369

Filed: 09/15/2016

The following text attributes were changed:

Number: 42	A. Haam Cananana Dalata		
70	Author: Compare: Delete	Subject: text	Date: Indeterminate
"scale), depending	on"		
Number: 43	Author: Compare: Delete	Subject: text	Date: Indeterminate
"resources potenti	ally affected and project spec	ifics. 2.7 Maintain o	ngoing review of potential"
Number: 44	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "issues	and assessment of adequacy	of overall scope of"	
[New text]: "service	es required under"		
Number: 45 [Old text]: "comple	Author: Compare: Replace exity/sensitivity"	Subject: text	Date: Indeterminate
[New text]: "contra	actor is capable"		
Number: 46	Author: Compare: Insert	Subject: text	Date: Indeterminate
" impartially perfo		,	
Number: 47	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "OEP sta		,	
[New text]: "applic	ant"		
Number: 48	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ised immediately of any poter	ntial data gaps or ar	nalysis shortcomings. 2.8 Arrange with (applicant name) to participate in
inspections of"			
[New text]: "certify	that neither"		
Number: 49	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "propos	sed facility locations (including	g overflight,"	
[New text]: "contra	actor nor its subcontractors ha	ave an OCI. A forma	t for this certification is included"
Number: 50	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "enviror			
[New text]: "contra	act."		
Number: 51	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "approp		Subject text	Date. Macterninate
[New text]: "Apper	ndix D. All OCI materials subm	nitted to"	
Number: 52	Author: Compare: Replace	Subject: text	Date: Indeterminate
	his may occur in conjunction		
[New text]: "(include	ding"		
Number: 53	Author: Compare: Replace	Subject: text	Date: Indeterminate
		imburse [applicant r	name] for all costs associated with OEP staff participation in overflights.) 2.9
Analyze comments	s"		
[New text]: "contra	actor's OCI Statement, mitigat	ion plans,"	
Number: 54	Author: Compare: Delete	Subject: text	Date: Indeterminate
" prepare draft res	ponses to comments on"		
Number: 55	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "PADEIS	S, ADEIS, DEIS, and FEIS and re	elated documents. 2	.10 Prepare camera-ready copies of"
[New text]: "applic	ant's certification) will be revi	ewed by GAL. As mo	ore thoroughly discussed below, post-award communications between"
Number: 56	Author: Compare: Delete	Subject: text	Date: Indeterminate
"FEIS and any requ	uired notices for submission to	0"	
	Author: Compare: Delete	Subject: text	Date: Indeterminate

In other words, in addition to refreshing the OCI Statement on an annual basis, if during the performance of that work the contractor and/or its affiliates establish a relationship, including ownership interest, with any of the FERC regulated entities identified above, the contractor must notify the OEP Environmental Project Manager, and file an amended OCI Statement with GAL within 30 days. The amended OCI Statement must include a conflict mitigation plan to address any perceived or potential conflict of interest.

The contractor's conflict mitigation plan should describe mechanisms to resolve and isolate any OCI and ensure the contractor would impartially perform the services under the contract. When a contractor has identified a possible conflict, OEP staff may suspend its work with the contractor until a review has been conducted by the Commission's Designated Agency Ethics Official staff of GAL. The contractor must receive GAL approval, in writing, to implement the mitigation plan. The determination of GAL is final, but may be reconsidered for just cause.

The applicant will review each OCI Statement and abstract to determine whether the contractor is capable of impartially performing the environmental services required under the contract. The applicant shall certify that neither the contractor nor its subcontractors have an OCI. A format for this certification is included as Appendix D. All OCI materials submitted to OEP (including the contractor's OCI Statement, mitigation plans, and the applicant's certification) will be reviewed by GAL.

As more thoroughly discussed below, post-award communications between the 59 plicant and the contractor will 58 limited by the Commission's off-the-record communications rule. Therefore, any post-award OCI issue or problem identified by 62 e 1 plicant shall be reported directly 63 @ OEP Environmental Project Manager in writing.

Subcontractors also must submit an OCI Statement and, where necessary, a 64 itigation plan to 66 solve real or 65 received OCIs.

### **Off-the-Record Communications**

In order to avoid all possibilities of rejudice, real or apparent communications between the plicant and mirractor subject to the Commission's off-the-record communications (sometimes referred to 71 ex parte) rule found at 18 CFR 385.2201. Note that the restrictions on off-the-record communications do not apply during the Commission's Pre-Filing Process. However, the OEP staff will treat most communications between itself or the third-party contractor and the applicant during this

"FEXC staff for printing and mailing. For purposes of proposal preparation, assume that the "09/15/2016" Page 217 of 369 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " print and distribute at least (25) copies of [New text]: "be limited by the Commission's off-the-record communications rule. Therefore, any post-award OCI issue or problem identified by" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "DEIS" [New text]: "applicant" Number: 60 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "cooperating agencies. (The actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs.) 2.11 Develop and maintain" [New text]: "the OEP Environmental Project Manager in writing. Subcontractors also must submit an OCI Statement and, where necessary," The following text attributes were changed: font Author: Compare: Replace Number: 61 Subject: text Date: Indeterminate [Old text]: "preliminary documents (ADEIS, etc.)" [New text]: "applicant shall be reported directly" The following text attributes were changed: font Number: 62 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 63 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Date: Indeterminate Mumber: 64 Author: Compare: Replace Subject: text [Old text]: "formal project management system" [New text]: "mitigation plan" Number: 65 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "biweekly, as mutually agreed, tracking' [New text]: "perceived OCIs. Off-the-Record Communications In order to avoid all possibilities" Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "allow for weekly" [New text]: "resolve real" Number: 67 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: " schedule and budget status for" [New text]: " prejudice, real or apparent communications between" Number: 68 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "provides a Letter of Intent" [New text]: "are subject to the Commission's off-the-record communications (sometimes referred" Number: 69 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "prime contractor" [New text]: "applicant" Number: 70 Subject: text Date: Indeterminate Author: Compare: Delete "any subcontractors. 2.12 Prepare a Biological Assessment, if appropriate. 2.13 Prepare an Essential Fish Habitat Assessment, if appropriate. 3.0 PROPOSAL REQUIREMENTS If a" Number: 71 Author: Compare: Replace Subject: text Date: Indeterminate

## Comments from page 56 continued on next page

[Old text]: "bid'

In other words, in addition to refreshing the OCI Statement on an annual basis, if during the performance of that work the contractor and/or its affiliates establish a relationship, including ownership interest, with any of the FERC regulated entities identified above, the contractor must notify the OEP Environmental Project Manager, and file an amended OCI Statement with GAL within 30 days. The amended OCI Statement must include a conflict mitigation plan to address any perceived or potential conflict of interest.

The contractor's conflict mitigation plan should describe mechanisms to resolve and isolate any OCI and ensure the contractor would impartially perform the services under the contract. When a contractor has identified a possible conflict, OEP staff may suspend its work with the contractor until a review has been conducted by the Commission's Designated Agency Ethics Official staff of GAL. The contractor must receive GAL approval, in writing, to implement the mitigation plan. The determination of GAL is final, but may be reconsidered for just cause.

The applicant will review each OCI Statement and abstract to determine whether the contractor is capable of impartially performing the environmental services required under the contract. The applicant shall certify that neither the contractor nor its subcontractors have an OCI. A format for this certification is included as Appendix D. All OCI materials submitted to OEP (including the contractor's OCI Statement, mitigation plans, and the applicant's certification) will be reviewed by GAL.

As more thoroughly discussed below, post-award communications between the applicant and the contractor will be limited by the Commission's off-the-record communications rule. Therefore, any post-award OCI issue or problem identified by the applicant shall be reported directly to the OEP Environmental Project Manager in writing.

Subcontractors also must submit an OCI Statement and, where necessary, a mitigation plan to resolve real or perceived OCIs.

#### **Off-the-Record Communications**

In order to avoid all possibilities of prejudice, real or apparent communications between the applicant and contractor are subject to the Commission's off-the-record communications (sometimes referred to as ex parte) rule found at 18 CFR 385.2201. Note that the restrictions on 72 f-the-record communications do not apply during the Commission's Pre-Filing Process. However, the OEP staff will treat most communications between itself or the 4 ird-party contractor and 73 e 75 plicant during this

## USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 219 of 369

Number: 72 Author: Compare: Insert Subject: text Date: Indeterminate off-the-record communications do not apply during the Commission's Pre-Filing Process. However, the OEP staff will treat most communications between itself or" Number: 73 Author: Compare: Delete Subject: text Date: Indeterminate 'subsequently does not intend to submit a proposal,' Number: 74 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "RFP," [New text]: "third-party contractor" Author: Compare: Replace Subject: text Date: Indeterminate

[New text]: "applicant during this 4-2"

[Old text]: "contractor shall notify (applicant name)"

Deriod as Zubject to bublic disclosure to bushes of the NEPA process. An offthe-record communication is a written or oral communication that is:

- off the ecord; and
- Belates to the Pherits of pending proceeding.

The Commission will treat the pohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The Untractor shall report all such communications to <sup>12</sup>AL. Exceptions are listed at 18 CFR 385.2201(b) and <sup>13</sup>).

14 inquiries regarding OCI and off-the-record communications should be directed to GAL. Contact information is listed at the end of this chapter.

### **Contractor's OCI Disclosure and Representations**

### Requirements

All contractors must provide the information and assurances called for by this section.

The contractor must submit (as a separate volume) the following documents from each of the entities listed herein: 12

1. Either (a) the OCI Representation Statement (representing that the contractor has no OCIs), or (b) the OCI Disclosure Statement (in the event that the contractor has information relevant to a potential OCI). (See Appendix A.) If the OCI Disclosure Statement is signed, provide an attachment showing the information required.

12 The types of entities or individuals required to complete the forms listed above are as follows:

2. The subcontractor(s) (unless the subcontractor(s) is only providing supplies) and consultants at every tier.

<sup>1.</sup> The prime contractor.

<sup>3.</sup> All affiliates of the foregoing if the prime or subcontractors do not file on their behalf.

<sup>4.</sup> Any entities owned or represented by the chief executives or directors of: the prime contractor; any of the subcontractors, except for those only providing supplies; and any of the consultants.

Chief executives and directors - if they will be involved in performing the proposed work 5. of: the prime contractor; the subcontractors at every tier (except for subcontractors which are only providing supplies); consultants at every tier; and all affiliates of the foregoing.

## Page: 57

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"period"	p	<b>,</b>	
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "soo	n as possible, but in any event n	o later than (numb	per) days prior"
[New text]: "sub	oject"		
Number: 3 [Old text]: "the	Author: Compare: Replace proposal due date. Contractors s	Subject: text shall also return all	Date: Indeterminate I materials"
[New text]: " pu	ıblic disclosure"		
Number: 4	Author: Compare: Insert	Subject: text	Date: Indeterminate
" the NEPA pro	cess. An offthe-record communi	cation is a written	or oral communication that is: • off"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
"[Old text]: "(app	olicant name). Contractors must	provide (number) (	copies"
[New text]: "ens The following to font	sure openness" ext attributes were changed:		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "tech	nnical proposal"		
[New text]: "rec	cord;"		
Number: 7	Author: Compare: Insert	Subject: text	Date: Indeterminate
" a pending pro	oceeding. The Commission will tr	eat"	
Number: 8	Author: Compare: Replace t estimate; (applicant name) will	Subject: text	Date: Indeterminate
font Number: 9	Author: Compare: Replace  Staff with two copies"	Subject: text	Date: Indeterminate
	·		
[New text]: "me		Culain atu taut	Date la data main ata
Number: 10 [Old text]: "topi	Author: Compare: Replace rated proposals. Cost estimates r		Date: Indeterminate I in separate sealed envelopes labeled "COST ESTIMATE.""
[New text]: "pro	ohibitions on off-the-record com er Commission supervision and c	munications as be	ing applicable to communications between an applicant and a third-party
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "pro	posal is limited"		
[New text]: "cor	ntractor shall report all such com	munications"	
Number: 12 [Old text]: "(50)	Author: Compare: Replace pages (single-sided, space"	Subject: text	Date: Indeterminate
	L. Exceptions are listed at 18 CFF ext attributes were changed:	R 385.2201(b)"	
Number: 13 [Old text]: "a 3-	Author: Compare: Replace	Subject: text	Date: Indeterminate
[New text]: "(e).			
Number: 14	Author: Compare: Delete	Subject: text	Date: Indeterminate
	. tatilor. Compare. Delete	Subject. text	Datadeterminate

# Comments from page 57 continued on next page

period as subject to public disclosure to ensure openness of the NEPA process. An offthe-record communication is a written or oral communication that is:

- > off the record; and
- relates to the merits of a pending proceeding.

The Commission will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The contractor shall report all such communications to GAL. Exceptions are listed at 18 CFR 385.2201(b) and (e).

All 15 quiries regarding OCI and off-the-record communications should be 16 rected to GAL. Contact information 18 listed at the 19 d o 17 is chapter.

### **Contractor's OCI Disclosure and Representations**

### Requirements

All contractors must provide the deformation and description and description.

The contractor must submit (as a separate volume) the each of the entities listed herein: (as a separate volume) the lowing documents from each of the entities listed herein:

Either (a) the <sup>28</sup>CI Representation Statement (representing that the <sup>29</sup>ntractor has no OCIs), or (b) the <sup>30</sup>CI Disclosure Statement (in the event that the contractor has information relevant to a potential OCI). (See Appendix A.) If the OCI Disclosure Statement is signed, provide an attachment showing the information required.

12 The types of entities or individuals required to complete the forms listed above are as follows:

2. The subcontractor(s) (unless the subcontractor(s) is only providing supplies) and consultants at every tier.

<sup>1.</sup> The prime contractor.

<sup>3.</sup> All affiliates of the foregoing if the prime or subcontractors do not file on their behalf.

<sup>4.</sup> Any entities owned or represented by the chief executives or directors of: the prime contractor; any of the subcontractors, except for those only providing supplies; and any of the consultants.

<sup>5.</sup> Chief executives and directors - if they will be involved in performing the proposed work of: the prime contractor; the subcontractors at every tier (except for subcontractors which are only providing supplies); consultants at every tier; and all affiliates of the foregoing.

Case #16-1081 Document #1636006 Filed: 09/15/2016 Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "materials' [New text]: "inquiries regarding OCI and off-the-record communications" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "easily readable. The proposal should be concise, well organized and contain the following [New text]: "directed to GAL. Contact" Number: 17 Author: Compare: Insert Subject: text Date: Indeterminate this chapter. Contractor's OCI Disclosure and Representations Requirements All contractors must provide" Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "in" [New text]: "is listed at" Number: 19 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "order presented below: 3.1 Introduction Explain the contractor's understanding [New text]: "end" Number: 20 Author: Compare: Insert Subject: text Date: Indeterminate "by" Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project" [New text]: "information" Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "a summary of the contractor's qualifications" [New text]: "assurances called" Date: Indeterminate Number: 23 Author: Compare: Replace Subject: text [Old text]: "project in one or two pages. Because" [New text]: "section. The contractor must submit (as a separate volume)" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "project is located in (identify state(s)), qualifications for assessing impacts to the environment of this region" [New text]: "following documents from each' Number: 25 Author: Compare: Insert Subject: annotation Date: Indeterminate Matching annotation not found Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "country should be highlighted. 3.2 Technical Approach Present both an overall technical approach for [New text]: "entities listed herein: 12" Number: 27 Author: Compare: Insert Subject: text Date: Indeterminate '1. Either (a)' Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "preparation of" [New text]: "OCI Representation Statement (representing that" Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "EIS and" [New text]: "contractor has no OCIs), or (b)" Author: Compare: Replace Date: Indeterminate Number: 30 Subject: text [Old text]: "approach proposed for individual technical areas and tasks. Include any recommendations to improve'

period as subject to public disclosure to ensure openness of the NEPA process. An offthe-record communication is a written or oral communication that is:

- > off the record; and
- relates to the merits of a pending proceeding.

The Commission will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The contractor shall report all such communications to GAL. Exceptions are listed at 18 CFR 385.2201(b) and (e).

All inquiries regarding OCI and off-the-record communications should be directed to GAL. Contact information is listed at the end of this chapter.

### **Contractor's OCI Disclosure and Representations**

### Requirements

All contractors must provide the information and assurances called for by this section.

The contractor must submit (as a separate volume) the following documents from each of the entities listed herein: 12

- 1. Either (a) the OCI Representation Statement (representing that the contractor has no OCIs), or (b) the OCI Disclosure Statement (in the 32 ent that the 31 ntractor has information relevant to a potential OCI). (See Appendix A.) If the 33 CI Disclosure Statement is signed, provide an 34 tachment showing the information required.
- 40 d 36 pes of entities 44 B7 dividuals required 43 38 mplete 42 e 41 ms listed above are as follows:
  - 1. The prime contractor.
  - The subcontractor(s) (unless the 45 bcontractor(s) is only providing supplies) and consultants at every tier.
  - 3. All affiliates of the foregoing if the prime or subcontractors do not file on their behalf.
  - 4. Any entities owned or represented by the chief executives or directors of: the prime contractor; any of the subcontractors, except for those only providing supplies; and any of the consultants.
  - 5. Chief executives and directors if they will be involved in performing the proposed work of: the prime contractor; the subcontractors at every tier (except for subcontractors which are only providing supplies); consultants at every tier; and all affiliates of the foregoing.

#### Case #16-1081 Oci Disclosure Statement (in Document #1636006 Page 225 of 369 Filed: 09/15/2016 Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "cost estimate. 3.3 Project Organization and Management Approach Describe' [New text]: "contractor has information relevant to a potential OCI). (See Appendix A.) If" Author: Compare: Replace Subject: text [Old text]: "scope (including rationale) and reflect those recommendations in [New text]: "event that" Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " proposed project organization, with" [New text]: "OCI Disclosure Statement is signed, provide" Author: Compare: Replace Number: 34 Subject: text Date: Indeterminate [Old text]: "organization chart including positions, responsibilities and reporting relationships." [New text]: "attachment showing the information required." Number: 35 Author: Compare: Insert Subject: graphic Date: Indeterminate Matching graphic not found Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "senior specialist and/or subcontractor(s) with responsibility for each resource area must be identified and their location specified. These key personnel shall not be reassigned within the project" [New text]: " types of entities" The following text attributes were changed: Number: 37 Author: Compare: Insert Subject: text Date: Indeterminate individuals required" Date: Indeterminate Number: 38 Author: Compare: Replace Subject: text [Old text]: " other projects without prior written approval from" [New text]: " complete" The following text attributes were changed: Number: 39 Author: Compare: Insert Subject: text Date: Indeterminate "12" Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Author: Compare: Replace Date: Indeterminate Number: 41 Subject: text [Old text]: "OEP staff. Describe" [New text]: "forms listed above are as follows: 1. The prime contractor. 2. The subcontractor(s) (unless" The following text attributes were changed: size Number: 42 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Author: Compare: Replace Number: 44 Subject: text Date: Indeterminate The following text attributes were changed: size Author: Compare: Replace Number: 45 Subject: text Date: Indeterminate

### Comments from page 57 continued on next page

[Old text]: "proposed management scheme for the project, with a discussion'

period as subject to public disclosure to ensure openness of the NEPA process. An offthe-record communication is a written or oral communication that is:

- > off the record; and
- relates to the merits of a pending proceeding.

The Commission will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The contractor shall report all such communications to GAL. Exceptions are listed at 18 CFR 385.2201(b) and (e).

All inquiries regarding OCI and off-the-record communications should be directed to GAL. Contact information is listed at the end of this chapter.

### **Contractor's OCI Disclosure and Representations**

### Requirements

All contractors must provide the information and assurances called for by this section.

The contractor must submit (as a separate volume) the following documents from each of the entities listed herein: 12

1. Either (a) the OCI Representation Statement (representing that the contractor has no OCIs), or (b) the OCI Disclosure Statement (in the event that the contractor has information relevant to a potential OCI). (See Appendix A.) If the OCI Disclosure Statement is signed, provide an attachment showing the information required.

The types of entities or individuals required to complete the forms listed above are as follows: 12

The subcontractor(s) (unless 46 e subcontractor(s) is only providing supplies) and 2. consultants at every tier.

<sup>1.</sup> The prime contractor.

All affiliates 50 51 d49 regoing it 52 d48 rime or subcontractors do not file on their behalf. 3.

Any entities owned 58 depresented by 55 e 56 ief executives or directors of: 57 53 rime 4. contractor; any of the subcontractors, except for those only providing supplies; and any of the consultants.

Chief executives and directors - if they will be involved in performing the proposed work of: the prime contractor; the subcontractors at every tier (except for subcontractors which are only providing supplies); consultants at every tier; and all affiliates of the foregoing.

The following text attributes were changed: size Number: 46 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 47 Author: Compare: Delete Subject: text Date: Indeterminate "where Date: Indeterminate Number: 48 Author: Compare: Replace Subject: text [Old text]: "proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors. 3.4 Qualifications and Experience Describe qualifications and prior experience in completing similar NEPA compliance projects, particularly pipeline construction projects" [New text]: " prime or subcontractors do not file on their behalf. 4. Any entities owned" The following text attributes were changed: size Number: 49 Author: Compare: Replace Subject: text Date: Indeterminate Old text]: "work will be done and where each key person and subcontractor presently resides. Provide" [New text]: " foregoing if" The following text attributes were changed: size Number: 50 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 51 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 52 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Mumber: 53 Subject: text Date: Indeterminate [Old text]: "geographical areas of study. Discuss the contractor's understanding' [New text]: " prime contractor; any" The following text attributes were changed: size Date: Indeterminate Number: 54 Author: Compare: Replace Subject: text [Old text]: "other linear facility projects. Emphasize prior work experience with" [New text]: " represented by" The following text attributes were changed: size Author: Compare: Replace Subject: text Date: Indeterminate Number: 55 The following text attributes were changed: Mumber: 56 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "FERC for natural gasrelated projects, (identify affected state[s]) state agencies, major relevant construction projects, and [New text]: "chief executives or directors of:" The following text attributes were changed: Number: 57 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Date: Indeterminate Number: 58 Subject: text

A Case #16-1081 Document #1636006 Filed: 09/15/2016 "subcontractor(s) is only providing supplies) and consultants at every tier. 3. All affiliates

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### Comments from page 57 continued on next page

The following text attributes were changed:

size

period as subject to public disclosure to ensure openness of the NEPA process. An offthe-record communication is a written or oral communication that is:

- > off the record; and
- relates to the merits of a pending proceeding.

The Commission will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The contractor shall report all such communications to GAL. Exceptions are listed at 18 CFR 385.2201(b) and (e).

All inquiries regarding OCI and off-the-record communications should be directed to GAL. Contact information is listed at the end of this chapter.

### **Contractor's OCI Disclosure and Representations**

### Requirements

All contractors must provide the information and assurances called for by this section.

The contractor must submit (as a separate volume) the following documents from each of the entities listed herein: 12

1. Either (a) the OCI Representation Statement (representing that the contractor has no OCIs), or (b) the OCI Disclosure Statement (in the event that the contractor has information relevant to a potential OCI). (See Appendix A.) If the OCI Disclosure Statement is signed, provide an attachment showing the information required.

The types of entities or individuals required to complete the forms listed above are as follows:

2. The subcontractor(s) (unless the subcontractor(s) is only providing supplies) and consultants at every tier.

<sup>1.</sup> The prime contractor.

<sup>3.</sup> All affiliates of the foregoing if the prime or subcontractors do not file on their behalf.

<sup>4.</sup> Any entities owned or represented by the chief executives or directors of: the prime contractor; any 63 the 61 bcontractors, except 64 62 bse only providing supplies 65 d 67 hy 66 69 68 bnsultants.

<sup>5.</sup> Chief executives and 71 rectors - if they will be 72 volved in performing the 70 roposed work of: the prime contractor; the subcontractors at every tier (except for subcontractors which are only providing supplies); consultants at every tier; and all affiliates of the foregoing.

### Comments from page 57 continued on next page

period as subject to public disclosure to ensure openness of the NEPA process. An offthe-record communication is a written or oral communication that is:

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The Commission will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant and a third-party contractor under Commission supervision and control. The contractor shall report all such communications to GAL. Exceptions are listed at 18 CFR 385.2201(b) and (e).

All inquiries regarding OCI and off-the-record communications should be directed to GAL. Contact information is listed at the end of this chapter.

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### Requirements

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The contractor must submit (as a separate volume) the following documents from each of the entities listed herein: 12

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<sup>1.</sup> The prime contractor.

<sup>3.</sup> All affiliates of the foregoing if the prime or subcontractors do not file on their behalf.

<sup>4.</sup> Any entities owned or represented by the chief executives or directors of: the prime contractor; any of the subcontractors, except for those only providing supplies, and any of the consultants.

Chief executives 73d directors - if they 74 ill be involved in performing 75 e proposed work of: 79 76 me contractor 80 e 77 b contractors at every tier (except 81 r 78 b contractors which are only providing supplies); consultants at every tier; and all affiliates 83 the 82 regoing.

USCA Case #16-1081 [New text]: "involved in performing" Document #1636006

Filed: 09/15/2016

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The following text attributes were changed: size

Number: 73 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: size

Number: 74 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

Number: 75 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: size

Number: 76 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: " type of project under consideration. The past, current, and proposed use of small and small disadvantaged owned business enterprises by"

[New text]: "prime contractor;"

The following text attributes were changed:

font, size

Number: 77 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "contractor should be described. 3.5 Project Schedule Submit a proposed schedule delineating dates"

[New text]: " subcontractors at every tier (except"

The following text attributes were changed:

size

Number: 78 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "completion"

[New text]: "subcontractors which are only providing supplies); consultants at every tier; and all affiliates"

Subject: text

Date: Indeterminate

The following text attributes were changed:

size

Number: 79 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font, size

Number: 80 Author: Compare: Replace
The following text attributes were changed:

size

Number: 81 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

size

Number: 82 Author: Compare: Replace Subject: text Date: Indeterminate

Old text]: "major work tasks specified in Section 2.5 of this RFP."

[New text]: "foregoing, 4-3"

The following text attributes were changed:

size

Number: 83 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

size

The CI Questionnaire (see Appendix B). If you answer any questions "YES," provide an attachment showing the equested information in detail. Please do not reference any information in the sections of your proposal.

### **Notice**

Apart from other remedies allowed by law or contract, any deliberate non-disclosure or misrepresentation of facts relevant to the CI disclosure required by the mission may result in, among other things, termination of the ontract, or disqualification of the things, the third-party contracts. See, for example, 18 U.S.C.§ 1001.

### **Discussion**

It is 12e policy of the Commission to 13entify and 11 oid or mitigate an OCI before selecting a third-party contractor. Generally, to 14 termine whether an OCI exists, the Commission considers questions, such as the following:

- Are there conflicting roles or interests which might bias a contractor's judgment or create a negative appearance in relation to its work for the Commission?<sup>13</sup>
- Could the contractor gain an unfair competitive advantage based on the performance of the contract? Would the contractor be placed in the position to review its own work?
- What percentage of the contractor's total income in recent years resulted from arrangements with any project-related entities?

GAL will determine whether an OCI exists after examining:

- ➤ all relevant facts submitted by the contractor;
- the statement of work; and
- information gained from other sources.

If an OCI does exist, GAL may require the contractor to submit an acceptable mitigation plan. If the conflict cannot be resolved through an adequate mitigation plan, the contractor will be ineligible for selection or for proceeding with the third-party contract.

\_

These may include work for the applicant on this project, or for applicant or another energy firm in the same general project area, especially if the work is for a similar project.

## Page: 58

Number: 1	Author: Compare: Replace	Subject: text	Date: Indeterminate
	cted contractor's proposal must		
[New text]: "OC	I Questionnaire (see Appendix B)	. If you answer an	y questions "YES," provide an attachment showing"
Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
"2."			
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "com	pletion dates as specified"		
[New text]: "req	uested information in detail. Plea	ase do not referen	nce any information"
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "Sect	tion 1.4"		
[New text]: "oth misrepresentati		tice Apart from ot	her remedies allowed by law or contract, any deliberate nondisclosure or
Number: 5	Author: Compare: Delete	Subject: text	Date: Indeterminate
"this schedule r	nust be presented with reasons f	or"	
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "char	nges. Note, however, that"		
[New text]: "OC	I disclosure required by"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
MAN .	RFP. Any suggested modification		Date. Indeterminate
	, 55		
[New text]: " fac	cts relevant"		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "ultir	mate schedule will be determined	l by"	
[New text]: "Co	mmission may result in, among c	ther things, termi	nation of"
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "OEP			
[New text]: "cor	ntract, or disqualification of"		
	•		
Number: 10 [Old text]: "app	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]. upp	incurre.		
[New text]: "cor	ntractor from future third-party c	ontracts. See, for e	example, 18 U.S.C.§ 1001. Discussion"
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "the	OEP staff that ample resources e	xist"	
[New text]: "avo	oid or mitigate an OCI before sele	ecting a third-part	y contractor. Generally,"
Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "imp	ortant that contractors demonstr	ate"	
[New text]: "the	policy of the Commission"		
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "(app	olicant name)"		
[New text]: "ide	ntify"		
The following to	ext attributes were changed:		
font			
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "mee	J.		

2. The OCI Questionnaire (see Appendix B). If you answer any questions "YES," provide an attachment showing the requested information in detail. Please do not reference any information in other sections of your proposal.

### **Notice**

Apart from other remedies allowed by law or contract, any deliberate nondisclosure or misrepresentation of facts relevant to the OCI disclosure required by the Commission may result in, among other things, termination of the contract, or disqualification of the contractor from future third-party contracts. See, for example, 18 U.S.C.§ 1001.

### **Discussion**

It is the policy of the Commission to identify and avoid or mitigate an OCI before selecting a third-party contractor. Generally, to determine whether an OCI exists, the 15 mmission considers questions, such as the 16 llowing:

- Are there conflicting roles or 17 terests which might bias a 18 ntractor's iudgment or create a 19 gative appearance in relation to its work 20 r the commission?
- Description 25 buld the contractor 24 in an unfair competitive advantage based on 26 le performance of the contract? Would the contractor be placed in the contractor be place review its own work?
- What percentage of the contractor's total income in recent years resulted from arrangements with any project-related entities?

GAL will determine whether an OCI exists after examining:

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- the statement of work; and
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If an OCI does exist, GAL may require the contractor to submit an acceptable mitigation plan. If the conflict cannot be resolved through an adequate mitigation plan, the contractor will be ineligible for selection or for proceeding with the third-party contract.

<sup>13</sup> These may include work for the applicant on this project, or for applicant or another energy firm in the same general project area, especially if the work is for a similar project.

#### USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 235 of 369 Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project schedule. If a contractor has multiple EIS obligations underway concurrently, it must clearly show separate resources or provide convincing evidence that it can meet" [New text]: "Commission considers questions, such as" Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "schedule. 3.6 References List and describe three successfully completed" [New text]: "following: • Are there conflicting roles" Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "in-progress projects of" [New text]: "interests which might bias" Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "similar nature with the name and phone number of the client's project manager. Additionally, list three client references specifically for the proposed project manager. 3.7 Conflicts of Interest and Critical Energy Infrastructure Information Identify possible conflicts of interest that may require investigation by the FERC staff. Include" [New text]: "contractor's judgment or create" Subject: text Number 19 Author: Compare: Replace Date: Indeterminate [Old text]: "discussion of all" [New text]: "negative appearance in relation to its" Author: Compare: Replace Subject: text Date: Indeterminate Number: 20 [Old text]: "completed by" [New text]: "for" Number: 21 Author: Compare: Insert Subject: annotation Date: Indeterminate Matching annotation not found Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contractor for similar work on natural gas-related projects within' [New text]: "Commission?13" Number: 23 Author: Compare: Delete Subject: text Date: Indeterminate last 3 years. Pursuant to 40 CFR 1506.5(c), Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "selection is" [New text]: "gain an unfair competitive advantage" Number: 25 Author: Compare: Insert Subject: text Date: Indeterminate "• Could" Author: Compare: Replace Date: Indeterminate Number: 26 Subject: text [Old text]: " ability and absence" [New text]: " the performance" Number: 27 Author: Compare: Delete Subject: text Date: Indeterminate 'conflicts of interest. The contractor must also submit a Critical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used. All proposals must include" Number: 28 Author: Compare: Delete Subject: text Date: Indeterminate \* Either the FERC's (a) Organizational Conflict of Interest (OCI) Representation Statement, or (b) OCI Disclosure Statement, prepared by a responsible official attesting" Author: Compare: Replace Mumber: 29 Subject: text Date: Indeterminate

[New text]: " position to review its own work? • What percentage"

[Old text]: "outcome"

Filed: 09/15/2016

2. The OCI Questionnaire (see Appendix B). If you answer any questions "YES," provide an attachment showing the requested information in detail. Please do not reference any information in other sections of your proposal.

### **Notice**

Apart from other remedies allowed by law or contract, any deliberate non-disclosure or misrepresentation of facts relevant to the OCI disclosure required by the Commission may result in, among other things, termination of the contract, or disqualification of the contractor from future third-party contracts. See, for example, 18 U.S.C.§ 1001.

### **Discussion**

It is the policy of the Commission to identify and avoid or mitigate an OCI before selecting a third-party contractor. Generally, to determine whether an OCI exists, the Commission considers questions, such as the following:

- Are there conflicting roles or interests which might bias a contractor's judgment or create a negative appearance in relation to its work for the Commission?<sup>13</sup>
- Could the contractor gain an unfair competitive advantage based on the performance of the Intract? Would the contractor placed in the position to review its own work?
- What percentage of the 32 ontractor's total income in recent years resulted from arrangements with any project-related entities?

GAL will determine whether an [33]CI [34] ists after examining:

- ➤ all relevant facts submitted by the contractor;
- > 35e statement of work; and
- > 36 formation gained from other sources.

If an OCI 38 es exist, GAL may 37 quire the contractor to submit an acceptable mitigation plan. If the conflict cannot be 39 solved through an 40 equate mitigation plan, the 41 ntractor will be ineligible for selection or 42 r proceeding with the third-party contract.

These may include work for 44 applicant on 46 s project, or for applicant or another energy firm in the same general project area, especially if the work is for a similar project.

-1081 Document #1636006 Filed: 09/15/2016 Page 237 of 369 [Old text]: "and its subcontractor(s) have no financial or other conflicting interest [New text]: "be placed" Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "following three items: 3-44" [New text]: "contract? Would" Date: Indeterminate Number: 32 Author: Compare: Replace Subject: text [Old text]: "project, or proposing a mitigation plan if [New text]: " contractor's total income in recent years resulted from arrangements with any project-related entities? GAL will determine whether" Number: 33 Author: Compare: Delete Subject: text Date: Indeterminate 'actual or potential" Number: 34 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "exists. (See appendix A.)" [New text]: "exists after examining: • all relevant facts submitted by the contractor;" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "The FERC's OCI Questionnaire. (See appendix B.)" [New text]: "the statement of work; and" Author: Compare: Replace Number: 36 Subject: text Date: Indeterminate [Old text]: "A Contractor CEII Non-Disclosure Agreement. (See appendix C.) (Applicant name) will complete [New text]: "information gained from other sources. If" Number: 37 Author: Compare: Insert Date: Indeterminate Subject: text 'require the contractor to submit an acceptable mitigation plan. If the conflict cannot' Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Certification. (See appendix D.) 3.8 Resumes Resumes' [New text]: "does exist, GAL" Number: 39 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "submitted as' [New text]: "resolved through" Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "attachment to" [New text]: "adequate mitigation plan," Author: Compare: Replace Date: Indeterminate Number: 41 Subject: text [Old text]: "proposal" [New text]: "contractor will be ineligible for selection" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "as a separate volume. All resumes should be limited to two pages and must" [New text]: "for proceeding with the third-party contract." Number: 43 Author: Compare: Insert Subject: graphic Date: Indeterminate Matching graphic not found 📜 Number: 44 Author: Compare: Delete Subject: text Date: Indeterminate "all academic degrees, as well as a summary of relevant work experience and' Number: 45 Author: Compare: Insert Subject: text Date: Indeterminate "13 These may Number: 46 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "how

## Comments from page 58 continued on next page

2. The OCI Questionnaire (see Appendix B). If you answer any questions "YES," provide an attachment showing the requested information in detail. Please do not reference any information in other sections of your proposal.

### **Notice**

Apart from other remedies allowed by law or contract, any deliberate nondisclosure or misrepresentation of facts relevant to the OCI disclosure required by the Commission may result in, among other things, termination of the contract, or disqualification of the contractor from future third-party contracts. See, for example, 18 U.S.C.§ 1001.

### **Discussion**

It is the policy of the Commission to identify and avoid or mitigate an OCI before selecting a third-party contractor. Generally, to determine whether an OCI exists, the Commission considers questions, such as the following:

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- Could the contractor gain an unfair competitive advantage based on the performance of the contract? Would the contractor be placed in the position to review its own work?
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If an OCI does exist, GAL may require the contractor to submit an acceptable mitigation plan. If the conflict cannot be resolved through an adequate mitigation plan, the contractor will be ineligible for selection or for proceeding with the third-party contract.

These may 48 clude 49 rk 50 r 51 47 plican 52 this project, or for applicant or another energy firm in 55 e 53 me general project area, especially if 56 57 ork 58 59 r a 54 milar project. 13

[New text]: "this project, or for applicant or another energy firm in'

The following text attributes were changed:

font, size

Number: 47 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "specific dates of performance. 3.9 Cost Estimate (The Applicant should identify the type of contract, such as time and materials, cost plus, etc., and provide additional guidance"

[New text]: "applicant"

The following text attributes were changed:

size

Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

size

Number: 49 Author: Compare: Replace Date: Indeterminate Subject: text

[Old text]: "the institution and date of graduation"

[New text]: "work"

The following text attributes were changed:

size

Author: Compare: Replace Date: Indeterminate Number: 50 Subject: text

The following text attributes were changed:

Number: 51 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

Number: 52 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font, size

Number: 53 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "cost of

[New text]: "same general project area, especially if"

The following text attributes were changed:

font, size

Author: Compare: Replace Number: 54 Subject: text Date: Indeterminate

[Old text]: "(identify type) contract. Since

[New text]: " similar project. 4-4"

The following text attributes were changed:

font, size

Number: 55 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font, size

Date: Indeterminate Mumber: 56 Author: Compare: Replace Subject: text

The following text attributes were changed:

font, size

Mumber: 57 Date: Indeterminate Author: Compare: Replace Subject: text

[Old text]: "contact"

[New text]: " work"

The following text attributes were changed:

font, size

Mumber: 58 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font, size

Number: 59 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "to be estimated.) (Applicant name) anticipates awarding and signing

2. The OCI Questionnaire (see Appendix B). If you answer any questions "YES," provide an attachment showing the requested information in detail. Please do not reference any information in other sections of your proposal.

### **Notice**

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### **Discussion**

It is the policy of the Commission to identify and avoid or mitigate an OCI before selecting a third-party contractor. Generally, to determine whether an OCI exists, the Commission considers questions, such as the following:

- Are there conflicting roles or interests which might bias a contractor's judgment or create a negative appearance in relation to its work for the Commission? 13
- Could the contractor gain an unfair competitive advantage based on the performance of the contract? Would the contractor be placed in the position to review its own work?
- What percentage of the contractor's total income in recent years resulted from arrangements with any project-related entities?

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- the statement of work; and
- information gained from other sources.

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<sup>13</sup> These may include work for the applicant on this project, or for applicant or another energy firm in the same general project area, especially if the work is for 60 similar project.

[New text]: " for"
The following text attributes were changed: font, size

Number: 60 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

size

this RFP, the contractor hust not enter into any of greements with the opplicant to perform any function on this project outside of that ontemplated in this RFP, until after completion of the ontracted scope of work. The contractor must similarly avoid agreeing to perform any function for another company on a similar project the time geographic area, and over the time period if the time geographic area or if there could be a perception that there would be a conflict.

### **Definitions**

- 1. The term "organizational conflicts of interest" means that a relationship or situation exists whereby an contractor (including chief executives and directors, to the extent that they will or do become involved in the performance of the contract, and proposed consultants or subcontractors where they may be performing services similar to the services provided by the prime) has past, present, or currently planned interests that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate to the work to be performed under the third-party contract and that (a) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (b) may result in the contractor gaining an unfair competitive advantage. OCI does not include the normal flow of benefits from the performance of the contract.
- 2. The term "affiliates" means business concerns that are affiliates of each other when either directly or indirectly has the power to control another, or when a single third-party controls or has the power to control both.
- 3. The term "energy concern" includes:
  - a. Any person significantly engaged in the business of developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;
  - b. Any person holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;
  - Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;
  - d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities or technology; and
  - e. Any person:

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## Page: 59

Number: 1	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "daily	crew billing rate and expense r	ate sheet. (Applican	t name) will compensate"
[New text]: "con	tract is signed under this RFP,"		
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "spec	ific dates and number of field te	eams required are st	rictly estimates, each contractor shall submit"
[New text]: "pot	ential for actual or perceived OC	CI after"	
Number: 3	Author: Compare: Insert	Subject: text	Date: Indeterminate
"To avoid"		-	
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
MAN .		,	osal with an attached cost breakdown. (Applicant name) understands"
[New text]: "app	licant to perform any function o	on this project outsic	de of"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "base	d upon the actual crews and ho	urs worked. All prep	paration and processing of documents, NEPA review, EIS submission, and"
[New text]: "mus	st not enter into"		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " other	er costs not associated"		
[New text]: "agre	eements"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
	e may be out-of-scope requirer		
[New text]: "con	templated in this RFP, until after	r completion of"	
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " this'	1		
[New text]: " wo	rk. The contractor must similarly	, avoid agreeing to	perform any function for another company on a similar"
	•		
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "com	pletion"		
[New text]: "con	tracted scope"		
	·	Subject: toyt	Data: Indatarminata
Number: 10	Author: Compare: Replace any resultant costs will be handl	Subject: text led between"	Date: Indeterminate
[Old text]. und	any resultant costs will be name.	ied between	
[New text]: "in"			
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "cont		Subject text	2407.1144.0111114.0
[New text]: "sam	ne geographic area,"		
Mumber: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "appli	icant under"		
[New text]: "sam	ne time period if"		
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
			d to prepare the cost estimate should"
[New text]: "facil	•	J	
		C. Istanton	Detected to the control of
Number: 14 [Old text]: "clear	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: clear	iy specified		

[New text]: "located"

To avoid the potential for actual or perceived OCI after a contract is signed under this RFP, the contractor must not enter into any agreements with the applicant to perform any function on this project outside of that contemplated in this RFP, until after completion of the contracted scope of work. The contractor must similarly avoid agreeing to perform any function for another company on a similar project in the same geographic area, and 15 rer the same time period if the facilities would be located in the me area or if there could be a 16 reeption that 17 here would be a conflict.

### **Definitions**

- 1. The term "organizational conflicts of interest" means that 19 relationship or situation exists whereby an contractor 21 heluding chief executives 20 d22 irectors, to the 29 tent that 25 ey will o2 27 become involved in the 26 rformance of the 28 ntract, and 30 oposed consultants or subcontractors where they may be performing services similar to the services provided by the prime) has past, present, or currently planned interests that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate to the work to be performed under the third-party contract and that (a) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (b) may result in the contractor gaining an unfair competitive advantage. OCI does not include the normal flow of benefits from the performance of the contract.
- 2. The term "affiliates" means business concerns that are affiliates of each other when either directly or indirectly has the power to control another, or when a single third-party controls or has the power to control both.
- The term "energy concern" includes:
  - a. Any person significantly engaged in the business of developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;
  - b. Any person holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;
  - Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;
  - d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities or technology; and
  - e. Any person:

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 245 of 369 Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate Date: Indeterminate Number: 16 Author: Compare: Replace Subject: text [Old text]: "rate schedule" [New text]: "perception" Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "will apply to the project for any work beyond the scope stated in this RFP. Assume' [New text]: " there would be a conflict. Definitions 1. The term "organizational conflicts of interest" means" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposal. Also include' [New text]: "same area or if there could be" Number: 19 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "(applicant name), through the OEP staff, will provide the successful [New text]: "a relationship or situation exists whereby an" The following text attributes were changed: font Number: 20 Author: Compare: Delete Date: Indeterminate Subject: text "including base maps, air photos,' Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "with copies of all environmental information filed with FERC, 3-45" [New text]: "(including chief executives" Mumber: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties at" [New text]: " directors, to" Number: 23 Author: Compare: Delete Subject: text Date: Indeterminate provide aerial overflights for key contractor and OEP staff (weather conditions permitting) either prior to' Number: 24 Author: Compare: Delete Subject: text Date: Indeterminate "conjunction with Number: 25 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "contract negotiations are completed. (Applicant name) [New text]: "they" Number: 26 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "scoping meetings, or at OEP staff's request. (However, [New text]: "performance of" Number: 27 Author: Compare: Insert Subject: text Date: Indeterminate do become involved" Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "FERC will reimburse (applicant name) for all costs associated with OEP staff participation in aerial overflights.) 3.10 Available Materials Appendix F presents a list of documents available from (applicant name) that should assist contractors in preparation of their proposals. Please contact (name" [New text]: "contract," Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "time" [New text]: "extent" Subject: text Number: 30 Author: Compare: Replace Date: Indeterminate

### Comments from page 59 continued on next page

To avoid the potential for actual or perceived OCI after a contract is signed under this RFP, the contractor must not enter into any agreements with the applicant to perform any function on this project outside of that contemplated in this RFP, until after completion of the contracted scope of work. The contractor must similarly avoid agreeing to perform any function for another company on a similar project in the same geographic area, and over the same time period if the facilities would be located in the same area or if there could be a perception that there would be a conflict.

### **Definitions**

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  - b. Any person holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;
  - Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;
  - d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities or technology; and
  - e. Any person:

[Old text]: "telephone number of applicant's contact) [New text]: "proposed consultants or subcontractors where they may be performing services similar" The following text attributes were changed: Number: 31 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 32 Subject: text Author: Compare: Delete Date: Indeterminate 'arrange for review of these documents. Note that (applicant name) will only entertain guestions about this RFP at Author: Compare: Replace Date: Indeterminate Number: 33 Subject: text [Old text]: " applicant) Appendix G" [New text]: " prime) has past, present, or currently planned interests that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate" The following text attributes were changed: font Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Contractor's Conference discussed in Section 1.6. 3.11 Sample Contract (provided) [New text]: "services provided" Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "this RFP presents a sample (applicant name) contract. Contractors are asked' [New text]: "the work" Number: 37 Author: Compare: Insert Subject: text Date: Indeterminate and that (a) may diminish its capacity to give impartial, technically sound, objective assistance' Number: 38 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "review this" [New text]: "be performed under the third-party' Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " point out any difficulties with contract language' [New text]: "advice, or (b) may result" Number: 40 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "their proposal. The OEP staff may" [New text]: "the contractor gaining an unfair competitive advantage. OCI does" Number: 41 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contract or identify issues which require resolution during negotiations. Issues raised after submittal" [New text]: "performance" Number: 42 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "be contacted on any contractual issue. The proposal must indicate" [New text]: "include" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "contractor's review and acceptance" [New text]: "normal flow" Number: 44 Author: Compare: Insert Subject: text Date: Indeterminate

benefits from

Case #16-1081

Document #1636006

Filed: 09/15/2016

To avoid the potential for actual or perceived OCI after a contract is signed under this RFP, the contractor must not enter into any agreements with the applicant to perform any function on this project outside of that contemplated in this RFP, until after completion of the contracted scope of work. The contractor must similarly avoid agreeing to perform any function for another company on a similar project in the same geographic area, and over the same time period if the facilities would be located in the same area or if there could be a perception that there would be a conflict.

### **Definitions**

- 1. The term "organizational conflicts of interest" means that a relationship or situation exists whereby an contractor (including chief executives and directors, to the extent that they will or do become involved in the performance of the contract, and proposed consultants or subcontractors where they may be performing services similar to the services provided by the prime) has past, present, or currently planned interests that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate to the work to be performed under the third-party contract and that (a) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (b) may result in the contractor gaining an unfair competitive advantage. OCI does not include the normal flow of benefits from the performance of the 45 intract.
- The 47rm "affiliates" means business concerns that are affiliates of 46 ach other when either directly or indirectly has the 50 wer to 48 ntrol another, or 49 hen a single third-party controls or 53 s 51 e 54 wer to 52 ntrol both.
- The 55rm "energy concern" includes:
  - Any person significantly engaged in the significant engaged in the significa
  - b. Any person holding an terest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;
  - Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;
  - d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities or technology; and
  - e. Any person:

T	USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 249 of 369								
	d text]: "proposal will not be subject to negotiation."								
	w text]: "contract. 2."								
Ι	nber: 46 Author: Compare: Insert Subject: text Date: Indeterminate ch other when either directly or indirectly has"								
_	nber: 47 Author: Compare: Replace Subject: text Date: Indeterminate								
-	d text]: "person(s) authorized to negotiate on behalf"								
	[New text]: "term "affiliates" means business concerns that are affiliates"								
T	nber: 48 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: " reject any"								
	w text]: "control another,"								
T	nber: 49 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: "all submittals. 3.12 Addresses Submit Letters of Intent via e-mail"								
	w text]: "when a single third-party controls"								
T	mber: 50 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: "contractor should be identified. (Applicant name), in consultation with the OEP staff, reserves the right"								
	w text]: "power"								
Ţ	nber: 51 Author: Compare: Delete Subject: text Date: Indeterminate  SELECTION CRITERIA Only those proposals submitted by contractors prior to"								
T	mber: 52 Author: Compare: Replace Subject: text Date: Indeterminate								
	w text]: "control both. 3."								
T	mber: 53 Author: Compare: Replace Subject: text Date: Indeterminate  It text]: "facsimile to: (contact name, e-mail/facsimile address, etc.) Submit Technical Proposals and Cost Estimates to: (contact name, mailing								
	address, phone number, etc.) Technical Proposals and Cost Estimates should be submitted to (applicant name) by (time and date). 3-46"								
	w text]: "has"								
П	mber: 54 Author: Compare: Replace Subject: text Date: Indeterminate								
	text]: "deadline stated herein will be evaluated. The proposals will be initially reviewed by (applicant name), and the three best-qualified								
	posals will then be submitted"								
	w text]: "power"								
T	mber: 55 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: "OEP staff will make"								
	[New text]: "term "energy concern" includes: a. Any person significantly engaged in"								
I	mber: 56 Author: Compare: Insert Subject: text Date: Indeterminate eveloping, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as a								
	rgy source, or in"								
T	mber: 57 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: "final selection"								
	[New text]: "business"								
	mber: 58 Author: Compare: Insert Subject: text Date: Indeterminate lergy from such minerals or from wastes or renewable resources; b. Any person holding"								
	nber: 59 Author: Compare: Replace Subject: text Date: Indeterminate								
	d text]: "contractor. Lack"								
	[New text]: "generation or transmission"								
T	nber: 60 Author: Compare: Replace Subject: text Date: Indeterminate								
	t text]: "OCI Statement,"								

# Comments from page 59 continued on next page

To avoid the potential for actual or perceived OCI after a contract is signed under this RFP, the contractor must not enter into any agreements with the applicant to perform any function on this project outside of that contemplated in this RFP, until after completion of the contracted scope of work. The contractor must similarly avoid agreeing to perform any function for another company on a similar project in the same geographic area, and over the same time period if the facilities would be located in the same area or if there could be a perception that there would be a conflict.

### **Definitions**

- 1. The term "organizational conflicts of interest" means that a relationship or situation exists whereby an contractor (including chief executives and directors, to the extent that they will or do become involved in the performance of the contract, and proposed consultants or subcontractors where they may be performing services similar to the services provided by the prime) has past, present, or currently planned interests that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate to the work to be performed under the third-party contract and that (a) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (b) may result in the contractor gaining an unfair competitive advantage. OCI does not include the normal flow of benefits from the performance of the contract.
- 2. The term "affiliates" means business concerns that are affiliates of each other when either directly or indirectly has the power to control another, or when a single third-party controls or has the power to control both.
- 3. The term "energy concern" includes:
  - a. Any person significantly engaged in the business of developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;
  - b. Any person holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;
  - Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;
  - d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities or 61chnology; and
  - e. Any person:

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[New text]: "interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained; c. Any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power; d. Any person significantly engaged in development, production, processing, sale or distribution of nuclear materials, facilities"

Number: 61 Author: Compare: Insert Subject: text Date: Indeterminate "technology; and e. Any person: 4-5"

- 2ignificantly engaged in the dusiness of conducting research, development, or demonstration related to an ctivity described in paragraphs (a) through (d); or
- 7ignificantly engaged in conducting such research, development, or memorstration with financial assistance under any of the long notions of hich are long sted in or delegated or transferred to the long to the Commission.

### 16 ontacts

Direct all inquiries regarding OCI and 17 f-the-record (ex parte) communications to:

General and Administrative Law (GC-13)

gal ethics@ferc.gov

Telephone (202) 502-6457

## Page: 60

Number :   Author Compare: Insert   Subject: text   Date: Indeterminate				
Number 2		Author: Compare: Insert	Subject: text	Date: Indeterminate
"significantly engaged in" Number: 3 Author. Compare: Insert Subject: text Date: Indeterminate "conducting research, development, or demonstration related to" Number: 4 Author. Compare: Replace Subject: text Date: Indeterminate [Oid text]: "destence" [Oid text]: "destence" [New text]: "business"  Number: 5 Author. Compare: Replace Subject: text Date: Indeterminate [Oid text]: "dientifiable OCI (relative to the contractor, its key personnel," [New text]: "activity described in paragraphs (a) through (d); or" Number: 6 Author. Compare: Insert Subject: text Date: Indeterminate "(c)"  Number: 7 Author. Compare: Insert Subject: text Date: Indeterminate "demonstration with financial assistance under"  Number: 8 Author. Compare: Insert Subject: text Date: Indeterminate "demonstration with financial assistance under"  Number: 9 Author. Compare: Replace Subject: text Date: Indeterminate  "(oid text): "groposed subcontractor) that cannot be mitigated to" [New text]: "Act"  Number: 10 Author. Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "satisfaction"  [New text]: "functions"  Number: 11 Author. Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "actived in or delegated or transferred"  Number: 12 Author. Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author. Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "chair"  Number: 15 Author. Compare: Delete Subject: text Date: Indeterminate  [Oid text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "Chair"  Number: 15 Author. Compare: Delete Subject: text Dat	"(1)"			
Number: 3	Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
"Conducting research, development, or demonstration related to"   Number: 4	"significantly eng	aged in"		
Number 4				Date: Indeterminate
Number 5	" conducting rese	earch, development, or demons	stration related to	
Number: 5			Subject: text	Date: Indeterminate
Number: 5	[Old text]: existe	nce		
[Old text]: "identifiable OCI (relative to the contractor, its key personnel,"  [New text]: "activity described in paragraphs (a) through (d); or"    Number: 6	[New text]: "busir	ness"		
Number: 6	Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 6 Author: Compare: Insert Subject: text Date: Indeterminate  "(2)"  Number: 7 Author: Compare: Insert Subject: text Date: Indeterminate  "significantly engaged in conducting such research, development,"  Number: 8 Author: Compare: Insert Subject: text Date: Indeterminate  "demonstration with financial assistance under"  Number: 9 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "proposed subcontractor) that cannot be mitigated to"  [New text]: "Act"  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "statisfaction"  [New text]: "functions"  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "statisfaction"  [New text]: "functions"  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "text elected. Criteria for screening"  [New text]: "vested in or delegated or transferred"  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  "Ithe Commission."  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  "The Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be based on a qualifications appraisal"  [New text]: "chair"  [Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "Cold text]: "best-qualified proposals will be based on a qualifications appraisal"  [Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "Cold text]: "Chair"  [Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "Cold text]: "Chair"  [Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate  "Cold text]: "Chair"  [Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate	Old text]: "identi	fiable OCI (relative to the conti	ractor, its key persor	nnel,"
Number: 1	[New text]: "activi	ty described in paragraphs (a)	through (d); or"	
Number: 7 Author: Compare: Insert Subject: text Date: Indeterminate  "significantly engaged in conducting such research, development,"  Number: 8 Author: Compare: Insert Subject: text Date: Indeterminate  "demonstration with financial assistance under"  Number: 9 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "proposed subcontractor) that cannot be mitigated to"  [New text]: "Act"  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "satisfaction"  [New text]: "functions"  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "not selected. Criteria for screening"  [New text]: "vested in or delegated or transferred"  Number: 12 Author: Compare: Insert Subject: text Date: Indeterminate  "the Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "which"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "best-qualified proposals will be based on a qualifications appraisal"  [Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [Number: 16 Author: Compare: Insert Subject: text Date: Indeterminate		Author: Compare: Insert	Subject: text	Date: Indeterminate
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[Old text]: "proposed subcontractor) that cannot be mitigated to"  [New text]: "Act"    Number: 10	"demonstration w	vith financial assistance under"		
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Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "satisfaction"  [New text]: "functions"  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "not selected. Criteria for screening"  [New text]: "vested in or delegated or transferred"  Number: 12 Author: Compare: Insert Subject: text Date: Indeterminate  "the Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "Chair"  Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "determine"  Number: 16 Author: Compare: Insert Subject: text Date: Indeterminate  "Contacts"  Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate  "Out text]: "Date: Indeterminate  "Date: Indeterminate  "Date: Indeterminate  "Date: Indeterminate  "Date: Indeterminate  "Out text]: "Chair"  Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate	[Old text]: "propo	sed subcontractor) that canno	t be mitigated to"	
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Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "rost selected. Criteria for screening"  [New text]: "vested in or delegated or transferred"  Number: 12 Author: Compare: Insert Subject: text Date: Indeterminate  " the Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "Chair"  Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "Unumber: 16 Author: Compare: Insert Subject: text Date: Indeterminate  "Unumber: 17 Author: Compare: Replace Subject: text Date: Indeterminate  "Unumber: 17 Author: Compare: Replace Subject: text Date: Indeterminate	[Old text]: "satisfa	iction"		
[Old text]: "rost selected. Criteria for screening"  [New text]: "vested in or delegated or transferred"  Number: 12	[New text]: "funct	ions"		
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Number: 12 Author: Compare: Insert Subject: text Date: Indeterminate  "the Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "Chair"  Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "determine"  Number: 16 Author: Compare: Insert Subject: text Date: Indeterminate  "Contacts"  Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate	Old text]: "not se			
"the Commission."  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "the FERC staff, will be sufficient grounds for proposal rejection. (Applicant name) will be responsible for answering any questions from bidders who"  [New text]: "which"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "Chair"  Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  "determine"  Number: 16 Author: Compare: Insert Subject: text Date: Indeterminate  "Contacts"  Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate	[New text]: "veste	d in or delegated or transferre	d"	
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[Old text]: "best-qualified proposals will be based on a qualifications appraisal"  [New text]: "Chair"  Number: 15 Author: Compare: Delete Subject: text Date: Indeterminate  Number: 16 Author: Compare: Insert Subject: text Date: Indeterminate  "Contacts"  Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate	[New text]: " whic	h"		
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Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate	Number: 16	Author: Compare: Insert	Subject: text	Date: Indeterminate
	"Contacts"			
[Old text]: "procedures for satisfying NEPA"			Subject: text	Date: Indeterminate
	[Old text]: "proce	dures for satisfying NEPA"		

[New text]: "off-the-record (ex parte) communications to: General"

- (1) significantly engaged in the business of conducting research, development, or demonstration related to an activity described in paragraphs (a) through (d); or
- (2) significantly engaged in conducting such research, development, or demonstration with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Chair of the Commission.

#### **Contacts**

Pirect all laquiries regarding OCI and off-the-record (ex parte) communications to:

> General and dministrative Law (GC-13) 21 al ethics@ferc.gov 22 lephone (202) 502-6457

CA Case #16-1081 Document #1636006 Pate: Indeterminate: 09/15/2016 Page 255 of 369 [Old text]: "proposals submitted. 4.1 Qualifications Appraisal Technical Approach (40 percent) The proposal must show: • familiarity with environmental regulations" [New text]: "inquiries regarding OCI" Mumber: 19 Author: Compare: Insert Subject: text Date: Indeterminate "Direct" Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " related requirements; • ability" [New text]: "Administrative Law (GC-13) gal\_ethics@ferc.gov" Mumber: 21 Author: Compare: Insert Subject: annotation Date: Indeterminate Matching annotation not found

Date: Indeterminate

Subject: text

Number: 22

"Telephone (202) 502-6457 4-6"

Author: Compare: Insert

#### 1PPENDIX A

# COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE – NOT BOTH

### **OCI Representation Statement**

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial, contractual, personal, organizational or 4therwise) that relate to the proposed work; and bear on whether I have (or the proposed work; and bear on whether I have (or the proposed work; and bear on whether I have (or the proposed work; and bear on whether I have (or the proposed work; and bear on whether I have (or the proposed work; and any of the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work; and bear on whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or the proposed work) and the proposed work whether I have (or t

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#### **OCI Disclosure Statement**

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, all relevant facts -- concerning past, present, or currently planned interests or activities (financial, contractual, organizational or otherwise) that relate to the proposed work and bear on whether I have (or the organization has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on the following page(s) and formatted to show:

- For ease of presentation, the OCI information is divided into four parts, indicating whether the possible OCI is: organizational, contractual, financial, or other;
- The company, agency, organization in which I (or my organization) have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);

An unfair competitive advantage does not include the normal flow of benefits from the performance of the contract.

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## Page: 61

Number 1					
a representative of my organization, I hereby certify that,"  Number 2 Author Compare: Replace Subject: text Date: Indeterminate [Oid text]: "prepare NEPA documentation for projects involving construction"  [New text]: "the best"  Number 3 Author: Compare: Replace Subject: text Date: Indeterminate [Oid text]: "facilities of the type being proposed, including pipeline"  [New text]: "my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial, contractual, personal, organizational"  [New text]: "other linear facilities, as appropriate: - familiarity with how?  [New text]: "other misser facilities, as appropriate: - familiarity with how?  [New text]: "other misser facilities, as appropriate: - familiarity with how?  [New text]: "outher misser facilities, as appropriate: - familiarity with how?  [New text]: "outher sold and relate"  [Oid text]: "project, understanding of"  [New text]: "work; and bear on whether I have (or"  [New text]: "organization and any"  [Number: 7 Author: Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "regisarization and any"  [Number: 8 Author: Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "sizues"  [New text]: "organization and any"  [Number: 9 Author: Compare: Replace Subject: text Date: Indeterminate  [Oid text]: "sizues"  [New text]: "organization and any"  [Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate  [Oid text]: "sizues"  [New text]: "organization and any"  [Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate  [Oid text]: "sizues"  [Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate  [Oid text]: "sizues"  [Number: 11 Author: Compare: Insert Subject: text Date: Indeterminate  [Oid text]: "sizues"  [Number: 12 Author: Compare: Insert Subject: text Date: Indeterminate  [Number: 13 Author: Compare: Insert Subject: text Date: Indeterminate  [Number: 14 Author: Compare: Insert Subject: text Date: Indeterminate  [Number: 15 Author: Compa					
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# COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE – NOT BOTH

Filed: 09/15/2016

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Signature :	Date:
Name:	Title:
19 rganization:	

### <sup>21</sup>Cl Disclosure Statement

I hereby certify (or as a<sup>23</sup> presentative o <sup>24</sup> ny organization, I hereby certify) that, to <sup>22</sup> e <sup>25</sup> st o <sup>25</sup> ny knowledge and belief, all relevant facts -- concerning past, present, or currently planned interests or activities (financial, contractual, organizational or <sup>27</sup> herwise) that relate to the <sup>30</sup> oposed <sup>29</sup> ork and <sup>28</sup> ar on whether I have (or the <sup>31</sup> ganization has) a possible conflict o <sup>32</sup> herest with respect to (1) being able to <sup>33</sup> nder impartial, technically sound, and <sup>34</sup> jective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on the following page(s) <sup>35</sup> d formatted to show:

- For ease of presentation, the OCI information is divided into four parts, indicating whether the possible OCI is: organizational, contractual, financial, or other;
- The company, agency, organization in which I (or my organization) have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);

An unfair competitive advantage does not include the normal flow of benefits from the performance of the contract.

Case #16-1081 Document #1636006 Filed: 09/15/2016

Author: Compare: Insert Page 259 of 369 "Organization : Number: 20 Author: Compare: Insert Subject: graphic Date: Indeterminate Matching graphic not found Number: 21 Author: Compare: Insert Subject: text Date: Indeterminate 'OCI Disclosure Statement I hereby certify (or as' Number: 22 Author: Compare: Delete Subject: text Date: Indeterminate 'prepare a complete Work Plan that thoroughly addresses' Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "description" [New text]: " representative' Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "any needed supplemental analyses; • ability' [New text]: " my organization, I hereby certify) that," Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " the RFP, recognizes any pitfalls" [New text]: " my knowledge and belief, all relevant facts -- concerning past, present, or currently planned interests or activities (financial, contractual, organizational" Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "various parts' [New text]: "best" Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "shortcomings, and presents innovative approaches for [New text]: "otherwise) that relate to" Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "procedural approach to [New text]: "bear on whether I have (or" Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "technical" [New text]: "work" Number: 30 Author: Compare: Delete Date: Indeterminate Subject: text 'tasks presented; and • ability of the contractor's' Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "preparation' [New text]: "organization has) a possible conflict" Number: 32 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " the identified tasks' [New text]: " interest with respect to (1) being able" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "result in compliance with NEPA" [New text]: "render impartial, technically sound," Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "other environmental documentation requirements. 3-47 [New text]: "objective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on the following page(s)" Number: 35 Author: Compare: Delete Subject: text Date: Indeterminate

## Comments from page 61 continued on next page

#### **APPENDIX A**

# COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE – NOT BOTH

USCA Case #16-1081

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### **OCI Representation Statement**

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Signature:	Date:
Name:	Title:
Organization:	

#### **OCI Disclosure Statement**

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, all relevant facts -- concerning past, present, or currently planned interests or activities (financial, contractual, organizational or otherwise) that relate to the proposed work and bear on whether I have (or the organization has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on the following page(s) <sup>37</sup> d <sup>36</sup> rmatted to show:

- rease of presentation, the OCI information is divided into four parts, indicating whether the sissible OCI is: organizational, contractual, financial, or 40 her;
- ➤ 41he company, agency, organization in 42hich I (or my organization) have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);

45h unfair competitive advantage does not include 46 e 47 rmal flow 48 49 enefits fr	om the
performance of the contract.	

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 "Organization Qualifications Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Experience (20 percent) The proposal must [New text]: "formatted to" The following text attributes were changed: font Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 38 Subject: text Author: Compare: Replace Date: Indeterminate [Old text]: "experience in managing major NEPA reviews for large projects, preferably" [New text]: "For ease of presentation, the OCI information is divided into four parts, indicating whether" Author: Compare: Replace Date: Indeterminate Number: 39 Subject: text [Old text]: "same' [New text]: "possible OCI is: organizational, contractual, financial," Author: Compare: Replace Date: Indeterminate Number: 40 Subject: text [Old text]: "similar types of construction projects;" [New text]: "other;" Author: Compare: Replace Subject: text Date: Indeterminate Number: 41 [Old text]: "past record of the contractor's' [New text]: "The company, agency," Author: Compare: Replace Mumber: 42 Subject: text Date: Indeterminate [Old text]: "meeting performance and delivery requirements for similar contracts; • resources and facilities available to" [New text]: "which I (or my organization) have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);" Number: 43 Author: Compare: Insert Subject: graphic Date: Indeterminate Matching graphic not found Number: 44 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed facility construction; and" [New text]: " the contract. A-1 1" The following text attributes were changed: size Subject: text Number: 45 Author: Compare: Insert Date: Indeterminate "An unfair competitive advantage does not include" Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: size Number: 47 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "organization to fulfill contract requirements, including those' [New text]: "normal flow" The following text attributes were changed: size Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 49 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " any subcontractor(s) proposed for use; • familiarity with"

## Comments from page 61 continued on next page

[New text]: " benefits from"

# COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE – NOT BOTH

Filed: 09/15/2016

### **OCI Representation Statement**

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial, contractual, personal, organizational or otherwise) that relate to the proposed work; and bear on whether I have (or the organization and any of its affiliates has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice; or (2) being given an unfair competitive advantage.

Signature :	Date:
Name:	Title:
Organization:	

#### **OCI Disclosure Statement**

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, all relevant facts -- concerning past, present, or currently planned interests or activities (financial, contractual, organizational or otherwise) that relate to the proposed work and bear on whether I have (or the organization has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on the following page(s) and formatted to show:

- For ease of presentation, the OCI information is divided into four parts, indicating whether the possible OCI is: organizational, contractual, financial, or other;
- The company, agency, organization in which I (or my organization) have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);

An unfair competitive advantage does not include the normal flow of benefits from 50 e 51 rformance 52 the contract.

The following text attributes were changed:

The following text attributes were changed:

Page 263 of 369

Size

Mumber: 50 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 51 Subject: text Date: Indeterminate Author: Compare: Replace [Old text]: " specialized issues and requirements" [New text]: "performance" The following text attributes were changed: size Number: 52 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: size

- > A brief description of The Pelationship;
- The period of the pelationship;
- > The extent of the Zelationship (such as Tolue of Thancial interest of Work; percent of tal holdings, total work, etc.); and
- > 13 mitigation plan, if necessary.

Signature :	Date:
Name:	Title:
Organization:	

## Page: 62

Mumber: 1 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project would be located). Project Management and Personnel (20 percent)" [New text]: "relationship; •" The following text attributes were changed: font Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "experience in working with multiple Federal agencies and state agencies on large construction projects, particularly in (identify state(s) in which" [New text]: "A brief description of" Number: 3 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 4 Author: Compare: Delete Date: Indeterminate Subject: text contractor's approach for OEP staff interface and for planning and scheduling task activities as presented in Number: 5 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposal must show: • adequacy' [New text]: "period" Number: 6 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "RFP;" [New text]: "relationship;" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project, and use of appropriate personnel to accomplish specified tasks; • ability to satisfy logistical requirements such" [New text]: "relationship (such" Number: 8 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "the Deputy Project Manager; • for the Project Manager and the Deputy Project Manager experience in working with multiple Federal agencies and state agencies on large construction projects, particularly in (identify state(s) in which the project would be located). • experience, education, and location" [New text]: " work; percent" Number: 9 Author: Compare: Replace Subject: text Date: Indeterminate Old text]: "ability to assign and commit key personnel to [New text]: "The extent of" Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "materials, transportation, office location(s), document production, computer services and so forth to ensure an effectively managed program; • experience, education, and location" [New text]: "value" Author: Compare: Replace Date: Indeterminate Number: 11 Subject: text [Old text]: " the Project Manager; • experience, education, and location' [New text]: "financial interest" Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "various key environmental specialists, and any subcontractors proposed for use;" [New text]: " total holdings, total work, etc.);" Mumber: 13 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "qualifications and experience"

[New text]: "A mitigation plan, if necessary. Signature: Date:"

- A brief description of the relationship;
- The period of the relationship;
- The extent of the relationship (such as value of financial interest of work; percent of total holdings, total work, etc.); and
- A mitigation plan, if necessary.

Signature:	Date:
[14]	<u>15</u>
16ame :	Title:
[17]	[18]
19 rganization:	
20	

USCA Ca	se #16-1081 Do	cument #16360	006 Filed:	09/15/2016	Page 267 of 369
Number: 14	Author: Compare: Insert	Subject: graphic	Date: Indeterminate		
Matching graphic	not found				
Number: 15	Author: Compare: Insert	Subject: graphic	Date: Indeterminate		
Matching graphic	not found				
Number: 16	Author: Compare: Insert	Subject: text	Date: Indeterminate		
"Name : Title :"					
Number: 17	Author: Compare: Insert	Subject: graphic	Date: Indeterminate		
Matching graphic	not found				
Number: 18	Author: Compare: Insert	Subject: graphic	Date: Indeterminate		
Matching graphic	not found				
Number: 19	Author: Compare: Insert	Subject: text	Date: Indeterminate		
"Organization :"					
Number: 20	Author: Compare: Insert	Subject: graphic	Date: Indeterminate		
Matching graphic	not found				
Number: 21	Author: Compare: Insert	Subject: text	Date: Indeterminate		
"A-2"					

#### 1 PPFNDIX B

Name of Person			
or Organization:	3		
1	딘	<b>SCI Question</b>	nnaire

- Will you (or Bour organization) be involved, or Tave you previously been involved, in the proposed work as a 13 ird-party contractor?
  - () No.
  - Yes. The portion of the 15 oposed work; the 16 oposed hours and dollar value; and the type of involvement are fully disclosed on the attached pages.
- What is (are) the major type(s) of business conducted by you (or your organization)? Please reply on the attached pages.
- Do you (or your organization) have any affiliates?
  - () No.
  - Yes. The name and a description of the major type(s) of business that each affiliate conducts are disclosed on the attached pages.
- 4. Will any of the following be involved in performing the proposed work under this solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any of its directors; or (c) any affiliates?<sup>2</sup>
  - () No.
  - () Yes. A full disclosure and discussion is given in the attached pages.

All questions in the questionnaire apply to parent companies and affiliates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance, to avoid completing a large number of questionnaires), this questionnaire must incorporate information regarding all affiliates.

See Definitions in Chapter 4 (defining affiliates as businesses that directly or indirectly control or have the power to control another, or when a single third party controls or has the power to control both businesses).

## Page: 63

Number: 1 "APPENDIX B Nar	Author: Compare: Insert	Subject: text	Date: Indeterminate
Number: 2 [Old text]: " the a	Author: Compare: Replace dministrative support personne	Subject: text el. 3-48"	Date: Indeterminate
	on or Organization:"		
Number: 3	Author: Compare: Insert	Subject: graphic	Date: Indeterminate
Matching graphic			
Number: 4  Matching annota	Author: Compare: Insert tion not found	Subject: annotation	on Date: Indeterminate
Number: 5 [Old text]: "Sched resources separate		Subject: text ) The proposal must	Date: Indeterminate t show: • demonstrated ability to meet schedule requirements using staff and
[New text]: "OCI (			
Number: 6 "1. Will you"	Author: Compare: Insert	Subject: text	Date: Indeterminate
Number: 7 [Old text]: "sched	Author: Compare: Replace	Subject: text	Date: Indeterminate
	you previously been involved,	in"	
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "not co	onflicting with) other EIS efforts		
[New text]: "your	organization) be involved,"		
Number: 9	Author: Compare: Delete	Subject: text	Date: Indeterminate ted in the RFP; and • adequate support for"
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "propo	sals, (applicant name) may req	uest oral presentati	ons"
[New text]: "proje	ect under this solicitation, aside	n .	
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "same	time frame; • presentation"		
[New text]: "perfo	ormance"		
Number: 12 [Old text]: "sched	Author: Compare: Replace ule changes. 4.2 Oral Presenta	Subject: text tion Following review	Date: Indeterminate  N"
[New text]: " port	ion"		
Number: 13 [Old text]: "minim	Author: Compare: Replace	Subject: text	Date: Indeterminate
	-party contractor? ( ) No. ( ) Ye	s. The portion of"	
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ort-listed bidders. At"	-	
[New text]: "your	organization's proposed work	as"	
Number: 15 [Old text]: "Project	Author: Compare: Replace tt Manager, Deputy Project Ma	Subject: text nager, and other ke	Date: Indeterminate y technical staff identified in"
[New text]: "prop		-	•
Number: 16	Author: Compare: Replace	Subject: text	Date: Indeterminate
			their team's capabilities to (applicant name). If oral presentations are

## Comments from page 63 continued on next page

Name of Person	
or Organization:	

### OCI Questionnaire

- 1. Will you (or your organization) be involved, or have you previously been involved, in the performance of any portion of the project under this solicitation, aside from your organization's proposed work as a third-party contractor?
  - () No.
  - Yes. The portion of the proposed work; the proposed hours 18 d 17 llar value; and the 23 pe 2119 volvement are fully disclosed on 22 e 20 tached pages.
- 2. What is (are) the sajor type(s) of usiness conducted by you (or your organization)? Please reply on the conducted pages.
- 3 28 27 you (or your organization) have any affiliates?
  - () No.
  - Yes. The name and a scription of the attached pages.

    Yes. The name and a scription of the attached pages.
- 4. Will any of the following be involved in performing the proposed work under this solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any of its directors; or (c) any affiliates?<sup>2</sup>
  - () No.
  - () Yes. A full disclosure and discussion is given in the attached pages.

All questions in the questionnaire apply to parent companies and affiliates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance) to avoid completing a large

affiliates.

number of questionnaires), this questionnaire must incorporate information regarding all

See Definitions in Chapter 4 (defining affiliates as businesses that directly or indirectly control or have the power to control another, or when a single third party controls or has the power to control both businesses).

Number: 27 Number: 28 This text was moved from page 70 of old document

Number: 29 Author: Compare: Delete Date: Indeterminate Subject: text "make'

Number: 30 Author: Compare: Replace Date: Indeterminate Subject: text

[Old text]: "selection. Once'

Date: Indeterminate Mumber: 31 Author: Compare: Replace Subject: text [Old text]: "OEP staff has notified (applicant name)"

[New text]: "major type(s)"

[New text]: "description of"

Author: Compare: Replace Subject: text Date: Indeterminate Number: 32 [Old text]: " its selection, (applicant name) will negotiate and fund a contract with"

Filed: 09/15/2016

#### APPENDIX B

### OCI Questionnaire

- 1. Will you (or your organization) be involved, or have you previously been involved, in the performance of any portion of the project under this solicitation, aside from your organization's proposed work as a third-party contractor?
  - () No.
  - Yes. The portion of the proposed work; the proposed hours and dollar value; and the type of involvement are fully disclosed on the attached pages.
- What is (are) the major type(s) of business conducted by you (or your organization)? Please reply on the attached pages.
- Do you (or your organization) have any affiliates?
  - () No.
  - Yes. The 33 me and a description of the major type(s) of business that each affiliate conducts are disclosed on the 34 tached pages.
- 4. Will any of the lowing be involved in performing the roposed work use solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any of selectors; or (c) any affiliates?<sup>2</sup>
  - () No.
  - Yes. A full disclosure and 40 scussion is given in the 41 tached pages.

All questions in the 44 nestionnaire apply to 45 rent companies and 46 filiates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance, to avoid completing a large number of questionnaires), this questionnaire must incorporate information regarding all affiliates.

See Definitions in Chapter 4 (defining affiliates as businesses that directly or indirectly control or have the power to control another, or when a single third party controls or has the power to control both businesses).

Date: Indeterminate

Date: Indeterminate

[Old text]: "contractor. (Applicant name) will keep the OEP staff apprised"

[New text]: "attached pages. 4. Will any"

Subject: text

Subject: text

"solely"

Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "negotiations with"

[New text]: "following be involved in performing"

Author: Compare: Replace

Author: Compare: Delete

Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "contractor. Once the contract has been executed, the contractor will proceed to"

[New text]: "proposed"

Number: 34

Number: 35

Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "the direction and guidance"

[New text]: "this solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any"

Number: 39

Author: Compare: Replace
Subject: text
Date: Indeterminate

[Old text]: " the OEP staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., the OEP staff) "shall furnish guidance"

[New text]: " its directors; or (c) any affiliates?2 ( ) No. ( ) Yes. A full disclosure"

Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "participate"

[New text]: "discussion is given"

Number: 41 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "preparation and shall independently evaluate"

[New text]: "attached pages."

Number: 42 Author: Compare: Insert Subject: graphic Date: Indeterminate

Matching graphic not found

Number: 43 Author: Compare: Insert Subject: text Date: Indeterminate
"1 All questions in"

Number: 44 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "[environmental document] prior"

[New text]: " questionnaire apply"

The following text attributes were changed:

Number: 45 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "its approval"

[New text]: "parent companies"

The following text attributes were changed: size

Number: 46 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "take responsibility for its scope and contents." 3-49"

[New text]: "affiliates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance," The following text attributes were changed:

## Comments from page 63 continued on next page

Filed: 09/15/2016

#### APPENDIX B

Name of Person	
or Organization:	

## OCI Questionnaire

- 1. Will you (or your organization) be involved, or have you previously been involved, in the performance of any portion of the project under this solicitation, aside from your organization's proposed work as a third-party contractor?
  - () No.
  - Yes. The portion of the proposed work; the proposed hours and dollar value; and the type of involvement are fully disclosed on the attached pages.
- What is (are) the major type(s) of business conducted by you (or your organization)? Please reply on the attached pages.
- Do you (or your organization) have any affiliates?
  - () No.
  - Yes. The name and a description of the major type(s) of business that each affiliate conducts are disclosed on the attached pages.
- 4. Will any of the following be involved in performing the proposed work under this solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any of its directors; or (c) any affiliates?<sup>2</sup>
  - () No.
  - () Yes. A full disclosure and discussion is given in the attached pages.

All questions in 47e questionnaire apply 49 parent companies 48d affiliates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance 5251 void completing a large number 55 54 lestionnaires), 56 s53 lestionnaire must incorporate information regarding all affiliates.

See Definitions in 58 apter 57 (defining affiliates as businesses that directly or indirectly control or have the power to 60 ntrol another, or when a 59 igle third party controls or has the power to control both businesses).

# Comments from page 63 continued on next page

[New text]: "control another, or when" The following text attributes were changed:

Filed: 09/15/2016

#### APPENDIX B

## OCI Questionnaire

- 1. Will you (or your organization) be involved, or have you previously been involved, in the performance of any portion of the project under this solicitation, aside from your organization's proposed work as a third-party contractor?
  - () No.
  - Yes. The portion of the proposed work; the proposed hours and dollar value; and the type of involvement are fully disclosed on the attached pages.
- What is (are) the major type(s) of business conducted by you (or your organization)? Please reply on the attached pages.
- Do you (or your organization) have any affiliates?
  - () No.
  - Yes. The name and a description of the major type(s) of business that each affiliate conducts are disclosed on the attached pages.
- 4. Will any of the following be involved in performing the proposed work under this solicitation: (a) any entities owned or represented by you (or your organization); (b) your organization's Chief Executive or any of its directors; or (c) any affiliates?<sup>2</sup>
  - () No.
  - () Yes. A full disclosure and discussion is given in the attached pages.

All questions in the questionnaire apply to parent companies and affiliates as well. Whenever possible, each affiliate should submit a separate questionnaire. However, in the event each affiliate does not submit a separate questionnaire (for instance, to avoid completing a large number of questionnaires), this questionnaire must incorporate information regarding all affiliates.

See Definitions in Chapter 4 (defining affiliates as businesses that directly or indirectly control or have 61 66 wer 64 control another, or when 68 ingle third party control 69 62 is 63 e 67 wer 65 70 ntrol both businesses).

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 277 of 369 Date: Indeterminate Number: 61 Author: Compare: Replace Subject: text The following text attributes were changed: Author: Compare: Replace Date: Indeterminate Number: 62 Subject: text [Old text]: "• impair" [New text]: " has" The following text attributes were changed: font, size Number: 63 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 64 Date: Indeterminate Author: Compare: Replace Subject: text The following text attributes were changed: size Number: 65 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 66 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "nature of the work" [New text]: " power" The following text attributes were changed: Number: 67 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contractor's objectivity in performing the contract work. OCIs typically exist where the contractor and/or its employees have a past, present, or ongoing financial interest in a project" [New text]: "power" The following text attributes were changed: size Number: 68 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 69 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: size Number: 70 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "be covered by the third-party contract. For example,"

[New text]: "control both businesses). B-1" The following text attributes were changed: size

()

No.

1	Are you (or your organization) an 2 nergy concern?
	<ul> <li>() No.</li> <li>() Yes. A full disclosure and discussion is given on the attached pages.</li> </ul>
6.	Do you (or your organization) have a direct or ndirect relationship 4 financial, organizational, contractual or otherwise) with 6 ny business entity (including a 7 arent company, affiliate, or ny other 3 usiness arrangement) that could be affected in 10 y way by the 11 oposed work 12 der this solicitation?
	() No.  () Yes. List the 4 siness entity(ies) showing the 13 ture of your relationship (including the dates of the 16 lationship, and the dollar value of 15 hy financial relationship) and how it would be affected by the proposed work under this solicitation.
7.	What percentage of your total income for the current and preceding calendar years resulted from arrangements with any of the entities identified in Question 6 above?
	For the current calendar year:  For the preceding calendar year:  For the second preceding calendar year:  from // to //.  from // to //.
8.	Do you (or your organization) currently have or have you had during the last six years any arrangements (for example, contracts and cooperative agreements) awarded, administered, or funded—wholly or partly—by the Commission or any other federal agency which relates to the proposed Statement of Work?  () No.  () Yes. A full disclosure and discussion is given on the attached pages.
9.	Do you (or your organization) have or have you ever had any contracts, agreements, special clauses, or other arrangements which prohibit you (or your organization) from proposing work to be performed in this solicitation or any portion thereof?

Yes. A full disclosure and discussion is given on the attached pages.

## Page: 64

Number 1	rage. o i			
Number: 2		Author: Compare: Insert	Subject: text	Date: Indeterminate
[Old text]: "Old exists if the contractor: has been involved with the applicant" [New text]: "energy concern? () No. () Yes. A full disclosure and discussion is given"  [Number: 3	"5. Are you (or yo	ur organization)"		
[Old text]: "Oct exists if the contractor. has been involved with the applicant" [New text]: "energy concern? () No. () Yes. A full disclosure and discussion is given"  Number 3	Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 3	Old text]: "OCI ex	kists if the contractor: • has been	en involved with the	applicant"
[Old text]: "project before it is proposed to the Commission," [New text]: "attached pages. 6. Do you (or your organization) have a direct"    Number: 4	[New text]: "energ	gy concern? ( ) No. ( ) Yes. A fu	ll disclosure and dis	cussion is given"
Number				Date: Indeterminate
Number: 4	Old text]: "project	t before it is proposed to the (	Commission,"	
"(financial, organizational, contractual or otherwise)"    Number: 5	[New text]: "attacl	hed pages. 6. Do you (or your	organization) have a	a direct"
Number: 5				Date: Indeterminate
[Old text]: "while it is pending before the Commission; * has an ongoing"  [New text]: "indirect"    Number: 6	"(financial, organi	zational, contractual or otherw	vise)"	
Number: 1				
Number: 6	[Old text]: "while i	it is pending before the Comm	nission; • has an ong	oing"
Cold textj: "the applicant; * would be called on to review its own prior work; or * has"  [New textj: "any business entity (including"    Number: 7	[New text]: " indir	ect"		
Number: 7 Author: Compare: Replace   Subject: text   Date: Indeterminate	MAN .			
Number: 7	Old text]: "the ap	plicant; • would be called on t	o review its own pri	or work; or • has"
Number: 7 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "financial"  [New text]: "parent company, affiliate,"    Number: 8 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "interest"   Number: 8 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "business arrangement) that could be affected"    Number: 9 Author: Compare: Insert Subject: text Date: Indeterminate "any"   Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate "any way by"   Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "outcome of the Commission's decision. The contractor may"   Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "on"   Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "applicant after"   New text]: "under this solicitation? () No. () Yes. List"   Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "applicant after"   Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project for"   Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project for"   Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project for"   Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "natural gas, major producers" [New text]: "any financial relationship)"	[New text]: "any h	ousiness entity (including"		
[Old text]: "financial"  [New text]: "parent company, affiliate,"    Number: 8				
Number: 8			Subject: text	Date: Indeterminate
Number: 8 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "interest"  [New text]: "business arrangement) that could be affected"  Number: 9 Author: Compare: Insert Subject: text Date: Indeterminate  "any"  Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate  "any way by"  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "outcome of the Commission's decision. The contractor may"  [New text]: "proposed"  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "on"  [New text]: "under this solicitation? () No. () Yes. List"  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "applicant after"  [New text]: "anture of your relationship (including"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "project for"  [New text]: "business entity(ies) showing"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "apy financial relationship)"	[Old text]. Illianc	iai		
[Old text]: "interest"  [New text]: "business arrangement) that could be affected"  [Number: 9	[New text]: "parer	nt company, affiliate,"		
[Old text]: "interest"  [New text]: "business arrangement) that could be affected"    Number: 9	Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 9 Author: Compare: Insert Subject: text Date: Indeterminate "any"  Number: 10 Author: Compare: Insert Subject: text Date: Indeterminate "any way by"  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "outcome of the Commission's decision. The contractor may"  [New text]: "proposed"  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "on"  [New text]: "under this solicitation? () No. () Yes. List"  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "applicant after"  [New text]: "nature of your relationship (including"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "project for"  [New text]: "business entity(ies) showing"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "natural gas, major producers" [New text]: "any financial relationship)"			J	
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Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "outcome of the Commission's decision. The contractor may"  [New text]: "proposed"  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "under this solicitation? () No. () Yes. List"  Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "applicant after"  [New text]: "nature of your relationship (including"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "project for"  [New text]: "project for"  [New text]: "business entity(ies) showing"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "natural gas, major producers"  [New text]: "any financial relationship)"		Author: Compare: Insert	Subject: text	Date: Indeterminate
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[New text]: "proposed"    Number: 12				
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Number: 13 Author: Compare: Replace Subject: text Date: Indeterminate  [New text]: "nature of your relationship (including"  Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "project for"  [New text]: "business entity(ies) showing"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: " natural gas, major producers"  [New text]: " any financial relationship)"		r this solicitation? ( ) No. ( ) Ye:	s. List"	
[Old text]: "applicant after"  [New text]: "nature of your relationship (including"  Number: 14				Date: Indeterminate
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[Old text]: "project for"  [New text]: "business entity(ies) showing"  Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: " natural gas, major producers"  [New text]: " any financial relationship)"	Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
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	INGILIDEL. 16	литот. Сотпрате. кертасе	Subject. text	Date. Indeterminate

## Comments from page 64 continued on next page

5.

5.	Are you (or your organization) an energy concern?
	() No.
	Yes. A full disclosure and discussion is given on the attached pages.
6.	Do you (or your organization) have a direct or indirect relationship (financial,
	organizational, contractual or otherwise) with any business entity (including a parent company, affiliate, or any other business arrangement) that could be
	affected in any way by the proposed work under this solicitation?
	() No.  () Very List the hyginess entity (i.e.) sherving the nature of your relationship
	Yes. List the business entity(ies) showing the nature of your relationship (including the 17 tes of the relationship, and 18 dollar value of any financial
	relationship) and 21 w it 22 ould be 19 fected by the 20 oposed 23 ork 24 der 25 is 26 licitation.
7.	What percentage of 28 ur total income for the 27 rrent and preceding calendar years
	resulted from arrangements with any of the entities identified in Question 6 above?
	% For the current calendar year: from / / to / / .
	% For the preceding calendar year: from / / to / / .
	For the second preceding calendar year: from / / to / / .
8.	Do you (or your organization) currently have or have you had during the last six
	years any arrangements (for example, contracts and cooperative agreements)
	awarded, administered, or funded—wholly or partly—by the Commission or any
	other federal agency which relates to the proposed Statement of Work?
	() No.
	() Yes. A full disclosure and discussion is given on the attached pages.
9.	Do you (or your organization) have or have you ever had any contracts,
	agreements, special clauses, or other arrangements which prohibit you (or your
	organization) from proposing work to be performed in this solicitation or any portion thereof?
	() No.
	Yes. A full disclosure and discussion is given on the attached pages.

[Old text]: "project would result in such involvement. All contractors (offerors) must submit as part of their proposals a statement of Offeror's Organizational Conflicts of Interest Disclosure or Representations (OCI Statement). Specifically, offerors must reveal all relationships, including ownership interests, with all FERC regulated pipelines" [New text]: "relationship," Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Commission has decided whether to approve the project as long as there was no prior agreement or expectation that approval" [New text]: "dates" Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "their affiliates, gathering companies, brokers and marketers' [New text]: "the dollar value" Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "included in' [New text]: "affected by" Subject: text Number: 20 Author: Compare: Replace Date: Indeterminate [Old text]: "abstract. Detailed guidance regarding the OCI Statement, including requirements and definitions, begins on page 4-3. The above obligation carries through the actual performance period of the" [New text]: "proposed" Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " their affiliates, and end users of natural gas such as industrial users, including cogeneration facilities. Offerors must state whether or not there is an OCI, and if so, to what extent. Offerors must provide an abstract listing all the above entities with which" [New text]: "how" Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "or its subcontractors have had a business relationship and indicate whether or not that relationship results in a real or perceived conflict. In the event an apparent or real conflict is listed, a detailed mitigation plan to resolve and isolate any OCI should" [New text]: "would" Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Date: Indeterminate Number: 24 Author: Compare: Replace Subject: text [Old text]: "covered by" [New text]: "under" The following text attributes were changed: Author: Compare: Replace Subject: text Date: Indeterminate Number: 25 The following text attributes were changed: font Author: Compare: Replace Date: Indeterminate Number: 26 Subject: text [Old text]: "RFP. In other words, if during the performance" [New text]: "solicitation. 7. What percentage" The following text attributes were changed: font Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "offeror has, or is contemplating a relationship, including ownership interest," [New text]: "current and preceding calendar years resulted from arrangements" The following text attributes were changed: font Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate

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Filed: 09/15/2016

[Old text]: "that work'

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5. Are you (or your organization) an energy concern? () No. Yes. A full disclosure and discussion is given on the attached pages. () 6. Do you (or your organization) have a direct or indirect relationship (financial, organizational, contractual or otherwise) with any business entity (including a parent company, affiliate, or any other business arrangement) that could be affected in any way by the proposed work under this solicitation? No. () Yes. List the business entity(ies) showing the nature of your relationship (including the dates of the relationship, and the dollar value of any financial relationship) and how it would be affected by the proposed work under this solicitation. What percentage 29 your total income for 30e current and preceding calendar years 7. resulted from arrangements 31 ith any of the entities identified in 32 uestion 6 above? For 35 e 33 rrent calendar year: from / / For the <sup>38</sup> eceding <sup>37</sup> lendar year: from to For 41e 40 cond preceding calendar year: from to Do you (or your organization) currently have or have you had during 43 he 44 st six 8. years any arrangements (for example, contracts and 45 operative agreements) awarded, administered, or funded—wholly or partly—by the Commission or any other federal agency which relates to the proposed Statement of Work? () No. () Yes. A full disclosure and discussion is given on the attached pages. 9. Do you (or your organization) have or have you ever had any contracts, agreements, special clauses, or other arrangements which prohibit you (or your organization) from proposing work to be performed in this solicitation or any portion thereof?

Yes. A full disclosure and discussion is given on the attached pages.

No.

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The following text attributes were changed:

Ni walaaw 20	Author Comment Doubon	Culai a atu taut	Datas la data maio ata
Number: 29 The following tex font	Author: Compare: Replace t attributes were changed:	Subject: text	Date: Indeterminate
Number: 30	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex font	t attributes were changed:		
Number: 31	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex font	t attributes were changed:		
Number: 32 "Question 6 above	Author: Compare: Insert	Subject: text	Date: Indeterminate
Number: 33 "current calendar	Author: Compare: Insert year: from / / to / / . % For the	Subject: text	Date: Indeterminate
Number: 34	Author: Compare: Insert	Subject: text	Date: Indeterminate
"% For"	'		
Number: 35	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex	t attributes were changed:		
Number: 36	Author: Compare: Insert	Subject: graphic	Date: Indeterminate
Matching graphic	not found		
Number: 37 [Old text]: "parag	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ndar year: from / / to / / . % For t attributes were changed:	п	
Number: 38	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex	t attributes were changed:		
Number: 39 Matching graphic	Author: Compare: Insert	Subject: graphic	Date: Indeterminate
Number: 40	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "OEP s	taff must be notified and a con		if necessary, must be proposed. 4-1"
	nd preceding calendar year: fro t attributes were changed:	m / / to / / . 8. Do y	ou (or your organization) currently have or have you had during"
Number: 41	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex font	t attributes were changed:		
Number: 42 Matching graphic	Author: Compare: Insert	Subject: graphic	Date: Indeterminate
Number: 43	Author: Compare: Delete	Subject: text	Date: Indeterminate
"The offeror's cor	nflict mitigation plan should de	scribe"	
Number: 44 [Old text]: "mech	Author: Compare: Replace anism used to ensure availabilit	Subject: text ty of"	Date: Indeterminate
[New text]: "last s	ix years any arrangements (for	example, contracts"	
	, , , , , , , , , , , , , , , , , , , ,		
Number: 45	Author: Compare: Replace	Subject: text	Date: Indeterminate

[New text]: "cooperative agreements) awarded, administered, or funded—wholly or partly—by"

portion thereof?

No.

()

5.	Are y	ou (or	your or	ganiza	tion) a	ın ene	ergy c	once	rn?						
		No.													
		Yes.	A full	disclos	ure an	d disc	cussic	n is g	given	on t	he at	ttache	ed pa	iges.	
6.	organ paren	nization nt comp	your org nal, con pany, af any way	tractual filiate,	l or otl or any	herwi othe	ise) w	ith ar	ny bu arran	sines gem	ss en ent)	tity (: that c	inclu	ding a	
		No.													
			List the	e husin	iess en	tity(i	es) sh	owin	o the	natu	re of	f von	r rela	ationsh	in
		(incl relat	uding the ionship) itation.	ne dates	of the	e rela	tionsl	nip, a	nd th	e dol	lar v	alue	of ar	ny fina	ncia
7.		_	ntage of	•									-	•	
	result	ted fro	m arran	gement	ts with	any (	of the	enti	ties ic	lentif	fied	in Qu	iestic	on 6 ab	ove'
	%	Fo	r the cui	rrent ca	ılendaı	r year				fro	om	/ /	to	/ /	
	9/0	Fo	r the pre	eceding	calen	ldar y	ear:			fro	om	/ /		/ /	
		Fo Fo	r the sec	ond pr	ecedir	ng cal	endar	year	"	fro	om	/ /	to	/ /	
8.	years	any a	your org rrangem Iministe	ents (fo	or exa	mple,	, cont	racts	and c	oope	erativ	ve ag	reem	ents)	
			al agenc												
		No.	A 5311					•							
9.	Do vo	ou (or	your org	ganizat	ion) h	ave 5	5 54 V	e von	ever	had	anv	contr	acts		
•			, special												r
	organ	nizatio	n) from	propos	ing wo	ork to	[59] p	erfor	med i	$n^{\frac{58}{58}i}$	s sol	licitat	cion (	or any	

Yes. A full disclosure and coscussion is given on the tached pages.

-1081 Document #1636006 Filed: 09/15/2016 Page 285 of 369 [Old text]: "mechanism used by project manager(s) to gather resources to ensure continuation and timely completion of assigned tasks when a [New text]: "Commission" Number: 47 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "apparent OCI occurs. The applicant will review each OCI Statement and abstract" [New text]: "any other federal agency which relates" Number: 48 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "offeror is capable" [New text]: "proposed Statement" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " impartially performing the environmental services required under the contract. The applicant shall certify that neither the offeror nor its subcontractors have an OCI." [New text]: "Work? ( ) No. ( ) Yes." Number: 50 Author: Compare: Delete Subject: text Date: Indeterminate "determine whether" Number: 51 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "offeror's OCI Statement, mitigation plans, and the applicant's certification) will be reviewed by OGC. The selected contractor will' [New text]: "attached pages. 9. Do you (or your organization)" Number: 52 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "included as appendix D. All OCI materials submitted to OEP (including) [New text]: "given on" Number: 53 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "format for this certification" [New text]: "full disclosure and discussion" Number: 54 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "ownership," [New text]: "have you ever had any contracts, agreements, special clauses," Number: 55 Author: Compare: Delete Subject: text Date: Indeterminate a continuing obligation to identify conflicts that may arise because of changes in corporate identity, affiliation, structure," Author: Compare: Replace Number: 56 Subject: text Date: Indeterminate [Old text]: "changes to the contract. In the event an OCI is discovered after award, the contractor shall stop" [New text]: "other arrangements which prohibit you (or your organization) from proposing" Number: 57 Author: Compare: Delete Subject: text Date: Indeterminate on the assigned task immediately, notify the OEP Project Manager (who will notify OGC) of the OCI, create a plan" Number: 58 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "writing, to implement that plan. The decision of OGC shall be final. As more thoroughly discussed below, post-award communications between the applicant" [New text]: "this solicitation or any portion thereof? ( ) No. ( ) Yes. A full disclosure" Number: 59 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " mitigate the conflict through assignment to a subcontractor and get OGC approval," [New text]: "be performed" Number: 60 Author: Compare: Insert Subject: text Date: Indeterminate 'discussion is given on' Subject: text Author: Compare: Replace Date: Indeterminate Number: 61 [Old text]: "contractor will be limited by the Commission's off-therecord communications rule. Therefore,

## Comments from page 64 continued on next page

No.

()

()	No.  Yes. A full disclosure and discussion is given on the attached pages.
orga	rou (or your organization) have a direct or indirect relationship (financial, nizational, contractual or otherwise) with any business entity (including a nt company, affiliate, or any other business arrangement) that could be ted in any way by the proposed work under this solicitation?
	No. Yes. List the business entity(ies) showing the nature of your relationship (including the dates of the relationship, and the dollar value of any financial relationship) and how it would be affected by the proposed work under this solicitation.
resul	t percentage of your total income for the current and preceding calendar years ted from arrangements with any of the entities identified in Question 6 above?  For the current calendar year:  For the preceding calendar year:  For the second preceding calendar year:  from // to //.  from // to //.
years	rou (or your organization) currently have or have you had during the last six is any arrangements (for example, contracts and cooperative agreements) and administered, or funded—wholly or partly—by the Commission or any refederal agency which relates to the proposed Statement of Work?  No.  Yes. A full disclosure and discussion is given on the attached pages.
agree	rou (or your organization) have or have you ever had any contracts, ements, special clauses, or other arrangements which prohibit you (or your nization) from proposing work to be performed in this solicitation or any on thereof?

Yes. A full disclosure and discussion is given on the attached pages.

[New text]: "attached pages. B-2"

- Do you (or your organization) have Iny Involvement with or interest (direct Indirect) Dechnologies which are or Thay be subjects of the contract, or Which may be substitutable for such technologies?
  - () No.
  - Yes. A full disclosure and scussion is given on the 12 tached pages.
- 11. Could you (or your organization) in either your private or deral government business pursuits use information acquired in the performance of the proposed work under this solicitation; such as:
  - (a) Data generated under the contract?
  - (b) Information concerning Commission plans and programs?
  - (c) Confidential and proprietary data of others?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 12. Under the proposed work under this solicitation, will you (or your organization) evaluate or inspect your own services or products, or the services or products of any other entity that has a relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating or inspecting a competitor's goods and services.
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 13. To avoid what you perceive as a possible OCI, do you (or your organization) propose to: exclude portions of the proposed work; employ special clauses; or take other measures?
  - () No.
  - Yes. A full discussion is given on the attached pages.
  - () No possibility of an OCI is perceived. This answer is briefly justified on the attached pages.
- What percentage of the revenue reported in this OCI statement is attributable to work as a FERC third-party contractor?
- 15. Are you (or your organization) performing any function for another company, either currently or in the past 24 months, on a similar project in the same geographic area?

	Author: Compare: Insert	Subject: text	Date: Indeterminate
"10. Do you (or )	our organization) have"		
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " post	-award OCI issue"	-	
	olvement with or interest (direct xt attributes were changed:	."	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following te	xt attributes were changed:		
Number: 4 The following te	Author: Compare: Replace xt attributes were changed:	Subject: text	Date: Indeterminate
Number: 5 [Old text]: "prob	Author: Compare: Replace lem shall be reported directly to	Subject: text the OEP Project N	Date: Indeterminate Manager"
[New text]: "indi The following te font	rect)" xt attributes were changed:		
Number: 6 [Old text]: "writir	Author: Compare: Replace ng. Subcontractors also must su	Subject: text bmit an OCI Stater	Date: Indeterminate ment and, where necessary, a mitigation plan to resolve real"
	nnologies which are" xt attributes were changed:		
Number: 7		Subject: text	Date: Indeterminate
[New text]: "may	eived OCIs. Off-the-Record Com be subjects"	imunications in ord	der to avoid all possibilities
			D. I.I.
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 8 [Old text]: " preju		Subject: text	Date: Indeterminate
	udice, real"	Subject: text	Date: Indeterminate
[Old text]: " preju [New text]: " the Number: 9	udice, real"  contract,"  Author: Compare: Replace	Subject: text	Date: Indeterminate  Date: Indeterminate
[Old text]: " preju [New text]: " the Number: 9	udice, real" contract,"	Subject: text	
[Old text]: " preju [New text]: " the Number: 9 [Old text]: "appa	udice, real"  contract,"  Author: Compare: Replace	Subject: text the applicant"	Date: Indeterminate
[Old text]: " preju [New text]: " the Number: 9 [Old text]: "appa	udice, real"  contract,"  Author: Compare: Replace rent communications between	Subject: text the applicant"	Date: Indeterminate
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[Old text]: " prejute [New text]: " the Number: 9 [Old text]: "appate [New text]: "which is not be a presented by the second of	contract,"  Author: Compare: Replace rent communications between the may be substitutable for such Author: Compare: Replace ext attributes were changed:  Author: Compare: Delete communications do not apply de Author: Compare: Replace	Subject: text the applicant" n technologies? ( ) Subject: text  Subject: text uring" Subject: text wever, the OEP sta	Date: Indeterminate  No. ( ) Yes. A full disclosure"  Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  ff will treat most communications between itself"
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[Old text]: " prejutive [New text]: " the Number: 9 [Old text]: "appate [New text]: "which will be supposed to the font of the following tender of the following tender of the following tender of the font of the following tender of the font of the following tender of the font of the	Author: Compare: Replace The Author: Compare: Delete Tommunications do not apply described author: Compare: Replace The Author: Comp	Subject: text the applicant" n technologies? ( ) Subject: text  Subject: text uring" Subject: text wever, the OEP sta our organization) i Subject: text	Date: Indeterminate  No. ( ) Yes. A full disclosure"  Date: Indeterminate  Date: Indeterminate  The proof of

Page 290 of 369

- 10. Do you (or your organization) have any involvement with or interest (direct or indirect) in technologies which are or may be subjects of the contract, or which may be substitutable for such technologies?
  - No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 11. Could you (or your organization) in either your private or federal government business pursuits use information acquired in the 15 poposed work under this 17 licitation; such as:
  - Data generated under the 18 ntract? (a)
  - Information concerning 19 ommission 21 ans and 20 ograms? (b)
  - Confidential and 22 oprietary data of others? (c)
  - No.
  - Yes. A full disclosure and 24 scussion is given 25 n the 23 tached pages. ()
- Under the <sup>27</sup>oposed work under this <sup>26</sup>licitation, will you (or your organization) 12. evaluate or inspect your own services or products, or the 28 rvices or products of any other entity that has a relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating or inspecting a competitor's goods and services.
  - ()
  - Yes. A full disclosure and discussion is given on the attached pages. ()
- 13. To avoid what you perceive as a possible OCI, do you (or your organization) propose to: exclude portions of the proposed work; employ special clauses; or take other measures?
  - No.
  - () Yes. A full discussion is given on the attached pages.
  - No possibility of an OCI is perceived. This answer is briefly justified on () the attached pages.
- 14. What percentage of the revenue reported in this OCI statement is attributable to work as a FERC third-party contractor?
- 15. Are you (or your organization) performing any function for another company, either currently or in the past 24 months, on a similar project in the same geographic area?

USCA Case #16-1081 Page 291 of 369 Document #1636006 Filed: 09/15/2016 Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "applicant during [New text]: "proposed work under" Number: 16 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "third-party contractor and [New text]: "performance of" Number: 17 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "period as subject to public disclosure to ensure openness of [New text]: "solicitation; such as: (a) Data generated under" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "NEPA process. An offthe-record communication is a written or oral communication that is: • off the record; and • deals with the merits of a pending proceeding. 4-2" [New text]: "contract? (b) Information concerning" Number: 19 Author: Compare: Delete Subject: text Date: Indeterminate "8 The" Author: Compare: Replace Date: Indeterminate Number: 20 Subject: text [Old text]: "a third-party contractor under Commission supervision" [New text]: "programs? (c) Confidential" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "will treat the prohibitions on off-the-record communications as being applicable to communications between an applicant" [New text]: "plans" Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "control. The contractor shall report all such communications to OGC. Oral communications are generally not consideredoff-therecord if reasonable prior notice" [New text]: "proprietary data of others? ( ) No. ( ) Yes. A full disclosure" Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "parties to [New text]: "attached pages. 12. Under" Number: 24 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "an opportunity to participate have been' [New text]: "discussion is" Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "to" [New text]: " on" Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "chapter. Offeror's OCI Disclosure and Representations Requirements All offerors must provide" [New text]: "solicitation, will you (or your organization) evaluate or inspect your own services or products, or" Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "case. Other exceptions are listed at 18 CFR 385.2201(b) and (e). All inquiries regarding OCI and off-the-record communications should be directed to the OGC contact persons listed at the end of" [New text]: "proposed work under" Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "information and assurances called for by this section. The offeror must submit (as a separate volume) the following documents from [New text]: "services or products"

## Comments from page 65 continued on next page

- 10. Do you (or your organization) have any involvement with or interest (direct or indirect) in technologies which are or may be subjects of the contract, or which may be substitutable for such technologies?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 11. Could you (or your organization) in either your private or federal government business pursuits use information acquired in the performance of the proposed work under this solicitation; such as:
  - (a) Data generated under the contract?
  - (b) Information concerning Commission plans and programs?
  - (c) Confidential and proprietary data of others?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- Under the proposed work under this solicitation, will you (or your organization) evaluate or inspect your own services or products, or the services or products of the services or products or products of the services or products of the services or products of the services or products or products of the services or products of the services or products of the services or products or
  - () No.
  - Yes. A full disclosure and discussion is 37 ven on the 36 tached pages.
- To avoid what you receive as a possible OCI, do u (or your ganization) propose to: exclude portions used a proposed work; employ special clauses; or take other measures?
  - () No.
  - Yes. A full discussion is given on the attached pages.
  - () No possibility of an OCI is perceived. This answer is briefly justified on the attached pages.
- What percentage of the revenue reported in this OCI statement is attributable to work as a FERC third-party contractor?
- 15. Are you (or your organization) performing any function for another company, either currently or in the past 24 months, on a similar project in the same geographic area?

USCA Case #16-1081 Filed: 09/15/2016 Page 293 of 369 Document #1636006 <u>N</u>umber: 29 Author: Compare: Delete Subject: text Date: Indeterminate 1. Either (a) the OCI Representation Statement (representing Number: 30 Author: Compare: Delete Subject: text Date: Indeterminate "the offeror Mumber: 31 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: " the entities listed herein: 8' [New text]: "any other entity" Date: Indeterminate Number: 32 Author: Compare: Replace Subject: text [Old text]: "no OCIs),' [New text]: "a relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating" Number: 33 Author: Compare: Delete Subject: annotation Date: Indeterminate Matching annotation not found Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "(b) the OCI Disclosure Statement (in the event that the offeror has information relevant to' [New text]: "inspecting" Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "potential OCI). (See appendix A.) If the OCI Disclosure Statement' [New text]: " competitor's goods and services. ( ) No. ( ) Yes. A full disclosure and discussion" Subject: text Author: Compare: Replace Date: Indeterminate [Old text]: "information required. 2. The OCI Questionnaire (see appendix B). If" [New text]: "attached pages. 13. To avoid what" Author: Compare: Replace Number: 37 Subject: text Date: Indeterminate [Old text]: "signed, provide an attachment showing" [New text]: "given on" Mumber: 38 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposal." [New text]: "organization) propose to: exclude portions" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "answer any questions "YES," provide an attachment showing the requested information in detail. Please" [New text]: "perceive as a possible OCI," Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "not reference any information in other sections of [New text]: "you (or" Number: 41 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " entities' [New text]: " the proposed work; employ special clauses;" The following text attributes were changed: size Author: Compare: Replace Date: Indeterminate Number: 42 Subject: text The following text attributes were changed: Number: 43 Author: Compare: Delete Subject: text Date: Indeterminate "The types" Number: 44 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found

- 10. Do you (or your organization) have any involvement with or interest (direct or indirect) in technologies which are or may be subjects of the contract, or which may be substitutable for such technologies?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 11. Could you (or your organization) in either your private or federal government business pursuits use information acquired in the performance of the proposed work under this solicitation; such as:
  - (a) Data generated under the contract?
  - (b) Information concerning Commission plans and programs?
  - (c) Confidential and proprietary data of others?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 12. Under the proposed work under this solicitation, will you (or your organization) evaluate or inspect your own services or products, or the services or products of any other entity that has a relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating or inspecting a competitor's goods and services.
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- To avoid what you perceive as a possible OCI, do you (or your organization) propose to: exclude portions of the proposed work; employ special clauses; 45
  - () No.
  - Yes. A full discussion is given on 48 tached pages.
  - No possibility of an OCI is perceived. This answer is briefly justified on 50e 49 tached pages.
- What percentage the envenue reported in this OCI statement is attributable to work as a FERC third-party contractor?
- Are you (or your organization) performing any function for another company, either currently or in 55 he 31 st 24 months, on 54 similar project in 56 e 57 me geographic area?

	Author: Compare: Replace	ument #16360 Subject: text	006 Filed: 09/15/2016 Page	295 of 369
The following tex size	t attributes were changed:	-		
Number: 46	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: " indivi	iduals required to complete"			
	other measures? ( ) No. ( ) Yes. t attributes were changed:	A full discussion is g	iven on"	
Number: 47 [Old text]: "forms	Author: Compare: Replace listed above are as follows: 1. 1	Subject: text The prime contracto	Date: Indeterminate  7. 2. The subcontractor(s) (unless"	
	hed pages. ( ) No possibility of t attributes were changed:	an OCI is perceived.	This answer is briefly justified on"	
Number: 48	Author: Compare: Replace	Subject: text	Date: Indeterminate	
The following tex	t attributes were changed:			
Number: 49	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	entractor(s) is only providing sup		nts at every tier. 3. All affiliates"	
	hed pages. 14. What percentag t attributes were changed:	e"		
	Author: Compare: Replace	Subject: text	Date: Indeterminate	
The following tex size	t attributes were changed:			
Number: 51 [Old text]: " foreq	Author: Compare: Replace	Subject: text	Date: Indeterminate	
performing any f			o work as a FERC third-party contractor? 15. Are you (c	or your organization)
performing any fr The following tex size  Number: 52	nue reported in this OCI statem unction for another company, e t attributes were changed: Author: Compare: Replace			or your organization)
performing any fr The following tex size  Number: 52	nue reported in this OCI statem unction for another company, e t attributes were changed:	ither currently or in'		or your organization)
performing any fr The following tex size  Number: 52  The following tex size  Number: 53	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace	ither currently or in' Subject: text Subject: text		or your organization)
performing any from the following text size  Number: 52  The following text size  Number: 53  [Old text]: " prime [New text]: "past The following text size	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace e or subcontractors do not file"	ither currently or in' Subject: text Subject: text	Date: Indeterminate	or your organization)
performing any from the following text size  Number: 52  The following text size  Number: 53  [Old text]: " prime [New text]: "past The following text size  Number: 54	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace e or subcontractors do not file"	Subject: text  Subject: text  Subject: text	Date: Indeterminate	or your organization)
performing any from the following text size  Number: 52  The following text size  Number: 53  [Old text]: " prime [New text]: "past The following text size  Number: 54  [Old text]: " their [New text]: "a sim	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace tattributes were changed:  Author: Compare: Replace or subcontractors do not file"  24 months," tattributes were changed:  Author: Compare: Replace behalf. 4. Any entities owned o	Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate	or your organization)
performing any fi The following tex size  Number: 52 The following tex size  Number: 53 [Old text]: "prime [New text]: "past The following tex size  Number: 54 [Old text]: " their [New text]: "a sim The following tex size  Number: 55	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace t attributes were changed:  Author: Compare: Replace e or subcontractors do not file"  24 months," t attributes were changed:  Author: Compare: Replace behalf. 4. Any entities owned o nilar project in" t attributes were changed:  Author: Compare: Replace	Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate	or your organization)
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performing any from the following text size  Number: 52  The following text size  Number: 53  [Old text]: " prime following text size  Number: 54  [Old text]: " their following text size  Number: 54  [New text]: "a sim the following text size  Number: 55  The following text size  Number: 55  Number: 56	nue reported in this OCI statem unction for another company, et attributes were changed:  Author: Compare: Replace that attributes were changed:  Author: Compare: Replace or subcontractors do not file.  24 months," attributes were changed:  Author: Compare: Replace behalf. 4. Any entities owned of illar project in. attributes were changed:  Author: Compare: Replace behalf. 4. Any entities owned of illar project in. attributes were changed:  Author: Compare: Replace that attributes were changed:	Subject: text  Subject: text  Subject: text  Subject: text r represented by"	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate	or your organization)

[New text]: "same geographic area? B-3"

# Comments from page 65 continued on next page

- 10. Do you (or your organization) have any involvement with or interest (direct or indirect) in technologies which are or may be subjects of the contract, or which may be substitutable for such technologies?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 11. Could you (or your organization) in either your private or federal government business pursuits use information acquired in the performance of the proposed work under this solicitation; such as:
  - (a) Data generated under the contract?
  - (b) Information concerning Commission plans and programs?
  - (c) Confidential and proprietary data of others?
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 12. Under the proposed work under this solicitation, will you (or your organization) evaluate or inspect your own services or products, or the services or products of any other entity that has a relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating or inspecting a competitor's goods and services.
  - () No.
  - () Yes. A full disclosure and discussion is given on the attached pages.
- 13. To avoid what you perceive as a possible OCI, do you (or your organization) propose to: exclude portions of the proposed work; employ special clauses; or take other measures?
  - () No.
  - Yes. A full discussion is given on the attached pages.
  - () No possibility of an OCI is perceived. This answer is briefly justified on the attached pages.
- What percentage of the revenue reported in this OCI statement is attributable to work as a FERC third-party contractor?
- 15. Are you (or your organization) performing any function for another company, either currently or in the past 24 months, [58] a similar project in the same geographic area?

The following text attributes were changed: size

nent #1636006 Filed: 09/15/2016

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Subject: text Date: Indeterminate

Number: 58 Author: Compare: Replace
The following text attributes were changed:

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	()	No. Yes.			
16.	I <sup>®</sup> he perform		ase list he came(s	) $10^{\circ}$ the $7$	roject(s) 11 nd 12e133 ork 4eing
my kn	owled	ge and belief, the	facts and represent	ations pr	nization, and that, to the 14st of esented on the four pages of to it are accurate and complete.
become will accept with t	ne awa dvise t he Co sel wit	re of any actual one OEP staff and mmission's Gene	or potential OCI ( (applicant name) ral and Administ	during pand file rative La	g annual updating. Should I erformance of this contract, I an amended OCI Statement w section, Office of General ion or explanation why none
Signat	ture:			Date:	
Name	:			Title:	
Organ	izatior	1:			

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"() No. () Yes. 16	. If"		
Number: 2	Author: Compare: Delete	Subject: text	Date: Indeterminate
" directors - if the	ey will be involved in performing	g"	
Number: 3	Author: Compare: Delete	Subject: text	Date: Indeterminate
" proposed"			
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "of:"			
	g performed. I hereby certify th t attributes were changed:	at I have authority	y to represent my organization, and that, to"
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
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	er is yes, please list" t attributes were changed:		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: " subco	ontractors, except for those on	ly providing suppl	ies; and any"
[New text]: "name The following tex size	t attributes were changed:		
Number: 7	Author: Compare: Replace ultants. 5. Chief executives"	Subject: text	Date: Indeterminate
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size	3		
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The following tex size	t attributes were changed:		
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Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following tex size	t attributes were changed:		
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
	t attributes were changed:		
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
		at every tier (eve	ept for subcontractors which are only providing supplies); consultants at every

[New text]: "best of my knowledge"

The following text attributes were changed:

() No. Yes.	
16. If the answer is yes, please list the name(sperformed.	s) of the project(s) and the work being
I hereby certify that I have authority to represent my knowledge 21 d 20 lief, 22 e 1617s 18 d represent 24 is questionnaire and on the 27 ges of the 25	t my organization, and that, to 15e best of tations presented on the 19ur pages of tachment to 26 are accurate and 23 mplete.
I recognize that <sup>30</sup> CI <sup>31</sup> an <sup>29</sup> agoing obligation	
become aware of any actual or potential OCI will advise the OEP staff and (applicant name	31
with the Commission's General and Administ Counsel within 30 days that includes propose	*
is needed.	diminigation of explanation why hone
Signature:	Date:
Name:	Title :
Organization:	

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 301 of 369 Number: 15 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 16 Author: Compare: Delete Subject: text Date: Indeterminate 'Notice Apart from other remedies allowed by law or contract, any deliberate nondisclosure or misrepresentation of Number: 17 Author: Compare: Delete Subject: text Date: Indeterminate "foregoing. 4-3" Number: 18 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "relevant to" [New text]: "and representations presented on" Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "OCI disclosure required by the Commission may result in disqualification" [New text]: "four pages" Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " all affiliates of" [New text]: "belief," The following text attributes were changed: Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "avoid or mitigate an' [New text]: "complete. I recognize that" Number: 24 Author: Compare: Insert Subject: text Date: Indeterminate "this questionnaire and on' Number: 25 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "Commission" [New text]: " attachment" Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "identify" [New text]: "it are accurate" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "offeror/contractor from future thirdparty contracts. Discussion It is the policy' [New text]: "pages" Number: 28 Author: Compare: Insert Subject: graphic Date: Indeterminate Matching graphic not found Number: 29 Date: Indeterminate Author: Compare: Insert Subject: text ongoing obligation requiring annual updating. Should I become aware of any actual or potential' Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "before selecting a third-party contractor. Generally, to determine whether"

# Comments from page 66 continued on next page

() No. Yes.	
	me(s) of the project(s) and the work being
I hereby certify that I have authority to repres my knowledge and belief, the facts and repre	esentations presented on the four pages of
this questionnaire and on thepages of the	e attachment to it are accurate and complete.
I recognize that OCI is 321 ongoing obligation become aware of any actual or potential will advise 39 e 37 EP staff and (applicant nation) with the 45 ommission's General and Admit Counsel within 30 days that includes proper is needed.	CI <sup>33</sup> uring <sup>34</sup> rformance of <sup>35</sup> is contract, I ume) <sup>40</sup> d <sup>41</sup> le <sup>44</sup> <sup>42</sup> mended <sup>43</sup> CI <sup>38</sup> atement nistrative Law section, Office of General
Signature :	Date:
Name :	Title :
Organization:	

The following text attributes were changed:

font Number: 32 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "exists, the Commission considers these two questions: • Are there conflicting roles (including potential financial involvement) which might bias a contractor's judgment in relation to its work for the Commission?9 • Is the contractor being given an unfair competitive advantage based on the" [New text]: "during" The following text attributes were changed: font Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 35 Author: Compare: Insert Date: Indeterminate Subject: text "this contract, I will advise" Number: 36 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contract? Using common sense" [New text]: "OEP staff and (applicant name)" The following text attributes were changed: font Mumber: 38 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "exists after examining: • all relevant facts submitted by [New text]: "Statement with" The following text attributes were changed: font Author: Compare: Replace Number: 39 Subject: text Date: Indeterminate The following text attributes were changed: font Number: 40 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: font Author: Compare: Replace Number: 41 Subject: text Date: Indeterminate [Old text]: "good business judgment, OGC will determine whether" [New text]: " file" The following text attributes were changed: font Number: 42 Author: Compare: Insert Subject: text Date: Indeterminate amended" Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 44 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font

# Comments from page 66 continued on next page

Subject: text

Date: Indeterminate

Author: Compare: Replace

Mumber: 45

[Old text]: "offeror; • the statement'

		No.				
		Yes.				
16.	If the performance of the perfor	answer is yes, plearmed.	ase list the name(s	) of the pr	oject(s) and th	e work being
1	•	ify that I have auth	· · · · · · · · · · · · · · · · · · ·	•		-
my kr	nowled	ge and belief, the f	acts and represent	ations pre-	sented on the	four pages of
this qu	uestion	naire and on the	pages of the att	achment to	o it are accura	te and complete.
						•
I reco	gnize 1	that OCI is an ong	going obligation	requiring	annual upda	ting. Should I
becon	ne awa	re of any actual o	r potential OCI	during pe	rformance of	this contract, I
		he OEP staff and				
with	<sup>47</sup> e Co	mmission's Gener	al and Administ	r <u>at</u> ive Lav	w section, Off	ice 48 46 eneral
		hin 30 days that in	ncludes proposed	l <sup>49</sup> itigatio	on 52 59 plana	tion why none
5453 <b>ee</b>	ded.	·	• •			,
Signa		_		Date:	_	
	5	5		50	6	
Name				Title:	_	
	57			58	8	
Organ	nization					
		59				

# A Case #16-1081 Document #1636006 "Commission's General and Administrative Law section, Office"

The following text attributes were changed: font

Mumber: 46 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "work; and • information gained from other sources. If an OCI does exist, OGC shall require the offeror/contractor to submit an acceptable mitigation plan. If the conflict cannot be resolved through an adequate"

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[New text]: "General Counsel within 30 days that includes proposed"

The following text attributes were changed:

font

Number: 47 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font

Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font

Mumber: 49 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font

Number: 50 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "for proceeding with the thirdparty contract. To avoid the potential for actual or perceived OCI after a contract"

[New text]: "explanation why none"

The following text attributes were changed:

font

Number: 51 Author: Compare: Delete Subject: text Date: Indeterminate

"plan, the offeror/contractor will be ineligible for selection"

Author: Compare: Replace Date: Indeterminate Mumber: 52 Subject: text

The following text attributes were changed:

font

Number: 53 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "signed under this RFP,"

[New text]: " needed. Signature : Date :"

The following text attributes were changed:

font

Number: 54 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

font

Number: 55 Author: Compare: Insert Date: Indeterminate Subject: graphic

Matching graphic not found

Mumber: 56 Author: Compare: Insert Subject: graphic Date: Indeterminate

Matching graphic not found

Mumber: 57 Date: Indeterminate Author: Compare: Insert Subject: graphic

Matching graphic not found

Number: 58 Author: Compare: Insert Subject: graphic Date: Indeterminate

Matching graphic not found

Number: 59 Author: Compare: Insert Date: Indeterminate Subject: graphic

Matching graphic not found

Number: 60 Author: Compare: Insert Subject: text Date: Indeterminate

"B-4"

Filed: 09/15/2016

## 1 PPFNDIX C

#### CONTRACTOR CEIL NON-DISCLOSURE AGREEMENT

On behalf of [contractor name], I certify that [contractor name] will abide by the collowing terms with espect to critical energy infrastructure information (CEII) that the company has access to cause of ts work for the ederal Energy Regulatory

Commission:

- Only authorized company employees with a gleed for the shformation will be given access to CEII. [contractor name] will maintain a list of each employee who is given access to UEII, including a string of each project 13r which the unployee has been given CEII.
- [Contractor name] will not provide CEII to or discuss CEII with anyone outside the mpany, except that CEII may be discussed with the discussed with the operator, or applicant.
- Any copies made of CEII will be marked as CEII, and treated as CEII.
- Energy Regulatory Commission. When [contractor name] has completed work on the project, all CEII will be returned to the Commission.
- I acknowledge that a violation of this agreement may result in negative consequences and could affect [contractor name]'s ability to contract with the Commission in the future.

By:	
Title:	
Representing:	
Date:	

	Author: Compare: Insert	Subject: text	Date: Indeterminate
"APPENDIX C CO	NTRACTOR CEII NON-DISCLOS	SURE AGREEMENT	On behalf of [contractor name], I certify that [contractor name] will abide by
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "offero	r must not enter into any agre	ements"	
[New text]: "follow	wing terms"		
Number: 3	Author: Compare: Insert	Subject: text	Date: Indeterminate
respect to critica	l energy infrastructure informa	tion (CEII) that"	
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "applic	ant"		
[New text]: "comp	oany has access"		
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "Comm	nission has issued"		
[New text]: "Fede	ral Energy Regulatory Commiss	sion: • Only author	rized company employees with"
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "perfor	rm any function on this project	outside"	
[New text]: "beca	use"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " that of	contemplated in this RFP, until	after"	Date. Indeterminate
[New text]: " its w	ork for"		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ct. The offeror must similarly av		Date. Indeterminate
[New text]: "infor	mation will be given access to	CEIL [contractor na	ame] will maintain a list of each employee who is given access"
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "final c		Subject. text	Date. Indeterminate
[New text]: "need	for"		
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "same	Author: Compare: Replace		
	geographic area, and over"		
	geographic area, and over"	ontractor name] wi	ill not provide CEII to or discuss CEII with anyone outside"
[New text]: "empl	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace	Subject: text	ill not provide CEII to or discuss CEII with anyone outside" Date: Indeterminate
[New text]: "empl	geographic area, and over" loyee has been given CEII. • [Cc	Subject: text	·
[New text]: "empl	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another co	Subject: text	·
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace	Subject: text	
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII,	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace	Subject: text mpany on"	Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace r"	Subject: text mpany on"	Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace r"	Subject: text mpany on"	Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila [New text]: "listing	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace r" g of each"	Subject: text mpany on" Subject: text	Date: Indeterminate  Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila [New text]: "listing	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including"  Author: Compare: Replace r" g of each"  Author: Compare: Replace	Subject: text mpany on" Subject: text	Date: Indeterminate  Date: Indeterminate
[New text]: "emplowers 11 [Old text]: "perfore [New text]: "CEII,  Number: 12 [Old text]: "similate [New text]: "listing [Number: 13 [Old text]: "in" [New text]: "for weight	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another con including"  Author: Compare: Replace r" g of each"  Author: Compare: Replace	Subject: text mpany on"  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila [New text]: "listing Number: 13 [Old text]: "in"	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including" Author: Compare: Replace r" g of each" Author: Compare: Replace	Subject: text mpany on" Subject: text	Date: Indeterminate  Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila [New text]: "listing Number: 13 [Old text]: "in" [New text]: "for water	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including" Author: Compare: Replace r" g of each" Author: Compare: Replace which" Author: Compare: Replace	Subject: text mpany on"  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate
[New text]: "empl Number: 11 [Old text]: "perfor [New text]: "CEII, Number: 12 [Old text]: "simila [New text]: "listing Number: 13 [Old text]: "in" [New text]: "for w Number: 14 [Old text]: "same	geographic area, and over" loyee has been given CEII. • [Co Author: Compare: Replace rm any function for another col including" Author: Compare: Replace r" g of each" Author: Compare: Replace	Subject: text mpany on"  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate

Filed: 09/15/2016

#### CONTRACTOR CEII NON-DISCLOSURE AGREEMENT

On behalf of [contractor name], I certify that [contractor name] will abide by the following terms with respect to critical energy infrastructure information (CEII) that the company has access to because of its work for the Federal Energy Regulatory Commission:

- Only authorized company employees with a need for the information will be given access to CEII. [contractor name] will maintain a list of each employee who is given access to CEII, including a listing of each project for which the employee has been given CEII.
- [Contractor name] will not provide CEII to or discuss CEII with anyone outside the company, except that CEII may be 16 scussed with the project's owner, operator, or 17 plicant.
- Any copies made of CEII will be 18 arked as CEII, and treated as CEII.
- Energy Regulatory Commission. When [contractor name] has completed work 241 27e 25 oject, 28 CEII will be returned to 29e 26 mmission.
- I acknowledge that a violation of this agreement may result in negative consequences and could affect [contractor name]'s ability to contract with the Commission in the future.

By:	
Title:	
Representing:	
Date:	

#### [Old text]: Same time period if the facilities would Filed: 09/15/2016 Page 309 of 369

[New text]: "company, except that CEII may" Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "located in" [New text]: "discussed with" Author: Compare: Replace Date: Indeterminate Mumber: 17 Subject: text [Old text]: "if there could" [New text]: "applicant. • Any copies made of CEII will" Date: Indeterminate Number: 18 Author: Compare: Replace Subject: text [Old text]: "a perception that there would" [New text]: "marked as CEII, and treated as CEII. • CEII will" Mumber: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "a conflict." [New text]: "used only in performance of [contractor name]'s" Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "applicant" [New text]: "Federal Energy Regulatory Commission. When [contractor name] has completed work" The following text attributes were changed: Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 22 Author: Compare: Delete Subject: text Date: Indeterminate "These may include" Number: 23 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Author: Compare: Replace Date: Indeterminate Number: 24 Subject: text The following text attributes were changed: size Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: size Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "same general project area, especially if the work is for" [New text]: "Commission. • I acknowledge that" The following text attributes were changed: size Number: 27 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "this' [New text]: "the" The following text attributes were changed: size Number: 28 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: " or for applicant or another energy firm in"

[New text]: "all CEII will be returned to" The following text attributes were changed: size

Author: Compare: Replace Number: 29 Subject: text Date: Indeterminate The following text attributes were changed:

# Comments from page 67 continued on next page

Filed: 09/15/2016

#### CONTRACTOR CEIL NON-DISCLOSURE AGREEMENT

On behalf of [contractor name], I certify that [contractor name] will abide by the following terms with respect to critical energy infrastructure information (CEII) that the company has access to because of its work for the Federal Energy Regulatory

Commission:

- Only authorized company employees with a need for the information will be given access to CEII. [contractor name] will maintain a list of each employee who is given access to CEII, including a listing of each project for which the employee has been given CEII.
- [Contractor name] will not provide CEII to or discuss CEII with anyone outside the company, except that CEII may be discussed with the project's owner, operator, or applicant.
- Any copies made of CEII will be marked as CEII, and treated as CEII.
- Energy Regulatory Commission. When [contractor name] has completed work on the project, all CEII will be returned to the Commission.
- I acknowledge that 332 iolation 3031 his agreement may result in negative consequences and 34 uld affect [contractor name]'s ability to 35 ntract with the 37 mmission 36 the future.

By:	
Title:	
Representing:	
Date:	

# USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 311 of 369

	Author: Compare: Delete	Subject: text	Date: Indeterminate	
"Definitions 1. Th	ne term "organizational conflict	s"		
Number: 31	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: " inter	est" means that a relationship o	or situation exists wh	hereby an offeror or a contractor (including chief exec	cutives"
[New text]: " this	agreement may result in negat	tive consequences"		
Number: 32	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: " simil	ar project. 4-4 9"			
[New text]: " viol	ation"			
	kt attributes were changed:			
size				
Number: 33	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	kt attributes were changed:			
size				
	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "direct	tors,"			
[New text]: "coul	d affect [contractor name]'s ab	ility"		
Number: 35	Author: Compare: Insert	Subject: text	Date: Indeterminate	
"contract with"	·	-		
	Author: Compare: Move	Subject: text	Date: Indeterminate	
This text was mo	ved from page 70 of old docur	ment to page 63 of t	his document	
	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "exter	t that they will or do become in	nvolved"		
[New text]: "Com	nmission in the future. By:		Title:	Representing:
				1

## PPENDIX D

### **OCI Certification**

I, (applicant representative), am responsible for reviewing proposals received in Pesponse to (applicant name)'s Request for Proposals for the Preparation of Environmental (Assessment/Impact Statement) and related documents and services for the Proposed (project name) Project.

I have reviewed the proposal of (contractor name) for Organizational Conflicts of Interest. I hereby certify that (contractor name) has complied with the OCI Representation or CI Disclosure requirements of the RFP and that rea are no real or parent disqualifying conflicts of interest.

Signatu	ire:	
	13	
14 tle	0	
	15	
16 ate	•	
	[17]	

	Author: Compare: Insert	Subject: text	Date: Indeterminate
"APPENDIX D OC	Cl Certification I, (applicant repr	esentative), am resp	onsible for reviewing proposals received"
Number: 2	Author: Compare: Insert	Subject: text	Date: Indeterminate
"response to (ap	plicant name)'s Request for Pro	posals for"	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "perfo	rmance"		
[New text]: "prep	aration"		
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "the co	ontract,"		
[New text]: " an E	:nvironmental (Assessment/Imp	act Statement) and	related documents"
Number: 5	Author: Compare: Delete	Subject: text	Date: Indeterminate
"proposed consu	Iltants or subcontractors where		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "simila	r to"		
[New text]: "for"			
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " servi	ces provided by"	Subject. text	Date. Indeterminate
[New text]: "pror	oosed (project name) Project. I l	azve reviewed"	
Number: 8 [Old text]: "prime	Author: Compare: Replace	Subject: text	Date: Indeterminate
[New text]: "prop	osal of (contractor name) for C	rganizational Confli	icts of Interest. I hereby certify that (contractor name)"
TAI 1 0	4 .1 .6		
Number: 9	Author: Compare: Replace	Subject: text	Date: Indeterminate
Number: 9 [Old text]: "past,		Subject: text	Date: Indeterminate
[Old text]: "past,			Date: Indeterminate
[Old text]: "past,  [New text]: "com Number: 10	present,"  plied with the OCI Representat  Author: Compare: Replace		Date: Indeterminate  Date: Indeterminate
[Old text]: "past,  [New text]: "com Number: 10	present," plied with the OCI Representat	ion"	
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "current	present,"  plied with the OCI Representat  Author: Compare: Replace  ntly planned interests"	ion" Subject: text	
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "currer  [New text]: "OCI	present,"  plied with the OCI Representat  Author: Compare: Replace ntly planned interests"  Disclosure requirements of the	ion" Subject: text RFP and"	Date: Indeterminate
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "current	present,"  plied with the OCI Representati  Author: Compare: Replace ntly planned interests"  Disclosure requirements of the  Author: Compare: Replace	ion" Subject: text	
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either	present,"  plied with the OCI Representati    Author: Compare: Replace ntly planned interests"  Disclosure requirements of the    Author: Compare: Replace r directly"	ion" Subject: text RFP and"	Date: Indeterminate
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "currer  [New text]: "OCI  Number: 11  [Old text]: "either  [New text]: "there	present,"  plied with the OCI Representation  Author: Compare: Replace ntly planned interests"  Disclosure requirements of the Author: Compare: Replace of directly"  e are no real"	Subject: text  RFP and"  Subject: text	Date: Indeterminate  Date: Indeterminate
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "currer  [New text]: "OCI  Number: 11  [Old text]: "either  [New text]: "there  Number: 12	present,"  plied with the OCI Representation  Author: Compare: Replace ntly planned interests"  Disclosure requirements of the Author: Compare: Replace of directly"  e are no real"  Author: Compare: Replace	Subject: text  RFP and"  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate
[Old text]: "past,  [New text]: "com  [Number: 10  [Old text]: "currer  [New text]: "OCI  [Number: 11  [Old text]: "either  [New text]: "there  [Number: 12  [Old text]: "indire	present,"  plied with the OCI Representation  Author: Compare: Replace on the planned interests.  Disclosure requirements of the Author: Compare: Replace of directly.  e are no real.  Author: Compare: Replace on the planned interest.	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organiz	Date: Indeterminate  Date: Indeterminate
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "currer  [New text]: "OCI  Number: 11  [Old text]: "either  [New text]: "there  Number: 12  [Old text]: "indire	present,"  plied with the OCI Representation  Author: Compare: Replace ntly planned interests"  Disclosure requirements of the Author: Compare: Replace of directly"  e are no real"  Author: Compare: Replace	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organiz	Date: Indeterminate  Date: Indeterminate
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there Number: 12 [Old text]: "indire [New text]: "appa	present,"  plied with the OCI Representati    Author: Compare: Replace ntly planned interests"  Disclosure requirements of the    Author: Compare: Replace r directly"  e are no real"     Author: Compare: Replace ectly (through a client, contractor arent disqualifying conflicts of i  Author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organiz	Date: Indeterminate  Date: Indeterminate
[Old text]: "past,  [New text]: "com  Number: 10  [Old text]: "currer  [New text]: "OCI  Number: 11  [Old text]: "either  [New text]: "there  Number: 12  [Old text]: "indire  [New text]: "appa	present,"  plied with the OCI Representati    Author: Compare: Replace ntly planned interests"  Disclosure requirements of the    Author: Compare: Replace r directly"  e are no real"     Author: Compare: Replace ectly (through a client, contractor arent disqualifying conflicts of i  Author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organizetest. Signature :"	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there Number: 12 [Old text]: "indire [New text]: "appa Number: 13 Matching graphic Number: 14	present,"  plied with the OCI Representati    Author: Compare: Replace ntly planned interests"  Disclosure requirements of the    Author: Compare: Replace r directly"  e are no real"     Author: Compare: Replace ectly (through a client, contractor arent disqualifying conflicts of i  Author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organizetest. Signature :"	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there Number: 12 [Old text]: "indire [New text]: "appa Number: 13 Matching graphic	present,"  plied with the OCI Representation Author: Compare: Replace Intly planned interests"  Disclosure requirements of the Author: Compare: Replace Indirectly"  e are no real"  Author: Compare: Replace Interest disqualifying conflicts of its author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organiz nterest. Signature :" Subject: graphic  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"  Date: Indeterminate  Date: Indeterminate
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there Number: 12 [Old text]: "indire [New text]: "appa Number: 13 Matching graphic Number: 14 "Title :"	present,"  plied with the OCI Representation Author: Compare: Replace Intly planned interests"  Disclosure requirements of the Author: Compare: Replace or directly"  et are no real"  Author: Compare: Replace extly (through a client, contraction arent disqualifying conflicts of it Author: Compare: Insert on the contraction and Author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organizerterest. Signature :"  Subject: graphic	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to "  Date: Indeterminate
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there Number: 12 [Old text]: "indire [New text]: "appa Number: 13 Matching graphic Number: 14 "Title:" Number: 15 Matching graphic	present,"  plied with the OCI Representation Author: Compare: Replace Intly planned interests"  Disclosure requirements of the Author: Compare: Replace Interestly Team of the Author: Compare: Replace Interestly Team of the Author: Compare: Replace Interestly (through a client, contractor of the Author: Compare: Insert Inse	Subject: text  Subject: text  Subject: text  Subject: text  July financial, organization and the subject: graphic  Subject: graphic  Subject: text  Subject: graphic	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"  Date: Indeterminate  Date: Indeterminate  Date: Indeterminate
[Old text]: "past, [New text]: "com Number: 10 [Old text]: "currer [New text]: "OCI Number: 11 [Old text]: "either [New text]: "there [New text]: "indire [New text]: "appa Number: 13 Matching graphic Number: 14 "Title :" Number: 15 Matching graphic Number: 16	present,"  plied with the OCI Representation Author: Compare: Replace Intly planned interests"  Disclosure requirements of the Author: Compare: Replace or directly"  et are no real"  Author: Compare: Replace extly (through a client, contraction arent disqualifying conflicts of it Author: Compare: Insert on the contraction and Author: Compare: Insert	Subject: text  RFP and"  Subject: text  Subject: text  ual, financial, organiz nterest. Signature :" Subject: graphic  Subject: text	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"  Date: Indeterminate  Date: Indeterminate
[Old text]: "past, [New text]: "com [Number: 10 [Old text]: "currer [New text]: "OCI [Number: 11 [Old text]: "either [New text]: "there [New text]: "indire [New text]: "appa [Number: 13 [Number: 13 [Number: 14 [Title :"] [Number: 15 [Number: 15 [Natching graphic] [Number: 15 [Number: 15 [Natching graphic] [Number: 15 [Natching graphic] [Number: 15 [Number: 15] [Number: 15 [Number: 15] [Number	present,"  plied with the OCI Representation Author: Compare: Replace Intly planned interests"  Disclosure requirements of the Author: Compare: Replace Interestly Team of the Author: Compare: Replace Interestly Team of the Author: Compare: Replace Interestly (through a client, contractor of the Author: Compare: Insert Inse	Subject: text  Subject: text  Subject: text  Subject: text  July financial, organization and the subject: graphic  Subject: graphic  Subject: text  Subject: graphic	Date: Indeterminate  Date: Indeterminate  Date: Indeterminate  zational or other relationship) may relate to the work to"  Date: Indeterminate  Date: Indeterminate  Date: Indeterminate

### APPENDIX D

### **OCI Certification**

I, (applicant representative), am responsible for reviewing proposals received in response to (applicant name)'s Request for Proposals for the preparation of an Environmental (Assessment/Impact Statement) and related documents and services for the proposed (project name) Project.

I have reviewed the proposal of (*contractor name*) for Organizational Conflicts of Interest. I hereby certify that (*contractor name*) has complied with the OCI Representation or OCI Disclosure requirements of the RFP and that there are no real or apparent disqualifying conflicts of interest.

Signatur	re:
Title	•
Date	•

Number: 18 "D-1" Author: Compare: Insert

Subject: text

Date: Indeterminate

PPENDIX E

(Project Overview Map)

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 317 of 369

Page: 69

Number: 1 Author: Compare: Inse "APPENDIX E (Project Overview Map) E-1" Author: Compare: Insert Subject: text Date: Indeterminate

## 1 PPFNDIX F

Page 318 of 369

Appendix F, List of Available Background Documents, might tructured as follows:)

The following background documents are available and hould be reviewed by all contractors prior to preparation and bubmittal of proposals in separation and submittal of proposals in separation.

- FERC staff's current Wetland and Waterbody Construction and Mitigation Procedures
- FERC staff's current <u>Upland Erosion Control</u>, <u>Revegetation</u>, and <u>Maintenance</u> <u>Plan</u>
- ➤ 1 set of (*draft*) alignment sheets
- ► 1 set of (draft) quadrangle maps
- (any other major state or federal applications containing pertinent environmental data)
- FERC FEIS for the ame ecent FERC EIS) Project (FERC Docket No. CPxx-000) or other recent FERC-issued EISs

These documents (, as well as other project-related documents not provided with 12/12 are 14/14 ailable for review at:

(location)

Contact: (name) (telephone number)

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
	ppendix F, List of Available Back		s, might"
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ormed under the third-party cor		
	ctured as follows:) The following ext attributes were changed:	g background docu	uments are available"
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following te font	ext attributes were changed:		
Number: 4	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "that	(a) may diminish its capacity"	<u> </u>	
[New text]: "sho	uld be reviewed by all contracto	ors prior"	
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "the c	offeror/contractor gaining an un	fair competitive ad	lvantage. OCI does not include the normal flow"
			nd Waterbody Construction and Mitigation Procedures • FERC staff's current et of (draft) alignment sheets • 1 set"
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "give	impartial, technically sound, ob	jective assistance"	
[New text]: "pre	paration"		
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "advid	ce, or (b) may result"		
[New text]: " sub	omittal of proposals"		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " ben	efits from"		
[New text]: " (dra		er major state or fe	ederal applications containing pertinent environmental data) • FERC FEIS for
Number: 9	Author: Compare: Insert	Subject: text	Date: Indeterminate
"recent FERC EIS documents not		x-000) or other rec	ent FERC-issued EISs These documents (, as well as other project-related
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following te font	xt attributes were changed:		
Number: 11	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "perfo	ormance"		
[New text]: "(nar The following te font	me" ext attributes were changed:		
Number: 12	Author: Compare: Replace	Subject: text	Date: Indeterminate
	xt attributes were changed:	-	
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ract. 2. The term "affiliates" mea		rns which"
[New text]: "RFP	,)"		
Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "affilia	ates"		

### APPENDIX F

Appendix F, List of Available Background Documents, might be structured as follows:)

The following background documents are available and should be reviewed by all contractors prior to preparation and submittal of proposals in response to this RFP:

- FERC staff's current Wetland and Waterbody Construction and Mitigation Procedures
- FERC staff's current <u>Upland Erosion Control</u>, <u>Revegetation</u>, and <u>Maintenance</u> Plan
- ➤ 1 set of (*draft*) alignment sheets
- ► 1 set of (*draft*) quadrangle maps
- (any other major state or federal applications containing pertinent environmental data)
- FERC FEIS for the (name of recent FERC EIS) Project (FERC Docket No. CPxx-000) or other recent FERC-issued EISs

These documents (, as well as other project-related documents not provided with the RFP,) are available for review at:

(location)

Contact: (name) (telephone number)

Filed: 09/15/2016

## Sample Memorandum of Understanding

(The purpose of 512610U is 75 3 stablish mutual agreement between the applicant, the third-party contractor, and 11400EP staff regarding 12130 les and responsibilities of 141ch party. Although the language may vary, the concepts as worded below must be incorporated into the MOU and included as mandatory provisions of the finalized contract.)

### MEMORANDUM OF UNDERSTANDING

#### Between the

#### FEDERAL ENERGY REGULATORY COMMISSION

the (Applicant's Name) and

the (Contractor's Name)

al **Background.** The Energy Policy of 1992<sup>1</sup> and related regulations provide for the use of third-party contracts to assist agencies in satisfying the requirements of the National Environmental Policy Act (NEPA).<sup>2</sup> In its "Forty Questions" issued in the Federal Register on 23 March 1981, the Council on Environmental Quality indicated the term "third-party contract" referred to contractors paid by the applicant but selected by the agency. 40 CFR 1506.5(c) further stipulates that the contractor must execute a disclosure statement prepared by the agency to avoid any conflict of interest. If the NEPA document is prepared with third-party contract assistance, the responsible agency must participate in the preparation and shall independently evaluate the NEPA document prior to its approval. The agency must also take full responsibility for the scope and contents of the NEPA document.

This Memorandum of Understanding (MOU) defines the roles and obligations of the Federal Energy Regulatory Commission (FERC), the private entity with a planned or pending application before the FERC (referred to as Applicant), and the independent contractor chosen by FERC staff (referred to as Contractor).

1 16 U.S.C. 797d. 2 42 U.S.C. §§ 4321-4370h (2012).

Number: 1 Author: Compare: Insert Subject: text Date: Indeterminate  "APPENDIX G Sample Memorandum of Understanding (The purpose"  Number: 2 Author: Compare: Delete Subject: text Date: Indeterminate  " each other when either directly or indirectly one concern or individual controls or has"  Number: 3 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "control another, or when a third party controls or has"  [New text]: "establish mutual agreement between the applicant, the third-party contractor, and"  The following text attributes were changed: font  Number: 4 Author: Compare: Replace Subject: text Date: Indeterminate
Number: 2 Author: Compare: Delete Subject: text Date: Indeterminate  "each other when either directly or indirectly one concern or individual controls or has"  Number: 3 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "control another, or when a third party controls or has"  [New text]: "establish mutual agreement between the applicant, the third-party contractor, and"  The following text attributes were changed: font
" each other when either directly or indirectly one concern or individual controls or has"  Number: 3
"each other when either directly or indirectly one concern or individual controls or has"  Number: 3 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "control another, or when a third party controls or has"  [New text]: "establish mutual agreement between the applicant, the third-party contractor, and"  The following text attributes were changed: font
[Old text]: "control another, or when a third party controls or has"  [New text]: "establish mutual agreement between the applicant, the third-party contractor, and"  The following text attributes were changed: font
[Old text]: "control another, or when a third party controls or has"  [New text]: "establish mutual agreement between the applicant, the third-party contractor, and"  The following text attributes were changed: font
The following text attributes were changed: font
Number: 4 Author: Compare: Replace Subject: text Date: Indeterminate
The following text attributes were changed: font
Number: 5 Author: Compare: Replace Subject: text Date: Indeterminate
The following text attributes were changed: font
Number: 6 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "power"
[New text]: "MOU is" The following text attributes were changed: font
Number: 7 Author: Compare: Replace Subject: text Date: Indeterminate
The following text attributes were changed: font
Number: 8 Author: Compare: Move Subject: text Date: Indeterminate
This text was moved from page 70 of old document to page 71 of this document
Number: 9 Author: Compare: Replace Subject: text Date: Indeterminate
Old text]: "power to control both. The term "energy concern" includes:"
[New text]: " OEP staff regarding" The following text attributes were changed: font
The following text attributes were changed:
The following text attributes were changed: font  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate
The following text attributes were changed: font  Number: 10
The following text attributes were changed: font  Number: 10
The following text attributes were changed: font  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "business"  [New text]: "roles and responsibilities" The following text attributes were changed: font  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  The following text attributes were changed: font  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate
The following text attributes were changed: font  Number: 10
The following text attributes were changed: font  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "business"  [New text]: "roles and responsibilities" The following text attributes were changed: font  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  The following text attributes were changed: font  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  The following text attributes were changed: font  Date: Indeterminate  The following text attributes were changed: font
The following text attributes were changed: font  Number: 10
The following text attributes were changed: font  Number: 10 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "business"  [New text]: "roles and responsibilities" The following text attributes were changed: font  Number: 11 Author: Compare: Replace Subject: text Date: Indeterminate  The following text attributes were changed: font  Number: 12 Author: Compare: Replace Subject: text Date: Indeterminate  The following text attributes were changed: font  Number: 13 Author: Compare: Delete Subject: text Date: Indeterminate

[New text]: "each party. Although the language may vary, the concepts as worded below must be incorporated" The following text attributes were changed: font

## Sample Memorandum of Understanding

(The purpose of the MOU is to establish mutual agreement between the applicant, the third-party contractor, and the OEP staff regarding the roles and responsibilities beach party. Although the language may vary, the concepts as worded below must be incorporated to 18 MOU and included 19 and 19 mounts of the finalized contract.)

Filed: 09/15/2016

### MEMORANDUM OF UNDERSTANDING

#### Between the

#### FEDERAL ENERGY REGULATORY COMMISSION

21 e<sup>20</sup>Applicant's Name) and

<sup>23</sup> e <sup>22</sup> contractor's Name)

a selected by the agency. 40 CFR 1506.5(c) further stipulates that the contractor must execute a disclosure statement prepared by the agency to avoid any conflict of interest. If the NEPA document is prepared with third-party contract assistance, the responsibility for the scope and contents of the NEPA document.

This Memorandum of Understanding (MOU) defines the roles and obligations of the Federal Energy Regulatory Commission (FERC), the private entity with a planned or pending application before the FERC (referred to as Applicant), and the independent contractor chosen by FERC staff (referred to as Contractor).

1/16 U.S.C. 797d.

2 42 U.S.C. §§ 4321-4370h (2012).

П	Number: 15 Cas	Se #16-1081 Docu Author: Compare: Replace	iment #16360	06 Filed: 09/15/2016 Date: Indeterminate	Page 325 of 369
	The following text font	attributes were changed:			
T	Number: 16	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	[Old text]: "an enei	rgy source, or in"			
	COMMISSION"		d contract.) MEMOR	ANDUM OF UNDERSTANDING Between the	FEDERAL ENERGY REGULATORY
	The following text font	attributes were changed:			
I	Number: 17	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	font	attributes were changed:			
I	Number: 18 [Old text]: "synthet	Author: Compare: Replace cic fuel, distributing, or selling	Subject: text minerals for use"	Date: Indeterminate	
	[New text]: "the Mo The following text font	OU and included" attributes were changed:			
T	Number: 19	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	The following text font	attributes were changed:			
T	Number: 20	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	property from which	ch coal, natural gas, crude oil,		or from wastes or renewable resources; b. An a renewable resource is commercially produc	
	significantly engag	jed in"			
		icant's Name) and" attributes were changed:			
	Number: 21	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	The following text font, size	attributes were changed:			
	Number: 22	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	[Old text]: "busines	SS"			
	[New text]: "(Contr The following text font, size	actor's Name)" attributes were changed:			
	Number: 23	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	The following text font, size	attributes were changed:			
	Number: 24	Author: Compare: Insert	Subject: annotation	n Date: Indeterminate	
	Matching annotati				
	Number: 25 "Background. The	Author: Compare: Insert Energy Policy"	Subject: text	Date: Indeterminate	
_	Number: 26	Author: Compare: Replace	Subject: text	Date: Indeterminate	
	[Old text]: " produc		distributing, or selling	ng electric power; d. Any person significantly	engaged in development,
	[New text]: " 19921 The following text font	l" attributes were changed:			
	Number: 27 [Old text]: "e. Any	Author: Compare: Replace person: (1) significantly engag	Subject: text ed in"	Date: Indeterminate	
	[New text]: "related	d regulations provide for"			
_	Number 20	Author: Compare: Move	Cubioct: toxt	Date: Indeterminate	

# Comments from page 71 continued on next page

### Sample Memorandum of Understanding

(The purpose of the MOU is to establish mutual agreement between the applicant, the third-party contractor, and the OEP staff regarding the roles and responsibilities of each party. Although the language may vary, the concepts as worded below must be incorporated into the MOU and included as mandatory provisions of the finalized contract.)

Filed: 09/15/2016

#### MEMORANDUM OF UNDERSTANDING

#### Between the

#### FEDERAL ENERGY REGULATORY COMMISSION

the (Applicant's Name) and

the (Contractor's Name)

Background. The Energy Policy of 1992¹ and related regulations provide for the 35e o 32hird-party contracts to 31sist agencies in 32tisfying 23e 33 quirements o 34he National Environmental Policy Act (NEPA). In its "Forty Questions" issued in 37e Federal Register on 23 March 1981, the 38 buncil on Environmental Quality indicated the 40rm "third-party contract" referred 41 39 ntractors paid by the applicant but selected by the 43 ency. 40 CFR 1506.5(c) further stipulates that the contractor must execute a disclosure statement prepared by the agency to avoid any conflict of interest. If the NEPA document is prepared with third-party contract assistance, the responsible agency must participate in the preparation and shall independently evaluate the NEPA document prior to its approval. The agency must also take full responsibility for the scope and contents of the NEPA document.

This Memorandum of Understanding (MOU) defines the roles and obligations of the Federal Energy Regulatory Commission (FERC), the private entity with a planned or pending application before the FERC (referred to as Applicant), and the independent contractor chosen by FERC staff (referred to as Contractor).

1/16 U.S.C. 797d. 2 42 U.S.C. §§ 4321-4370h (2012).

# USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 327 of 369

Number: 29 Author: Compare: Delete Subject: text Date: Indeterminate  "(2) significantly engaged in conducting such research, development, or demonstration with financial assistance under any Act"	
Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: " conducting research, development, or demonstration related"	
[New text]: " third-party contracts"	
Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "an activity described"	
[New text]: "assist agencies"	
Number: 32 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "paragraphs (a) through (d); or 4-5"	
[New text]: "satisfying"	
Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate	
[New text]: "requirements"	
Number: 34 Author: Compare: Replace Subject: text Date: Indeterminate	
[New text]: " the National Environmental Policy Act (NEPA).2 In its "Forty Questions" issued"	
Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate	
[Old text]: "business"	
[New text]: "use"	
Number: 36 Author: Compare: Insert Subject: annotation Date: Indeterminate  Matching annotation not found	
Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "or delegated or transferred to"	
[New text]: "the Federal Register on 23 March 1981,"  Number: 38 Author: Compare: Replace Subject: text Date: Indeterminate	
[Old text]: "Chair of"	
[New text]: "Council on Environmental Quality indicated"	
Number: 39 Author: Compare: Insert Subject: text Date: Indeterminate  "contractors paid by the applicant but selected by"	
Number: 40 Author: Compare: Replace Subject: text Date: Indeterminate	
[Old text]: "Commission. Contacts Direct all inquiries regarding OCI to: General and Administrative Law Telephone (202) 502-6457, specifical Wilbur Miller, Senior Attorney General and Administrative Law (GC-13) Wilbur.miller@ferc.gov Telephone (202) 502-8953 Direct all inquiries regarding off-the-record communications to: Marcos Araus, Staff Attorney General and Administrative Law (GC-13) Marcos.araus@ferc.gov Telephone (202) 502-8472 4-6"	'S
[New text]: "term "third-party contract" referred"	
Number: 41 Author: Compare: Delete Subject: text Date: Indeterminate "APPENDIX A COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE – NOT BOTH OCI Representation Statement I hereby certify a representative of my organization, I hereby certify) that,"	(or as
Number: 42 Author: Compare: Delete Subject: text Date: Indeterminate	
Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate  [Old text]: "best of my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial,	
contractual, personal, organizational or otherwise)"	

[New text]: "agency. 40 CFR 1506.5(c) further stipulates"

### Sample Memorandum of Understanding

(The purpose of the MOU is to establish mutual agreement between the applicant, the third-party contractor, and the OEP staff regarding the roles and responsibilities of each party. Although the language may vary, the concepts as worded below must be incorporated into the MOU and included as mandatory provisions of the finalized contract.)

Filed: 09/15/2016

#### MEMORANDUM OF UNDERSTANDING

#### Between the

#### FEDERAL ENERGY REGULATORY COMMISSION

the (Applicant's Name) and

the (Contractor's Name)

a Background. The Energy Policy of 1992<sup>1</sup> and related regulations provide for the use of third-party contracts to assist agencies in satisfying the requirements of the National Environmental Policy Act (NEPA).<sup>2</sup> In its "Forty Questions" issued in the Federal Register on 23 March 1981, the Council on Environmental Quality indicated the term "third-party contract" referred to contractors paid by the applicant but selected by the agency. 40 CFR 1506.5(c) further stipulates that the 44 ntractor must execute a disclosure statement prepared by the 45 ency to avoid any 46 nflict of 48 terest. If the NEPA document is prepared with 47 ird-party contract assistance, the responsible agency must participate in the preparation and 59 all independently eval 45(51)5455 60(45(57) document prior to 588 approval. The agency must also take full responsibility for the scope and 12 ntents of the 15 EPA document.

This Memorandum of Understanding (MOU) defines the roles and obligations of the Federal Energy Regulatory Commission (FERC), the private entity with a planned or pending application before the FERC (referred to as Applicant), and the independent contractor chosen by FERC staff (referred to as Contractor).

1 16 U.S.C. 797d.

-1081 Document #1636006 Filed: 09/15/2016 Page 329 of 369 [Old text]: "proposed work; and bear on whether I have (or [New text]: "contractor must execute a disclosure statement prepared by" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "organization and" [New text]: "agency to avoid" Number: 46 Author: Compare: Delete Date: Indeterminate Subject: text of its affiliates has) a possible" Number: 47 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "respect to (1) being able to render impartial, technically sound," [New text]: "third-party contract assistance, the responsible agency must participate in the preparation" Author: Compare: Replace Date: Indeterminate Number: 48 Subject: text [Old text]: " interest" [New text]: " interest. If the NEPA document is prepared" Number: 49 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 50 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 51 Author: Compare: Delete Date: Indeterminate Subject: graphic Matching graphic not found Number: 52 Author: Compare: Delete Subject: text Date: Indeterminate 'Signature : Date :" Number: 53 Author: Compare: Delete Subject: annotation Date: Indeterminate Matching annotation not found Number: 54 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 55 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 56 Author: Compare: Delete Subject: text Date: Indeterminate "Organization :" Number: 57 Author: Compare: Delete Subject: text Date: Indeterminate "OCI Disclosure Statement I hereby certify (or as a representative of my organization, I hereby certify) that, to' Number: 58 Author: Compare: Insert Subject: text Date: Indeterminate 'its approval. The agency must also take full responsibility for' Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "objective assistance or advice; or (2) being given an unfair1 competitive advantage." [New text]: "shall independently evaluate" Number: 60 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "best of my knowledge and belief, all relevant facts -- concerning past, present or currently planned interests or activities (financial, contractual, organizational or otherwise) that relate' [New text]: "NEPA document prior" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "organization has) a possible conflict' [New text]: "NEPA document." Author: Compare: Replace Subject: text Date: Indeterminate Number: 62 [Old text]: "bear on whether I have (or" [New text]: "contents of"

# Comments from page 71 continued on next page

### Sample Memorandum of Understanding

(The purpose of the MOU is to establish mutual agreement between the applicant, the third-party contractor, and the OEP staff regarding the roles and responsibilities of each party. Although the language may vary, the concepts as worded below must be incorporated into the MOU and included as mandatory provisions of the finalized contract.)

Filed: 09/15/2016

### MEMORANDUM OF UNDERSTANDING

#### Between the

#### FEDERAL ENERGY REGULATORY COMMISSION

the (Applicant's Name) and

the (Contractor's Name)

a. Background. The Energy Policy of 1992<sup>1</sup> and related regulations provide for the use of third-party contracts to assist agencies in satisfying the requirements of the National Environmental Policy Act (NEPA).<sup>2</sup> In its "Forty Questions" issued in the Federal Register on 23 March 1981, the Council on Environmental Quality indicated the term "third-party contract" referred to contractors paid by the applicant but selected by the agency. 40 CFR 1506.5(c) further stipulates that the contractor must execute a disclosure statement prepared by the agency to avoid any conflict of interest. If the NEPA document is prepared with third-party contract assistance, the responsible agency must participate in the preparation and shall independently evaluate the NEPA document prior to its approval. The agency must also take full responsibility for the sope and contents of the NEPA document.

the derivation of the resulting (MOU) defines the less and beligations of the resulting the resultin

77/6 U.S.C. 797d. 2 42 U.S.C. §§ 4321-4370h (2012).

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 331 of 369 Number: 63 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed work' [New text]: "scope" Number: 64 Author: Compare: Delete Subject: text Date: Indeterminate presentation, Subject: text Date: Indeterminate Mumber: 65 Author: Compare: Replace [Old text]: "interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice, or (2) being given an unfair competitive advantage—are fully disclosed on" [New text]: " Understanding (MOU) defines" Date: Indeterminate Author: Compare: Replace Number: 66 Subject: text [Old text]: "formatted to show: • For ease" [New text]: "obligations" Number: 67 Author: Compare: Insert Date: Indeterminate Subject: text 'This Memorandum' Number: 68 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "following page(s)" [New text]: "roles" Number: 69 Date: Indeterminate Author: Compare: Replace Subject: text [Old text]: "OCI information is divided into four parts, indicating whether [New text]: "Federal Energy Regulatory Commission (FERC)," Author: Compare: Replace Number: 70 Subject: text Date: Indeterminate [Old text]: "possible OCI is: organizational, contractual, financial, or other; • The company, agency, organization in which I (or my organization) have" [New text]: "private entity with" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "activity (financial, contractual, organizational, or otherwise); • A brief description of [New text]: "pending application before the FERC (referred to as Applicant), and" Author: Compare: Delete Number: 72 Subject: text Date: Indeterminate 'past, present, or currently' Number: 73 Author: Compare: Delete Subject: text Date: Indeterminate 'interest' Number: 74 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "relationship; [New text]: "independent contractor chosen by FERC staff (referred to as Contractor)."

Number: 75 Author: Compare: Delete Subject: text Date: Indeterminate "An unfair competitive advantage does not include the normal flow of benefits from the performance of the contract. A-1 $^{\circ}$ 

Mumber: 76 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "APPENDIX A •"

[New text]: "16 U.S.C. 797d. 2 42 U.S.C. §§ 4321-4370h (2012). G-1"

The following text attributes were changed:

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Number: 77 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed:

The Contract between the Applicant and the Contractor will be executed pursuant to the hird-party contracting procedures set forth in 40 CFR 1506.5(c) and as 15.45;17d 9h 11114ERC Handbook for using Third-Party Contractors to Prepare Environmental Documents (August 2016).

The FERC staff of 17 he Office of 16 nergy Projects (OEP) will direct the 18 tivities of the contractor in the consultation, reviews, preparation, and processing of the documents within the scope of the contract. The Applicant will not control or direct the activities of the Contractor, except with respect to the processing of invoices.

### b. Obligations of the Applicant

The Applicant agrees to perform the following tasks:

- Certify that the selected Contractor, to the best of its knowledge, has no financial or other interest in the outcome of the project. Specifically, the contract or project provides no unfair competitive advantage to the Contractor.
- II. The Applicant and the Contractor have no relationships that could impair the Contractor's objectivity in performing the contract work.
- III. Affirm that all communications with the Contractor will be restricted to financial components of its contract. Communications on the merits of the Applicant's project may only be conducted jointly with OEP staff, subject to any disclosure and ex parte requirements.
- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and expenses.
- $\mathbf{V}_{\cdot}$ Retain no rights to the products of the contract.
- VI. Include the Applicant and Contractor roles and obligations outlined in this MOU as mandatory provisions in the contract between Applicant and Contractor.

### c. Obligations of the Contractor (and all subcontractors, as appropriate)

The Contractor certifies that it has no conflict of interest in performing the work required under the contract and certifies that it has no financial or other interest in the outcome of the Commission's review.

# Page: 72

Number: 1	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "relation	nship; • The extent of"		
[New text]: "Contra	actor will be executed pursuar	nt to"	
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "period	of"		
[New text]: "contra	ct between the Applicant and	1"	
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "relation	iship (such"		
[New text]: "third-p	party contracting procedures	set forth in 40 CFR	1506.5(c) and"
Number: 4 "OCI Questionnaire	Author: Compare: Delete e1 1. Will you (or your organiz	Subject: text zation) be involved,	Date: Indeterminate or have you previously been involved,"
Number: 5	Author: Compare: Delete	Subject: text	Date: Indeterminate
"APPENDIX B Nam	Author: Compare: Delete e of Person or Organization:"	<b>,</b>	
Number: 6 Matching graphic i	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
Number: 7	Author: Compare: Delete	Subjects graphic	Date: Indeterminate
Matching graphic		Subject: graphic	Date. Indeterminate
Number: 8	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
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Number: 9 Matching graphic i	Author: Compare: Delete not found	Subject: graphic	Date: Indeterminate
Number: 10	Author: Compare: Delete	Subject: text	Date: Indeterminate
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Number: 12	Author: Compare: Delete	Subject: text	Date: Indeterminate
Number: 12 "A-2"	Addition Compare. Defete	Subject. text	Dute. Indeterminate
Number: 13	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
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Number: 14	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "perforn	nance"	Subject. text	Date. Indeterminate
·			
[New text]: "FERC I	Handbook for using Third-Par	ty Contractors to Pi	repare Environmental Documents (August 2016). The FERC staff"
Number: 15	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "value o	f financial interest of work; pe	ercent of total holdi	ngs, total work, etc.); and • A mitigation plan, if necessary. Signature : Date :
[New text]: "descril	oed"		
Number: 16	Author: Compare: Insert	Subject: text	Date: Indeterminate
" Energy Projects (	JEP) will direct"		
Number: 17	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " any po	rtion"		
[New text]: " the O	ffice"		
Number: 18	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "project	under this solicitation, aside t	from your organizat	tion's proposed work as a third-party contractor? ( ) No. ( ) Yes. The portion
[Old text]: "project		from your organizat	tion's proposed work as a third-party contractor

The contract between the Applicant and the Contractor will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c) and as described in the FERC Handbook for using Third-Party Contractors to Prepare Environmental Documents (August 2016).

The FERC staff of the Office of Energy Projects (OEP) will direct the activities of the 22 ntractor in the 20 nsultation, reviews, preparation, and 21 ocessing of the 26 cuments within the 28 ope of t 23 27 ntract. 25 he 24 pplicant will not control or direct the activities 30 f the 29 ontractor, except with respect to the processing of invoices.

# b. Obligations 33 th 31 32 pplicant

The Applicant agrees to perform the following tasks:

- Certify that the selected Contractor, to the best of its knowledge, has no financial or other interest in the outcome of the project. Specifically, the contract or project provides no unfair competitive advantage to the Contractor.
- II. The Applicant and the Contractor have no relationships that could impair the Contractor's objectivity in performing the contract work.
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- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and expenses.
- $\mathbf{V}_{\cdot}$ Retain no rights to the products of the contract.
- VI. Include the Applicant and Contractor roles and obligations outlined in this MOU as mandatory provisions in the contract between Applicant and Contractor.

### c. Obligations of the Contractor (and all subcontractors, as appropriate)

The Contractor certifies that it has no conflict of interest in performing the work required under the contract and certifies that it has no financial or other interest in the outcome of the Commission's review.

-1081 Document #1636006 Filed: 09/15/2016 Page 335 of 369 involvement are fully disclosed on Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed hours" [New text]: "consultation, reviews, preparation," Mumber: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "dollar value; and the type" [New text]: "processing" Number: 22 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed work;" [New text]: "contractor in" Number: 23 Author: Compare: Delete Date: Indeterminate Subject: text business conducted by you (or your organization)? Please reply on' Author: Compare: Replace Number: 24 Subject: text Date: Indeterminate [Old text]: "name and a description" [New text]: "Applicant will not control or direct the activities" The following text attributes were changed: font Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 26 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "attached pages. 2. What is (are)" [New text]: "documents within" Number: 27 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "attached pages. 3. Do you (or your organization) have any affiliates? () No. () Yes." [New text]: "contract." Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "major type(s) [New text]: "scope" Number: 29 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "major type(s)" [New text]: "Contractor, except with respect to the processing of invoices. b. Obligations" The following text attributes were changed: font Mumber: 30 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 31 Author: Compare: Delete Subject: text Date: Indeterminate business that each affiliate conducts are disclosed on Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "attached pages. 4. Will any of" [New text]: "Applicant The Applicant agrees to perform" The following text attributes were changed: font Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font

# Comments from page 72 continued on next page

The contract between the Applicant and the Contractor will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c) and as described in the FERC Handbook for using Third-Party Contractors to Prepare Environmental Documents (August 2016).

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## b. Obligations of 34e Applicant

The Applicant agrees to perform the following 35 sks:

- I. Certify that the selected Contractor, to the 37 est of its 36 owledge, has no financial or 41 her interest in the 42 tcome of 43 pp 40 oject. Specifically, 44 e 48 ntract or 46 oject provides no unfair competitive advantage to 47 e Contractor.
- II. The Applicant and the Contractor have no relationships that could impair the Contractor's objectivity in performing the contract work.
- III. Affirm that all communications with the Contractor will be restricted to financial components of its contract. Communications on the merits of the Applicant's project may only be conducted jointly with OEP staff, subject to any disclosure and ex parte requirements.
- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and expenses.
- V. Retain no rights to the products of the contract.
- VI. Include the Applicant and Contractor roles and obligations outlined in this MOU as mandatory provisions in the contract between Applicant and Contractor.

### c. Obligations of the Contractor (and all subcontractors, as appropriate)

I. The Contractor certifies that it has no conflict of interest in performing the work required under the contract and certifies that it has no financial or other interest in the outcome of the Commission's review.

Number: 34	Se #16-1081 Doc Author: Compare: Replace	ument #1636( Subject: text	Dog Filed: 09/15/2016 Date: Indeterminate	Page 337 of 369
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Number: 35 [Old text]: "be inve	Author: Compare: Replace olved in performing"	Subject: text	Date: Indeterminate	
[New text]: "tasks:	I. Certify that the selected Cor	ntractor, to"		
Number: 36 [Old text]: "directo	Author: Compare: Replace ors;"	Subject: text	Date: Indeterminate	
[New text]: "know	ledge, has no financial"			
Number: 37	Author: Compare: Replace	Subject: text	Date: Indeterminate	
[Old text]: "propose Chief Executive or		n: (a) any entities ow	ned or represented by you (or your organiza	ation); (b) your organization's
[New text]: " best"	1			
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Number: 39 Matching graphic	Author: Compare: Delete	Subject: graphic	Date: Indeterminate	
331		Cookin ato tarre	Datas la data main ata	
Number: 40 [Old text]: " questi	Author: Compare: Replace ionnaire apply to parent comp	Subject: text panies and affiliates a	Date: Indeterminate as well. Whenever possible, each affiliate shou	uld submit a separate
questionnaire. Ho			,	'
[New text]: "projection The following text size	ct. Specifically," : attributes were changed:			
Number: 41	Author: Compare: Replace	Subject: text	Date: Indeterminate	
Old text]: "(c) any	affiliates?2 ( ) No. ( ) Yes. A fu	ll disclosure and dis	cussion is given"	
[New text]: "other	interest"			
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# Comments from page 72 continued on next page

The contract between the Applicant and the Contractor will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c) and as described in the FERC Handbook for using Third-Party Contractors to Prepare Environmental Documents (August 2016).

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### b. Obligations of the Applicant

The Applicant agrees to perform the following tasks:

- I. Certify that the selected Contractor, to the best of its knowledge, has no financial or other interest in the outcome of the project. Specifically, the contract [50] project provides no unfair competitive advantage [49] the [51] ontractor.
- II. The Applicar 5554 55 e 58 ontractor have 57 relationships that could 56 pair the Contractor's objectivity in 59 rforming the 60 ntract work.
- III. Affirm that all communications with the bontractor will be restricted to financial components of contract. Communications on the earnits of the pplicant's project may only be conducted jointly with OEP staff, subject to any disclosure and ex parte requirements.
- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and expenses.
- V. Retain no rights to the products of the contract.
- VI. Include the Applicant and Contractor roles and obligations outlined in this MOU as mandatory provisions in the contract between Applicant and Contractor.

### c. Obligations of the Contractor (and all subcontractors, as appropriate)

I. The Contractor certifies that it has no conflict of interest in performing the work required under the contract and certifies that it has no financial or other interest in the outcome of the Commission's review.

# USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 339 of 369 size

Number: 49	Author: Compare: Replace	Subject: text	Date: Indeterminate
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Number: 50	Author: Compare: Replace	Subject: text	Date: Indeterminate
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Number: 51	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: " powe	r to control both businesses). I	B-1"	
	ractor. II. The Applicant" t attributes were changed:		
Number: 52	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
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Number: 53	Author: Compare: Delete me of Person or Organization:"	Subject: text	Date: Indeterminate
	3		Date: la date unicata
Number: 54 "() No. () Yes. A f	Author: Compare: Delete full disclosure"	Subject: text	Date: Indeterminate
Number: 55	Author: Compare: Delete	Subject: text	Date: Indeterminate
"discussion is give	en on"		
Number: 56	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "be aff	ected"		
[New text]: "impa	ir the Contractor's objectivity"		
Number: 57	Author: Compare: Replace	Subject: text	Date: Indeterminate
	ct or indirect relationship (finai e, or any other business arrangi		, contractual or otherwise) with any business entity (including a parent
	,	emency	
[New text]: "no re	lationships"		
Number: 58	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]. attach	ied pages. 6. Do you (or your o	organization)	
[New text]: "Cont	ractor"		
Number: 59	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "any w	ay by"		
[New text]: "perfo	orming"		
Number: 60	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "propo	sed work under this solicitation	n? ( ) No. ( ) Yes. List	u u
[New text]: "contr	act work. III. Affirm that all con	nmunications with"	
Number: 61	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "busine	ess entity(ies) showing the natu	ure"	
[New text]: "Cont	ractor will be restricted to finar	ncial components"	
Number: 62	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "your r	elationship (including"		
[New text]: " its co	ontract. Communications on"		
Number: 63	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "dates'			
[New text]: "merit	S"		
Number: 64	Author: Compare: Replace	Subject: text	Date: Indeterminate

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### b. Obligations of the Applicant

The Applicant agrees to perform the following tasks:

Document #1636006

- Certify that the selected Contractor, to the best of its knowledge, has no financial or other interest in the outcome of the project. Specifically, the contract or project provides no unfair competitive advantage to the Contractor.
- II. The Applicant and the Contractor have no relationships that could impair the Contractor's objectivity in performing the contract work.
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- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and 65 penses.
- Retain no rights to the 66 oducts of 7 he contract.  $\mathbf{V}_{\cdot}$
- Include the Applicant and Contractor roles and bligations outlined in this VI. 69 OU as mandatory provisions in the 70 ntract between Applicant and 71 ontractor.

# c. Obligations 13 the 12 ontractor (and all subcontractors, as appropriate)

The Contractor certifies that it has no conflict of interest in 75 rformin 74 77 178 79 ork required under the contract and 80 rtifies that it has no financial or other interest in the outcome of the Commission's review.

[New text]: "Applicant's project may only be conducted jointly with OEP staff, subject to any disclosure and ex parte requirements. IV. Be solely responsible for all Contractor and subcontractor fees, costs,"

Number: 65 Author: Compare: Insert Subject: text Date: Indeterminate 'expenses. V. Retain no rights to" Number: 66 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "dollar value" [New text]: "products" Number: 67 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " any financial relationship)' [New text]: " the contract. VI. Include the Applicant and Contractor roles" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "how it would be affected by the proposed work under [New text]: " obligations outlined in" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "solicitation. 7. What percentage of your total income for [New text]: "MOU as mandatory provisions in" Number: 70 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "current" [New text]: "contract between Applicant" Number: 71 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "preceding fiscal years resulted from arrangements with any [New text]: "Contractor. c. Obligations" Number: 72 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "entities identified" [New text]: "Contractor (and all subcontractors, as appropriate) I. The Contractor certifies that it has no conflict of interest" The following text attributes were changed: font Number: 73 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 74 Author: Compare: Delete Date: Indeterminate Subject: text '% For" Number: 75 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Question 6 above?" [New text]: "performing" Number: 76 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 77 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 78 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 79 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "current fiscal year: from / / to / / . % For" [New text]: "work required under" Number: 80 Author: Compare: Replace Subject: text Date: Indeterminate

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- II. The Applicant and the Contractor have no relationships that could impair the Contractor's objectivity in performing the contract work.
- III. Affirm that all communications with the Contractor will be restricted to financial components of its contract. Communications on the merits of the Applicant's project may only be conducted jointly with OEP staff, subject to any disclosure and ex parte requirements.
- IV. Be solely responsible for all Contractor and subcontractor fees, costs, and expenses.
- $\mathbf{V}_{\cdot}$ Retain no rights to the products of the contract.
- VI. Include the Applicant and Contractor roles and obligations outlined in this MOU as mandatory provisions in the contract between Applicant and Contractor.

### c. Obligations of the Contractor (and all subcontractors, as appropriate)

The Contractor certifies that it has no conflict of interest in performing the work required under the 82 ntract and certifies that it has no financial or 181 other 84 terest in the 86 tcome of t 83 85 mmission's review.

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[New text]: "certifies that it has no financial"

[Old text]: "preceding fiscal year: from / / to / / . % For the second preceding fiscal year: from / / to / / . 8. Do you (or your organization) currently have or have you had during the last six years any arrangements (for example, contracts"

[New text]: "contract"

Number: 83 Author: Compare: Delete Subject: text Date: Indeterminate

"Work? ( ) No. ( ) Yes. A full disclosure and discussion is given on"

Number: 84 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "Federal agency which relate to"

[New text]: "interest in"

Number: 85 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "attached pages. 9. Do you (or your organization) have or have you ever had any contracts, agreements, special clauses, or other arrangements which prohibit you (or your organization) from proposing work"

[New text]: "Commission's review. G-2"

Number: 86 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "proposed Statement"

[New text]: "outcome"

- The Contractor certifies that its Organizational Conflict of Interest (OCI)

  Statement provided to FERC for review prior to election is courate.
- III. The Contractor has a continuing obligation to identify conflicts that may arise because of changes in Porporate identity, affiliation, structure, or whereship, or whereship, or whereship and the performance refreshed of the sork. Therefore, the CI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
- IV. In the event an OCI is discovered after award, the Contractor certifies that it I will immediately notify the OEP Environmental Project Manager and will I submit a plan to mitigate the conflict. The mitigation plan will be submitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
- V. The Contractor agrees to only communicate with the Applicant on financial issues related to the executed contract, unless OEP staff is present and subject to any disclosure and ex parte requirements.
- VI. All work performed by the Contractor will be under the direction of and meet any timeframes established by OEP Staff. General duties of the contractor are listed in Chapter 2.4 of the Handbook for Using Third-Party Contractors to Prepare Environmental Documents. These duties are also listed within the sample Request for Proposals included in Chapter 3 of the Handbook.
- VII. The Contractor shall not replace the Project Manager, assistant Project Manager, or other key employee or subcontractor personnel without the prior consultation of the OEP staff.

### d. Obligations of OEP

- I. OEP will select the Contractor, based on its independent review of the technical, managerial, personnel, and OCI aspects of each proposal.
- II. OEP will set the schedule for completion of the NEPA document and all associated documents.

# Page: 73

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"II. The Contracto	or certifies that its Organization	al Conflict of Interes	st (OCI) Statement provided to FERC for review prior"
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
			() No. () Yes. A full disclosure and discussion"
		, ,	
[New text]: "selec	ction"		
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
	on the attached pages. B-2"	Subject text	Julia muota minuta
	. 5		
[New text]: "accu	rate. III. The Contractor has a co	ontinuing obligatior	n to identify conflicts"
Number: 4	Author: Compare: Delete	Subject: text	Date: Indeterminate
"APPENDIX B Na	me"		
Number: 5	Author: Compare: Delete	Subject: text	Date: Indeterminate
Number: 5	rour organization) have any invo	olvement with or"	Date. Indeterminate
Number: 6	Author: Compare: Delete	Subject: graphic	Date: Indeterminate
Matching graphi	c not found		
Number: 7	Author: Compare: Delete	Subject: text	Date: Indeterminate
" Person or Orga	nization:"		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "(direct		Subject. text	Dute. macternimate
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	may arise because of changes"		
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Number: 9 [Old text]: "techn [New text]: "corp Number: 10 [Old text]: "may b [New text]: "owr Number: 11 [Old text]: "which [New text]: "chan Number: 12 [Old text]: "attack acquired in" [New text]: "cont Number: 13 "actual" Number: 14 "period" Number: 15 [Old text]: "propo [New text]: "work Number: 16	Author: Compare: Replace pologies which are portion or ate identity, affiliation, structure author: Compare: Replace pologies of the contract, pologies of the contract of the c	Subject: text  Subject: text technologies? ( ) No Subject: text bur organization) in  Subject: text Subject: text  Subject: text  Subject: text  Subject: text  Subject: text  Subject: text  Subject: text  Subject: text  Subject: text  Subject: text	Date: Indeterminate  Date: Indeterminate  D. ( ) Yes. A full disclosure and discussion is given on"  Date: Indeterminate either your private or Federal Government business pursuits use information  Date: Indeterminate  Date: Indeterminate  Date: Indeterminate

[New text]: "OCI Statement must be refreshed"

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on 18 annual basis, at a 19 inimum, and 17 ore frequently if the 20 ontractor's business relationships have changed in a 21 anner that affects the 22 eviously submitted OCI Statement.
- IV. In the 31 ent an OCI is 29 scovered after award, the 30 ontractor certific 232 262 283 and will immediately notify the OEP Environmental Project Manag 33 and will submit a plan to mitigate the conflict. The mitigation plan will be submitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
- V. The Contractor agrees to only communicate with the Applicant on financial issues related to the executed contract, unless OEP staff is present and subject to any disclosure and ex parte requirements.
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- VII. The Contractor shall not replace the Project Manager, assistant Project Manager, or other key employee or subcontractor personnel without the prior consultation of the OEP staff.

### d. Obligations of OEP

- I. OEP will select the Contractor, based on its independent review of the technical, managerial, personnel, and OCI aspects of each proposal.
- II. OEP will set the schedule for completion of the NEPA document and all associated documents.

Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 347 of 369 [Old text]: "services. () No. () Yes. A full disclosure and discussion is given on [New text]: "more frequently if" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "the attached pages. 12. Under the proposed work under this solicitation, will you (or your organization) evaluate or inspect your own services or products, or the services or products of any other entity that has" [New text]: "an annual basis, at" Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "relationship (organizational, financial, or other, such as a client) with you (or your organization)? This could include evaluating or inspecting a competitor's goods" [New text]: "minimum," Date: Indeterminate Number: 20 Author: Compare: Replace Subject: text [Old text]: "attached pages. 13. To avoid what you perceive as [New text]: "Contractor's business relationships have changed in" Number: 21 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "possible OCI, do you (or your organization) propose to: exclude portions of" [New text]: "manner that affects" Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "proposed work; employ special clauses; or take other measures? () No. () Yes. A full discussion is given on" [New text]: "previously submitted OCI Statement. IV. In" Number: 23 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 24 Author: Compare: Delete Subject: text Date: Indeterminate "APPENDIX B Name of Person or Organization:" Number: 25 Author: Compare: Delete Subject: text Date: Indeterminate "I hereby certify' Number: 26 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 27 Author: Compare: Delete Subject: text Date: Indeterminate "I have authority to represent my organization, and that, to the best of my knowledge and belief, the facts and representations presented on the four pages of this questionnaire and on the" Number: 28 Author: Compare: Delete Subject: text Date: Indeterminate 'pages of the attachment to' Author: Compare: Replace Subject: text Date: Indeterminate 🔳 Number: 29 [Old text]: "perceived. This answer is briefly justified on' [New text]: "discovered after award," Number: 30 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "attached pages. B-3" [New text]: "Contractor certifies" Number: 31 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "attached pages. ( ) No possibility of [New text]: "event" Number: 32 Author: Compare: Delete Subject: text Date: Indeterminate 'are accurate and complete. I recognize that OCI is an ongoing obligation. Should I become aware of any actual or potential OCI during performance of this contract, I" Number: 33 Author: Compare: Delete Subject: text Date: Indeterminate "APPENDIX C CONTRACTOR CEII NON-DISCLOSURE AGREEMENT On behalf of [contractor name], I certify that [contractor name]'

# Comments from page 73 continued on next page

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
- In the event an OCI is discovered after award, the Contractor certifies that it 145 ill 43 hmediately notify 46 he OEP 44 hvironmental Project Manager 47 36 33 34 44 42 48 bmit a plan to 49 itigate the 50 nflict. The mitigation plan will be 51 bmitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
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USCA Case #16-1081 Page 349 of 369 Document #1636006 Filed: 09/15/2016 Number: 34 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 35 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 36 Subject: text Author: Compare: Delete Date: Indeterminate "Name : Title :" Number: 37 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 38 Author: Compare: Delete Date: Indeterminate Subject: text "(applicant name) and propose mitigation or explain why none is needed. Signature : Date :' Number: 39 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 40 Author: Compare: Delete Subject: graphic Date: Indeterminate Matching graphic not found Number: 41 Author: Compare: Delete Date: Indeterminate Subject: text "Organization :" Number: 42 Author: Compare: Delete Subject: text Date: Indeterminate "B-4" Number: 43 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "advise" [New text]: "immediately notify" The following text attributes were changed: font Author: Compare: Replace Subject: text Date: Indeterminate Number: 44 [Old text]: "staff' [New text]: "Environmental Project Manager" The following text attributes were changed: font Number: 45 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Mumber: 46 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 47 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 48 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "abide by the following terms with respect' [New text]: "submit a plan" Mumber: 49 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "critical energy infrastructure information (CEII) that' [New text]: "mitigate" Number: 50 Author: Compare: Replace Date: Indeterminate Subject: text [Old text]: "company has access to because of its work for the Federal Energy Regulatory Commission: • Only authorized company employees with a need for the information" [New text]: "conflict. The mitigation plan" Author: Compare: Replace Mumber: 51 Subject: text Date: Indeterminate [Old text]: "given access"

## Comments from page 73 continued on next page

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
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- V. The Contractor agrees to only 62 bmmunicate with the 60 pplicant on 61 nancial issues related to the 63 xecuted contract, unless OEP staff is present and 65 bject to 64 y disclosure and ex parte requirements.
- VI. All work performed by the Contractor will be under the direction of and meet any timeframes established by OEP Staff. General duties of the contractor are listed in Chapter 2.4 of the Handbook for Using Third-Party Contractors to Prepare Environmental Documents. These duties are also listed within the sample Request for Proposals included in Chapter 3 of the Handbook.
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- II. OEP will set the schedule for completion of the NEPA document and all associated documents.

## Comments from page 73 continued on next page

[New text]: "subject"

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
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- VI. All work performed by the 68 ontractor will be under the 69 rection 66 a 67 The any timeframes established by OEP Staff. General duties of 70 he contractor are 82 73 775 74 81 79 pter 2.4 of 83 he Handbook for 80 sing Third-Party Contractors to Prepare Environmental Documents. These duties are also listed within the sample Request for Proposals included in Chapter 3 of the Handbook.
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Т	USCA Cas	Se #16-1081 Author: Compare: Delete	ıment #16360	006 Filed:	09/15/2016	Page 353 of 369
	"APPENDIX D OCI	Certification I, (reporting indiv sals for the preparation"	idual), am responsib	ole for reviewing proposa	als received in respo	nse to (applicant name)'s
Ţ	Number: 67 " an Environmenta	Author: Compare: Delete I (Assessment/Impact Stateme	Subject: text	Date: Indeterminate		
	Number: 68 [Old text]: "Commi	Author: Compare: Replace	Subject: text	Date: Indeterminate		
	[New text]: "Contra	actor will be under"				
	Number: 69 [Old text]: "future.	Author: Compare: Replace By:	Subject: text Title:	Date: Indeterminate	Represent	ting:
		Date:		C-1"	·	
	[New text]: "directi					
Ţ	<u>Number: 70</u> "Interest. I hereby	Author: Compare: Delete certify that (contractor name)	Subject: text has complied with"	Date: Indeterminate		
I	Number: 71	Author: Compare: Replace documents and services for the	Subject: text	Date: Indeterminate		
	Organizational Cor		ie proposed (projec	t name) Project. I nave n	eviewed trie proposa	al OI (CONTractor name) for
	[New text]: "meet a	any timeframes established by	OEP Staff. General	duties"		
Territorio de la constanta		Author: Compare: Delete endix F, List of Available Backg Ild be reviewed by all contract				g background documents are
		Author: Compare: Delete ect Overview Map) E-1"	Subject: text	Date: Indeterminate	1	
			C. Idiania I	Data Indata wisata		
Ţ	Number: 74 "D-1"	Author: Compare: Delete	Subject: text	Date: Indeterminate		
Ţ	Number: 75 "Date :"	Author: Compare: Delete	Subject: text	Date: Indeterminate		
Ţ	Number: 76 "Title :"	Author: Compare: Delete	Subject: text	Date: Indeterminate		
Ţ	Number: 77 Matching graphic	Author: Compare: Delete not found	Subject: graphic	Date: Indeterminate		
Ţ	Number: 78 Matching graphic	Author: Compare: Delete not found	Subject: graphic	Date: Indeterminate		
Ţ	Number: 79 Matching graphic	Author: Compare: Delete	Subject: graphic	Date: Indeterminate		
	Number: 80	Author: Compare: Replace	Subject: text	Date: Indeterminate		
		me of recent FERC EIS) Project		CPxx-000) or other recen	t FERC-issued EISs"	
	[New text]: "Using	Third-Party Contractors to Pre	epare Environmental	Documents."		
		Author: Compare: Replace se to this RFP: • FERC staff's cu		Date: Indeterminate Waterbody Construction	and Mitigation Prod	cedures • FERC staff's current
		evegetation, and Maintenance	Plan • 1 set"			
	[New text]: "Chapte		Cultination	Datas la data main ata		
T	Number: 82  Old text]: "no real	Author: Compare: Replace or apparent disqualifying con	Subject: text flicts of interest. Sig	Date: Indeterminate nature :"		
	[New text]: " listed	п				
	Number: 83 [Old text]: " (draft) environmental data	Author: Compare: Replace alignment sheets • 1 set of (d a) • FERC FEIS"	Subject: text raft) quadrangle ma	Date: Indeterminate ps • (any other major sta	ate or Federal applic	ations containing pertinent
	[New text]: " the H	andbook"				

Comments from page 73 continued on next page

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
- IV. In the event an OCI is discovered after award, the Contractor certifies that it I will immediately notify the OEP Environmental Project Manager and will I submit a plan to mitigate the conflict. The mitigation plan will be submitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
- V. The Contractor agrees to only communicate with the Applicant on financial issues related to the executed contract, unless OEP staff is present and subject to any disclosure and ex parte requirements.
- VI. All work performed by the Contractor will be under the direction of and meet any timeframes established by OEP Staff. General duties of the 84 ntractor are listed in Chapter 2.4 of the Handbook for Using Third-Party Contractors to Prepare Environmental Documents. These 85 uties are also listed within 91 e 95 6 ple 88 equest 92 r 89 oposals included 93 90 hapter 3 94 f the 96 andbook.
- VII. The Contractor shall not replace the Project Manager, assistant Project Manager, or other key employee or subcontractor personnel without the prior consultation of the OEP staff.

### d. Obligations of OEP

- I. OEP will select the Contractor, based on its independent review of the technical, managerial, personnel, and OCI aspects of each proposal.
- II. OEP will set the schedule for completion of the NEPA document and all associated documents.

USCA Case #16-1081 Page 355 of 369 Document #1636006 Filed: 09/15/2016 Number: 84 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "OCI Representation or OCI Disclosure requirements of the RFP and that there [New text]: "contractor" Mumber: 85 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "documents (, as well as other project-related documents not provided with" [New text]: " duties are also listed within" Number: 86 Author: Compare: Delete Subject: text Date: Indeterminate "RFP,) are available for review at: (location) Contact: (name) (telephone number) F-1" Number: 87 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 88 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "contracts' [New text]: "Request" The following text attributes were changed: font Author: Compare: Replace Subject: text [Old text]: "a third-party contractor. Although the language varies from contract to contract, the concepts are the same. These concepts as worded below should be incorporated into your contract. 1. The Contractor shall meet the time frames established" [New text]: "Proposals included" The following text attributes were changed: font Number: 90 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "the RFP, or as modified by the FERC staff during completion' [New text]: "Chapter 3" The following text attributes were changed: font Number: 91 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: font Number: 92 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 94 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 95 Author: Compare: Delete Subject: text Date: Indeterminate "APPENDIX G Sample Contract There are a few concepts that we look for in all" Number: 96 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "Work by contractor. 2." [New text]: "Handbook, VII." The following text attributes were changed: font Number: 97 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 98 Author: Compare: Delete Date: Indeterminate Subject: text '(company name) and"

### Comments from page 73 continued on next page

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
- IV. In the event an OCI is discovered after award, the Contractor certifies that it I will immediately notify the OEP Environmental Project Manager and will I submit a plan to mitigate the conflict. The mitigation plan will be submitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
- V. The Contractor agrees to only communicate with the Applicant on financial issues related to the executed contract, unless OEP staff is present and subject to any disclosure and ex parte requirements.
- VI. All work performed by the Contractor will be under the direction of and meet any timeframes established by OEP Staff. General duties of the contractor are listed in Chapter 2.4 of the Handbook for Using Third-Party Contractors to Prepare Environmental Documents. These duties are also listed within the sample Request for Proposals included in Chapter 3 of the Handbook.
- VII. The Contractor shall not replace the Project Manager, assistant Project Manager, or other key employee or subcontractor personnel without the prior 99 nsultation 10101 102 P 103 ff.

## **Obligations of OEP**

- I. OEP will select 106 105 ontractor, based on its independent review of 107 of 109 hnical, managerial, personnel, 1101 108 I aspects of each proposal.
- II. OEP will set the the document and all associated documents.

### Comments from page 73 continued on next page

II. The Contractor certifies that its Organizational Conflict of Interest (OCI)

Statement provided to FERC for review prior to selection is accurate.

Filed: 09/15/2016

- III. The Contractor has a continuing obligation to identify conflicts of interest that may arise because of changes in corporate identity, affiliation, structure, or ownership, or changes to the contract throughout the actual performance period of the work. Therefore, the OCI Statement must be refreshed on an annual basis, at a minimum, and more frequently if the Contractor's business relationships have changed in a manner that affects the previously submitted OCI Statement.
- IV. In the event an OCI is discovered after award, the Contractor certifies that it I will immediately notify the OEP Environmental Project Manager and will submit a plan to mitigate the conflict. The mitigation plan will be submitted to FERC's Office of General Counsel General and Administrative Law for review and written determination as to whether the plan can be implemented within 30 days of the identification of an OCI.
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### d. Obligations of OEP

- I. OEP will select the Contractor, based on its independent review of the technical, managerial, personnel, and OCI aspects of each proposal.
- II. OEP will set 112 schedule for completion 113 the 114 PA document 115 all 116 ociated documents.

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Document #1636006

Filed: 09/15/2016 Page 1

Page 359 of 369

The following text attributes were changed: font

Number: 112 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: font

Number: 113 Author: Compare: Replace Subject: text

Date: Indeterminate

The following text attributes were changed: font

Number: 114 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: "FERC staff. 4. (Company name) shall have the right to audit any"

[New text]: "NEPA document"

The following text attributes were changed:

font

Number: 115 Author: Compare: Replace Subject: text Date: Indeterminate

The following text attributes were changed: font

Number: 116 Author: Compare: Replace Subject: text Date: Indeterminate

[Old text]: " records and accounts that support such charges and are pertinent"

[New text]: "associated documents. G-3" The following text attributes were changed: font

- IV. OEP will identify all information necessary to complete its review and will decide on the telephone of all material in the telephone document.
- V. OEP staff has the right, at any time and in their sole discretion, to have any personnel of the Contractor, or the Contractor's subcontractor, either temporarily or permanently dismissed from the project.

### e. Expiration

This MOU shall become effective upon signature of all three parties and shall expire following completion of the contracted scope of work as agreed to by the parties to the agreement.

#### f. Termination

This MOU may be terminated prior to expiration with the written consent of all three parties. Each party may initiate termination upon thirty (30) days written notice to the other parties. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes or disagreements.

### g. Effective Date

This MOU and any attachments hereto shall become effective upon signature of all three parties.

# Page: 74

Number: 1	Author: Compare: Insert esponsible for providing techni	Subject: text	Date: Indeterminate
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "cours		Subject, text	Date. Indeterminate
	tractor throughout" xt attributes were changed:		
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following ten	xt attributes were changed:		
Number: 4	Author: Compare: Delete	Subject: text	Date: Indeterminate
"Work performed	d hereunder at reasonable time	es during"	
Number: 5	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following textent	xt attributes were changed:		
Number: 6	Author: Compare: Replace	Subject: text	Date: Indeterminate
Old text]: "Work		<b>J</b>	
	A review process. IV. OEP will ic at attributes were changed:	dentify all informati	on necessary to complete its review"
Number: 7	Author: Compare: Replace	Subject: text	Date: Indeterminate
The following ten	xt attributes were changed:		
Number: 8	Author: Compare: Replace	Subject: text	Date: Indeterminate
[New text]: "will o	period of This right sl decide on" xt attributes were changed:	iaii not include insp	Section of
Number: 9 The following textont	Author: Compare: Replace xt attributes were changed:	Subject: text	Date: Indeterminate
Number: 10	Author: Compare: Replace	Subject: text	Date: Indeterminate
	staff. 5. (Company name) and		
	A document. V. OEP" xt attributes were changed:		
Number: 11 The following textified font	Author: Compare: Replace xt attributes were changed:	Subject: text	Date: Indeterminate
Number: 12 [Old text]: "Conti	Author: Compare: Replace ractor's work product"	Subject: text	Date: Indeterminate
[New text]: "inclu The following tex font	usion" xt attributes were changed:		
Number: 13	Author: Compare: Replace	Subject: text	Date: Indeterminate
MARKS .			RFP without the prior written consent"

[New text]: "deletion"

The following text attributes were changed:

font

- III. OEP will be responsible for providing technical direction to the Contractor throughout the NEPA review process.
- IV. OEP will identify all information necessary to complete its review and will decide on the inclusion 17r deletion 1415 material in 16e NEPA document.
- V. OEP 19 at 120 as 18 e right, at any time and in their sole discretion, to have any personnel of the Contractor, or the Contractor's 22221 contractor, either temporarily or permanently dismissed from the 23 oject.

### e. Expiration

This MOU shall become effective upon signature of all three parties 25 d 24 all expire following completion of 28 he 26 ntracted scope 2927 ork as agreed to by the parties to the agreement.

#### f. Termination

This MOU may be terminated prior to expiration with the written consent of all three parties. Each party may initiate termination upon thirty (30) days written notice to the other parties. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes or disagreements.

### g. Effective Date

This MOU and any attachments hereto shall become effective upon signature of all three parties.

USCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 363 of 369 Number: 14 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 15 Author: Compare: Insert Subject: text Date: Indeterminate all material in Number: 16 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 17 Date: Indeterminate Author: Compare: Replace Subject: text The following text attributes were changed: Mumber: 18 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 19 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: Number: 20 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "shall have [New text]: " has" The following text attributes were changed: Number: 21 Author: Compare: Delete Subject: text Date: Indeterminate "vendor or" Number: 22 Author: Compare: Replace Date: Indeterminate Subject: text The following text attributes were changed: Number: 23 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "job' [New text]: "project. e. Expiration This MOU shall become effective upon signature of all three parties" The following text attributes were changed: font Date: Indeterminate Number: 24 Author: Compare: Replace Subject: text [Old text]: "removed. 6. The Contractor is an independent Contractor under [New text]: "shall expire following completion of" The following text attributes were changed: font Number: 25 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 26 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "sole technical direction' [New text]: "contracted scope" The following text attributes were changed: font Number: 27 Author: Compare: Insert Subject: text Date: Indeterminate work as agreed to by Number: 28 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Mumber: 29 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed:

- III. OEP will be responsible for providing technical direction to the Contractor throughout the NEPA review process.
- IV. OEP will identify all information necessary to complete its review and will decide on the inclusion or deletion of all material in the NEPA document.
- V. OEP staff has the right, at any time and in their sole discretion, to have any personnel of the Contractor, or the Contractor's subcontractor, either temporarily or permanently dismissed from the project.

### e. Expiration

This MOU shall become effective upon signature of all three parties and shall expire following completion of the contracted scope of work as agreed to by the street to the agreement.

#### f. Termination

This MOU may be terminated prior to expiration with the written consent of the square parties. Each party may initiate termination upon thirty (30) days written notice to the square parties. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes 38 37 sagreements.

### g. Effective Date

This MOU and any attachments hereto shall become effective upon signature of all three parties.

#### font SCA Case #16-1081 Document #1636006 Filed: 09/15/2016 Page 365 of 369

Number: 30 Subject: text Date: Indeterminate Author: Compare: Replace The following text attributes were changed: Author: Compare: Replace Number: 31 Subject: text Date: Indeterminate [Old text]: "FERC staff. G-1" [New text]: "parties to the agreement. f. Termination This MOU may be terminated prior to expiration with the written consent of" The following text attributes were changed: font Number: 32 Author: Compare: Delete Subject: text Date: Indeterminate "APPENDIX G 7. The FERC shall have" Number: 33 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Date: Indeterminate Number: 34 Author: Compare: Replace Subject: text [Old text]: "ownership rights, including exclusive copyright ownership, in all data, reports, information, manuals, computer programs, or" [New text]: "three parties. Each party may initiate termination upon thirty (30) days written notice to the" The following text attributes were changed: font Number: 35 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: "written, recorded, photographic," [New text]: "parties. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes" The following text attributes were changed: font Mumber: 36 Author: Compare: Replace Subject: text Date: Indeterminate The following text attributes were changed: font Number: 37 Author: Compare: Replace Subject: text Date: Indeterminate [Old text]: " visual materials, or other deliverables produced in the performance' [New text]: "disagreements. g. Effective Date This MOU and any attachments hereto shall become effective upon signature of all three parties. The following text attributes were changed:

Date: Indeterminate

font

Subject: text

Author: Compare: Replace Number: 38 The following text attributes were changed:

font

Federal Energy Regulatory Commission
Signature
Typed Name
Director, Office Denergy Projects Typed Title
Date
Applicant
Signature
Typed Name
Typed Title
Date

Page: 75

Number: 1	Author: Compare: Insert	Subject: text	Date: Indeterminate
"SIGNATURES OF A	AGREEMENT Federal Energy F	Regulatory Commis	sion Signature Typed
			Name Director, Office"
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate
[Old text]: "this cor	ntract. Neither (company nan	ne) nor the"	
	y Projects Typed Title Date A attributes were changed:	pplicant Signature <sup>-</sup>	Typed Name Typed Title Date G-5"
Number: 3	Author: Compare: Replace	Subject: text	Date: Indeterminate

The following text attributes were changed: font

<b>Tontractor</b>		
2 Signature		
Typed Name		
Typed Title		
Date		

Page: 76

Number: 1	Author: Compare: Replace	Subject: text	Date: Indeterminate				
The following te	xt attributes were changed:	•					
font							
Number: 2	Author: Compare: Replace	Subject: text	Date: Indeterminate				
[Old text]: "shall retain ownership interest in any product resulting from this Work. G-2"							
[New text]: "Sign	nature Typed						
Name Typed Title Date G-6"							
The following te	xt attributes were changed:						
font							