# INDEPENDENT EXTERNAL PEER REVIEW (IEPR)

# DETAILED PROCESS BRIEFING FOR SUPPLEMENTAL STUDY TEAMS

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### 21 April 2022



## **BOTTOM LINE UP FRONT**

- Recent guidance changed some of the IEPR processes
- 2019 IEPR SOP has been updated to reflect current guidance and policies
- Presentation will highlight noteworthy IEPR concepts for supplemental study teams
  - IEPR planning starts NOW!
  - Multiple levels of coordination
  - Legal requirement



### WEBINAR AGENDA

- Recent References
- IEPR Streamlining Guidance
- SMART Planning & IEPR Timeline
- IEPR SOP
- IEPR Timeline
- IEPR Expenses
- Critical Aspects
- PDT Responses
- Agency Response
- Tool Box
- Contacts
- Questions



### **RECENT REFERENCES**

- 2021-09-07: National Academy of Science Policy and Procedures on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports
- 2021-05-01: U.S. Army Corps of Engineers Engineer Circular: ER 1165-2-217 (Civil Works Review Policy)
- 2018-10-23: America's Water Infrastructure Act of 2018 Section 1141: Project studies subject to independent peer review
- 2014-06-10: Water Resources Reform and Development Act (WRRDA) of 2014 -Section 1044: Independent Peer Review
- 2007-11-08: Water Resources Development Act (WRDA) of 2007:
  - Section 2034: Independent Peer Review
  - Section 7009: Independent Review (for the Louisiana Water Resources Council)
- 2004-12-16: Office of Management and Budget Final Information Quality Bulletin for Peer Review



### IEPR MANDATORY TRIGGERS

- Mandatory Triggers\*:
  - Estimated total cost of the project, including mitigation, is greater than \$200 million\*\*
  - When the Governor of an affected state requests a peer review by independent experts
  - When the Chief of Engineers determines the study is controversial

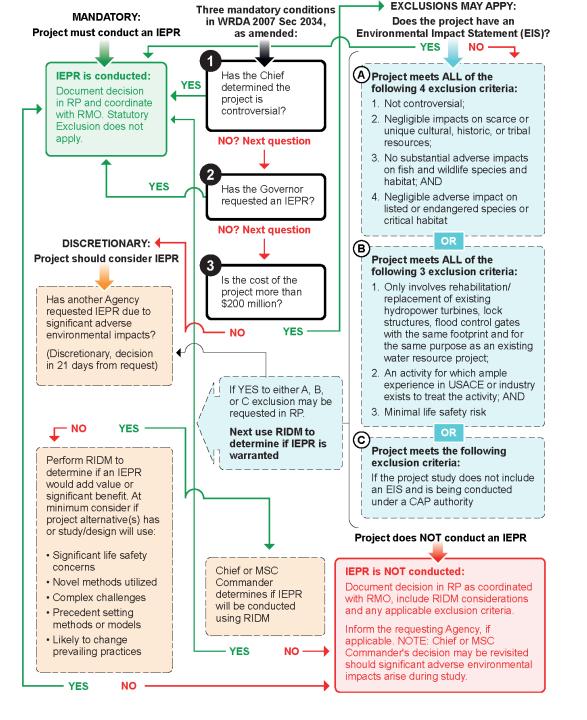
\* When no mandatory triggers are met, IEPR may still be conducted based on a risk-informed assessment

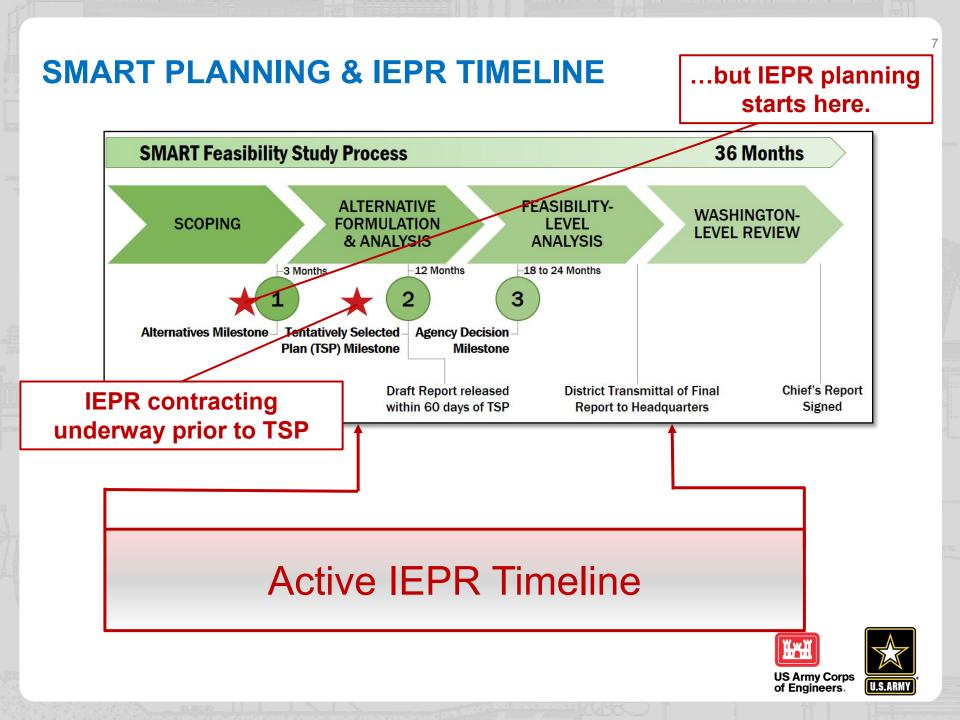
\*\* An exclusion from IEPR can still be granted if the \$200 million trigger is met



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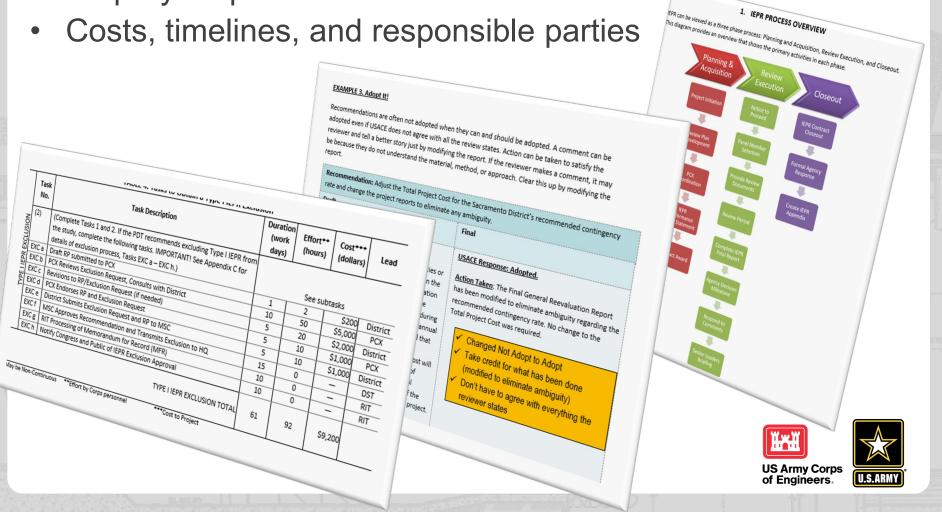






### **IEPR SOP**

- The SOP is the 'go-to' guide for all things IEPR!
- Step-by-step instructions
- Costs, timelines, and responsible parties



### **IEPR TIMELINE**

<u>1 day</u>	<ul> <li>Project Development Team (PDT) contacts appropriate RMO (MSC, PCX, or RMC) to request IEPR support. RMO assigns a Lead.</li> </ul>
<u>4 wks</u>	<ul> <li>PCX IEPR Lead develops the IEPR performance work statement (PWS), independent government estimate (IGE), and charge questions; requests funding and submits to IWR.</li> </ul>
<u>10 wks</u>	<ul> <li>IWR awards IEPR contract to Outside Eligible Organization (OEO) &amp; issues Notice to Proceed (NTP).</li> </ul>
<u>6 wks</u>	OEO identifies panel members and completes panel member subcontracts.
<u>15 wks</u>	• OEO completes IEPR Final Report documenting the final Panel comments.
<u>8 wks</u>	<ul> <li>PDT develops responses to the IEPR Panel comments with OEO and Panel. OEO finalizes the Comment/Response Record.</li> </ul>
<u>Varies</u>	<ul> <li>PDT prepares the written proposed USACE response to IEPR comments for processing through the appropriate Regional Integration Team (RIT).</li> </ul>
44 wks	Total timeline minimum excluding Agency Response development/processing.
	US Army Corps of Engineers.

## ASSUMPTIONS: TSP MILESTONE DATE 15 NOV 2023 <sup>10</sup> DRAFT REPORT RELEASE 12 JAN 2024

- Reach out to the PCX to request an IEPR
- PCX IEPR Lead assigned NLT 14 Aug 2023
- PDT should be thinking about:
  - Overall IEPR schedule in P2
  - Cost/labor resourcing:
    - PCX IEPR Lead
    - Institute for Water Resources (IWR)
    - Contracting Officer Representative (COR)
    - Subject Matter Expert (SME) situational
    - Contract Cost
    - PDT (cost to develop comment-responses, etc.)
  - Content and structure of the feasibility study documents



### **IEPR CONTRACT CONSIDERATIONS**

- Not to Exceed \$500,000
- Contracts range from \$90,000-\$200,000
  - Including contingency/options/mods
- Not included in the \$3M under SMART Planning
- Studies exceeding \$3M due to contract costs do not need an exemption from the DCG



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### **IEPR EXPENSES BREAKDOWN**

Full Federal Costs

• Contract Costs: \$90,000-\$200,000

## **Cost-Shared Expenses**

~\$22,000

~\$1,500

~\$4,000

~\$4,000

- PCX IEPR Lead:
- IWR:
- COR:
- SME:
- Total: ~\$31,500
- PDT Costs: varies but important for study budgeting purposes (meetings, comment-responses, etc.)



### 14 AUG – 13 SEP: DEVELOP PWS/IGE/CHARGE

 During this time the PDT Lead and PCX IEPR Lead are coordinating on development of the Performance Work Statement (PWS) and Charge. These documents form the basis of the scope that the Outside Eligible Organization (OEO) will bid on. The PCX IEPR Lead will also develop an Independent Government Estimate (IGE).



### **CORRESPONDING SOP TASKS**

- Tasks 8-17
- Highlights:
  - Task 8: District Notifies PCX of IEPR Need
  - Task 9: PCX Assigns a PCX IEPR Lead
  - Task 12: District Provides Information about Draft Review Documents to PCX IEPR Lead
  - Task 16: PCX IEPR Lead Finalizes PWS, Review Charge, and IGE
  - Task 17: District Provides Funds for IEPR Contract 2023

Tasks 8-17	Tasks 18-20	Tasks 21-32	Tasks 33-41	Tasks 42-52
14 Aug- 13 Sep	14 Sep-23 Nov	24 Nov-4 Jan	5 Jan-18 Apr	19 Apr-13 Jun

### **DOCUMENTS DEVELOPED**

### Charge

### Full Study Name INDEPENDENT EXTERNAL PEER REVIEW

**REVIEW CHARGE** 

The following Review Charge to Reviewers outlines the objectives of the Independent External Peer Review (IEPR) for the subject study and identifies specific items for consideration for the

The objective of the IEPR is to obtain an independent evaluation of whether the interpretations of analysis and conclusions based on analysis are reasonable for the subject study. The IEPR Review Panel is requested to offer a broad evaluation of the overall study decision document in addition to addressing the specific technical and scientific questions included in the Review Charge. The Review Panel has the flexibility to bring important issues to the attention of decision

ack or issues outside those specific areas outlined in the Review use all available information to determine what scientific and ecision document may be important to raise to decision makers. ed from agencies and the public as part of the public review

scientific and technical matters, leaving policy determinations for el should not make recommendations on whether a particular nted or present findings that become "directives" in that they call studies or suggest new conclusions and recommendations. In w Panel would have assumed the role of advisors as well as is and potential conflict in their ability to provide objective review.

be structured to fully communicate the Panel's intent by including ortant, any potential consequences of failure to address, and

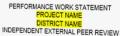
is the comment. The IEPR Performance Work Statement (PWS) consider the following items as part of its review of the decision

### arge Questions

of the decision document clear?

nent adequately address the stated need and intent relative to it of the decision document, assess the adequacy and acceptability

used in the study analyses;



PWS

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1. TITLE

### Independent External Peer Review (IEPR) for Project Name, County, State

is, project map(s), etc. Be sure to describe the Tentatively Selected Plan

Name has been developed to reflect the United States Army Corps of

(USACE) modernized planning initiative, in which project studies use a riskssessment, generally with only enough detail developed for each alternative to we comparison, to determine the appropriate information to identify a TSP. his new process has altered the milestones and evaluation procedures in a

study, the manner in which alternatives are developed from problems,

SMART Planning paradigm, IEPR occurs during concurrent review of the pocument, between the TSP Milestone meeting and the Agency Decision

Joournem, cenneed are not needed and any and any needed and any needed (ADM) meeting (steps 2 and 3 in the SMART Feasibility Study diagram; Figure

explain the results of the risk-informed assessment and alternative evaluation,

ster and other risk management documentation will accompany the feasibility

ision documents. A primary objective of IEPR is to evaluate whether adequate

in was available and appropriate technical analyses were completed to support

of a TSP within the context of the risk-informed decision-making process.

es, measures, and constraints remains the same.

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### scription of the study area. Be sure to include the objectives of the project,

easibility Study Process

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of Engineers

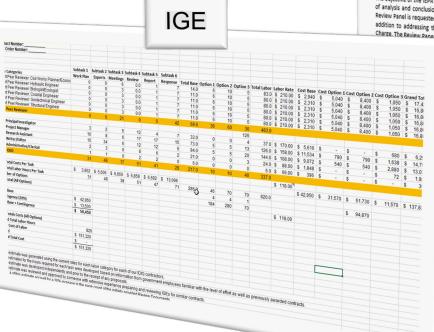
18-36 Months

CHIEF'S REPORT

Chief's Report

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### 14 SEP-23 NOV: CONTRACT AWARD/NTP

- During this time the PCX IEPR Lead will transmit the PWS/IGE/Charge to IWR to develop a Request for Proposal (RFP). The OEO will submit a proposal in response to the solicitation, which will be reviewed and approved by the PCX IEPR Lead/COR. If the proposal is acceptable, a contract will be awarded and Notice to Proceed (NTP) will be issued.
- Important Congressional notification takes place at this time.

2023		2024		
Tasks 8-17	Tasks 18-20	Tasks 21-32	Tasks 33-41	Tasks 42-52
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### **CORRESPONDING SOP TASKS**

- Tasks 18-20
- Highlights:
  - Task 18: PCX IEPR Lead Provides PWS, Charge, IGE, and Funding to IWR
  - Task 19: IWR Awards IEPR Contract
  - Task 20: Notify Congress and Public of Contract Award, IEPR Timelines, Panel, etc.



### 24 NOV- 4 JAN: ESTABLISH IEPR PANEL/INITIATE REVIEW

 During this time there is a lot of coordination between the PCX IEPR Lead, PDT, and the OEO. The OEO is working to develop the work plan, establish overall schedule, review protocols, and identify potential review panel members. Draft feasibility report documents are provided to the OEO at this time.



### **CORRESPONDING SOP TASKS**

- Tasks 21-32
- Highlights:
  - Task 22: Kickoff Meeting #1 with PCX IEPR Lead/PDT/OEO
  - Task 23: OEO Requests Input from USACE on COI Form
  - Task 28: OEO Submits Final Work Plan
  - Task 30: USACE Reviews Selected Panel Members
  - Task 32: District Provides Final Review Documents to OEO



### 5 JAN–18 APR: CONDUCT REVIEW/PREPARE FINAL IEPR REPORT

- This period of time is largely focused on the panel review. This includes a PDT/Panel kickoff, and the panel develops and finalizes their comments. The panel will provide a Final IEPR Report, <u>there is no draft report provided to USACE.</u>
- Public comments must be provided to the Panel for review (drives timely delivery of the Final IEPR Report)
- The Final IEPR Report is posted publicly & transmitted to Congress
- The ADM should be scheduled no sooner than two weeks after the delivery of the Final IEPR Report.
   2023

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### **CORRESPONDING SOP TASKS**

- Tasks 33-41
- Highlights:
  - Task 34: Kickoff Meeting #2 with Review Panel and PCX IEPR Lead/PDT/OEO
  - Task 36: Panel Members Complete Individual Reviews
  - Task 37: PDT Provides Public Comments to OEO
  - Task 39: OEO Submits Final IEPR Report to USACE
  - Task 40: IEPR Discussion During ADM
  - Task 41: HQ and Congressional Notification 2023 2024

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### 19 APR – 13 JUN: PREPARE RESPONSES/CONDUCT BACKCHECK

 This period of time focuses on the PDT draft evaluator responses to the final panel comments and backcheck/close out of the comments. The PCX IEPR Lead will review the draft evaluator responses for adherence to established protocols and proper formatting. A template is available for PDTs to better understand examples of good and not so good responses.



### **CORRESPONDING SOP TASKS**

- Tasks 42-52
- Highlights:
  - Task 43: OEO Provides Final Panel Comments Response Template to USACE
  - Task 45: PCX IEPR Lead Conducts QC of Draft Evaluator Responses & Clarifying Questions
  - Task 49: USACE Inputs Final Evaluator Responses in DrChecks
  - Task 52: PCX IEPR Lead Transmits Panel Backcheck of the PDT Responses to the District

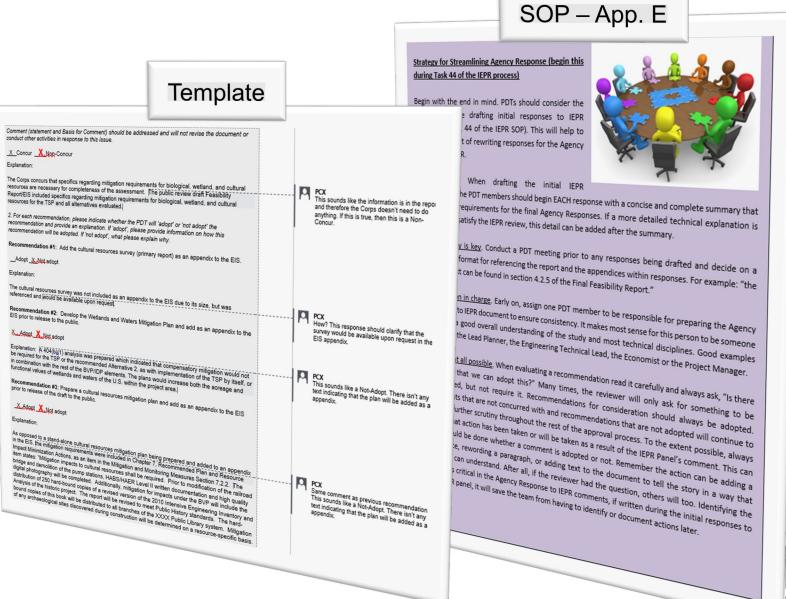
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13 Sep				

## **CRITICAL PDT ENGAGEMENT**

- PDT/OEO/Panel Meetings:
  - Task 34: PDT/Panel establish understanding of the study area & report
  - Task 43: important for PDT to understand how to respond to comments
- Draft Evaluator Responses:
  - Tasks 44-47: these steps are critical for responding to comments appropriately and for establishing the basis for the agency response
- Draft Agency Response:
  - SOP Appendix E: provides multiple examples of how to develop the agency response from the initial evaluator responses



### **DRAFT EVALUATOR RESPONSES**





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### **IEPR AGENCY RESPONSES\*** Best Practices:

- 1. Take the time to prepare thorough Draft "Evaluator" Responses to provide a solid foundation for the Final Agency Response.
- Appendix E just provides guidelines. Check with your RIT before developing the Draft Agency Response for any updates or refinements to process. For recently approved Final Agency Response examples: <u>http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Completed-Peer-Review-Reports/</u>
- 3. Coordinate with your MSC and RIT early, especially if any Draft Responses might be sensitive or controversial in nature.
- 4. The Final Agency Response process occurs prior to and concurrent with delivery of the Final Feasibility Report to HQUSACE.

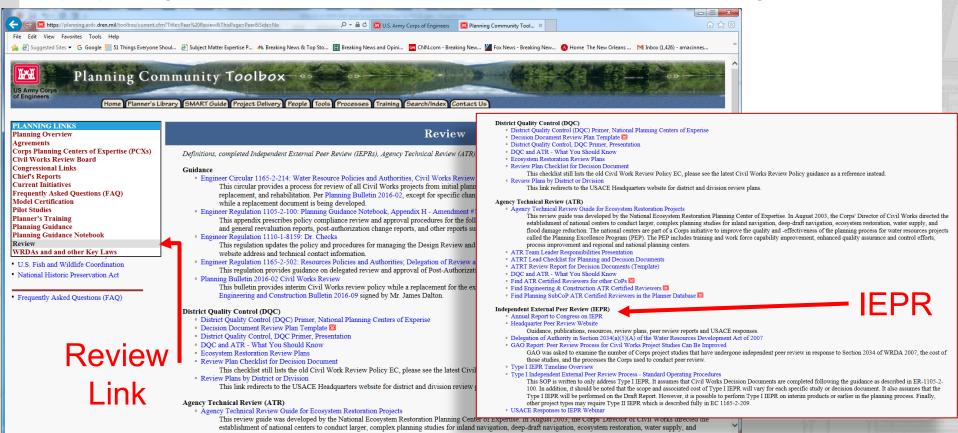


\*IEPR SOP Reference: Tasks #55-65 and Appendix E: IEPR Agency Response Process Us Army Corps of Engineers.

### **SOP & TEMPLATES POSTING**

# The SOP and all Templates can be found on the Planning Community Toolbox at:

### https://planning.erdc.dren.mil/toolbox/current.cfm?Title=Peer%20Review&ThisPage=Peer&Side=No



### CONTACTS

PCX	POC
Coastal Storm Risk Management PCX	Deputy Director: Larry Cocchieri (NAD)
Deep Draft Navigation PCX	IEPR Lead: Kim Otto (SAM)
Ecosystem Restoration PCX	Operating Director: Greg Miller (MVD)
Nationwide PCX Support	IEPR National Technical Specialist: Andrew MacInnes (MVN)
Flood Risk Management PCX	Deputy Director: Eric Thaut (SPD)
Water Management & Reallocation Studies PCX	Technical Director: Meredith LaDart (SWD)
Inland Navigation PCX	Senior Planner: Beth Cade (LRH)
Nationwide PCX Support	IEPR National Technical Specialist: Anastasiya Kononova (NAB)



## LIST OF ACRONYMS

- **PWS: Performance Work Statement**
- **OEO:** Outside Eligible Organization
- IGE: Independent Government Estimate
- IWR: Institute for Water Resources
- NTP: Notice to Proceed
- COI: Conflict of Interest
- ADM: Agency Decision Milestone
- EIS: Environmental Impact Statement
- IEPR: Independent External Peer Review
- PDT: Project Delivery Team
- PCX: Planning Center of Expertise
- SOP: Standard Operating Procedure



# Questions?

Type questions in the chat box. We will answer as many as time allows.

