SUPPLEMENTAL PAGES INTERAGENCY AGREEMENT E13PG00050

BETWEEN DEPARTMENT OF THE INTERIOR
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
AND

DEPARTMENT OF TRANSPORTATION BUREAU OF TRANSPORTATION STATISTICS FOR

DEVELOPMENT AND OPERATION OF A CONFIDENTIAL NEAR MISS REPORTING SYSTEM (DOT # 53RT201310)

ARTICLE I – INTRODUCTION

The Department of the Interior (DOI) Bureau of Safety and Environmental Enforcement (BSEE) and the Department of Transportation (DOT) Bureau of Transportation Statistics (BTS), jointly are referred to hereafter as "the Parties" or individually as a "Party." The purpose of the agreement is for BSEE to procure subject matter expertise (BTS) to develop a Confidential Near Miss reporting system for use on the outer continental shelf (OCS), and act as a third party repository of the reported data. The reporting system for the OCS will include having voluntary reporting for industry and federal personnel, analysis and interpretation of reported data, and dissemination of reports and other information when applicable. The purpose of the reporting system will be to expand the ability of BSEE and industry to capture essential information about accident precursors and potential hazards associated with OCS oil and gas operations.

ARTICLE II - PURPOSE

This Interagency Agreement (IAA) provides a basis for the work between the Parties in the development and operation of a confidential near miss reporting system. To provide confidentiality for individuals who report near misses, a third party is needed to accept, store, process, and analyze reports and to disseminate information as appropriate. BTS will serve as this third party and provide their programmatic and technical expertise in the development and operation of the system. BSEE will provide overall program management of the incident reporting system and provide key personnel to assist in defining the framework and details for the collection, analysis, and dissemination of near miss information, coordination with stakeholders, and development of performance metrics and appropriate system evaluation protocols.

ARTICLE III - AUTHORITY

This agreement is entered into pursuant to the authority of the Economy Act of 1932, as amended (31 U.S.C. 1535) and adheres to Federal Acquisition Regulation (FAR) 6.002. To the best of our knowledge, the work to be performed under this agreement will not place DOT/BTS in direct competition with the private sector.

On July 6, 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141) which amended Title 49 U.S.C. by adding a new chapter (Chapter 63) for the Bureau of Transportation Statistics (BTS). Section 6306 authorizes the BTS Director to enter agreements with Federal, State, Local or private agencies for the purposes of transportation data collection and analysis.

BSEE warrants that sufficient funding is currently available for this agreement, that the services cannot be obtained under the law from other than a duly authorized and legislated entity under the Confidential Information Protection and Statistical Efficiency Act of 2002, as such, it cannot be contracted with a private source unless directly through an agency authorized to collect data under this act, and that it is in the best interest of the Government to provide funding to the BTS, for subject work under this.

ARTICLE IV - IAA RESPONSIBILITIES

The rights, roles, and responsibilities set forth in the IAA apply only to DOT/RITA/BTS, Office of Advanced Studies which will collect and analyze the reported data and DOI/BSEE, Office of Offshore Regulatory Programs which will fund and sponsor the project.

BSEE IAA RESPONSIBILITIES:

BSEE will oversee the scope and quality of the work and define data collection, analysis, and dissemination needs. BSEE will identify stakeholders for engagement in the development, operation, and evaluation of the system as appropriate. Voluntary reporting depends to a large degree on preserving the operator and the employee's confidentiality as well as that of persons named in those reports. BSEE agrees to "remain at arm's length" from the near miss incident reports. BSEE will not seek, and BTS will not release to BSEE, any information that might reveal the identity of such persons or organizations mentioned in near miss reports. Specific BSEE responsibilities include the following activities:

- Subject to the availability of funds, provide the funding for the development and operation of a near miss reporting system.
- 2. Approve the project plan, budget, and detailed implementation plan.
- 3. After signature of non-disclosure agreement by BTS, BSEE will provide BTS with appropriate access to data obtained by BSEE through existing reporting systems to obtain knowledge of safety data that is already being captured that may be examined with data from the near miss reporting system.

BTS IAA RESPONSIBILITIES:

BTS will have primary responsibility for designing, developing, and managing the reporting system, as well as participating in the evaluation of the system. BTS will collect and maintain the information received through the near miss reporting system.

BTS will work with BSEE to develop a detailed project plan including an implementation plan for the deployment of the near miss reporting system. BTS will provide a detailee during the crucial phases of initial planning and start-up. As part of the planning and design phase of the reporting system and after executing a non-disclosure agreement, BTS will have access to BSEE safety data to obtain knowledge of the types of information BSEE is currently collecting.

ARTICLE V - STATEMENT OF WORK

BACKGROUND:

Since the Deepwater Horizon accident in April 2010, BSEE is vigorously undertaking many initiatives to improve BSEE's risk management capabilities, expand regulatory approaches, and compel operators' commitment to continuously improve their safety and environmental performance.

One of BSEE's current Strategic Plan goals is to "enhance and improve the decision-making process by using objective, science-based risk analyses to identify areas of greatest concern, as well as areas where mitigations can be most effective." In support of this goal is an initiative to develop a confidential near miss reporting system. The Director of BSEE has requested the Office of Offshore Regulatory Programs to establish a program for voluntary near miss reporting to identify and prevent unsafe situations and incidents within the offshore oil and gas industry. This approach will allow BSEE to augment existing safety programs by providing new and additional information that will assist in the identification of and insight into unique leading indicators which might otherwise not be available. The development of this system will be oriented toward gathering previously difficult-to-obtain information regarding safety issues and events that occur on offshore oil and gas facilities.

BSEE is requesting BTS to use its subject matter expertise and resources to develop and operate a near miss reporting system and to maintain a data repository of confidential near miss data reported on the OCS.

BTS will also assist in the analysis of near miss data to identify opportunities for improved safety culture in the areas of operational safety, security, health and environmental protection. This will expand the ability of BSEE and affected industry to reduce the risk of major incidents, loss of life, injury and negative impacts on the environment. BTS will provide statistical expertise and technical support as a federal statistical agency with authorization under the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) to protect the identity of the reporter and other information from FOIA, subpoena, and indirect identification.

SCOPE OF WORK:

BSEE and BTS mutually agree that in consideration of the funds provided hereunder that BTS shall develop, implement and manage the multi-year confidential near miss reporting program.

Confidential Near-Miss Reporting System: The system will be designed to capture events that are currently not required to be reported by BSEE regulations, including near miss incidents, hazardous occurrences, and incidents that result in minor loss but could have resulted in a more significant loss. For the purposes of this agreement, a confidential near miss reporting system will provide BSEE with new information to assist in the identification and assessment of risks by collecting and analyzing leading and lagging indicators from active parties for full risk evaluation in oil and gas operations on the outer continental shelf. The near miss reporting system can be used to monitor changes in safety over time and to discover hidden unsafe

conditions that were previously unreported or unknown. For this project, confidential near miss reports will be collected to address the following goals:

- Enhance the ability of BSEE, industry, and other agencies to identify accident precursors and potential hazards associated with offshore oil and gas operations.
- 2. Generate information that can be used by BSEE, industry, and other stakeholders to improve safety, security, and environmental protection on the OCS.
- 3. Reduce the risk of major incidents, save lives, reduce injuries, and avoid potentially devastating environmental events on the OCS.
- 4. Encourage a strong learning and reporting culture among the offshore community.
- Encourage a culture of information sharing among the offshore community and among BSEE and other stakeholders.
- 6. Foster a culture of transparency among BSEE, industry, and other stakeholders.

The project is designed to perform eight primary functions, which include the following:

- Establish and provide for information collection including related tools and procedures.
- Maintain confidentiality of the reporter, company, facility, and other information as appropriate.
- Analyze data.
- Report trends and patterns.
- Engage industry and other experts in identifying potential corrective actions.
- Establish system governance.
- Establish data screening.
- · Establish procedures for assessing and improving the system effectiveness.

The system should identify elements needed to foster a successful outcome and adjusted as needed to assure it continues to meet program objectives and industry needs.

CONFIDENTIALITY:

BTS as the owner of the near miss data is authorized to protect the confidentiality of this information through its own statue (49 U.S.C. 6307) and the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA, Pub. L. 107-347).

BTS shall designate agents under CIPSEA only through contracts or other agreements that require the agent to agree in writing to comply with all provisions of law that affect information acquired for this agreement. In addition, BTS shall exercise supervision and/or control of such agents to ensure the confidentiality and appropriate use of information.

After BTS has determined that all relevant data from a near incident event has been collected, the near miss report will be de-identified (redacted) so that the employee's identity or any individual mentioned in the report can no longer be determined. In addition, BTS will review data to ensure that no Personally Identifiable Information (PII) is released to the public.

USE OF DATA:

Data collected by BTS under this IAA and under CIPSEA may only be used for statistical purposes (as defined by CIPSEA). This requires the following: a) only summary statistics and data analysis results will be made available to interested parties and b) micro-data on near miss incidents collected by BTS may not be used by BSEE for regulatory purposes.

All participants in the near incident reporting program agree to use the information they acquire only for the purposes described in this IAA and as further detailed by BSEE and BTS in development of the project. This may include developing new modified training programs, assessing risk and allocating resources to address those risks, and learning why these reported unsafe events are taking place. BSEE may use the information to perform its oil and gas safety oversight roles, including disseminating important safety information to oil and gas operators.

PROGRAM TASKS AND OUTCOMES:

This is a three year program. All planning and implementation activities will be completed during the first eight (8) months of year one. System operation will commence during the last six months of year one, and will continue through years two and three. BSEE and BTS will coordinate to develop a project plan that will identify detailed tasks, timelines, and personnel for each phase of the project including a schedule and content for progress and final reports.

Phase I. Project Planning: Design the project's organizational structure, goals, objectives, elements, project plan, milestones, draft budget, stakeholder outreach, regulatory notice/documentation needs, high level implementation and evaluation plan, and oversight and management responsibilities of near incident reporting system. Begin to identify options for sustainability of the system beyond the initial time-period of this IAA.

Specific tasks include:

- Design the BTS business process for receiving and processing near miss reports. This
 includes developing processes and procedures for data collection, data processing, data
 analysis, and data dissemination.
- 2. Develop job descriptions and requirements for project support staff, including transit safety experts, data analysts, IT specialists, and research assistants.
- Develop a plan for setting up the Peer Review Team (PRT), including roles and responsibilities of team members, eligibility and selection criteria, tenure, and replacement protocol.
- 4. Develop Confidentiality Procedures Manual for the transit close call project. It will cover the following topics:
 - data management plan, including data storage procedures, and data distribution method and schedule;
 - b. data security protocol;
 - c. IT system security plan;
 - d. process and protocol for data review;
 - e. process and protocol for the review, production, and dissemination of the Annual Report, and other data products;
 - f. establishment of a Disclosure Review Board (DRB); and
 - g. development of confidentiality training curriculum and materials.
- 5. Develop templates for data products to be released in the public domain.

Phase II. System Development and Implementation: Develop and conduct final testing of system; finalize system governance policies and procedures; conduct outreach and training; establish feedback mechanism for monitoring system usage and identifying and resolving issues. Specific tasks include:

- Request and maintain clearance to operate data collection system from the Office of Management and Budget.
- 2. Establish contract support needed to operate the reporting system.
- Work closely with BSEE staff to develop communication and outreach materials for introducing close call reporting.
- 4. Guide and assist BSEE's trainers in the rollout of the near miss reporting program at local project sites.
- 5. Develop the BTS Operations Manual, including a process for rigorous quality assurance of data input and output. The Manual will include:
 - a. detail description of the overall system structure as well as detail description of each module within the system;
 - b. detail instructions on how to use the data system to perform each step in the near miss process, starting with "Entering Phone Log Data into the data system and ending with "Preparing Quarterly/Annual Reports;"
 - c. a narrative to explain the purpose and functionality of each module; and
 - d. instructions on how updates and enhancements to the system can be performed.
- Develop technical requirements for an IT system that supports the BSEE near miss program.
- 7. Develop process and technical requirements for data exchanges and system interfaces with existing data systems at BSEE.
- 8. Develop a training curriculum on Multiple Cause Incident Analysis (MCIA) for PRT members, BSEE, and BTS staff, and other interested stakeholders.
- 9. Work with the PRT to develop the Handbook of Operations (HO) for the PRT.
- 10. Customize the existing BTS Confidential Close Call Reporting system (C³RS) IT system to meet the technical requirements of BSEE's near miss reporting program. This includes implementation of system interfacing with BSEE's data systems, as needed.
- 11. Train the PRT in MCIA.
- 12. Train BTS' team (Feds and contractors) on BSEE's near miss program.
- 13. Develop analytical tools for identifying and presenting patterns and trends of near miss data reporting.

Phase III. System Operation and Evaluation: This is the production/operational phase of the program. Operate the data collection system: conduct assessment of system effectiveness and identify problems, successes, lessons learned; develop plan to make system modifications, as needed. Tasks described below will continue through years two and three. Specific tasks include, but not limited to:

- Process incoming near miss reports to ensure accuracy and compliance with the IAA.
- Conduct employee interviews to collect additional details about the reported event, and finalize data quality review.
- 3. Perform preliminary root cause analysis on single and multiple cases.
- 4. Plan and host PRT meetings.

- 5. Serve as an active member on the PRT responsible for the following:
 - a. present result of preliminary root cause analyses;
 - respond to inquiries from the PRT, such as clarification of incident reports, confidentiality issues, etc.;
 - c. collect and store results of PRT's work; and
 - d. present and discuss reports on data analysis, trend analysis, and data quality evaluations conducted by BTS.
- 6. Prepare quarterly project status reports for BSEE, to include the following:
 - A summary of work accomplished and overall progress made in each one of their critical phase areas,
 - · A summary of any significant problems encountered during the preceding quarter
 - Produce ad hoc inquiry reports, as needed,
 - A list of any significant meetings held or other contacts made in connection with the agreement during the quarterly period, including a brief summary which outlines the outcome of each meeting,
 - · A summary of major work activities scheduled for the next quarterly period, and
 - A summary of any questions of problems regarding BTS work product requiring discussion or resolution with BSEE;
- 7. Perform quarterly system-wide data quality evaluation and data validation;
- 8. Summarize emerging trends and corrective actions in quarterly briefings to the Steering Committee;
- Write an annual report describing the status of the confidential near miss program, any
 modifications made and lessons learned to date; describe emerging trends and
 recommended solutions; distribute report to all participants in the program;
- 10. Other Interim and final Reports: BTS shall submit a draft final and final report for individual subtasks as written in the statement of work;
- 11. Maintain an archival system of all project data and information, including MCIA records and other data generated by the PRT;
- Track status of project deliverables and share results with PRT and the Steering Committee quarterly;
- 13. Maintain and update the PRT Handbook of Operations, as needed; and
- 14. Manage project contract support.

BTS DELIVERABLES:

Documentation and Miscellaneous Reports:

- 1. The Confidentiality Procedures Manual;
- 2. The Confidentiality Training Curriculum and materials;
- 3. The BTS Manual of Operations for BSEE's near miss data warehouse. This document will cover all sections indicated in the Manual Outline developed by BTS;
- 4. Handbook of Operations for BSEE's PRT;
- 5 Training materials on root cause analysis for PRT members; and
- 6. BTS will submit a project progress report on a monthly basis to BSEE.

IT Software Products:

- A data system that will include several databases to record employee input through near miss reports, confidential interviews, independent research, etc.
- 2. Software applications to facilitate interfacing with BSEE's safety systems and other data systems, as needed.

The database development products will address: 1) data structures, 2) process modeling, 3) process automation, 4) BSEE and BTS systems interface, and 5) user interfaces. Software and hardware specifications will be designed and developed in accordance with applicable government standards. All written deliverables will be phrased in plain English. Technical terminology will not be used without providing a glossary of terms.

Schedule and Distribution of Deliverables:

	Deliverable	Distribution *	Due Date
A	Quarterly Reporting Status	COR – one (1) digital filed CO one (1) hardcopy of the Transmittal letter only	Shall be submitted quarterly beginning 30 days after the first quarter of the agreement period
В	Other Interim and Final Reports	COR – three (3) digital and three bound hardcopies CO – one (1) hardcopy of the transmittal letter only	Upon completion of each task.

^{*}See page 11 for deliverables addresses

ARTICLE VI - PERIOD OF PERFORMANCE

This IAA is in effect for period of (3) years from the date of execution and may be renewed by written agreement of the parties. Continuation of the work under the IAA is contingent on the future availability of BSEE appropriated funds.

Modifications to this IAA may be proposed at any time during the period of performance by either party to the IAA, and shall become effective upon written approval by both parties.

ARTICLE VII – BUDGET AND FUNDING LIMITATIONS

It is estimated that the total overall cost to BSEE for full performance of this effort will be a Not-To-Exceed amount of \$4,200,000. Initial funds in the amount of \$2,000,000 will be obligated on the effective date of the agreement to cover the first year and a half of the agreement. Funding of future periods will be provided by modifications to this agreement and are subject to the availability of funds. BSEE will not be obligated to reimburse the Department of Transportation, Bureau of Transportation Statistics for costs incurred in excess of the current obligation, nor will the Department of Transportation, Bureau of Transportation Statistics be obligated to perform in excess of the amount obligated.

TRANSFER OF FUNDS:

Requests for reimbursement shall be made through the Intra-governmental On-Line Payment and Collection (IPAC) system. The request shall cite the (BSEE) number of this agreement, appropriation symbol, other accounting identification codes and billing period. If requested by the BSEE Contracting Officer's Representative, the servicing agency must submit a summary of hours and dollars charged, location, and services provided, and any additional charges for actual costs under the IPAC. Financial information to be referenced:

BSEE

- 1. Business Event Type Code (BETC): DISB
- 2. TAS/Appropriation Code: 14X1700/12XE1700DX
- 3. Type of Funds/expiration: No-year
- 4. Accounting codes: EEEE000000 EX1SF0000/DBK000
- 5. BPN/DUNS: 96-678-5987
- 6. Employer ID (EIN): 320345786
- 7. Agency Location Code: 1422-0000

Department of Transportation, Bureau of Transportation Statistics

- 1. Business Event Type Code (BETC): COLL
- 2. BPN/DUNS: 18-759-5082
- 3. Agency Location Code: 69-30-0001
- 4. Accounting Information/BPAC Code for this IAA is: 24X8083009/2013/BSCLSBSEE0/53D0960000/25101/53RT201310

The IA number and title shall be provided on all billing documents. Billing issues shall be directed to:

BSEE Finance Office 381 Elden Street, HE 2328 Herndon, VA 20170

Nothing contained in the agreement shall abrogate the statutory responsibility or authority of either BSEE or DOT/BTS.

ARTICLE VIII - POINTS OF CONTACT

BSEE Contracting Officer (CO):

Paula Barksdale Acquisition Management Division 381 Elden Street, HE 2306 Herndon, VA 20170

Phone: (703) 787-1743

Email: Paula.Barksdale@bsee.gov

BSEE Contracting Officer's Representative (COR):

Andre King
Office of Offshore Regulatory Programs
381 Elden Street, HE 3314
Herndon, VA 20170
Phone: 703-787-1845

Email: Andre. King@bsee.gov

BTS TECHNICAL POINT OF CONTACT:

Demetra V. Collia, Project Manager and Confidentiality Officer Demetra.collia@dot.gov

Phone: 202-366-1610

BTS FINANCIAL POINT OF CONTACT:

L. Enrique Raba
Office of Budget and Finance
U.S. Department of Transportation
Research and Innovative Technology Administration
1200 New Jersey Ave., SE - Rm. E33-406
Washington, DC 20590

Phone: 202-366-4935

Email: Leonel.Raba@dot.gov

ARTICLE IX - DISPUTE RESOLUTION

In the event of any dispute, question, or disagreement arising out of or relating to this IAA or the breach thereof, the parties hereto shall use their best efforts to settle such disputes, claims, questions, or disagreement. To this effect, they shall consult and negotiate with each other, in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties.

ARTICLE X – GROUNDS FOR TERMINATION

Either party may terminate its participation in this IAA by providing six (6) month advance notice of pending termination of the project without fault. In the event of such termination, BTS shall be entitled as compensation only to the reasonable value of services rendered prior to the termination. However, should Congress fail to appropriate funds for the project, either party may terminate its participation in the project by providing a 30 day advance notice.

All records and documents relating to the confidential near miss reporting program should be appropriately kept in a manner that ensures compliance with applicable federal statutes (see BTS statue and CIPSEA).

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		Points of Contact	for the Agreement	53872A		
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A.	Contracting Officer		11B. Finan Point of Contact			
	Name Paula Barksdale		Name	L. Enrique Raba		
1	Address		Address	1200 New Jersey Avenue, SE E33-406		
		381 Elden St., HE 2306, Hemdon, VA 20170		Washin ton DC 20590		
- 31	Phone	703-787-1743	Phone	202.366.4935		
	E-mail	Paula.Barksdale@bsee.gov	E-ma	leonel.raba@dot.gov		
A. 1	Contracting Officer's Representation	/6	12B. Program Point of Contact			
	Name	Andre King	Name			
-	Address	381 Elden St., HE 3314, Herndon, VA 20170	Address			
1	Phone	703-787-1845 Andre.King@bsee.gov	Phone			
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	The total estimated cost \$4,200,000. Funds in the hereby obligated and are first year and a half of of future periods will be modifications to this agr to the availability of further obligated to reimburse the Transportation, Bureau of Statistics for costs incurrent obligation, nor we the amount obligated to the amount obligated to the amount obligated. The Period of Performance for 3 years from the date on page 1 of this document See attached Supplemental Account Assignment: K G/L Business Area: E000 Commit Center: EEEE000000 Functi EXISF0000.DBK000 Fund: 12 EEEE000000 Project/WBS: ELine: 01	amount of \$2,000,000 are expected to cover the the agreement. Funding provided by eement and are subject nds. BSEE will not be e Department of Transportation rred in excess of the ill the Department of Transportation o perform in excess of for this agreement is of the latest signature t. Pages Account: 6100.255D0 tment Item: 255D00 Cost onal Area: XE1700DX Fund Center:	
00010	NEAR MISS REPORTING IT Approval Num: N The total amount of award obligation for this award		2,000,000.00