



Working with Consultants: A Guide for Project Proposers

The Environmental Quality Board (EQB) draws together the Governor's Office, five citizens and the heads of 9 state agencies in order to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. The Board staff is housed in the State and Community Services Division of the Department of Administration.

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This document is not intended as a substitute for Environmental Quality Board rules and should be used in conjunction with the rule provision parts 4410.1000 to 4410.1700. Copies of the rules are available from Minnesota's Bookstore, www.minnesotasbookstore.com, 651-297-3000 or 800-657-3757, or at the Revisor of Statutes homepage at www.revisor.leg.state.mn.us. Further information about the environmental review process is available in the Guide to Minnesota Environmental Review Rules, also located on the EQB website. Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-282-5077 and ask for the Minnesota Environmental Quality Board.

Updates and corrections to this document and all its accompanying links, forms, or examples will be posted on the EQB homepage at <http://www.eqb.state.mn.us/review.html>.

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Table of Contents

Working with Consultants: A Guide for Project Proposers

Should You Hire a Consultant?	4
Reasons project proposers hire consultants for environmental review	4
First things first: Determining whether you need a consultant	4
Costs	5
Hiring a Consultant - Seven Steps	5
Step 1: Identify potential candidates	5
Step 2: Make initial contact	6
Step 3: Conduct interviews (optional)	6
When to conduct interviews	6
The focus of the interview	6
Step 4: Solicit proposals	6
Step 5: Review submitted proposals and select the top candidate	7
Step 6: Check references	7
Step 7: Sign a contract	7
Strategies for Using Consultants Effectively	7
Have the consultant talk with local government engineers/planners early in the process	7
Solidify project designs before writing the environmental review document	8
Be aware of how your changes will affect project deadlines	8
Be prepared - environmental review takes time	8



Working with Consultants: A Guide for Project Proposers

Objectives

By the end of this document, you will learn:

- The rationale and benefits of hiring a consultant for environmental review.
- How to hire a consultant for environmental review.
- The common mistakes proposers make when working with consultants.
- The typical timeline for preparing an EAW.

Should You Hire a Consultant?

Reasons project proposers hire consultants for environmental review

Environmental review has been an important part of the planning process for Minnesota communities for over 30 years. When communities are facing the uncertainties of a large project, the process has provided a framework for investigation and helped stakeholders examine the project's impacts before construction begins. Environmental review is also an important tool in helping communities identify and protect their valuable natural resources.

The process can be confusing at times, however, and many proposers have realized writing review documents themselves may lead to unexpected delays. In order to avoid these issues, many project proposers are turning to environmental consultants to perform the work. In doing so, many proposers discover that consultants can be invaluable to the project development, siting, permitting and approval processes.

Retaining the right consultant is a critical and the interview process should be treated with care. It is important to hire

How Environmental Consultants Can Positively Impact the Bottom Line

A consultant can:

- Identify the legal requirements the project is subject to, which will help avoid fines or lawsuits.
- Facilitate communications with local governments and state agencies.
- Identify unique site features that you might want to preserve or avoid.
- Provide a professional/technical opinion on the project's potential environmental effects.
- Provide expert knowledge for city council and planning commission meetings.
- Identify concerns/impacts early in the process and prevent costly delays later.
- Prepare information for state and local permits.

a consultant experienced with your project type, review document (EAW, EIS, AUAR) and that also understands the needs of your organization. It is equally important to work out key issues such as working hours, services and consultant responsibilities before signing a contract. In the pages that follow, you will learn some key steps in securing an appropriate consultant for your project.

First things first - determining whether a consultant is needed

One of the preliminary steps of hiring a consultant involves some critical thinking – do you really need a consultant? Unfortunately there is no one right answer for everyone, but a quick review of the scope of the EAW form can help you make an informed decision. You may also want to review a document on the EQB web site that provides detailed guidance on preparing EAWs called “EAW Guidelines.”

When determining whether you need a consultant, it may be helpful to review the following list and consider the capabilities of your organization in collecting and analyzing this information:

- Identifying fish and wildlife resources, rare or endangered species, native prairie habitats, rare plant communities or high quality wetland areas on or near the site.
- Describing how these natural resources will be impacted and the measures you will take to avoid, minimize and mitigate effects.
- Characterizing the effect of the project on the amounts and composition of stormwater runoff from the site as well as the techniques planned to minimize adverse quantity and quality effects.
- Describing any geologic site hazards to groundwater including sinkholes, shallow limestone formations or karst conditions and describing measures to avoid and minimize environmental problems due to these hazards.

Can you or your employees gather this information in a way that will prove satisfactory to citizens, local governments, the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (DNR) and other state



Working with Consultants: A Guide for Project Proposers

agencies? Some proposers discover they can completely or partially answer the EAW questions on their own, while other proposers find they do not have the necessary environmental background or expertise. For AUARs and EISs, the questions/requirements are more complex and a consultant is almost always necessary.

Another factor to consider is whether you may already be working with an engineering company, consultant or law firm that has experience in environmental review. It is fairly common for project proposers to talk to individuals/firms already affiliated with their company or project and identify one of them as qualified to perform environmental review consulting services. In these instances, you would simply need to update your contract to include the new tasks involved with coordinating an environmental review document.

Costs

The costs of environmental review documents are highly variable and largely depend upon specific site features, the nature of the project and the community in which the project is located. For example, a small project, located on a retired farm and in a community that is prepared for future development, your costs would likely be on the low end of the spectrum. However, if your project is expected to be controversial and is located on or near an ecologically sensitive area, you should expect to pay more for the environmental analysis. It is important to know that costs are more dependent on the ecological sensitivity of the area in which the project will be located, as opposed the actual project size.

There are many factors that drive the cost of writing an environmental assessment. It is important to know that, through environmental review, there is a burden on the proposer to demonstrate that their project will not cause significant environmental effects. As knowledge of environmental systems has dramatically increased in the last 15 years, organizations such as the Department of Natural Resources, Minnesota Pollution Control Agency and Metropolitan Council expect proposers to prepare more responsive review documents.

Helpful Tip

Many local government officials believe it is good practice to use environmental consultants during environmental review because it can add credibility to the process. While you or your consultant will prepare the environmental review document, the local government might hire its own consultant to review it, suggest changes and write the Findings of Fact. Most of these costs for evaluating the environmental review document will usually be charged back to you, the project proposer.

Hiring a Consultant - Seven Steps

Overview

1. Identify potential candidates
2. Make initial contact
3. Solicit proposals
4. Conduct interviews (optional)
5. Review submitted proposals and select the top candidate
6. Check references
7. Sign a contract

Step 1: Identify potential candidates

There are many ways to locate an environmental consultant that will meet your needs. Look in phone books under "Consultants – Environmental," or contact local engineering or trade associations. You can also ask colleagues or the RGU, or you can search for consultants on the Internet. Since many assessments require site visits, it is important to find a consultant located in your area. A useful directory of engineering consultants, some specializing in environmental services, is available from:

American Council of Engineering Companies (ACEC/MN)
<http://www.acecmn.org>



Working with Consultants: A Guide for Project Proposers

What contributes to the cost of environmental review documents?

- Increased understanding of environmental impacts and ecological systems – more information is expected.
- Increased sophistication and requirements of state and local permitting programs.
- Project controversy.
- Increased magnitude of environmental problems and subsequent protections - Ex. impaired waters in Minnesota.
- Population growth – development pushing into more ecologically sensitive areas.

Step 2: Make initial contact

After you've determined that a consultant is necessary, try to identify at least three good candidates for further evaluation. By doing so, you will ensure that you have an adequate set of proposals to review when you're making a final decision. You should first identify candidates through an initial phone call and be prepared to talk about the size, location, and scope of your project. Here are some good issues to consider:

- What is their expertise? What services do they offer?
- Do they specialize in a particular type of review document? If so, what is their specialty?
- How many years have they been doing environmental assessments in Minnesota?
- How familiar are they with the environmental review rules and requirements?
- Have they ever worked on a project similar in size and scope?
- Would the consultant have any conflicts of interest, such as working with one of your direct competitors?
- Would they have time to undertake an EAW, EIS or AUAR in the next few months?

If, during this conversation, you determine the consultant has sufficient environmental review experience, you should ask them for two references from previous clients. This will give you the opportunity to examine the consultant's strengths and weaknesses in greater detail.

Step 3: Solicit proposals

When soliciting proposals, you may choose to prepare a written request for proposal (RFP) or you may simply wish to talk to the consultant on the phone about your project and what you are looking for in a proposal. If you are planning on preparing a written RFP, you may wish to review the document on the EQB's web site, "Working with Consultants: A Guide for Local Governments." This document has detailed information on the elements you should include when preparing a written RFP.

When requesting proposals, make sure consultants include the following items:

- Project Scope
- List of Tasks
- Timeline
- Budget
- Payment Method
- Procedures - Changes in Scope of Services

Step 4: Conduct interviews (optional)

When to conduct interviews

You really have two options at this point – either to conduct interviews or to solicit proposals from consultants that passed your first round of screening. If you have never been through environmental review before, it will be beneficial to conduct interviews at your office so you can explain the project in greater detail and get a better understanding of the consultant's abilities. You should also conduct interviews if it has been several years since you last went through environmental review. As with everything, processes, procedures and techniques change with time. Environmental review is no exception. Interviewing consultants also gives you the chance to talk about newer pollution prevention techniques for your project or newer environmental review requirements before soliciting proposals from candidates. At the end of the interview, if the consultant appears knowledgeable and experienced, you can then ask them to prepare a written proposal. If not, you should thank them for their time and focus on another candidate.

The focus of the interview

If you've decided to hold interviews, you should prepare as



Working with Consultants: A Guide for Project Proposers

much project information as you can beforehand.

- Get pictures and diagrams of the project site and identify your ideal timeline. Data portions of an EAW can take several weeks to complete and will then need to be reviewed by the RGU and made available for public comments for an additional 30 days. Be prepared to talk about these requirements and any potential deadline issues with the consultant.
- Define what you want the consultant to do and what your organization can do on its own. Be prepared to solicit other ideas and opinions during the interview since outside opinions can be valuable.
- Identify the selection criteria for choosing a consultant and be ready to inform the interviewees of your deadline for making a decision. Typical selection criteria include, but are not limited, to the consultant's approach to the project, past experience with similar projects, costs and the consultant's proposed timeline.

Step 5: Review submitted proposals and select the top candidate

Once you receive the proposals, review them carefully.

- Did the consultant follow your instructions?
- Are all required services calculated under the EAW/AUAR/EIS preparation costs or are charges such as wetlands delineation listed separately?
- Did the consultant factor in contingencies such as public controversy over the project?
- Will any of the work be completed by sub-consultants?
- Are there optional items or costs?
- How will changes in the scope of services affect the project cost?

Choosing the best consultant for your project is a personal decision and should be based on your or your organization's values. Do you want the best consultant for the job, even if it might cost a bit more? Is it important that the environmental review document be completed as quickly as possible? Is cost a major factor in your selection process? If you've followed the steps above, you will likely have all of the information you'll need to make an informed and appropriate decision.

Step 6: Check references

Once you have identified consultants with sufficient qualifications, it is important to evaluate their project management skills. The best way to do so is by requesting

and checking references. This can yield valuable information about their abilities to keep projects on schedule and costs to a minimum. By checking references, you are taking some concrete steps to protect your organization and its stakeholders. Here are some questions you might want to ask references:

- What type of review document did they prepare for you and what was the size and scope of your project?
- Was your project controversial in any way? If so, how did the consultant deal with this?
- Did the consultant keep you informed of the project's status?
- Were you satisfied with the consultant's performance? If no, what could they have done better?
- Did the consultant stay on schedule and within budget?
- Were they able to provide all of the services you needed – or were there others involved in the document preparation?
- Do you know if the consultant has been involved in any lawsuits?

Step 7: Sign a contract

When you hire a consultant, most of them will already have a standard legal agreement for you to sign for environmental review services. Read the contract and review any conditions or assumptions. Consultants include items in contracts to protect themselves from ill-fated projects or from project proposers that refuse to follow their advice. Most contracts will also include procedures for dealing with additional costs. If possible, discuss any concerns you have with your legal counsel before signing the contract.

Strategies for Using Consultants Effectively

Each time you work on a project in environmental review, you'll get better at hiring experienced consultants and keeping the project on track. This section is designed to speed up the learning process and provide you with strategies for avoiding some pitfalls that other proposers have had to deal with. This information was gathered from interviews with environmental consultants, local governments and project proposers.



Working with Consultants: A Guide for Project Proposers

Helpful Tip

Some proposers don't realize consultants are drawing their own conclusions during the interview. If you are disorganized, don't have a clear project scope, or come across as adversarial – your interviewees might add extra hours to their proposals or charge a higher rate.

Your best plan? Be prepared!

Have the consultant talk with local government engineers/planners early in the process

Local governments have the final say on whether your project's design is appropriate for the site. There have been many occasions in which architects have created elaborate site plans, only to discover that they will not work with the community's zoning ordinances or comprehensive plan. *Talking with local government staff first and frequently is the single best thing you can do to ensure the success of your project.* If possible, schedule a meeting with both your environmental consultant and the local government staff early in the process to review the project plans together.

Solidify project designs before writing the environmental review document

While keeping some flexibility in the project design to accommodate discoveries made during the environmental review process is important, it is not a good idea to postpone major portions of the project design or site analysis until after environmental review has been completed. Most organizations in this situation are worried the project will not get through review due to land characteristics, local political issues or other reasons. Understandably, these organizations do not want to waste money on a failed project. But there are several reasons why this IS NOT a good strategy:

- There are components of the EAW, AUAR and EIS, such as stormwater analysis, that will require specific information about the site. If you are not able or willing to complete these questions in a detailed and clear way, agencies such as the Minnesota Pollution Control Agency, Department of Natural Resources and Board of Water and Soil Resources will request for this information during the public comment period.
- If the project plans are overly vague in an EAW, commenting agencies could recommend the RGU order an EIS for the project.

- If you do not have the design plans finalized and need to make major changes after the consultant has begun the EAW, you will spend extra time and money on the environmental assessment. The consultant may need to rewrite portions of the document and/or conduct other site assessments and surveys.

Be aware of how your changes will affect project deadlines

During the course of your project, think about whether modifications to the project design will affect the project deadline. For any significant design change, it will likely extend the time line for completion of the EAW or AUAR for a couple of weeks or possibly months. Keep in close contact with your consultant and ask them to notify you if the project is getting off schedule.

Be prepared - environmental review takes time

Environmental review can take months to complete. A typical EAW time line, in which there is a negative declaration for an EIS, is listed on the next page.

If you have hired a credible consultant, they will proceed as quickly as possible without jeopardizing the final outcome of your project. Be sure to make them aware of any time constraints you have during the interview process.

Review

The information provided in this document originated through interviews with EQB staff, environmental consultants, local government officials and project proposers who have previously participated in the environmental review process. This information is informed by the common mistakes that these individuals have observed in local government proceedings, which can derail a project or deflate an organization's credibility.

"It's a pay now or pay later process" is a common phrase used by environmental review stakeholders. If your local government does not follow the environmental review rules, or is not prepared for the constraints of the process, projects may be significantly delayed or have additional costs added to them. By following some of the tips and strategies in this document, your organization will successfully and efficiently navigate the environmental review process.



Working with Consultants: A Guide for Project Proposers

Seven Steps: Hiring a Consultant for Environmental Review

1. Identify potential candidates
2. Make initial contact
3. Solicit Proposals
4. Conduct interviews (optional)
5. Review submitted proposals
6. Check references
7. Sign a contract

Strategies for Using Consultants Effectively

- Have your consultant talk with local government engineers/planners early in the process.
- Solidify project designs before writing the environmental review document.
- Be aware of how your changes will affect project deadlines.
- Be prepared - environmental review takes time.

EAW PROCESS STEPS	AMOUNT OF TIME REQUIRED*
1. The consultant will need to collect background information, conduct the site assessments, coordinate correspondence with state agencies and write the EAW	At least 2 weeks
2. The consultant will send the EAW data portions back to you for review and then make any necessary changes	2-3 weeks
3. The consultant will send the EAW data portions to the RGU. The RGU may suggest changes to the EAW	It could take several weeks, depending on the RGU
4. The RGU will prepare the EAW for publication, make copies, and send the copies to all organizations on the distribution list.	Up to 30 days
5. The 30-day public comment period begins	4 weeks
6. The consultant and/or the RGU will prepare responses to all comments, make any necessary changes, and submit the responses and the updated EAW to the RGU. The RGU may ask you for clarifications when responding to comments	At least 1-2 weeks; controversial projects will take longer
7. The RGU will make a decision on the document	At least 1-2 weeks, depending on the type of project and the RGU

* These time lines are provided as examples and reflect typical projects. For some projects, the time to complete these steps may vary substantially from the information that is listed above.