

Marin County Peace Conversion Commission

c/o The Marin County Board of Supervisors

Contact Secretary: Toni Stewart: tstewart@marincounty.org

Or Marin County Board of Supervisors – 415-473-7331

Departmental Request for Code Section 23.13 Override, with PCC Response

Date: 02/29/2024

To: Marin County Peace Commission

Subject: Request for **Code Section 23.13 Override**, to contract with a Nuclear Weapons Contractor

Name of Person and County Department making the request:

Ariel Espiritu Santo – Asst. County Executive; Office of County Executive [OCE]

Name of Entity which provides product or service, but which is on the County's Nuclear Weapons Contractors list:

AECOM

The reasons that the entity is the only feasible source for the product or service is as follows:

The County of Marin, "the County," is seeking proposals from consultants to make recommendations to the County on its structural and governance approach to sea level rise adaptation and resilience planning and project delivery. This effort will result in a set of recommendations to help inform the answer to two key questions: 1) How can Marin County best work with its residents, cities, towns, State and Federal agencies in advancing solutions to sea level rise? 2) How can the County organize County staff and resources to effectively and efficiently prepare for sea level rise and deliver future adaptation projects?.

A request for proposals (RFP) for this project was released in September 2023. The County received 10 proposals. After a technical review and interviews, two firms were identified as satisfactorily meeting all criteria established by the County. Both of these firms are currently on the Nuclear Weapons Contractor List. The County believes that the top ranked firm from this selection process, AECOM, no longer belongs on the Nuclear Weapons Contractor list. AECOM is currently seeking removal from the Nuclear Weapons Contractor List; since this removal process is still ongoing the County is requesting a waiver to issue a contract to AECOM for this project.

This project, looking at potential governance structures for a multi-jurisdictional County response to sea level rise, is inherently, extremely complex. To effectively support this work, a responding firm must have demonstrated knowledge and experience in a wide variety of disciplines, including but not limited to: climate/resiliency science, engineering infrastructure implementation, project management, equitable community engagement, public financing, multi-jurisdictional collaboration, organizational structures, local government processes, governance models, legal components of entity creation and function.

The ten responding firms varied in terms of approach to the proposal, size of firm, geographic footprint, relevant experience and make up of team expertise. As stated above, in the case of this project, in order to meet the criteria established by the County, a firm must have demonstrated experience and expertise in a number of different disciplines. The only firms meeting these criteria were two large engineering firms, both of which are on the Nuclear Weapons Contractors list. These multi-disciplinary engineering firms have the breadth, depth and access to professionals and demonstrated experience across all the areas of expertise required to be successful in this project. Not only do these firms have experience in all the things listed, but they understand the interconnection between all of these aspects because they have the in-house expertise in all of them.

Marin County is one of the first in the Bay Area to tackle this issue of governance, therefore, some of the best examples to learn from are other parts of the country who have felt the impacts of sea level rise and increased storm intensity related to climate change far ahead of us – like Texas and the East Coast. These large, international engineering firms were also the only respondents with the national/international reach to have extensive experience working in these various geographic areas.

AECOM in particular rose to the top of the selection process due to their well-organized, well-resourced, thoughtful proposal that addressed all components of our RFP and also demonstrated a deep understanding of the specific Marin context (e.g. stakeholder mapping and jurisdictional landscape) required to move this critically important work forward.

In terms of timing, we are requesting a special meeting to hear this waiver as the County is looking to initiate this contract as soon as possible. We are already seeing the impacts of climate change and sea level rise on our critical County infrastructure and collective action needs to happen now to ensure readiness for the decades ahead. Moreover, 2024 is expected to be a record year for Federal and State grant opportunities related to climate resiliency and infrastructure; the County cannot waste any more time developing a collective path forward that will show cohesiveness and thereby increase competitiveness for the millions of dollars expected to be granted this year. Additionally, recent state legislation, SB 272 has also highlighted the urgency by putting mandated timelines on regional collaborative planning for sea level rise. We need a contractor in place as soon as possible to embark on this complex, critical project.

Requested starting date of **Code Section 23.13 Override**: _Contract Start March 2024_____

Requested ending date of **Code Section 23.13 Override**: ___End of Contract December 2026_____

Response of Peace Conversion Commission

The Peace Conversion Commission, or its Chair, or Vice Chair, acting on the Commission's behalf, grant or do not grant this **Code Section 23.13 Override** request, or request the following further information regarding this request:


If Request Granted:

Date of Approval of **Code Section 23.13 Override** request: _____

Date of end of approval of **Code Section 23.13 Override** request: _____

Please note: this **Code Section 23.13 Override** request is approved only for the product or service for which it was requested, to be provided only by the Nuclear Weapons Entity named in the request, and only for the time period between the date of approval of the request and the date of the ending of that approval.

Thank you for your attention.

Sincerely,  _____