

**SCIENTIFIC, ENGINEERING, RESPONSE & ANALYTICAL SERVICES  
(SERAS) CONTRACT**

**QUESTIONS & ANSWERS**

**Q1.) Under the Award Term, the RFI Proposed Pricing Structure states, “A cost plus fixed fee shall be provided for the three (3) year base period.” What are the terms for the two (2) year award periods?**

A1.) The terms for the two (2) year award periods will be based on the contractor’s satisfactory performance, which will allow the Government to award the additional terms. The RFP clauses will address all award term(s) procedures.

**Q2.) As indicated in the Proposed Pricing Structure description, we understand that the proposed cost plus fixed fee assignment will be issued “each” contract year during the base period of the contract. It is our understanding that the selected offeror will propose a base rate for the first year and a rate escalation percentage for each subsequent year during the three (3) year base period. Can you confirm if this is a correct assumption?**

A2.) The selected contractor will propose a base rate for the first year and a rate escalation percentage for each subsequent year during the three (3) year base period. This will be addressed in the RFP, under section L, “Instructions to Offerors.”

**Q3.) Will the selected offeror be permitted to provide rate escalators for each subsequent 2-year contract award period?**

A3.) Yes, the contractor will provide rate escalators for each subsequent 2-year contract award period.

**Q4.) Under the General Requirements, the PWS states, “The contractor shall maintain and operate an internal multi-node Local Access Network (LAN) for contractor use only in support of the internal operations of the SERAS contract.” Will the government provide the LAN system?**

A4.) The LAN system should be provided by the contractor.

**Q5.) Under the Tasks Safety & Quality Assurance Function - Quality Assurance/Quality Control, is data validation included in this section?**

A5.) Yes, data validation will be included under the Safety and Quality Assurance Function, QA/QC portion of the PWS.

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**Q6.) Can EPA provide the OCI clauses associated with the current (REAC) contract?**

A6.) OCI clauses will be provided under the new SERAS Request for Proposal.

**Q7.) Does the SERAS contract pose OCI requirement on contractors (or subcontractors) who are currently providing support to EPA on the ERRS contracts for various EPA Regions?**

A7.) Contractor technical support is required to support ERT by maintaining a 24-hour response capability for national and international releases of oil and hazardous materials and uncontrolled hazardous waste sites. The contractor that provides such support must be free from actual or potential organizational conflicts of interest in order to ensure the appropriate cleanup strategies are recommended. It is the Agency's position that ERRS contractors should be precluded from consideration for award. Furthermore, offerors that work directly for ERRS contractors shall be required to identify the projects they are working on and, if appropriate, demonstrate how they will avoid, neutralize, or mitigate a potential conflict of interest.

**Q8.) Will all the technical and support contractor staff for the SERAS contract have to be located on-site at the four EPA project locations (Edison, NJ, Cincinnati, OH /Erlanger, KY, Research Triangle Park, NC, and Las Vegas, NV)?**

A8.) No staffing will be required at the Cincinnati/Erlanger facilities. The contractor should propose their staffing plans at the time of bid; additional guidance will be provided for what our anticipated needs will be at each facility. EPA is anticipating that some of the staff can be corporate reach back.

**Q9.) How many key personnel are required?**

A9.) This will be addressed in the RFP.

**Q10.) Where does the Program Manager have to be located?**

A10.) See section C "Locations" of the PWS.

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**Q11.) Can estimated percentages of the total hours for the contract allocated to each of the SOW task areas be provided?**

A11.) No, this is a performance work statement and the offeror will have the opportunity to propose a labor mix that will meet the PWS.

**Q12.) Even though there is no indication to the contrary in the RFI, we assume that EPA will go through the normal process of issuing a formal Sources Sought Announcement to the small business community requesting input regarding their technical qualifications to perform the SERAS PWS. However, the NAICS code assigned to SERAS, 541620, Environmental Consulting Services, is one of three NAICS codes that could be utilized for SERAS. The other two are 562910 (Environmental Remediation Services) or 561210 (Facilities Support Services).**

**It would be appropriate to select 541620, if the work being performed was actually consulting work. If the criteria used to select 541620 were based on the fact that advice, assistance, evaluations and assessments performed by a multi-disciplined staff of scientists and engineers represented 50% of the total cost of the contract, then one could assign 541620 to almost every EPA acquisition. SERAS is recognized across the contracting community as a field remediation and emergency response contract. We believe that a closer review of the real work to be performed under SERAS, considered in the context of the entire set of OSWER field contracts being performed right now, supports this conclusion. Our review of the EPA Active Contracts List established the fact that 100% of OSWER contracts (in every EPA Region and HQs) that provide emergency response (START), environmental remediation (RAC), emergency and rapid response (ERRS) and oversight (ROC) services utilize the 562910 NAICS code, not environmental consulting.**

**The definition of NAICS code 562910, Environmental Remediation Services follows: For purposes of classifying a Government procurement as Environmental Remediation Services, the general purpose of the procurement must be to restore or directly support the restoration of a contaminated environment. This includes activities such as preliminary assessment, site inspection, testing, remedial investigation, feasibility studies, remedial design, remediation services, containment, and removal of contaminated materials or security and site closeouts. The general purpose of the procurement need not necessarily include remedial actions. Also, the procurement must be composed of activities in three or more separate industries with separate NAICS codes or, in some instances (*e.g.*, engineering), smaller sub-components of NAICS codes with separate and distinct size standards. These activities may include, but are not limited to, separate activities in industries such as: Heavy Construction; Special Trade Contractors; Engineering Services; Architectural Services; Management Consulting Services; Hazardous and Other Waster Collection; Remediation**

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**Services; Testing Laboratories; and Research and Development in the Physical, Engineering, and Life Sciences. If any activity in the procurement can be identified with a separate NAICS code, or component of a code with a separate distinct size standard, and that industry accounts for 50 percent or more of the value of the entire procurement, then the proper size standard is the one for that particular industry, and not the Environmental Remediation Service size standard.**

**As an alternative NAICS, 561210, Facilities Support Services presents a better reflection of the work reality than does Environmental Consulting, albeit, not as good a match as Environmental Remediation Services in our opinion.**

**The definition of NAICS code 561210, Facilities Support Services follows: If one or more activities of Facilities Support Services as defined in paragraph (b) (below in this footnote) can be identified with a specific industry and that industry accounts for 50% or more of the value of an entire procurement, then the proper classification of the procurement is that of the specific industry, not Facilities Support Services.**

**"Facilities Support Services" requires the performance of three or more separate activities in the areas of services or specialty trade contractors industries. If services are performed, these service activities must each be in a separate NAICS industry. If the procurement requires the use of specialty trade contractors (plumbing, painting, plastering, carpentry, etc.), all such specialty trade contractors activities are considered a single activity and classified as "Building and Property Specialty Trade Services." Since "Building and Property Specialty Trade Services" is only one activity, two additional activities of separate NAICS industries are required for a procurement to be classified as "Facilities Support Services."**

**Recommendation 1: Issue a formal Sources Sought Announcement under NAICS code, 562910, Environmental Remediation Services, or alternatively NAICS code 561210, Facility Support Services. This approach will permit the largest number of small business firms with real and demonstrated qualifications in the PWS to provide validation of their qualifications via their Sources Sought responses.**

- A12.) In accordance with FAR 19.102.(d): When acquiring a product or service that could be classified in two or more industries with different size standards, contracting officers shall apply the size standard for the industry accounting for the greatest percentage of the contract price.

The ERT was established in 1978 under Section 311 of the Clean Water Act to provide on-site national expert assistance as required by the National Contingency Plan section on Special Forces. Providing technical assistance at long-term

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remedial activities is just one of many services conducted by the ERT and its support contractors. The team is involved in oil spills, hazardous emergencies, potentially hazardous scenarios, detection and analytical method development for biological and chemical agents, and responses to any potential threats to human and/or ecological health. As you can see, the scope of services we provide is extensive and widely varied and much greater than simply site remediation. In reality, the ERT serves as “in-house” consultants to numerous Agency programs and as a result, the contract support is also of a consultative nature. Although we are a field support team, we are called upon in a support role to provide advice and expertise.

The following definition is given in 541620: “...engaged in providing advice and assistance to businesses and other organizations on environmental issues, such as the control of environmental contamination from pollutants, toxic substances, and hazardous materials. These establishments identify problems (e.g., inspect buildings for hazardous materials), measure and evaluate risks, and recommend solutions...”

**Q13.) Given the history of the previous competition for this contract, and the extremely competitive pricing that was a major factor in the award, it is our belief that EPA will not find much interest or get serious competition from the large business contracting community unless a substantive change is made in the contracting approach for the new SERAS contract. The fact that the fundamental approach to contracting outlined in the RFI (and in the PWS elements) remain unchanged from the last competition, sends a strong signal that the government is not interested in making a change from the incumbent. While not provided in the RFI, we can infer that since other fundamentals are unchanged, we may also expect to see a repeat of the requirement to provide 20 key personnel as part of our proposal to the government. We believe these and other factors heavily favor the incumbent contractor. There were only three bidders the last time this contract was bid, and from very recent discussions with the two losing bidders, we believe that they may not spend the money and time to prepare proposals again unless changes are made.**

**One very significant change has occurred since this contract was last awarded; there is a new generation of START contracts (START III) which have been awarded in every EPA region on a fixed unit-rate basis. One reason for this change from the old “gold standard” from, LOE CPFF, was that the old form resulted in higher costs for EPA, during a time of dramatically reduced budgets. We believe it is a much more cost efficient approach for EPA to obtain services because our employees are only required (and paid) when circumstances dictate, as opposed to paying for a large dedicated staff and filling their time with other less critical work between emergency responses or remediation events. If the SERAS team was**

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**the only EPA contract providing emergency response, environmental remediation, risk assessments, laboratory services and training services, then we may have responded differently, but SERAS is one of many contracts addressing some or all of those work elements.**

A13.) The EPA will take this into consideration and solicit the requirement that will provide the best value to the government.

**Q14.) Recommendation: Revise the contract from to a fixed unit-rate, award-term contract, or a combination of fixed unit-rate, award-term contract and LOE CPFF, with a core group of dedicated LOE staff located at Edison, NJ.**

A14.) The contract mechanism and format will be decided according to the needs of our program office and with the input of their highly skilled, technical staff. The decision of the format and mechanism for the award of this contract will take into account “lessons learned” from successful past contracting operations.

**Q15.) Under the Contractor Mode of Transportation for Remote Locations, the RFI requests contractors have access to heavy duty vehicles, not often available quickly through a rental agency. Are these vehicles to be provided to the contractor as Government-owned equipment, or is this equipment to be provided as contractor supplied equipment? If the latter, please ensure the RFP specifies the types and quantities of these vehicles required as contractor-provided equipment?**

A15.) The vehicles under the Contractor Mode of Transportation are not government owned equipment.