

TAG Recipient Manual

Procurement—Spending TAG Funds

This section outlines the information in the TAG rule and other federal regulations that you must follow when spending your TAG funds. It describes how to find, choose, and procure the services of contractors, including your technical advisor or grant administrator, and how to purchase, lease, or rent other services, material, or equipment with TAG funds. These items must be included in your approved TAG budget and/or award agreement. It also describes the different types of contracts that you may use and includes a sample contract.

The term “**procurement**” refers to the spending of grant funds to purchase, lease, or rent allowable services, materials, or equipment.

4.1 Basic Requirements for Spending TAG Funds

It is a basic requirement of the TAG program that most TAG funds must be used to procure the services of technical advisors. Check your approved TAG budget and/or award agreement to determine if any other uses for TAG funds (including federal funds and matching share) are approved. These other approved uses may include costs for a contractor to act as a grant administrator, and the purchase, lease, or rental of services, materials, or equipment, telephone, office supplies, copying, newsletter printing, etc.

For the purposes of this section, the term “contractor” refers to any person or organization that your group pays for services. **Your group is responsible for ensuring that your contractors fulfill all the terms of your contracts and comply with applicable federal and state regulations.** Contact your EPA project officer/regional TAG coordinator if you have any questions.

As you will read later in this section, procurement procedures vary depending on the dollar amount of the contract being awarded. However, in all cases, you **must** do the following:

- Make good faith efforts related to seeking out and using disadvantaged business enterprises (DBEs), which include small businesses, minority-owned businesses (MBEs), and woman-owned businesses (WBEs).
- Make sure that potential contractors are not on the U.S. General Services Administration’s [Excluded Parties List System](#). (You are not required to consult the Excluded Parties List if the contract is for less than \$25,000.)
- Review potential contractors’ financial and business relationships to ensure that no conflicts of interest exist. Conflicts of interest are discussed later in this section.
- Make sure that the potential technical advisors are not doing work for the federal or state government or for any other entity at the same NPL site for which you received the TAG.
- Determine that the costs for services, materials, or equipment proposed by potential contractors are allowable.
- Maintain records of your group’s selection activities, including your efforts to use DBEs.

Remember: The choice of a technical advisor belongs to your TAG group. EPA cannot make the choice for you; it is not a party to TAG contracts.

The process you use to choose a technical advisor, however, **must** meet federal requirements.

- Give EPA the opportunity to review all contracts worth more than \$1,000 before you sign them.

You **must not** use TAG funds for:

- Lawsuits or other legal actions;
- Attorney fees;
- Activities connected to any kind of legal action or that could be interpreted as resulting in an attorney/client relationship to which the attorney/client privilege would apply;
- The time your technical advisor may spend to assist an attorney in preparing a legal action or preparing and serving as an expert witness at any legal proceeding;
- Political activity, lobbying, and other activities (amusement, social activities, fund raising, etc.) that are not allowed under Office of Management and Budget (OMB) Circular A-122 on Cost Principles for Non-Profit Organizations;
- Tuition or other training expenses for your group's members;
- Tuition or other training expenses for your technical advisor, except for one-time health and safety training needed for your technical advisor to gain site access to your local Superfund site;
- Travel expenses for your group's members;
- New primary data, such as well drilling and testing, including split sampling;
- New health data through biomedical testing, clinical evaluations, health studies, surveillance, registries, and/or public health evaluations; and
- Reopening or challenging final EPA decisions related to your site.

More detail on each of these prohibitions is provided in Section 35.4075 of the TAG rule (available online at <http://www.epa.gov/superfund/community/tag/resource.htm>).

4.2 The Procurement Process for a Contractor, Step by Step

When you use TAG funds to procure contractor services, you must take the steps necessary to ensure that your selection process complies with federal and TAG program regulations. *Although you will use most of your TAG money to acquire the services of a technical advisor, the same basic steps must be followed when procuring the services of a grant administrator, and when you buy or lease materials or equipment with TAG funds.*

Conflicts of Interest

To be confident of a contractor's objectivity, you need to inquire about the contractor's loyalties or obligations. You must make sure, for example, that you do not contract with an individual or organization that is working or has worked for a Potentially Responsible Party (PRP) at the site for which you have a TAG, or who is working for an organization related to the contamination at the site. You also may not enter into a contract for techni-

Remember: EPA is not a party to TAG contracts. The contract with your contractor is a legal agreement between your TAG group and the contractor. However, if your contract does not meet federal requirements, your group is at risk because EPA may not be able to reimburse your group for the items or services covered by the contract.

Conflicts of interest occur when:

- an individual or organization that competes for contracts has a financial or other interest that affects their ability to carry out the responsibilities specified in the proposed contract in an objective, unbiased manner; or
- an individual or organization that participates in the selection of such contractors has a financial interest in the award of such contracts.

cal advice with EPA contractors and subcontractors working at the site for which you have a TAG, because being your technical advisor would put them in the position of reviewing their own work.

Members of your group and its employees also must avoid any action during the procurement process that might result in, or create the appearance of, a conflict of interest, including using their official positions for private gain or giving preferential treatment to someone. An official or employee of your group may not participate in the selection of contractors if he or she has a financial or other interest in the outcome of the selection process. His or her participation in these activities creates a conflict of interest.

Specific information is included, as appropriate, throughout this section, about how to prevent conflicts of interest as you proceed through the procurement process.

Steps in the Procurement Process for a Contractor

The basic steps in the procurement process are described in detail below. They are:

- Step 1: Identify Basic Needs
- Step 2: Determine the Correct Procurement Method
- Step 3: Prepare a Solicitation
- Step 4: Solicit Proposals
- Step 5: Evaluate the Proposals and Select Your Contractor
- Step 6: Prepare and Award the Contract

Tip: Document conversations with and approvals from your EPA project officer/regional TAG coordinator in writing. Follow up telephone conversations with your EPA project officer/regional TAG coordinator with an email to put into writing your understanding from the conversation. This allows miscommunication to be caught and corrected early and provides written documentation for your files.

A checklist of steps involved in procurements of different amounts, which summarizes the details provided throughout this section, is included at the end of this section for quick reference.

Step 1: Identify Basic Needs

Before you begin the process of finding and selecting a technical advisor, grant administrator, or other contractor, it is important to clearly describe the services, materials, or equipment required and to fully define the qualifications you require the contractor to have. It is best to write this information down and keep a copy in your files for use as needed. The activities for which your group can use a contractor are included in your approved TAG budget, work plan and/or award agreement. Any changes in these items must be approved by the EPA project officer/regional TAG coordinator listed in the TAG award agreement, and significant changes may require an amendment. **Always get approvals in writing and keep a copy in your files.**

Step 1: Develop a detailed statement of work based on your approved TAG budget, work plan, and/or award agreement.

Develop a Detailed Statement of Work

A contract statement of work defines the qualifications and skills you are seeking and the tasks to be done, and provides potential bidders with a description of the services, materials, or equipment you require. **Remember that tasks and activities for which you procure your contractors must match those in your approved TAG budget, work plan and/or award agreement.**

Statements of Work for TAG Technical Advisors—Most of your group's TAG funds will be used in contracts for technical advisors. The statement of work for your technical advisor contract should include:

- The purpose and objectives of your project.
- The qualifications, skills, and areas of expertise the contractor is expected to have.
- The specific tasks the contractor will do and a schedule for them, to the extent known. (**NOTE:** The description of tasks and activities should be as comprehensive as possible, as long as they match those in your approved TAG budget, work plan, and/or award agreement, to allow for renewing the contract for future funding periods if needed (see 4.3 in this section).)
- Total estimated hours required for the project.

Preparing a clear **statement of work** is an important element in a successful procurement process. The statement of work will be the basis for the contract your group will award to the candidate you select.

Develop the statement of work for your technical advisor contracts by using the description of proposed work and specific tasks that you identified in the “technical advisor work plan” section of your approved TAG work plan and budget. The technical advisor work plan included in your approved TAG work plan and budget also included a description of the qualifications, skills, and areas of expertise you are seeking in a technical advisor.

Remember: All TAG technical advisors **must** have the following qualifications:

- A demonstrated knowledge of hazardous or toxic waste issues, redevelopment issues, public health, or federal relocation policies and relocation-related issues.
- Academic training in a field relevant to your group’s interests. (Public health technical advisors must have received their public health or related training at an accredited school of medicine, public health, or academic institutions of other related disciplines.)
- No debarment or suspension as a federal contractor (see Step 2 for more information).

TAG technical advisors also should have demonstrated writing and technical presentation skills, and experience working with community groups. Depending on the needs of your community, your technical advisors also may need foreign language or other specific communications skills. A technical advisor helps your group communicate technical information so that it can be understood by members of your community.

Your group may want to seek someone with several areas of expertise who can help you evaluate site information over the life of the project. Your group may need different types of technical expertise at various points in the project, depending on site characteristics and your group’s specific concerns (see Table A). For example, your approved TAG work plan may indicate that your technical advisor will need to address issues related to public health, relocation, redevelopment, and other topics. As an alternative, your group may want to seek more than one technical advisor, each with knowledge of different subjects, or a company that employs a number of technical experts. **In all cases, your group must ensure that your technical advisor restricts his/her work to reviewing and commenting on documents and materials created by others, because TAG funds cannot be used to pay for the generation of new data.**

Table A: Possible Areas of Expertise for TAG Technical Advisors

A **TAG technical advisor** may have expertise in one or more areas, including (but not limited to):

- chemistry
- engineering
- toxicology
- risk assessment
- hydrology
- soil science
- limnology
- geology

A **TAG public health technical advisor** *must* have a degree from an accredited school of public health, medicine, or a related discipline. He or she may have one of the following professional specialties:

- public health
- medical toxicology
- occupational health
- industrial hygiene
- toxicology
- safety engineering
- epidemiology
- environmental engineering

A **TAG redevelopment technical advisor** should have appropriate academic training in a relevant discipline, including (but not limited to):

- urban or city planning
- land use planning
- environmental science
- landscape architecture
- real estate

NOTE: A TAG redevelopment technical advisor is not allowed to create redevelopment plans or lobby for a particular redevelopment use.

A **TAG relocation technical advisor** should have knowledge and experience in:

- relocations
- appraisals, title searches, and local tax laws
- the Uniform Relocation Act of 1970
- working with developers, brokers, and lenders

NOTE: Using TAG funds to pay for a relocation technical advisor is allowed only if relocation is already part of the potential EPA site cleanup. If relocation is not part of the potential EPA site cleanup, you may not use TAG funds to pay a technical advisor to look into relocation potential.

Developing your own estimate of what a contract should cost is important because competition requirements, which are discussed next, vary depending on the anticipated dollar amount of the contract. In addition, having your own estimate of the anticipated costs provides a basis for comparison later, when you are evaluating proposals or bids submitted by potential contractors.

The schedule for the tasks you assign to a contractor will depend on the cleanup timetable for the site and other factors, such as the timing of any proposed public meetings, how often your group wants progress reports, or how often you want analyses done by the technical advisor to be communicated to the community (e.g., through meetings or a newsletter). If you have not done so recently, your group should contact your site's remedial project manager (RPM) to determine the expected schedule of upcoming activities at the Superfund site in your community. This will help you to identify the schedule for the specific tasks you will ask your technical advisor to do.

Statements of Work for TAG Grant Administrators and Other Contractors—A grant administrator can handle a variety of program tasks that group members may not have the time or expertise to accomplish. These tasks include bookkeeping, preparing required reports for EPA, preparing contracts, reviewing and paying invoices, and maintaining records and files. **If a grant administrator is included in your approved TAG work plan and budget**, you should prepare a statement of work, as you did for your technical advisor. The statement of work should define the qualifications and skills you are seeking and the tasks to be done.

A TAG **grant administrator** should have qualifications that include:

- Good communications skills
- Basic accounting skills
- Good organizational skills

Step 2: Determine the Correct Procurement Method

Determine the Contract Type

Before seeking bids or proposals for a specific contract, you should decide on the type of contract you intend to award, so you can estimate the total cost of the contract. There are two allowable types of contracts to consider—a “time and materials” contract or a “fixed-price” contract. The principal factor in deciding which of these two contract types to use is how specifically you can describe your requirements. Many TAGs use “time and materials” contracts, but “fixed-price” contracts are also often used.

“Time and Materials” Contracts

With this type of contract, you agree to pay the contractor for providing supplies or services based on: direct labor hours at specified, fixed hourly rates that include salary, overhead, general and administrative expenses, and profit; and materials at cost, including material handling costs if appropriate.

Use a time and materials contract when the tasks you expect the contractor to do may change over time. This often is the case for TAG technical advisors, because there are many unknowns during the Superfund process that may change over time, but the specific changes cannot be predicted ahead of time. A variety of factors can affect the cleanup schedule for the site. (For example, unexpected additional contamination may be found on site, more sampling or testing may be needed to make cleanup decisions, or additional meetings with the community may be needed to reach decisions.)

As a result, you may not be able to describe accurately, prior to signing the contract, the extent or duration of the work you require from the technical advisor or estimate with any reasonable degree of confidence what the contract work will cost. If this is the case, you need to establish a maximum ceiling for spending that the contractor cannot exceed without prior approval or authorization.

Step 2:

- Determine the type of contract you will award.
- Estimate the total cost of the work.
- Determine applicable competition requirements.

Allowable Types of Contracts

Time and Materials: Use when the tasks you expect the contractor to perform involve variables that may change over time.

Fixed Price: Use when you can accurately describe the work tasks or “work product” to be completed and the level of effort and costs required to complete the work with a reasonable degree of confidence.

In a time and materials contract, a contractor is not necessarily required to deliver a final product. Instead, the contractor is required to “use its best efforts” to do the work you request. You must monitor the contractor’s work to ensure you get the best product for your money.

“Fixed-Price” Contracts

With this type of contract, the contractor agrees to complete a certain set of specific tasks for an agreed-upon dollar amount. The fixed-price contract offers several advantages: 1) you know what you will get and exactly how much it will cost; and 2) you do not pay the contractor until after an acceptable work product is delivered. Sometimes, because of the uncertainty in the Superfund decision-making process, you may not be able to define tasks and the required level of effort clearly enough to enable a contractor to offer you a fixed price. In such a case, you would have to use a time and materials contract.

Estimate the Total Cost of the Work

Develop your own independent cost estimate for the work you need a contractor to do. This involves estimating the number of hours required and the hourly rate you expect to pay. For example, based on the experience of TAGs nationwide, you can expect technical advisors’ hourly rates to fall between \$70 and \$120 per hour. Grant administrators’ rates should fall between \$8 and \$12 per hour for a bookkeeper and between \$20 and \$30 for a grant administrator who assumes more general duties. **The actual rate in your own estimate should be based on what professionals in your particular area charge for comparable work.** The total cost estimate cannot exceed the amount for technical advisors in your approved TAG budget and/or grant agreement.

Determine the Required Level of Competition

You must follow the procedures described in the TAG and other federal regulations to ensure open and fair competition. These procedures apply whether you contract for technical advisors or a grant administrator or whether you purchase, lease, or rent other services, materials, or equipment. Using a competitive procurement process allows you to evaluate the qualifications and capabilities of several sources and to compare the costs they propose for the goods or services you need.

If you already were working with a technical advisor or other consultant before receiving a TAG, you must start over and use the appropriate competition process. In such a case, it is particularly important to avoid any appearance of favoritism or unfair advantage during the competition and selection process. If the previous consultant is selected as a result of the new competitive process, you must sign a new contract with him or her before you can use TAG funds to pay for his or her work.

You will need to determine in advance what competition requirements apply to the specific contract for which you will use TAG funds. The TAG rule specifies different levels of competition and required documentation depending on the estimated dollar amount of your contract. These are summarized in Table B on the next page. Table B also includes an example of the kind of purchase that might be involved at each level.

In some cases, you may decide that procuring services from several technical advisors better suits your needs than awarding one large contract. For example, you may need a greater variety of expertise than a single firm or individual can provide. If so, you may award separate contracts. **Federal regulations, including the TAG rule, however, specifically prohibit you from dividing a contract into smaller amounts solely to avoid requirements involved in using contracts of a higher value.**

Table B: Procurement Requirements

For each purchase or contract valued at \$1,000 or less:

- These are typically one-time or infrequent purchases.
- You must determine only that the price is reasonable by “comparison shopping.”
- Keep a list in your files of the prices found at various sources to demonstrate that the price you are paying is reasonable.

Example: Your group has prepared a newsletter and needs a print shop to design and reproduce copies of it.

For each purchase or contract valued at more than \$1,000 but less than \$25,000:

- You must obtain oral or written proposals or bids from two or more qualified sources.
- Document this process in detail in your files. For example, write a short memo for your files listing the name of each bidder and his/her bid, and/or file copies of individual written proposals or bids received.

Example: You contracted with one technical advisor for the hydrogeology and engineering work that you need at your site. This contract does not include the health sciences or toxicology work included in your approved TAG work plan, and you now need to have the risk assessment from the site reviewed. You want to hire a toxicologist for the sole task of reviewing the risk assessment.

For each purchase or contract over \$25,000 but less than \$100,000:

- You must obtain written proposals or bids from three or more sources who are willing and able to do the work.
- Document this process in detail in your files. Among other things, keep copies of all ads placed, records of where solicitations were provided, and copies of all proposals or bids in your files to document this process.

Example: You need the services of a technical advisor or environmental consulting firm with expertise in hydrogeology, engineering, chemistry, the health sciences, and toxicology to review technical documents generated by the cleanup process at your site; attend meetings; prepare summary memos and reports; review your group’s written comments to be submitted during the public comment period; and make presentations to group members and others.

For each contract valued at over \$100,000:

- You must follow the procurement rules outlined in 40 CFR part 30, EPA’s general grant regulations for nonprofit organizations. It is rare that TAGs will issue contracts of this size. Contact your EPA project officer/regional TAG coordinator if you need information about these requirements.

A list of the steps you MUST take in procuring allowable goods and services with TAG funds and a detailed description of each step in the process begins on page 4-1.

Noncompetitive Contracts

Ensuring open and fair competition should always be your goal when procuring services, materials, or equipment with TAG funds. In a few rare cases, however, you may need another approach. Before requesting approval from EPA for a noncompetitive procurement, you must solicit bids using the rules that apply for the dollar value of your contract. If you receive only one adequate bid or proposal in response to your solicitation, your TAG group may be allowed to select a contractor without competition. If this happens, contact your EPA project officer/regional TAG coordinator to discuss it.

Remember: The only time you can award a contract without competition is after you have tried to get bids from several sources and found only one qualified bidder. If this happens, discuss it with your EPA project officer/regional TAG coordinator.

If your EPA project officer/regional TAG coordinator agrees that noncompetitive procurement is appropriate, write to your EPA regional office documenting how your group tried to get the bids from a number of sources and how your group determined that there was only one qualified bidder. **You must get the written approval from EPA before moving forward.**

- For contracts valued at more than \$100,000, make sure that you have met all requirements in 40 CFR part 30, EPA's general grant regulations for nonprofit organizations (available at http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr30_02.html).
- Your EPA project officer/regional TAG coordinator can provide information about these requirements as well.

Step 3: Prepare a Solicitation

When you have completed Steps 1 and 2, you should prepare a solicitation for use in seeking bids from potential technical advisor candidates.

Your solicitation should include:

- The statement of work (see 4.2, Step 1).
- A list of all evaluation criteria and a description of the scoring system you will use to evaluate proposals.
- A description of the cost or pricing data and supporting documentation you are requesting from prospective contractors. This should include travel that is consistent with your approved TAG work plan and budget, along with a statement that travel expenses will be reimbursed only at the rate the government pays its own employees, which is called the government per diem rate. (This rate varies from city to city across the country. Your EPA project officer/regional TAG coordinator can help you determine the current government per diem rates. You also can look up per diem rates by going to <http://www.fedtravel.com/>

Step 3:

- Include the detailed statement of work.
- Provide evaluation criteria and describe scoring system.
- Describe cost/pricing data and supporting documentation required.
- State that bidders must not be on Excluded Parties List System.
- List conflict of interest documentation required.
- State that the contract will be subject to federal regulations and your group's TAG award agreement.
- Indicate that the contract will contain an option for renewal.
- Give the deadline and address for submitting proposals.

Remember: Potential candidates for any contract, including members of your group, may not participate in preparing any part of the specifications for the solicitation.

and clicking on “per diem.”) You may allow potential contractors to submit their cost estimates in any format. If you wish, however, you may copy the blank “Cost Proposal Template” in Section 9 of this manual and include it in your solicitation to give potential contractors an example of a useful format for presenting cost estimates.

- A statement indicating that your group will not award a contract to any bidder who is on the U.S. General Services Administration’s Excluded Parties List System.
- A list of the conflict of interest documentation you require each bidder to submit:
 - Information on his/her financial and business relationships with potentially responsible parties at the site, their companies, subsidiaries, affiliates, subcontractors, current clients, and attorneys and agents; or
 - An assurance that the potential contractor is not doing work for the federal or state government or any other entity at the same NPL site for which you received the TAG.
- A notation that the contract will be subject to federal grant requirements, including 40 CFR part 30 and 40 CFR part 35, subpart M, and of your group’s TAG agreement.
- A notation (for technical advisor contracts) that individuals or organizations proposed as subcontractors must comply with provisions of the TAG regulations pertaining to:
 - Documentation (TAG rule, Section 35.4205b);
 - Cost (TAG rule, Section 35.4205c);
 - Responsible contractors (TAG rule, Section 35.4200b);
 - Disadvantaged business enterprises (TAG Rule, Section 35.4205g) and 40 CFR Part 33;
 - Unallowable contracts (TAG rule, Section 35.4200a);
 - Contract provisions (TAG rule, Section 35.4235);
 - The Cost Principles in the CFR 48 part 31, if the subcontractor is a profit-making organization; and
 - All the general clauses included in the primary contract (see Section V. *General Clauses*, in the sample contract at the end of this section).
- An option to renew the contract for additional funding periods for work covered in the statement of work for the solicitation, if needed.
- The deadline and address for submitting proposals.

Tip: Ask candidates to submit several copies of their proposals or bids, enough to distribute to each member of your selection panel.

The sample solicitation at the end of this section (Sample 2) can be used as a starting point for drafting your solicitation. The sample provides one possible set of evaluation criteria and one possible scoring system for evaluating proposals. While the sample solicitation is written for a technical advisor position, it could be tailored for any type of service provider. The criteria and scoring system you use should reflect the type of work the contractor is expected to do (e.g., Superfund technical advisor, public health technical advisor, redevelopment technical advisor, grant administrator, etc.) and should be prioritized and weighted accordingly.

You must maintain all documents related to your procurement, including proposal scoring sheets, or other evaluation forms in your TAG project files.

Your solicitation should instruct offerers to submit proposals describing the technical approach they will use to accomplish the tasks outlined in the solicitation and the cost of the work described.

Step 4: Solicit Proposals

Publicize Your Need for a Contractor

You must publicize your need for a contractor and the availability of your solicitation. This provides an opportunity for all qualified candidates to compete for your work (see Section 35.4205(a) of the TAG rule). You can do this by:

- Sending the solicitation to potential candidates (see “Where To Look for Qualified Potential Contractors” below);
- Publishing a notice or an ad in a local newspaper about the availability of your solicitation;
- Notifying local colleges and universities, including historically black colleges and universities within a reasonable distance from your site, that you are seeking qualified contractors (technical advisors or a grant administrator) and providing information on how to get a copy of your solicitation; and
- Advertising the availability of your solicitation in newspapers and media that reach potential contractors, including publications read by minorities or by people who live within a reasonable distance from your community, including those in rural areas.

Remember to provide information on how to request the solicitation (phone number or email address) and the deadline for submission of proposals or bids.

Where To Look for Qualified Potential Contractors

There are many places to look for potential contractors. Many of the following organizations are good sources of high-quality assistance or may be able to help you identify candidates, particularly technical advisors, with the qualifications and skills your group needs:

- College and university departments of science, engineering, public health, accounting, and business management, including those in historically black colleges and universities and other historically minority colleges and universities.
- Local hospitals and medical facilities.
- Local or state health departments.
- Local chapters of professional or technical societies or associations.
- Consulting firms and other businesses that specialize in scientific, technical, engineering, environmental services, or business management.

Step 4:

- Publicize your need for a contractor and make it available to all potential contractors who request it.
- Make good faith efforts to procure from disadvantaged businesses, which may include certain small, minority, or woman-owned businesses.
- Keep track of all proposals received.
- Document your process.

To ensure fair and open competition, you must make the solicitation available to all who request it.

Tips:

- The procurement process can be time consuming. Begin identifying places to look for potential candidates as soon as possible after receiving your TAG.

In addition, there are many other ways to find qualified technical advisor or grant administrator candidates. For example:

- You can consult reference books found in most public libraries, including *Ulrich's International Periodicals Directory*, which lists the names and addresses of professional journals, trade magazines, and newspapers to which you may wish to send your ad or solicitation. Good reference sources for locating interested organizations and individuals include the *Encyclopedia of Associations* (for listings of trade and professional groups), *The Directory of Consultants and Consulting Organizations*, and your local chamber of commerce.
- You can send public notices, ads, or written notifications to interested persons, firms, professional organizations, or local newspapers.
- You can look for potential technical advisor candidates under “environmental” and “engineering” in the local phone directory, a university directory, or an Internet search engine. Check under “accountants” or “business consultants” in the local phone directory for potential grant administrator candidates.
- You can contact other TAG recipients for advice. Contact information is available at the TAG web site <http://www.epa.gov/superfund/community/tag/whereare.htm>.

Your EPA project officer/regional TAG coordinator also may be able to provide assistance on where to look for qualified contractors.

Make good faith efforts to procure from disadvantaged business enterprises.

The federal government wants to ensure that disadvantaged business enterprises, which might include small, minority-owned, and woman-owned businesses, can compete for federal dollars. For this reason, **recipients of TAGs and other federal grants are required to make six “good faith efforts” to ensure that disadvantaged business enterprises can compete fairly for contracts to provide your group with the services, materials, or equipment you intend to procure with grant funds** (see below). This means that you must make an effort to solicit and consider proposals from these firms, not that your TAG group is required to contract with a disadvantaged business enterprise.

To identify potential disadvantaged business enterprises, contact EPA's Office of Small and Disadvantaged Business Utilization by visiting <http://www.epa.gov/osdbu/grants.htm>. Scroll down to “Links to Finding DBEs,” expected to operational in 2009. You also should use resources such as your state's minority business office, the [U.S. Small Business Administration](#) or the federal [Minority Business Development Agency](#). Additionally, you are encouraged to send a public notice soliciting proposals to small, minority-owned, and woman-owned business associations, professional societies, and media that serve these groups. Your EPA project officer/regional TAG coordinator also may be able to tell you more about how to locate disadvantaged business enterprises as contractor candidates.

Good Faith Efforts for Procuring Goods and Services from Disadvantaged Business Enterprises

EPA recommends making these simple “good faith” efforts will show that your TAG group is doing its best to procure from disadvantaged business enterprises. Be sure to document your efforts in your files.

1. Ensure that DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities.
2. Make information on opportunities available to DBEs and arrange time frames for contracts and, whenever possible, establish delivery schedules in a way that encourages and facilitates participation by DBEs.
3. Consider dividing total requirements into smaller tasks to permit maximum participation by DBEs in the competitive process. (However, most TAG-related contracts are small enough not to preclude DBEs from competing for them.)
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually. (Again, this generally is not necessary for TAG technical advisor contracts.)
5. Contact the Small Business Administration and the Department of Commerce’s Minority Business Development Agency for help.
6. Require your contractors to also make these good faith efforts described above and in 40 CFR 33.301(a) through (e).

It is very important to keep a written record of your group’s efforts to solicit and use disadvantaged business enterprises because you are required to submit an annual report to EPA containing this information (see Section 3, *Reporting Requirements*).

Keep Track of Proposals Received

Set up a filing system for proposals as you receive them so that they are easily accessible when you are ready to begin the evaluation process. Remember to document for your files all your efforts to solicit proposals and how many proposals were received.

Step 5: Evaluate Proposals and Select Your Contractor

Your group will need to carefully evaluate the relative merits of the proposals submitted, and determine each offerer’s ability to provide the goods or services you need before making a selection.

Evaluate Proposals

There is no required procedure for evaluating proposals in the TAG regulations. However, proposals must be evaluated and scored using the criteria and scoring system that you outlined in your solicitation. One way to ensure a fair review of proposals is to appoint three to five members of your group to a selection panel. By involving an odd number of people, you can avoid deadlocks. Panel members independently evaluate the proposals against the selection criteria and score them. When the independent evaluations are completed, the panel discusses their individual evaluations with each

Step 5:

- Evaluate proposals.
- Analyze proposed costs.
- Make your selection.
- Document your process.

other. If there is a significant difference in panel members' scores, reviewers discuss how each arrived at his or her scores. Some may choose to re-evaluate their scores based on this discussion. This type of discussion continues until the panel reaches consensus on one or more proposals that deserve further consideration. Keep written records in your files of the process and the documents (e.g., score sheets) you use in your evaluation.

Remember: Officials or employees of your group who have a financial or other interests in the award of a contract to a particular individual or organization cannot participate in any part of the contractor evaluation and selection process.

Analyze Proposed Costs

Once your selection panel identifies the best proposals, you must conduct and document in your files some form of cost or price analysis in connection with the procurement. The purpose of the cost analysis is to verify that each element of the cost proposed by the potential contractors is allowable under federal regulations pertaining to the TAG program. To be "allowable," costs must be:

- **Grant Related:** falling within the eligible activities approved by EPA in your grant agreement;
- **Allocable:** incurred specifically to achieve one or more of your project objectives;
- **Reasonable:** not exceeding, in their nature or amount, what would be incurred by a prudent person under circumstances prevailing at the time the costs are incurred; and
- **Necessary:** required for the operation of the organization or the successful performance of the contract work.

For procurements valued at less than \$1,000, your cost analysis may be simple "comparison shopping." This means checking the price quoted by the proposed contractor against the prices of several other sources of the same product or service to ensure that the price you are paying is "reasonable" (see previous definition). **As always, be sure to document your analysis in your files.**

For procurements of greater value, your cost analysis should include the following steps:

- *Determining that the proposed direct labor costs are "necessary" and "reasonable"* (see definitions above). This involves examining the proposed number of hours and hourly rates for the people who will perform the various tasks in the contract to make sure that they are consistent with the independent estimate you developed in Step 2, and reviewing the experience level of these individuals to ensure that it is appropriate for work in your contract. EPA strongly encourages TAG recipients to seek contractors whose hourly rate is at or below about \$76 per hour (before the hourly cost of overhead rates or fringe benefits are added to it), the current rate for an Executive Schedule Level IV/GS-18, published by the U.S. Office of Personnel Management.
- *Verifying that any proposed indirect costs are "allowable" under the definition above.* Some prospective contractors may submit cost estimates that include only hourly rates, while others may submit estimates that include an hourly rate plus "indirect costs." Indirect costs include overhead expenses, such as office rental. These indirect costs may be displayed as one figure in a potential

Conducting a Cost Analysis:

- Determine that direct labor costs are "necessary" and "reasonable."
- Verify that proposed indirect costs, if included, are "allowable."
- Review proposed travel and per diem costs.
- Determine that the proposed rate of profit (if applicable) is acceptable.
- Keep a written record of your cost analysis in your files.

contractor's proposed budget or split into several figures. Usually, this figure is a rate or fraction that is multiplied by the direct labor costs for your project. Contact your EPA project officer/regional TAG coordinator if you have questions about whether these costs are "allowable."

- *Reviewing the proposed travel and per diem (daily food and lodging) costs.* As you examine what potential contractors have proposed, make sure bidders have included only travel that is consistent with your approved TAG work plan and budget and that their proposed costs are at the government rate, as you specified in your solicitation.
- *Determining that the rate of profit sought by the potential contractor is acceptable.* In general, the higher the risk the contractor assumes in performing the work, the higher the profit. TAG technical advisor contractors assume considerably less risk under a "time and materials" contract than under a fixed-price contract (see Step 2 for more information about each type of contract). Most TAG groups use "time and materials" contracts. If a contractor candidate's price includes "profit," this must be shown as a dollar figure, rather than as a percentage of total costs, in their proposed budget. Contact your EPA project officer/regional TAG coordinator if you need help deciding whether the profit proposed by potential contractors is reasonable.

Your TAG group's contractors typically will require little or no equipment, materials, or supplies to perform the tasks your require. You should examine the cost of any such items proposed by potential contractors carefully to ensure that they are "necessary" and "reasonable."

Proposed Subcontract Costs

If someone bidding on your technical advisor contract proposes to hire another contractor to assist him or her with your project, this cost should be shown clearly in a separate subcontract costs category. For contracts

valued at \$25,000 or more, individuals or organizations proposed as subcontractors to your technical advisor must not be on the Excluded Parties List System. Any potential contractor submitting a proposal or bid to you that includes subcontract costs must: 1) verify that the Excluded Parties List System has been checked and the proposed subcontractor is not on it; 2) obtain certification from the proposed subcontractor that he or she is not on the Excluded Parties List System; or 3) include a clause or condition in his or her subcontract requiring verification that the subcontractor is not on the Excluded Parties List System.

Be sure to keep a detailed written record of your cost analysis on file for your own reference and for audit purposes.

Noncompetitive Procurement

If there was only one adequate bidder in response to your solicitation, contact your EPA project officer/regional TAG coordinator to discuss it. (See Noncompetitive Contracts, under Step 2.) **You must get the written approval of the EPA Award Official before moving forward.** Once you have received EPA's written approval, contact and discuss with the potential contractor the particular services you need. If the contract will cost more than \$1,000, conduct a cost analysis to be sure that all costs are allowable under the TAG. Keep in your files a copy of the written proposal or quote submitted. You may need to negotiate with him or her to obtain terms and conditions that meet your needs and TAG requirements. Use the independent estimate you developed in Step 2 to help you evaluate proposed costs.

Make Your Selection

Your evaluation and cost analyses of all proposals or bids should point to one or more candidates that appear to be best able to meet your needs at an acceptable cost. Within this "short list," however, you may have questions about one or more proposals that need to be answered before you can make a final selection. You may seek clarifications from these candidates and negotiate a "best

and final” cost estimate. You must inform all candidates on your “short list” of the result of these negotiations and provide them with an equal opportunity to revise their proposals, if needed, based on the clarified information shared with any candidate. The identity of other applicants and information from their proposals (including cost) must be kept confidential during the proposal review and selection process.

When you are satisfied, select the best qualified candidate based on the proposal and/or bid that best meets your established criteria and the requirements of the TAG program. If the successful candidate did not submit the lowest cost bid, you also must prepare and keep in your files a written justification for the selection, explaining why you chose this particular candidate and why his or her proposed costs are reasonable and “allowable.” Before you make your selection, verify that the candidate you want to select is not on the [Excluded Parties List System](#) to be certain that your first choice is eligible to receive federal funding.

Document Your Process

As in all steps of the procurement process, it is very important that you keep a written record of the process you used to evaluate proposals and select a contractor. This includes keeping in your files:

- a copy of any ads or solicitations used for the procurement;
- records showing the sources from which you sought proposals or bids (where ads were placed and any organizations contacted);
- a copy of all proposals or bids received;
- a written record of the cost analyses you did;
- a written record of the reasons for your rejection of any proposals; and
- a record of any issues or questions negotiated and results of the negotiations.

Step 6: Prepare and Award the Contract

The contract is a legal agreement between your group and its contractor. It also is a tool you will use to monitor your contractor’s work. There is a sample contract at the end of this section (Sample 3) that you can modify to meet your needs.

Prepare the contract

All contracts with technical advisors or other contractors must include, at a minimum:

- A detailed statement of work, including a description of the nature, scope, and extent of work to be done and the specific tasks to be done to accomplish this work.
- The schedule for work and due dates for delivery of specific work products (for example, update reports, comments on documents, etc.).
- The total maximum cost of the contract (which cannot exceed the amount for technical advisor work in your approved TAG budget and/or grant agreement).
- Payment provisions.

Step 6:

- Prepare the contract.
- Verify that potential awardee is not on Excluded Parties List system.
- Give EPA an opportunity to review the draft contract.
- Award the contract.
- Document the process in your files.

- Requirements for subcontractors, if appropriate.
- Certain required contract clauses (see Section V. *General Clauses*, in the sample contract at the end of this section).

In addition, all contracts should include:

- The beginning and ending dates of the contract period.
- An “option to renew” clause.
- Billing package requirements (see Table C).
- A statement specifying that your contractor should bill you on a quarterly basis (or monthly if costs are greater than \$500) for costs incurred for services authorized by the contract, and that the contractor will be reimbursed (i.e., will be paid only after you receive EPA’s reimbursement).
- A requirement that any subcontract issued must include the general clauses in the main contract (see Section V. *General Clauses*, in the sample contract at the end of this chapter).
- Signatures of the parties agreeing to the contract and the date signed.

Make sure that the length of the contract with your technical advisor coincides with the funding period for your TAG. (Your group’s budget or funding period is shown on your TAG award agreement.) To ensure that you can continue the work covered in your solicitation if your group gets funding for additional periods, you may want to include a clause in the contract that gives you the option to renew the contract (see Section 4.3). If renewing or adding funds to the contract would put it into a different competition-requirement level or would add tasks that were not included in the original solicitation, your group will need to conduct a new competition for the additional funds and/or tasks, and will not be able to automatically add them to an existing contract.

Table C: Contractor Invoice Requirements

It is important that you specify what your technical advisor must provide each time he or she sends you a bill. This includes:

- An invoice that indicates:
 - The period covered by the invoice.
 - The number of hours spent.
 - A breakdown of the hourly rate.
 - A breakdown of expenditures (such as travel costs) for the billing period.
 - Copies of all receipts for expenditures.
- Monthly progress reports that indicate:
 - The tasks accomplished.
 - The number of hours associated with each task.
 - Any problems encountered.

These materials from your technical advisor are an important tool for managing your TAG. Since TAGs are reimbursement grants, your technical advisor must bill you for completed work before EPA can reimburse your group with the money necessary to pay them.

Proposed Subcontractors

Make sure it is clear that individuals or organizations that will serve as subcontractors to your technical advisor also comply with provisions of the TAG regulations, as specified in your solicitation.

For contracts of \$25,000 or more, verify that potential awardee is not listed on the Excluded Parties List System

Before awarding any contract at \$25,000 or more, you must check the [Excluded Parties List System](#) to verify that the potential contractor you have selected is not on this list; or obtain written certification from the potential contractor that he or she is not on the Excluded Parties List System. Your contract also must require that any subcontracts awarded by your contractor must include a provision verifying that any subcontractors are not listed on the Excluded Parties List System.

Give EPA the opportunity to review your selection process and the draft contract

EPA has the option to review, but does not formally approve draft contracts. **Before awarding any contract valued at over \$1,000, you must provide EPA with the opportunity to review the draft contract.**

Remember: If your contract does not meet federal requirements, your group will not be able to be reimbursed for the items or services covered by the contract.

The purpose of this review is to ensure that your group will get the full benefit of the contractor's expertise and that the contract you enter into is in compliance with all applicable federal regulations. While EPA's review is not to approve the contract, but most EPA regions will alert you when required clauses are not included or if the draft contract includes language that does not comply with federal regulations. Talk with your EPA project officer/regional TAG coordinator to negotiate a reasonable time frame for EPA's review of your draft contract. If EPA does not want to review the draft contract or has no comments on it, your EPA project officer/regional TAG coordinator will let you know. If you have not heard from EPA, contact your EPA project officer/regional TAG coordinator to inquire about the status of the review.

Award the Contract

Notify the successful contractor of his or her selection and arrange for the final contract to be signed by both the contractor and the authorized representative of your group.

As soon as you notify the successful candidate, you also must notify all unsuccessful candidates that the contract has been awarded. **It is also very important to send a copy of the signed contract to EPA.** Some EPA regions will not approve reimbursements if they have not received a copy of the contract.

Document the process

Keep a written record in your file showing that you verified that the potential awardee is not on the Excluded Parties List System, that you provided EPA an opportunity to review the contract, and if and how you addressed any EPA comments on the draft contract. Also, keep a copy of the signed contract in your files for use in documenting the final transaction.

4.3 After Award: Changing, Renewing, or Terminating a Contract

Changing a Contract

If, after work is underway, it appears likely that costs will exceed the ceiling in a contract you have awarded, or if there is a **minor change** in the scope of work covered in the original solicitation, you

and your contractor must negotiate an amendment to the contract. If funds are added, you must conduct a cost analysis (as described in Step 5). You must alert your EPA project officer/regional TAG coordinator if a contract amendment involves \$1,000 or more, and you must allow EPA the opportunity to review the revised contract before it is signed.

You are not allowed to enter into any contract that will exceed your approved TAG budget for any specific object class category (such as, “contractual”) for the funding period or that calls for any work not included in the approved TAG work plan and/or award agreement. If funding an amendment to a contract will require you to move funds from one object class category to another object class category, you must submit a request in writing to EPA and get EPA’s written approval *before* proceeding. If issuing an amendment will cause you to exceed your budget by 10 percent or more for the funding period, or if it involves a significant change in your approved work plan, you must obtain an amendment for your TAG agreement *before* EPA will agree to cover the additional costs. Contact your EPA project officer/regional TAG coordinator for instructions on obtaining a TAG amendment.

When changing or renewing a contract, remember:

Your group must conduct a new procurement competition when additional funds and/or tasks are added to a contractor’s statement of work. You cannot automatically add new tasks to an existing contract *if*:

- increasing the contract amount would put it into a different competition requirement level than was originally followed (see Table B), or
- the new tasks added were not included in the original solicitation.

Renewing a Contract

To ensure that you have funds available to pay your contractor, award contracts only for the length of the funding period in your TAG. Since your group may want to continue working with a particular contractor (for example, the technical advisor who already is familiar with your group and the site) if additional funds become available, include an option to renew the contract for additional periods in the original contract with your technical advisor.

Terminating a Contract

Terminating a contract means ending it before its scheduled completion date. Assuming that you have included the required termination clause in the contract, terminations can be “for default” or “for convenience.” In a termination for default, either you or your technical advisor can terminate the contract, in whole or in part, if the other party fails to fulfill obligations under the contract through no fault of the terminating party. You may terminate a contract in whole or in part for your “convenience;” that is, you no longer want the services of the contractor. You may have to pay a penalty to the contractor for termination for convenience. The sample contract at the end of this section includes a termination clause, section V.3. *General Clauses, Termination*. Contact your EPA project officer/regional TAG coordinator for details on the procedures to follow if you want to terminate a contract.

SAMPLE SOLICITATION

The Woodtown Landfill Coalition is soliciting proposals for one or more technical advisors to provide assistance in the review and analysis of cleanup activities done by the U.S. Environmental Protection Agency (EPA) at the Woodtown Landfill Superfund site. Members of the Coalition include approximately 105 affected individuals in the Smithtown-Woodtown areas of Litchfield County, Connecticut.

Those wishing to be considered should submit a proposal that includes a general description of the candidates' approach for doing the work described in the following statement of work, a resume, a detailed cost estimate, and the other required information cited below.

NOTE: This contract will be subject to the grant requirements of federal regulations, including 40 CFR Part 30 and 40 CFR Part 35 Subpart M, and of the Woodtown Landfill Coalition's EPA Technical Assistance Grant agreement.

Statement of Work

Purpose

Through this contract, the Woodtown Landfill Coalition will procure the services of a technical advisor to provide assistance that will ensure that coalition members are thoroughly informed about all aspects of site cleanup activities conducted by the U.S. Environmental Protection Agency (EPA) at the Woodtown Landfill Superfund site and able to participate more effectively in EPA's decision-making process. The technical advisor will assist coalition members in interpreting documents generated throughout the remedial investigation/feasibility study (RI/FS), remedial design (RD), and remedial action (RA) of the Superfund process at the Woodtown Landfill site. These documents will include the RI work plan, sampling plan, quality assurance/quality control plan, RI report, risk assessment, health assessment, draft FS, record of decision, pre-final and final engineering design, and final inspection report. The advisor also will help members review site data and data-gathering techniques.

The coalition will use a phased approach in contracting for this work. The three-year contract period for which proposals are now being sought involves work related to the RI/FS only. This contract will include options for continuing work, specified in the "Tasks" section of this solicitation, in future funding periods, if needed.

Tasks

The contract will begin just prior to the start of the remedial investigation (RI) at the site, tentatively expected to begin [insert month and year]. The contractor(s) will be required to perform the following tasks:

1. The contractor shall review technical documents generated during the remedial investigation/feasibility study (RI/FS).
 - A. The contractor will review the RI work plan, sampling plan, and quality assurance and quality control plan. The Coalition wants to ensure that adequate sampling is carried out and gauge the need for testing in areas not included in the RI work plan. No environmental measurements are to be taken by the contractor. Special attention shall be given to how EPA plans to investigate the migration of contamination from the Woodtown Landfill site into the Rolling River.
 - B. Upon completion of the RI report, the contractor shall help the Coalition review the results. The contractor also shall review the risk assessment (when available).
 - C. The contractor shall analyze the health assessment thoroughly to ensure that public health is being considered adequately and will prepare a summary report on the potential health risks posed by the site and how EPA proposes to address these risks.

D. The contractor shall complete a detailed analysis of the proposed cleanup options in the feasibility study and brief the Coalition on its contents. Additionally, the contractor will prepare a written report to aid the Coalition's preparation of public comments. This report will provide the contractor's recommendations regarding the proposed cleanup measures.

2. The contractor shall attend RI/FIS meetings.

A. The contractor shall attend a meeting scheduled for the start of the RI in Woodtown, Connecticut, between EPA staff and residents. In preparation for this meeting, the contractor shall prepare questions and review Coalition questions to be asked of EPA regarding sampling plans, particularly in regard to the Rolling River.

B. The contractor shall attend the public meeting to be held in Woodtown during the public comment period. The contractor's primary responsibility during this meeting will be to serve as a resource to the Coalition's spokespersons, interpreting technical information and asking clarifying questions.

3. The contractor shall prepare summary memos and reports, as needed, to convey the results of his/her reviews and analyses to the Coalition's leadership.

A. After review of the RI work plan, sampling plan, and quality assurance and quality control plan, the contractor shall prepare a report detailing the results of his/her review.

B. The contractor shall prepare reports on the RI report, the risk assessment, and an overall RI evaluation report.

C. The contractor shall prepare a report on the results of his/her analysis of the health assessment.

D. The contractor shall prepare a written report of his/her analysis of the proposed remedies in the feasibility study to aid the Coalition's preparation of public comments. This report is to include the contractor's recommendations regarding the proposed cleanup measures.

4. The contractor shall review the Coalition's written comments on the feasibility study and suggest changes as needed, prior to submission of the Coalition's comments during the public comment period.

5. The contractor shall make presentations, as needed, to Coalition members and others.

A. The contractor shall brief the Coalition on the results of his/her analysis of the proposed remedies in the draft feasibility study.

Contractor Qualifications

The technical advisor must have verifiable credentials and must provide the coalition with a list of previous clients and information on any past, current, or anticipated business or financial relationships with any potentially responsible party (PRP) at the site, its parent companies, subsidiaries, affiliates, subcontractors, and current clients. The successful candidate will have:

1. A demonstrated knowledge of hazardous or toxic waste issues.

2. Academic training in a relevant field including toxicology, environmental engineering and/or geology.

3. No debarment or suspension as a federal contractor. The Woodtown Landfill Coalition will not award a contract to any bidder who is on the U.S. General Service Administration's [Excluded Parties List System](#) which identifies parties debarred, suspended, or otherwise excluded from receiving federal contracts or certain subcontracts and from certain types of federal financial and nonfinancial assistance and benefits.

4. A demonstrated compliance or willingness to comply with civil rights and equal opportunity laws, and other related statutory requirements outlined in the *Code of Federal Regulations*, 40 CFR part

30, which contains EPA's general grant regulations for nonprofit organizations, and 40 CFR Part 33.301, et seq., which includes making good faith efforts to procure goods and services from disadvantaged business enterprises.

5. Demonstrated ability, including writing and presentation skills, to translate technical information into terms that the Woodtown Coalition members can understand.
6. Experience working on hazardous or toxic waste problems and communicating those problems and issues to clients who do not possess extensive technical backgrounds.
7. Adequate financial resources and accounting procedures in place to manage the tasks required and account for expenditures.

Any proposed subcontractors must have the expertise to perform the tasks assigned and meet condition described in items 3 (no debarment or suspension as a federal contractor) and 4 (a demonstrated compliance or willingness to comply with civil rights and equal opportunity laws, and other related statutory requirements) above.

Total Projected Hours

A total of approximately 225 hours of work is estimated for the technical advisor during the RI/FS phase of site cleanup; the distribution of these hours over the three-year contract period is dependent upon the pace at which RI/FS activities proceed.

Cost and Pricing Data Required

Proposers may submit their cost estimates in any format as long as estimated direct labor costs, estimated indirect costs, any proposed subcontract costs, proposed travel costs, and proposed profit are clearly identified.

When proposing travel, including per diem (lodging and food) costs, proposers should bear in mind that this contract is supported by a federal grant. As a result, the coalition will only pay for a contractor's hotel and meal costs when anticipated trips require an overnight stay. Furthermore, the coalition will only pay the contractor for meals and lodging at the rate the government pays its own employees, which is called the government per diem rate. Information about these rates is available at http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=17943.

Selection Criteria

Each proposal received will be evaluated on the following criteria, which are weighted based on the Coalition's priorities:

- | | |
|-----|--|
| 20% | Past relevant experience. |
| 10% | Knowledge of EPA procedures and reporting requirements. |
| 20% | Price. |
| 25% | Relevant expertise (i.e., health sciences, engineering), both academic and demonstrated. |
| 25% | Ability to provide written and oral translations of technical documents and data in terms understandable to lay persons. |

The Coalition will evaluate proposals by assigning a score (on a scale of 1 to 5) to each criterion. The weighted scores will be added for a total score. The highest possible total score is 500. The goal of the selection criteria is to obtain the best proposal at a reasonable cost.

Conflicts of Interest

Woodtown Landfill Coalition must prevent organizational conflicts of interest, or the appearance of such conflicts, in this procurement. As a result, all those submitting a proposal must include:

- Information on his/her financial and business relationships with PRPs at the Woodtown Landfill Superfund site, their companies, subsidiaries, affiliates, subcontractors, current clients, and attorneys and agents; or
- Certification that, to the best of his/her knowledge and belief, he/she has disclosed such information or that no such information exists; or
- A statement that he/she will disclose immediately any such information discovered after submission of his/her proposal or after the contract award.
- A statement that he/she, or the company, does not work for the federal or state government or any other entity involved at the Woodtown Landfill Superfund site.

Contract Renewal Option

The coalition has the option to renew the contract for additional periods, if needed, for activities included in this solicitation as long as cumulative costs do not move the contract into a different competition requirement level (see Table B). Contract renewal will be based on satisfaction with the technical advisor's previous performance and availability of funds.

Contract Award

One time-and-materials contract will be awarded to the most qualified applicant within a competitive price range. The Coalition will negotiate to obtain the best final offer. Candidates will be informed of the Coalition's decision to reject or accept a proposal.

Deadline for Submission of Proposals

The deadline for submitting proposals to the coalition is 5 p.m., July 10, 2005. Qualified firms or individuals are encouraged to respond to this solicitation.

All submissions should be sent to:

Pat Jones, Executive Director
Woodtown Landfill Coalition
Main Street
Woodtown, CT 06798

Sample Contract

This contract is entered into this 20th day of July 2006, by and between the Woodtown Landfill Coalition and **[insert complete name of contractor]** of **[Business Address]** (hereafter referred to as “contractor”).

I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

A. Purpose:

The Woodtown Landfill Coalition is entering into this contract with **[contractor]**, who will provide the services of technical advisor and assist in the review and analysis of remedial activities at the Woodtown Landfill Superfund site. Members of the Coalition include approximately 105 citizens in the Smithtown-Woodtown areas of Litchfield County, Connecticut. The technical advisor will assist Coalition members in interpreting documents generated throughout the Superfund process at the Woodtown Landfill site. The advisor also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that Coalition members are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in U.S. Environmental Protection Agency’s (EPA) decisionmaking process. The Coalition has received a Technical Assistance Grant from the EPA and will use the Federal grant funds to pay all or some of the allowable costs of this contract. This contract is subject to requirements prescribed in the EPA regulations at 40 CFR part 30 and part 35, subpart M.

B. Contractual Period and General Statement of Duties:

This contract will cover an initial [insert length of time for this contract] period. This contract may be renewed, at the option of the Woodtown Landfill Coalition, after the initial contract period for additional contract periods, but it is not to exceed ten years. If the Woodtown Landfill Coalition desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 90 days prior to the expiration of the present term.

The contractor will perform the following tasks, beginning just prior to the start of the _____’s [in preceding blank, identify the lead agency or PRP] _____ [in preceding blank, insert broad description of response: e.g., “remedial investigation/feasibility study (RI/FS)”] at the Woodtown Landfill Superfund site:

1. Review technical documents generated during the RI. These documents will include the RI work plan, sampling plan, quality assurance/quality control plan, RI report, and risk assessment.
2. Attend EPA’s RI kickoff meeting.
3. Prepare summary memoranda and reports to the Coalition.
4. Prepare questions and review Coalition comments/questions for the public meeting on the RI kickoff.
5. Make presentations to Coalition members and others.

C. Specific Contractor Tasks: *[Note: Some TAG coordinators believe it is best for the contract to spell out in considerable detail all the tasks the contractor will be asked to perform (as shown below); another option is to have a short, broad statement of work describing the types of tasks the Coalition may issue.]*

Remediation Investigation:

Time allocation: 134 hours, including one trip

- a. The contractor's first task will be to review the RI work plan, sampling plan, and quality assurance and quality control plan. The Coalition wants to ensure that adequate sampling is carried out and gauge the need for testing in areas not included in the RI work plan. No environmental measurements are to be taken by the contractor. Special attention shall be given to how EPA plans to investigate the migration of contamination from the Woodtown Landfill site into the Rolling River. From the evaluation, the contractor shall prepare a memorandum for the Coalition's leadership so that this information can be relayed to the membership via the newsletter. EPA will place the memorandum and newsletter in the information repository for the site.
- b. The contractor shall attend a proposed meeting scheduled for the start of the RI in Woodtown, Connecticut, between EPA staff and residents. The contractor shall prepare questions and review Coalition questions to be asked of EPA regarding sampling plans, particularly in regard to the Rolling River.
- c. Upon completion of the RI report, the contractor shall help the Coalition review the results. The contractor also shall review the risk assessment (when available). The contractor shall prepare memoranda on both these documents as well as an overall RI evaluation report. The contractor shall make the information available to the Coalition membership, via the newsletter, and to EPA, which may place memoranda, reports, and newsletters in the information repository.
- d. The contractor will analyze the health assessment thoroughly to ensure that public health is being considered adequately and will prepare a summary report on the potential health risks posed by the site and how EPA proposes to address these risks. The contractor shall make the information available to the Coalition membership via the newsletter.
- e. The contractor will complete a detailed analysis of the proposed remedies in the draft feasibility study and then brief the Coalition on its contents. Additionally, the contractor will prepare a written report to aid the Coalition's preparation of public comments. This report will provide the contractor's recommendations regarding the proposed cleanup measures. The contractor will attend the public meeting to be held in Woodtown during the public comment period. The contractor's primary responsibility will be to serve as a resource to the Coalition's spokespersons at the meeting, interpreting technical information and asking clarifying questions.

D. Progress Reports:

The contractor shall submit the following reports:

- 1. Progress reports:** The contractor shall submit monthly progress reports to the Woodtown Landfill Coalition. These reports shall be submitted within fifteen (15) days of the end of each calendar month. These reports shall, at a minimum, contain the following information summarizing the activities undertaken to date by the contractor:
 - a. Hours worked, categorized by the Scope of Work tasks;
 - b. Dollars spent by task and total dollars spent for the reporting period;
 - c. A description of activities;
 - d. A copy of any written materials prepared during the reporting period; and
 - e. An identification of any outstanding Coalition concerns about the site that have not been addressed.
- 2. Final Report:** Not more than 30 days after the end of each contract period, the contractor shall submit, for the Coalition's review and approval, a draft final report summarizing and evaluating the

effectiveness of all of the contractor's activities. Within 15 days after receiving any comments from the Coalition, the contractor shall submit a final report containing any necessary revisions.

E. Technical Direction and Acceptance:

Pat Jones, Executive Director, is the Coalition's manager for this contract. She is the only Coalition official authorized to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The Coalition shall not be liable for costs the contractor incurs at the direction of any other person.

II. COSTS

A. The Woodtown Landfill Coalition shall compensate the contractor for the services outlined in this contract at a rate of seventy-six dollars per labor hour (**\$76.00** per labor hour), which shall include overhead, general and administrative costs, and any profit.

B. Reimbursement for Other Direct Costs, not to exceed six hundred and forty dollars (\$640.00), shall be at the following rates:

- | | |
|---|--|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | up to \$100 per day (charged at the government rate) |
| 8. Other travel expenses | at cost |

Travel rates shall be limited to approved federal reimbursement rates. (These rates can be found in 41 CFR Subtitle F, Chap. 301, "Temporary Duty (TDY) Travel Allowances.")

C. Maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

Seventeen Thousand Dollars (amount in words)

\$17,000.00 (amount in numbers)

III. INVOICE AND PAYMENT PROCEDURES

A. Standard Invoice System:

The contractor may submit quarterly invoices for costs totaling less than \$500 and monthly invoices if costs incurred during the month exceed \$500. Each invoice, accompanied by corresponding time sheets, shall be submitted to the Coalition project manager. Time sheets must indicate the hours charged and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rates and total cost, tasks performed and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. If the submitted invoice is complete and accurate, the Coalition shall promptly submit it to EPA and will pay the contractor promptly after the Coalition receives reimbursement from EPA.

B. Final Invoice

The Woodtown Landfill Coalition retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

IV. GENERAL CLAUSES

1. Contract breach remedy procedures

The Coalition shall promptly notify the contractor in writing of any breach of the material terms of this contract. The written notice shall specify the date by which the breach must be corrected, and the remedial actions (including stopping payment of questioned costs, termination for default) the Coalition may take if the breach is not corrected.

2. Termination

(a) *Default termination.* This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract provided that no default termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

(b) *Termination for convenience.* This contract may be terminated in whole or in part, in writing, by the Coalition for its convenience. The Coalition shall make every effort to give the contractor at least ten calendar days written notice before a termination for convenience becomes effective.

(c) If the Coalition terminates this contract for convenience, the termination settlement may include an equitable price adjustment (for costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination), except that no amount shall be allowed for anticipated profit on unperformed services or other work. If the Coalition terminates this contract for default, the Coalition may withhold amounts needed to pay any costs resulting from the Contractor's default.

(d) Upon receipt of a termination notice under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the Coalition all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

3. Remedies

The parties shall make a good faith effort to promptly resolve any dispute over payment or performance that may arise. If a settlement cannot be achieved, the parties may agree to submit the dispute to a mediator or to binding arbitration, or seek redress in a court of competent jurisdiction.

4. Audit - Access to Records

The contractor shall maintain books, records, documents, and other evidence directly pertinent to its performance of EPA funded work under this contract. If the value of this contract exceeds \$100,000, the U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the Woodtown Landfill Coalition, and (the state) or any of their authorized representatives shall have access, during normal business hours, to all such records for the purposes of inspection, audit, and copying. The contractor will provide proper facilities for such access and inspection, and agrees to disclose all information and records to any of the agencies referred to in this paragraph. The right of access described in this paragraph shall remain in effect for as long as the contractor maintains records and at a reasonable time for as long as the records are maintained.

5. Responsibility of the Contractor

The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

6. Disclosure and Certification Regarding Lobbying

Within 30 days after the contractor's invoices total an amount which equals or exceeds \$100,000, the contractor shall sign and date, and submit to the Coalition the following certification:

LOBBYING CERTIFICATION

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Date: _____
_____ Print Name and Title

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. If required (see, paragraph (2) of the Lobbying Certification), the contractor shall submit to the Coalition a completed Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities." The form is reprinted at 40 CFR Part 34, Appendix B, and can be downloaded from <http://www.whitehouse.gov/omb/grants/sflllin.pdf>

7. Final Payment

Before paying the contractor's final invoice or the amount agreed upon as a termination settlement, the contractor shall sign a release acceptable to the Coalition. The contractor may specify that the release does not apply to claims currently pending or arising after the date of the release. With the exception of any such claims, the contractor's release must state that after the Coalition pays the final invoice, the contractor will demand no additional payment from the Coalition for work performed or costs incurred under this contract.

8. Organizational Conflict of Interest

An organizational conflict of interest exists whenever other business relationships might impair the contractor's objectivity in performing work for the Coalition.

(a) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

(b) Prior to the commencement of any work, the contractor shall notify the Coalition that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or shall identify any actual, apparent, or potential organizational conflict of interest.

(c) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the Woodtown Landfill Coalition. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the Woodtown Landfill Coalition to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the Woodtown Landfill Coalition of any contrary action to be taken.

(d) If the contractor was aware, or should have been aware, of a potential organizational conflict after award and did not disclose or misrepresented relevant information to the Woodtown Landfill Coalition, the Woodtown Landfill Coalition may terminate this Agreement for default or pursue such other remedies as may be permitted by law.

9. Personal Conflict of Interest

(a) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

(b) The contractor agrees to immediately notify the Coalition of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

(c) The contractor agrees to notify the Coalition prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the Woodtown Landfill Coalition of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the Woodtown Landfill Coalition of the appropriate action to be taken.

(d) The contractor agrees to insert into each subcontract or consulting agreement conflict of interest provisions which conform substantially to sections 6 and 7 of this contract.

10. Independent Contractor

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the Woodtown Landfill Coalition within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workman's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the Woodtown Landfill Coalition employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Em-

ployee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the Woodtown Landfill Coalition harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels or other activities connected with this Agreement.

11. Ineligible Activities Prohibited

Nothing in the Statement of Work shall be construed to include activities prohibited by 40 CFR § 35.4075. The services to be provided by the contractor under this contract shall not include any of the following activities:

1. Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.
2. Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.
3. Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.
4. Generation of new primary data such as well drilling and testing, including split sampling; and generation of new health data through biomedical testing (for example, blood or urine testing), clinical evaluations, health studies, surveillance, registries, and/or public health interventions.

12. Preparation and Distribution of Informational Materials

The contractor shall disclose or release informational materials about the site only after the Coalition reviews and approves the materials.

13. Record Retention

The contractor must maintain records of the costs and hours billed to this contract. The contractor must also preserve at least one copy of all documents (whether hard copy or electronic) related to the work performed and deliverables provided under this contract. When the contract expires or is terminated, the contractor must:

- (a) retain these records and documents for a period of ten years; or
- (b) deliver these records and documents to the Coalition.

14. Non-discrimination

The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract, and may result in the termination of this contract or other legally available remedies.

_____	_____	_____	_____
Contractor	Date	Pat Jones, Woodtown Landfill Coalition	Date

4.4 Checklist: Procurement

For purchases or contracts of \$1,000 or less

- Develop a statement of work (see pages 4-3 to 4-6).
- Identify potential contractors, making a good faith effort to utilize disadvantaged business enterprises (see pages 4-12 to 4-14).
- Comparison Shop—Obtain prices from two or more potential sources to make sure that the proposed cost is “reasonable” (see pages 4-14 to 4-15).
- Verify that no conflicts of interest exist (see pages 4-2 to 4-3).
- Check to be sure any potential contractors are not on the U.S. General Services Administration’s Excluded Parties List System (see page 4-1).
- Negotiate with potential contractors or sources, if you wish, and select the best one.
- Keep in your files a list of the prices found at various sources to demonstrate that the price you are paying is reasonable and the reasons for your final choice of a particular contractor.

For purchases or contracts over \$1,000 but less than \$25,000

- Develop a statement of work (see pages 4-3 to 4-6).
- Estimate the value of the work to be done (see page 4-7).
- Prepare a solicitation (see pages 4-9 to 4-10 and 4-20 to 4-23).
- Identify potential sources of contractors, making a good faith effort to utilize disadvantaged business enterprises (see pages 4-11 to 4-13).
- Publicize your need for a contractor; make solicitation available to all requesters (see pages 4-11 to 4-13)
- Obtain *written or oral* proposals from two or more qualified potential contractors (see page 4-8).
NOTE: If you accept oral proposals, keep a record of the date, the name of the contact and the contact telephone number, and the oral bid in your files.
- Evaluate all proposals (see pages 4-13 to 4-16).
- Ensure that any proposed subcontract costs are appropriate (see page 4-15)
- Prepare the contract (see pages 4-16 to 4-17 and 4-24 to 4-30).
- Provide EPA an opportunity to review your selection process and the contract (see page 4-18), make any changes required to ensure that the contract meets Federal requirements.
- Award and sign the contract (see page 4-18).
- Notify all unsuccessful bidders of the contract award (see page 4-18).
- Send a copy of the signed contract to EPA (see page 4-18).
- Document in your files the process you followed and the reasons for your final selection, and keep a copy of the signed contract (see page 4-18).

For purchases or contracts over \$25,000 but less than \$100,000:

- Develop a statement of work (see pages 4-3 to 4-6).
- Estimate the value of the work to be done (see page 4-7).

- Prepare a solicitation (see pages 4-9 to 4-10 and 4-20 to 4-23).
- Identify potential sources of contractors, making a good-faith effort to utilize disadvantaged business enterprises (see pages 4-11 to 4-13).
- Publicize your need for a contractor; make solicitation available to all requesters (see pages 4-11 to 4-13).
- Obtain *written* proposals from three or more qualified potential contractors (see page 4-8).
- Evaluate all proposals (see pages 4-13 to 4-16) .
- Ensure that any proposed subcontract costs are appropriate (see page 4-15).
- Check to be sure potential contractors and any subcontractors are not on the U.S. General Services Administration's Excluded Parties List System (see page 4-15).
- Prepare the contract (see pages 4-16 to 4-17 and 4-24 to 4-30).
- Provide EPA an opportunity to review the draft contract (see page 4-18), make any changes required to ensure that the contract meets federal requirements.
- Sign the contract (see page 4-18).
- Send a copy of the signed contract to EPA (see page 4-18).
- Document in your files the process you followed and the reasons for your final selection, and keep a copy of the signed contract (see page 4-18).

For purchases or contracts of \$100,000 or more:

- Establish written procurement procedures (see 40 CFR part 30, section 30.44) (see pages 4-3 to 4-6).
- Develop a statement of work (see pages 4-3 to 4-6).
- Estimate the value of the work to be done (see page 4-7).
- Prepare a solicitation (see pages 4-10 to 4-11 and 4-21 to 4-24, and see 40 CFR part 30, section 30.44a[3]).
- Identify potential sources of contractors, making a good-faith effort to utilize disadvantaged business enterprises (see pages 4-12 to 4-14).
- Publicize your need for a contractor; make solicitation available to all requesters (see pages 4-12 to 4-14, and see 40 CFR part 30, section 30.43).
- Obtain *written* proposals from three or more qualified potential contractors.
- Evaluate all proposals (see pages 4-14 to 4-17 and see 40 CFR part 30, section 30.44a[2]).
- Ensure that any proposed subcontract costs are appropriate (see page 4-16 and see 40 CFR part 30, section 30.5).
- Check to be sure potential contractors and any subcontractors are not on the U.S. General Services Administration's Excluded Parties List System (see page 4-16 and see 40 CFR part 30, section 30.13).
- Prepare the contract (see pages 4-17 to 4-18 and 4-25 to 4-32, and see 40 CFR part 30, section 30.48).
- Provide EPA an opportunity to review the draft contract (see page 4-19 and see 40 CFR part 30, section 40.44e), make any changes required to ensure that the contract meets Federal requirements.
- Sign the contract.

- Send a copy of the signed contract to EPA (see page 4-18).
- Document in your files the process you followed and the reasons for your final selection, and keep a copy of the signed contract (see page 4-18 and see 40 CFR part 30, section 30.46).

IF, AFTER FOLLOWING THE APPROPRIATE COMPETITIVE PROCEDURES DESCRIBED ABOVE, ONLY ONE ADEQUATE BID IS RECEIVED:

- Contact your EPA project officer/regional TAG coordinator to discuss the possibility of using a noncompetitive selection method (see page 4-9).
- If your EPA project officer/regional TAG coordinator agrees that noncompetitive procurement is appropriate, prepare and submit to your EPA Regional Office a letter documenting how your group tried to get the bids from a number of sources, and how your group determined that there was only one qualified bidder (see page 4-9).
- Obtain written authority from the EPA Award Official before moving forward; keep this written authorization in your files (see page 4-9).
- Discuss with the candidate any potential conflicts of interest (see page 4-2).
- Check to be sure potential contractors or any subcontractors are not on the U.S. General Services Administration's Excluded Parties List System (see page 4-1).
- Ensure that any proposed subcontract costs are appropriate (see page 4-15).
- Negotiate with the candidate as necessary (See page 4-15).
- Analyze proposed costs to determine whether they are "allowable" (see pages 4-14 to 4-16); keep documentation of this analysis in your files.
- Prepare the contract (see pages 4-16 to 4-17 and pages 4-24 to 4-30).
- Provide EPA an opportunity to review the draft contract (see page 4-18), make any changes required to ensure that the contract meets Federal requirements.
- Sign the contract (see page 4-18).
- Send a copy of the signed contract to EPA (see page 4-18).
- Document the process you followed and the reasons for your final selection. Keep this documentation and a copy of the signed contract, in your files, along with the written authorization from EPA for noncompetitive procurement (see page 4-18).