

CONTRACT MANAGEMENT

DESCRIPTION

Good contract management varies with the type of contract being managed. EPA commonly uses two types of contracts: 1) fixed-price, small purchase contracts; and 2) cost-reimbursable, level-of-effort (or mission) contracts.

EPA awards fixed-price, small purchase contracts to ensure completion of a specified requirement by a certain date for a specified price. To issue a purchase order for this type of contract, you must write an unambiguous statement of work. The risk of failure to perform falls to the contractor, who will be paid only if he or she delivers on all the terms of the contract. One advantage to fixed-price contracts is that they can be awarded in a few weeks.

Mission contracts are awarded to ensure contractor availability in a broader scope of tasks, usually for several years. Unlike fixed-price contracts, cost-reimbursable contracts obtain the contractor's best efforts without absolutely requiring the completion of a specified product or service, and may be used where explicit products or quantities or schedules will be decided later. The rest of this Tool discusses the management of projects issued through these mission-style contracts.

REQUIRED ACTIVITY?

No.

MAKING IT WORK

WHEN TO USE

It takes at least two weeks for a new work assignment to be approved. Anticipate your needs far in advance; it may not be possible to get new support at the last minute.

Contract management is required throughout the life of the work assignment. While EPA multi-year, cost-reimbursable contracts generally are managed in the same fashion, each is different and each requires contract-specific management. Also, because you may have access to more than one contract, you should begin your search for contractor support with a visit or phone call to EPA's Project Officer.

Contract support is advantageous throughout the cleanup process, and it is most effective if it is procured early in the process. Refer to the list of appropriate contract support activities at the end of this tab for more ideas on when its use is appropriate. Regional offices may access Superfund contractors (subject to EPA Project and Contracting Officer approval) by writing a suitable statement of work and ensuring the availability of funding. If you have completed the training course prescribed by EPA's Office of Acquisition Management, you are qualified to be assigned as a Work Assignment Manager (WAM). WAMs have the authority to oversee contractor work and provide technical direction.

Contract management enables you to:

- Track and manage the use of contractor resources
- Track and manage the use of Agency resources
- Ensure that the Agency gets what it contracted for
- Avoid stop work situations, and
- Have support available when you need it

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How to Use

If you hire a contractor, you should manage that contract carefully to protect your interest as well as the government's interest. Good contract management requires continuous monitoring of contractor work to ensure high productivity, low waste, and reasonable progress toward a clearly-articulated outcome.

The Federal Acquisition Regulations (FAR) and EPA policy impose rigorous procedures on WAMs and contractors to prevent waste, fraud, abuse of discretion, or conflict of interest. The WAM is responsible for:

- Preparing a statement of work (SOW)
- Preparing an Independent Government Cost Estimate (IGCE) if the anticipated work will exceed \$25,000
- Reviewing and recommending approval of the contractor's work plan and cost estimate, which is submitted in response to the SOW
- Providing direction and guidance to the contractor
- Reviewing and approving all deliverables prepared by the contractor
- Reviewing and approving all monthly progress reports and monthly costs submitted by the contractor
- Initiating amendments to the work assignment to cover any additional work not anticipated in the initial SOW or changes to the approved work plan or cost estimate
- Closely monitoring expenditure of LOE (level of effort or contracted hours) and funds to avoid overruns
- Providing feedback and periodic reviews of the contractor's performance

The CIC typically is the WAM for community involvement work assignments. Some CICs initiate a work assignment as their first task upon assuming responsibility for a site, regardless of where the site is in the cleanup process. When preparing the SOW, anticipate all the tasks for which you will need support during the work assignment, because you will not be able to use the contractor for things that you did not include in the SOW unless the Contracting Officer approves an amendment.

You may prepare a SOW template that includes all anticipated contingencies. Each time you have a need, you fill in the blanks, delete tasks that do not apply, tailor the delivery schedule, and submit it. Each project becomes a separate work assignment. If you know the support you will require, but do not know which site or when the tasks will occur, you may prepare a generic SOW with the locations and schedules left open for future technical direction. However, in order to obtain a realistic cost estimate from the contractor, you should include language that tells the contractor to assume a finite number of events. Once the work assignment is issued, the WAM can then issue written technical direction by specifying the site name, locations, schedules, and tasks, and submit it.

When preparing your IGCE, base your estimates on the time that it takes you to do a task, and then apply the contractor's average hourly rates (which include indirect costs and fee). The Project Officer will provide a spreadsheet or other template unique to that contract. Remember to include travel and other reasonable expenses that you expect the contractor to incur.

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When reviewing the contractor's work plan, check which "professional level" (contract-specific definitions of personnel experience) the contractor is projecting to use for each task, as this will affect the bottom line. Question inappropriate assignments, such as a senior engineer generating a mailing list.

When reviewing monthly progress reports (see sample report at the end of this tab), compare total hours spent for the month with activities and deliverables; do the total hours seem reasonable in comparison to what the contractor actually produced? Look at the costs for the month to be sure that they are accountable. Ask for explanations as necessary; however, be advised that the contractor can bill you for the time spent answering your questions and correcting any mistakes. Above all, assure yourself that the contractor's progress is reasonable, heading in the direction you want, and that there are no evident pitfalls ahead (either in terms of approach, scope, budget, or schedule).

Under cost-reimbursable contracts, the contractor is obligated to make reasonable progress commensurate with the approved work plan and schedule. EPA is obligated to reimburse the contractor for actual costs that are "reasonable" and not otherwise prohibited or limited by the contract or by the regulations. Most contractors understand the terms and conditions associated with billing, and any questions you have are likely to be clarifications rather than disagreements over what the contractors invoice.

You are responsible for ensuring that the contractor understands what is required and when. If your directions are not clear, you may find yourself paying for additional work while the contractor does work over to meet your expectations. To avoid that, be sure that you know what you want from your contractor before giving an assignment.

You are prohibited from supervising the contractor's work as if the contractor were your own employee. Instead, spend time up front to build a working relationship with the contractors so that they know your style, preferences, and goals. Then you can turn them loose to develop a product based on concepts and some vital specifics while you do other things.

When the contractor expends 75% of the approved budget, you will be notified in writing by the contractor, who will advise you if they believe they need substantially more or less funding. Make your own assessment of the work assignment's status. If you anticipate additional support, be sure to prepare the amendment as soon as possible so that you do not risk a stop-work situation just when you need the help.

Technical direction of the contractor by EPA WAMs is governed by EPA's Acquisition Regulations. Technical direction includes clarification to help the contractor interpret the work assignment, or comments on reports and other contractor deliverables. Technical direction must be within the scope of the contract and work assignment. Neither the WAM nor the Project Officer have the authority to issue technical direction that: (a) institutes additional work; (b) changes any element of the approved work plan or work assignment; (c) causes an increase or decrease in the estimated cost of the work assignment; (d) alters the period of performance of the work assignment; or (e) affects the schedule of the deliverables specified in the work assignment. If you need these kinds of changes, you must ask the Project Officer to obtain the Contracting Officer's approval of a Work Assignment Amendment.

Technical direction must be issued in writing, or confirmed in writing within five calendar days of verbal issuance. A Technical Direction Form (TDF) has been prepared for this purpose, but any format will be acceptable (including a memorandum or letter), as long as it contains the necessary references to the contract and work assignment. You should send the original TDF to the contractor, with one copy each to the Project Officer and the Contracting Officer.

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Tips

- Have a kick-off meeting with the contractor to ensure that you are mutually comfortable with contract requirements, your needs, likely approach, personnel, travel, unusual expenses, and the involvement of subcontractors.
- For the best product, allow sufficient time.
- Know what you want before contacting the contractor.
- Provide the contractor with clear directions.
- Expect your contractor to meet the deadlines, and be sure that you meet them, as well.
- Review deliverables promptly and provide comments to the contractor as soon as possible.
- Thoroughly review progress reports on a regular basis.

ATTACHED ITEMS WITHIN THIS TOOL

- Attachment 1: Activities Appropriate for Contractor Support
- Attachment 2: Sample SOW
- Attachment 3: How to Write a Good SOW

ATTACHMENT 1: ACTIVITIES APPROPRIATE FOR CONTRACTOR SUPPORT

- Community interviews
 - Make appointments
 - Make logistical arrangements
 - Accompany CIC to:
 - Take notes in order to produce a meeting summary
 - Review notes from interviews with CIC
- Help CIC to draft Community Involvement Plans
- Produce fact sheets
 - Prepare and distribute final fact sheets
 - Arrange for translations
- Prepare graphics (transparencies, posters, handbills, covers, etc.)
- Maintain mailing lists and generate mailing labels
- Support public meetings/availabilities/poster session/special events
 - Make logistical arrangements, including facility rental
 - Take notes in order to produce meeting proceedings
 - Prepare presentation materials
 - Arrange for court recorder
 - Arrange for translators
 - Provide audiovisual support
 - Prepare public notices and press releases
 - Staff registration table

ATTACHMENT 2: SAMPLE SOW

Scope of Work (SOW) for Community Involvement Support Services

Site Name:

Site Location:

Period of Performance:

Purpose

The purpose of this work assignment is to provide support for developing and implementing EPA's communication between members of the public and local governments, including Potentially Responsible Parties (PRPs), and the lead government agency responsible for response actions. The tasks outlined below are expected to facilitate public participation in the decision-making process, as required by, and in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan of 1985 (NCP), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the Superfund Amendment and Reauthorization Act of 1986 (SARA), and the various EPA policy documents listed in the Superfund community involvement primer, *Superfund Community Involvement Handbook & Toolkit*. The activities described will occur throughout the performance of the Removal Action and/or the Remedial Investigation/Feasibility Study (RI/FS), including all Records of Decision (ROD), and the performance of the Remedial Design/Remedial Action (RD/RA) and operation and maintenance. The activities generally will coincide with technical milestones.

Background

{Site History}

Activities

Activities shall include developing and/or revising the Community Involvement Plan (CIP), as well as providing public meeting preparation, support, and attendance; public announcement preparation and placement; fact sheet preparation and distribution; mailing list development; and development of a Responsiveness Summary(ies).

All activities shall be conducted under the guidance of an EPA Community Involvement Coordinator (CIC) who will be the primary contact for this work assignment. The contractor Work Assignment Manager (WAM) is not to take direction from any other EPA personnel (except the Contracting Officer and Project Officer), including the Remedial Project Manager (RPM), under this work assignment. These activities shall require the services of experienced CI contractor personnel. CI tasks, under this SOW, shall be conducted on an as-needed basis unless otherwise indicated below.

Due to the unpredictable nature of site community involvement needs, it is not possible to predict with much accuracy or firmness when certain events will occur. Notwithstanding and allowing for emergencies and other unpredictable events, certain activities can be predicted: fact sheets will be needed every 4 months; a public meeting will follow a proposed plan release within 60 days; a responsiveness summary will follow a public meeting within 60 days; advertisements and press releases will be required within 60 days of a proposed plan release and within 30 days after a ROD is signed; the CIP will need to be updated within 30 days after national or local elections; community interviews must be conducted every 2 years in order to write an updated CIP; and public meetings take place approximately once per year.

EPA will provide appropriate file materials for the contractor's review. All documents produced by the contractor under this work assignment, including fact sheets and public notices, must undergo EPA review and approval prior to release.

Task 1. Develop a CIP for a site:

The contractor shall, in consultation with and as directed by the EPA WAM, provide personnel and services, as well as materials and equipment, necessary to prepare and implement the CIP. Preparing the CIP shall include identifying citizens to interview and arranging the interviews, accompanying the CIC on community interviews, taking notes during the interviews, assist in conducting interviews or ask follow up/clarifying questions as requested and approved by the CIC, and doing demographic and accompanying research to complete the writing of the CIP. The CIP shall provide guidance to the CR lead agency to ensure that the site community is informed about and involved in the removal and/or remedial process at the site.

The CIP shall include information as specified in the *Superfund Community Involvement Handbook & Toolkit* and shall be at least partially developed from file materials provided by the EPA WAM. The CIP shall also include the identification of less common sources and paths of communications, which may include but are not limited to: foreign language needs, literacy needs, hearing impaired community needs. The contractor shall also have access to other appropriate EPA and state personnel as necessary and as directed by the EPA WAM.

The contractor shall prepare and submit a draft CIP, and shall incorporate any comments and changes received from EPA into a Final CIP. A list of interested parties, recommendations for public meeting locations and information repositories, and technical assistance grants information shall be included as appendices for review and approval by the EPA WAM.

The contractor shall not include the private citizens (interested parties, mailing list, interviewees) in any part of the CIP, whether it is the released version or the file version. However, they may be included if listed in their official capacity as the contact person for a group or organization interested in the site.

Task 2. Revise the CIP:

The contractor shall, in consultation with and as directed by the EPA WAM, revise existing CIPs. EPA will provide CIPs for revision both in hard copy and in electronic (WordPerfect) format. CIP revision is required following a record of decision (ROD) or a general election. It is also the policy of EPA to revise CIPs every three years, in lieu of a ROD. Revision may include on-site interviews or may be limited to telephone interviews, depending on site-specific considerations. All activities associated with CIP revision shall be subject to the same requirements discussed under Task 1, above. All proposed revisions shall be submitted to the EPA WAM for review and approval.

Task 3. Public Meeting Arrangement, Attendance, and Support:

The contractor shall, at the direction of the EPA WAM, reserve public meeting facilities and assure that the room has the appropriate capacity and appointments (such as audio-visual equipment, seating, speakers' and display tables, handicapped access) to serve the needs of EPA and the community. Regarding handicapped access, all meetings, presentations, and gatherings held at a public facility must meet the requirements of the Americans with Disabilities Act (ADA). For information on ADA requirements, visit the Center for Independence (CFI) Internet site: <http://www.cfigi.org/>. The site includes weekly updates and information about making your public space accessible: For a free copy of the ADA Guide for Small Businesses, published by the U.S. Department of Justice, call CFI at (970) 241-0315.

If the contractor deems it necessary, or at the direction of the WAM, the contractor shall provide on-site AV equipment, logistical support, meeting facilities, computers, or any other equipment or services to ensure the meeting's success. As directed by the WAM, the contractor shall arrange for translation of public meetings, public notices, fact sheets, and other public documents. The contractor shall also provide meeting sign-in sheets to be used for developing a mailing list of interested parties.

For meetings held during public meeting comment periods, the contractor shall, at the direction of the EPA WAM, arrange for the services of a court stenographer who shall prepare an official transcript of the meeting and shall provide 1 original copy to EPA within 15 business days of the meeting.

The contractor shall assume for purposes of generating estimated costs that there will be **[insert maximum quantity]** **public meeting(s)** and all meetings will be held at commercial locations (hotels, conference facilities) within 10 miles from the site. The contractor should also anticipate, at the direction of the EPA WAM, attending pre-meetings with local officials. The contractor shall take notes at public meetings, and at meetings where a stenographer is not in attendance, shall prepare a short meeting summary for the CIC within 10 business days of the meeting. The contractor shall also ensure that attendees sign in, that all AV equipment is in working order, and that the room is set up appropriately.

The contractor shall prepare and submit to EPA a responsiveness summary for review and approval. The summary must be completed before the ROD can be signed. The contractor, with the EPA WAM's permission, may work with the site RPM in assembling this document. The contractor shall provide suggestions on layout and shall create a document that has a visually appealing layout that enhances readability. The contractor must provide a camera-ready mechanical of the responsiveness summary to the WAM. The WAM may also request this document on a system-compatible computer disk.

Task 4. PREPARATION AND DISSEMINATION OF PUBLIC NOTICES:

The contractor shall make recommendations to the CIC as to which paper(s) or other routes of communication (including minority publications or alternative publications, also including specific foreign language needs as appropriate) that are most widely relied upon within the community and how much lead-time is required by the production staff prior to the publication of a notice. The EPA WAM will make the final determination and inform the contractor.

The contractor shall prepare notices, at the direction of the EPA WAM, which will be required prior to all public meetings and/or to announce all formal comment periods. The contractor shall also be required to prepare notices that will be required for RODs and ESDs. The contractor shall write the ads and public notices, prepare camera-ready copy, that may be required, based on Agency needs, to place them in the appropriate publications, including display advertising.

Task 5. PREPARATION AND DISTRIBUTION OF FACT SHEET(S):

The contractor shall be required to prepare fact sheets every 4 months, or as deemed necessary by the Agency, and distribute the fact sheets to persons or organizations on the approved mailing list. Graphics are normally included in such publications. The contractor shall meet with the WAM, CIC, and the RPM to identify technical data for the fact sheet but shall present this material in a format and level appropriate for an eighth grade reader. Each fact sheet shall be delivered in draft form to the WAM for review by the CIC and RPM. The contractor shall comply with the style guidance supplied by the CIC for fact sheet preparation.

The contractor shall not mail fact sheets, but shall provide an appropriate number of final fact sheets, as directed by the WAM, to EPA for mailing. The contractor shall also recommend three public areas within the community that community members frequent and where fact sheets can be placed for pickup. The proposed locations shall receive EPA WAM approval before distribution is made. The contractor shall contact the WAM every 4 months to begin preparation of another fact sheet. The contractor is specifically not required to mail fact sheets to every PRP for the site.

In addition to mail distribution to individuals and groups, fact sheets shall be required for distribution at public meetings.

Task 6. PREPARATION AND DISTRIBUTION OF PRAP OR PRAP FACT SHEET(S):

The contractor shall prepare fact sheets, describing EPA's Proposed Remedial Action Plan (PRAP), concurrently with the finalization of the PRAP, whenever it is determined by the EPA WAM that such a fact sheet is desirable, as is the case when the PRAP is too lengthy or too technical to hold the interest of most community members. Following the WAM's direction, the contractor shall also work with designated EPA technical personnel (such as the RPM) to develop the PRAP, itself, so that the content and language of the document is readily understandable by non-technical readers. This fact sheet shall be subjected to the same readability tests as the fact sheets above. This fact sheet shall contain a statement that this document is neither a technical nor a legal document, though these may be obtained elsewhere that explain the PRAP.

Task 7. Develop mailing list:

The contractor shall develop a mailing list from meeting sign-in sheets and from the existing CIP and EPA file materials. Sources for developing mailing lists include but are not limited to: cross reference directories, phone books, tax records, meeting sign-in sheets, written and verbal requests, and any other such source as agreed to by the CIC. Mail house brokerages are the source of last resort and shall be used only with the approval of the EPA WAM. A private citizen mailing list, however, shall be developed and maintained by the contractor, and a paper copy shall be provided to the CIC under separate cover that is marked “confidential.” Prior to use, the mailing list shall be reviewed and approved by the EPA WAM.

Task 8. Preparation of Graphics:

The contractor shall develop graphics for fact sheets or public meeting support in cooperation with appropriate EPA personnel as directed by the EPA WAM.

Task 9. Audio-visual Support:

The contractor shall provide all equipment and personnel to project, record, amplify, photograph, or video tape public meetings, as directed by the EPA WAM. The contractor shall provide such copies to the CIC within 10 business days of the public meeting.

Task 10. Work Assignment Management:

The contractor shall provide the personnel required to attend the work assignment kick-off meeting (if determined by the EPA WAM); for the preparation and submission of the work plan and cost estimate; the cost negotiation meeting (if requested by the Contracting Officer); the revised cost estimate development subsequent to any negotiations; for the performance of the Conflict of Interest Screening; for the performance of on-going financial reviews of the work assignment costs; for the preparation of the Monthly Progress Reports; and for the preparation of the Interim Status Reports.

Deliverables

Deliverables under this work assignment shall include the CIP, public announcement(s), trip report(s)/meeting summary(ies), PRAP fact sheet(s), Responsiveness Summary(ies), meeting presentation materials, a mailing list, a number of quarterly fact sheets, and monthly progress reports. All deliverables shall be submitted to the WAM, Project Officer, and Contracting Officer as specified in the “Deliverables and Reports” section of the contract.

Trip Report/Meeting Summary:

The contractor shall be required to submit trip reports/meeting summaries within 10 days following each public meeting at which a stenographer is not present. These reports should tell who attended the pre-meeting, as well as the public meeting, and list any media representatives; federal, state or local officials; environmental or citizens’ group representatives; and PRP representatives, as well as any other noteworthy attendees, such as technical consultants and unofficial local spokespersons who attended the public meeting. They should also mention any major issues or concerns raised, the level of public reception, and the number of attendees. The reports should be brief, one or two page reports whenever possible and can be in a letter or memo format.

Public Announcement:

The contractor shall prepare camera-ready copy for all public notices. Notices shall be designed as retail display ads, not as legal notices, and should be designed accordingly. Such notices generally run as one-sixth or one-quarter page ads; it is the contractor’s responsibility to learn the actual sizes, rates and terms of such ads prior to placement. The contractor shall comply with the guidance in the *Superfund Community Involvement Handbook & Toolkit*, as well as the findings and suggestions in the 1994 GAO report “EPA’s Community Relations Could Be More Effective,” as well as the directions provided by the WAM. Copies of these documents will be provided to the contractor at the kick-off meeting.

If deemed necessary by EPA, the contractor shall place the required advertisement of public availability with one local newspaper. All public notices shall be placed in the appropriate local newspaper(s) ads and shall appear in the front section of the paper, not in the classified ads. The contractor shall also obtain proof of advertisement.

FACT SHEETS:

The contractor shall provide a camera-ready original for each fact sheet as well as enough copies to meet the requirements specified by the EPA WAM. In-house, computer-generated fact sheets may be acceptable. However, copying may be more desirable, depending on the contractor's in-house capabilities. Whenever deemed appropriate by the EPA WAM, to improve communication, graphics shall be included. Quarterly fact sheets are generally 2-4 pages (1-2 8.5 X 11 sheets printed on both sides) and shall be prepared on recycled paper and shall display the recycled logo. No direction under this work assignment shall be construed to deviate from the Printing Restrictions described in the contract.

PRAP FACT SHEETS:

The contractor shall prepare PRAP fact sheets describing EPA's PRAP. These fact sheets are expected to be more extensive than quarterly fact sheets, but generally should not exceed eight pages (1-4 11 x 17 sheets of paper, printed both sides and folded). These, too, shall be prepared on recycled paper and shall display the recycled logo.

TRANSLATORS:

As necessary and as directed by the WAM, the contractor shall arrange for translation of public notices, ads, fact sheets, and other public documents into other languages. Also as necessary and as directed by the WAM, the contractor shall arrange for a translator of American Sign Language ("signer") to support public meetings or other activities that may involve the hearing impaired.

Mailing List:

The contractor shall update the mailing list, described above, periodically or as required by the EPA WAM. At a minimum, the mailing list shall be updated following each public meeting and at the completion of the Responsiveness Summary. It should be prepared so that it may be used both as a file reference and to generate computer processed mailing labels.

RESPONSIVENESS SUMMARY:

This document summarizes comments and responses received or provided during the public comment period; it is not a list of individual comments and responses. The contractor shall prepare and submit this summary for review and approval. The summary must be completed before the ROD can be signed.

Graphics:

The contractor may be requested, by the EPA WAM, to include graphics for inclusion in fact sheets. These may include charts, maps, tables, diagrams, and flow charts. The WAM may also request graphics support for public meetings, availabilities, press conferences, and the like. These graphics may include overhead transparencies, large paper/poster size displays, 35mm slides, full page reproductions of visuals used in the presentation, etc. The contractor shall make recommendations to the EPA WAM, as appropriate, to assure that graphics are of a simple, easy to understand design and, as appropriate, suggest ways of presenting complicated information in an easy-to-understand manner. These graphics must be reviewed and approved by the EPA WAM prior to inclusion in the fact sheets.

ATTACHMENT 3: HOW TO WRITE A GOOD STATEMENT OF WORK

The single most important factor in a successful work assignment is a good statement of work (SOW). Many WAMs have found that a little extra thought in designing the SOW saves considerable work and confusion later, and reduces the probability of having to write amendments once the project is underway.

A SOW is clear but does not overly specify your requirements. The purpose of the SOW is to provide enough detail and direction for the contractor to develop an unambiguous work plan, milestone/deliverable schedule, and cost estimate—it is not intended (nor should it) tell the contractor how to do their job. Also, once the work assignment is issued, WAMs are authorized only to “clarify” requirements already in the SOW. WAMs cannot alter any specifications or define/change any tasks, schedules, or quantities except through an amendment signed by the Contracting Officer. Therefore, a good SOW will permit you to get your work done with a minimum of (time consuming) amendments.

How can you tell if your SOW is good? A good SOW has the following characteristics:

- (1) It has sufficient detail and specificity to permit the contractor to estimate the level of staff needed, the mix of disciplines, the probable effort (labor hours) for each task, and all associated travel or other direct costs (ODCs).
- (2) It is logically organized, with clearly defined tasks, explicit deliverables (especially the number of drafts or other deliverables you expect), any special requirements, any absolute deadlines, and a statement of what (if anything) the contractor will receive from you (data, reviews, access to people, photos, or anything else that they need).
- (3) Where requirements must be uncertain, it provides guidance to the contractor for them to develop reasonable assumptions. For example, if the contractor will need to travel out of town, but you don’t yet know where, you can tell the contractor to assume certain location(s) for purposes of the plan and let them know that the actual locations will be specified later in technical direction.
- (4) It specifies only what you care about, and provides the contractor with flexibility to perform in their most efficient manner. For example, do not tell the contractor to use *PowerPoint* unless you know that another brand of presentation software will not be acceptable. If you direct the contractor to use equipment or software that is not part of their inventory, you will assuredly pay for it because it will take longer to use an unfamiliar package and the contractor will charge you for the software. The contractor will use common, EPA-standard software such as *WordPerfect* or *dBase* (and other software in general use by EPA or contained in the contract’s SOW).
- (5) It contains an explicit, realistic schedule of deliverables or products tied to each task. Do not specify “milestones”—the contractor will do that in their work plan. It allows adequate time for EPA’s reviews of drafts. It is aware of holidays, weekends, and other non-working days. It is explicit in dates, quantities, or format. It does not use “Date to be determined” except as a last resort, and never for key deliverables.
- (6) It is written in the active—never passive—voice. “The contractor shall identify conference space...” tells the contractor what they must plan for. “Conference space will be identified...” is ambiguous, and the contractor could assume that you will do it.
- (7) It includes all known tasks and deliverables, avoiding such open-ended requirements as “...support shall include, but not be limited to...” or “...at least 10...” or “...up to 10...” or “etc.” It describes all known requirements, otherwise the contractor is not legally permitted to address them without amendment. If you

use phrases like “...up to 10...”, the contractor will budget for 10, which may be useful if you cannot specify a firm number, but each instance will have to be specified by the WAM as technical direction. If you say “...at least 10...” the contractor may budget for 20, 50, or 1,000 and you will end up negotiating a realistic upper limit anyway.

It is easy to develop a good SOW; a few specific pointers are provided below. However, there are pitfalls; copying requirements from old SOWs is one of the biggest pitfalls of all.

- Do start by defining your ultimate product in your own mind. Whether it is a conference report, a fact sheet, a Community Involvement Plan, or anything else, once you fix your mind on that goal, then work backwards in tasks and schedule to see what needs to be done to get there.
- Do not write tasks such as “...develop risk assessment information for the public...” It does not tell the contractor whether you want a course, a fact sheet, a manual; 5 pages or 100, or what. You may develop a requirement to “... research, write, and produce camera-ready masters of a 4-page Superfund Fact Sheet on Risk Assessment for lay audiences...”
- Do not specify things you cannot have or use. Some are obvious—refreshments at conferences or excessive photocopies—but many are more subtle. For example, do not direct the contractor to produce a color cover unless you already have the Agency’s permission to print in color. Do not direct the contractor to violate EPA’s document guidelines, since you will have trouble getting the final product approved by OSWER.
- Do not specify “One Draft Report...” if you will be going back and forth several times with multiple drafts, or if you want to see drafts of each chapter separately. Consider when you’ll get the draft, who you need to get to review or approve it, and the likelihood that you will end up making the contractor submit multiple revisions (often the case when the drafts require approval at several levels of EPA management). Multiple drafts will cost more and take longer, but if that’s what you need, be sure to say so. If you specify only “draft report,” you will end up needing an amendment from the CO to obtain more.
- Do not specify contractor staff, either by name or qualification. “Contractor shall assign a Ph.D. Board-Certified Toxicologist...” may result in your paying way too much for labor—it is also too broad. Similarly, “Contractor shall assign a person who is familiar with CERCLIS 3...” is not permitted because such EPA-specific knowledge is not a contractual requirement. If you feel the project requires particular qualifications, you may instruct the contractor to address your needs, perhaps like this:

“This report will be subject to intense public and scientific scrutiny by specialists in the field of human toxicology. Contractor will address in its work plan the qualifications of proposed personnel to ensure that the report is prepared at a suitably technical and scientific level.”
- Do not delegate your authority as a WAM by instructing the contractor that they will receive comments from other parties. The contractor can accept such direction only from you, from the Project Officer, or from the Contracting Officer.
- Do not instruct your contractor to use a particular subcontractor or consultant, either explicitly or by inference. This injects EPA into the contractor’s management of the subcontractor or the contractor’s personnel, which is prohibited. It also gives the prime contractor an excuse to blame EPA if the subcontractor fails to perform.
- Do not issue duplicate or overlapping SOWs. For example, do not task a contractor to perform a function that the same or another contractor is already doing. You will end up being charged each time, and you may not get anything different.

These are just a few examples and hints. The bottom line is to be specific. Re-read your draft SOW with an eye to identifying ambiguity and possible misunderstanding. If you can’t prepare a good IGCE based solely on the SOW, add more detail or eliminate tasks for which not enough information is known. It is better to amend the SOW later to add tasks once you can do so in detail than to put in vague requirements early and waste effort.