

## **Utah Lake Water Quality Study Options for Science Panel Configuration**

### Background:

During the second Steering Committee meeting the group finalized criteria for the Science Panel. They identified demonstrated expertise, active in the field, objectivity, and a preference for independence and noted that while independence is not an absolute requirement, a preference for independence will be considered by the Steering Committee in making their recommendations.

Following the meeting, DWQ indicated a Science Panel member may compete for research projects as long as they recuse themselves from the process of scope development and proposal selection. As such, if a Science Panel member believes they may be submitting a bid to conduct work they will need to recuse themselves from any related scoping efforts and subsequent evaluation of, and recommendations related to, the submitted bids. Anyone involved in the scoping of a study will not be able to submit a bid for work.

Additional exploration of the procurement regulations has resulted in a determination that if a Science Panel member works for an organization that intends to bid on studies associated with the project, they would not be able to participate in the development of the scope of the relevant studies, review of proposals, or the selection of contractors to perform these studies. This condition does not apply to Science Panel members that work for the same university but in a different department from an individual applying to perform studies associated with the project. If a Science Panel member works for the same university in the same department of an individual that intends to apply to perform studies associated with the project, they could participate in the development of the scope of research studies but would have to recuse themselves from proposal review and selection of contractors to perform these studies.

Such an arrangement, having members recuse themselves from key aspects of the process, presents at least two problems for the Science Panel including:

- a loss of expertise in the Science Panel discussion at that point;
- an increased burden on the remaining members; and
- limit the capacity of the Panel to meet and/or develop recommendations on these items given the quorum (2/3) requirement for Science Panel meetings to proceed.

Please note that while the Science Panel will be involved in the development of the scope of research studies, the final scope will be drafted by DWQ and the ultimate decisions on who will conduct research work will be made by the DWQ, per procurement rules, through the open bidding process considering a recommendation from the Science Panel.

### **Options**

- 1) Shift to an independent Science Panel (~5 members) augmented by Ex Officio Participation (~5 members)**

Configuration: Under this option, the Science Panel would be comprised only of individuals that are truly independent (i.e., financially independent from organizations and individuals

represented on the Steering Committee) and not planning on bidding for research work as part of the ULWQS. These individuals would be able to participate in the development of the scope of work for research projects, review of proposals, and the selection of contractors (via a recommendation to DWQ) to receive contracts to perform research projects associated with the study. Given that the majority of nominees to the Science Panel do not qualify as independent and/or may bid on the research work, an additional set of these individuals would be added to the Science Panel as Ex Officio members. These members would participate in most Science Panel activities and discussions but would not have any decision-making role. The Ex Officio group of Science Panel members would not be present during the development of final recommendations on scope, review of proposals, or the development of recommendations regarding contractors to perform scientific studies.

## **2) Continue with the original approach to a Science Panel (~5-7 members)**

Configuration: A single Science Panel of 5-7 members would be seated based on the preferences of the Steering Committee and final approval from DWQ using the criteria the nominations addressed. As envisioned, the final Science Panel could include a mix of individuals who are considered independent and non-independent. However, members of the Science Panel that need to recuse themselves would not be able to participate in activities associated with contracting (as explained above). As necessary, the Science Panel and Steering Committee would need to revisit the issue of relevant expertise in the discussions and any imbalances of effort resulting from recusals.

NOTE: It is possible that the Steering Committee may select an all independent Science Panel under this option as well.