

## **Sources Sought/Request for Information - Superfund Remedial Acquisition Framework**

The Environmental Protection Agency (EPA) is seeking vendor feedback on the draft Remedial Acquisition Framework (RAF) for meeting the Superfund remedial program requirements. The EPA has modified the remedial acquisition framework since the original Sources Sought/Request for Information (SSRFI) posting dated 8/27/13. Under the proposed RAF approach full service Remedial Action Contracts (RACs) will no longer be used to deliver Superfund remedial program requirements. Instead, requirements will be met with three (3) different suites of contracts:

- Design and Engineering Services (DES);
- Remediation Environmental Services (RES); and
- Environmental Services and Operations (ESO).

This document outlines the proposed RAF, including descriptions of the new suites of contracts, the planned contract award and administration approach, the fair opportunity process, and the transition plan from the current RACs. It also solicits feedback from the contractor community.

### **Section 1 – Outline of Proposed Remedial Acquisition Framework (RAF)**

#### **Proposed New Contracting Approach**

The primary purpose of the contracts awarded under the Remedial Acquisition Framework will be to provide national support through multiple award contracts to the EPA remedial program and its responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Superfund Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA); and the Robert T. Stafford Natural Disaster Act pursuant to the Federal Response Plan (FRP) and other laws to help address and/or mitigate endangerment to public health, welfare or the environment during emergencies and natural disasters; and to support States, tribal governments, local governments, and communities in preparing for and responding to releases of hazardous substances, pollutants and contaminants. These contracts may also be used to support other EPA programs and perhaps federal agencies requiring similar services (such as Federal Facilities program, Superfund Removal program, Brownfields program, etc.).

The RAF envisions a national contracting approach as opposed to the current region specific contracts. In addition to contracts planned under the RAF, Regions will continue to have the option to use Interagency Agreements, Cooperative Agreements and award site specific contracts or other specialty contracts as deemed necessary and appropriate. Historically, full service RACs have been used to meet EPA's remedial program requirements. The purpose of full service RACs was to provide each EPA region access to the services needed to perform remedial program work within their region, from architect and engineering services through the prime contractor, to remedial action (construction) implementation services through subcontractors.

There are two primary differences between the historical full service RAC approach and the new proposed national multiple award contract (MAC) approach. First, as envisioned, the awards will no longer be region specific. Instead, each region will be able to place task orders off of the national MACs to fulfill their regional requirements. Second, the architect and engineer (A&E)

Services and remedial action (RA) services will no longer be acquired through a single RAC style vehicle. Instead, the proposed DES contracts, RES contracts, and ESO contracts will be used to provide A&E, Remedial Action, and other remedial services separately.

Under this new approach firms may compete for the award of a contract under one or more of the suites of contracts, e.g., may hold a DES, RES and ESO contract as either a prime or a subcontractor. Conflicts of interest will be determined at the site level. The proposed DES, RES, and ESO contracts are described in more detail below. EPA intends to award all three suites of contracts around the same time.

### **Proposed Design and Engineering Services (DES) Suite of Contracts**

These MACs will be used to meet EPA's requirements for architect and engineer services in support of response actions at sites where the release, or threatened release, of hazardous substances pose a risk to human health and the environment. This suite of contracts will be procured under FAR Part 36.6 and the Brooks Act, and will be awarded under a single national request for Architect-Engineer Qualifications (Standard Form 330). Tasks will be competed pursuant to the fair opportunity process and the Brooks Act. Generally, task orders will be issued on a project-specific basis.

The scope of DES contracts will be for activities which typically require professionally licensed and accredited architect and engineer staff. Services to be provided under DES could include support of EPA-lead, Potentially Responsible Party (PRP), State, Tribe and Federal Facility (FF) remediation requirements. It is anticipated that the Statement of Work (SOW) for these contracts will include:

1. General Requirements
  - Systematic Project Planning;
  - Site-Specific Plan(s) Development;
  - Project Management, Monitoring and Reporting;
  - Green Remediation Considerations;
  - Optimization Considerations;
  - Community Involvement; and
  - Task Order Close Out.
2. Field Work
  - Field Investigation;
  - Analytical Support and Data Validation; and
  - Data Compilation and Evaluation
3. Treatability Studies
4. Remedial Investigations/Feasibility Studies (RI/FS)
  - Remedial Investigation;
  - Risk Assessments
  - Feasibility Study; and
  - Post RI/FS Support
5. Environmental Engineering/CA (EE/CA)
  - Streamlined Risk Evaluation;

- Identification and Analysis of Removal Action Alternatives;
  - EE/CA Report; and
  - Post EE/CA Support
6. Remedial Design
- Value Engineering;
  - Preliminary Design;
  - Intermediate Design;
  - Prefinal/Final Design; and
  - Remedial Design Implementation Support
7. EPA Remedial Action Management Support
8. Oversight – PRP, FF, State, Tribe
- Field Work Support;
  - Treatability Study Support;
  - RI/FS Support;
  - Removal Support;
  - RD Support; and
  - Remedial Action and Operation and Maintenance Support
9. Other Work Areas
- Technical Assistance Meeting and Support
  - Optimization Reviews
  - Green Remediation and Sustainability Reviews
  - Sampling and Analytical Support (Lab Support)
  - Litigation Support/Expert Witness Support
  - Records Management and Administrative Support
  - Equipment/Services/Utilities, Site Maintenance and Site Security/Guard Services

The SOW will provide an explanation of the required capabilities in further detail. Services ordered under the DES Contracts may be for any EPA Regional or Headquarters Superfund Office.

### **Proposed Remediation Environmental Services (RES) Suite of Contracts**

These MACs will be used to meet EPA's requirement for remedial and non-time critical removal action services where the release, or threatened release, of hazardous substances, pollutants or contaminants pose a risk to human health and the environment. These service contracts will be awarded under a single national solicitation. Work will be ordered via the issuance of task orders; tasks will be competed pursuant to the fair opportunity process. Generally, task orders will be issued on a project specific basis.

The primary focus of these contracts will be to carry out the EPA-lead remedial action or the site cleanup phase of the process. The RA phase is the implementation of the remedial design which will typically be completed under the DES. Therefore, these contracts will include a construction component. Some examples of the projects implemented under these contracts may include, but are not limited to:

- Dredging or capping of sediments
- Excavation of contaminated soils
- Construction or demolition of buildings
- Construction of treatment systems
- Capping of contaminated soils or sediments
- Construction of in-situ or ex-situ barrier walls
- Well installation
- Off site transportation of contaminated waste(s)
- Backfilling and Re-vegetation

The Statement of Work (SOW) will provide an explanation of the required capabilities in further detail. Services ordered under the RES Contracts may be for any EPA Regional or Headquarters Superfund Office.

### **Proposed Environmental Services and Operations (ESO) Suite of Contracts**

These MACs are intended to support EPA's requirements for remedy operation services in support of response actions at sites where the release, or threatened release, of hazardous substances pose a risk to human health and the environment. These contracts will be procured under FAR Part 37 and awarded under a single national solicitation. Work will be ordered via the issuance of task orders; tasks will be competed pursuant to the fair opportunity process. Generally, task orders will be issued on a project specific basis.

The primary focus of these contracts will be for EPA-lead remedy operation (e.g. groundwater restoration and source treatment activities). These contracts will also be used to provide general technical assistance and support (e.g. sampling and analysis, minor construction projects), PRP and FF project oversight, and remedial action management support for EPA-lead remedial actions.

Some examples of the projects implemented under these contracts may include, but are not limited to:

- Operation of groundwater pump and treat systems
- Operation of soil vapor extraction systems
- Injection of amendments into the subsurface (e.g. in-situ bio, in-situ chemical oxidation, etc.)
- Collection and analysis of environmental sampling
- Conduct five year reviews
- Preliminary Assessment/Site Investigation activities
- Minor construction projects (e.g. well installation, building demolition, etc.)
- PRP and FF oversight and document review
- EPA remedial action management support

The SOW will provide an explanation of the required capabilities in further detail. Services ordered under the Contracts may be for any EPA Regional or Headquarters Superfund Office.

### **Munitions Expertise**

In addition to the proposed scope of the suites of contracts described above, EPA is considering how best to contract for munitions expertise support, which is currently provided under the Response Oversight Contract (ROC) suite of contracts. EPA is requesting vendor feedback on this issue, to determine if munitions specific support could potentially be included within the Remedial Action Framework described above. However, EPA understands that this type of expertise is very particular, and does not plan to make this a required capability in order to qualify for an award under any of the above mentioned suites of contracts.

### **Proposed Contract Award and Administration**

The NAICS code 562910, Environmental Remediation, will be used for all three suites of contracts.

### Unrestricted versus Set Aside

Based upon the Agency's analysis to date, it is anticipated that the suite of contracts for DES will result from a single request for SF330s. Likewise, it is anticipated that the suites of contracts for RES and ESO will result from a single request for proposal. EPA anticipates making awards to both large and small business concerns. All offerors will be considered for award based on their ability to provide all requirements outlined in the SOW. EPA will establish coverage areas by contract line item numbers (CLINs). There will be ten CLINs; each CLIN will represent one of the ten EPA Regions. Offerors will indicate in their proposals, the CLINs for which they wish to compete. Offerors may offer on as few as one CLIN. Offerors will be evaluated on their ability to provide coverage for the CLINs for which they competed. Offerors will not be given extra credit or penalized based on the number of CLINs for which they compete. The number and distribution of contracts to large and small businesses will be based on the results of market research through the SS/RFI; SF330s (in the case of DES); and cost/price submittals (RES and ESO). EPA may elect to set aside, partially set-aside, or reserve the right to award small business multiple award contracts. The Agency also reserves the right to set aside certain task orders for small businesses in accordance with FAR Part 16.505(b)(1).

EPA is exploring the option that both the RES and ESO contracts may be small business set asides. This is subject to change based on market research and the results of this SS/RFI. It is anticipated that EPA will determine the number and distribution of contracts based on the small business offerors' geographic capabilities and subsequent requests for information, if deemed necessary. EPA is requesting vendor feedback on this approach.

### Period of Performance

At this point, EPA is contemplating the following period of performance structure for the DES, RES, and ESO suite of contracts: a four year base, a two year option, and two (2) two year award terms. This would result in a total potential period of performance of ten (10) years for all three suites of MACs. EPA is requesting vendor feedback on this proposed structure.

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In the event that EPA does not exercise an award term or option period on any of these suites of contracts, EPA intends to evaluate the need to request additional SF330s for subsequent DES awards or release additional solicitations for the RES or ESO requirements, as needed.

### Proposed Contract Capacity and Minimum Guarantees

Contracts awarded under each MAC suite will have the total estimated capacity to reflect the total estimate for that MAC's period of performance. For example, if the estimate for all of the DES requirements for 10 years is \$750,000,000, each contract awarded under the DES will have a total potential capacity of \$750,000,000. This methodology will follow for the RES and ESO contracts. This is to comply with the spirit of the fair opportunity process and to provide maximum Agency flexibility. Contract capacity for each suite of contracts is still under development. Contractors should note that they will only be guaranteed the contract minimum. The minimum guarantee for each contract type is still under discussion. The amount of work available and competed will be influenced by EPA's future budgets. EPA is requesting feedback on the minimum guarantee amount.

### Anticipated Contractor Competition Restrictions

Any firm may compete for, and be awarded, a contract in each group, provided it meets the business size requirement of NAICS code 562910 and specific technical requirements of the contract. In the event that the same contractor holds both a DES contract and either an RES or ESO contract, if that firm completes a design of a particular project, it will not be eligible to compete for the performance of the remedial action or the long term response action for that project.

### Proposed Fair Opportunity Process

EPA has defined the proposed Fair Opportunity Process. Below is a diagram of the process, which is being shared for feedback purposes and is subject to change.

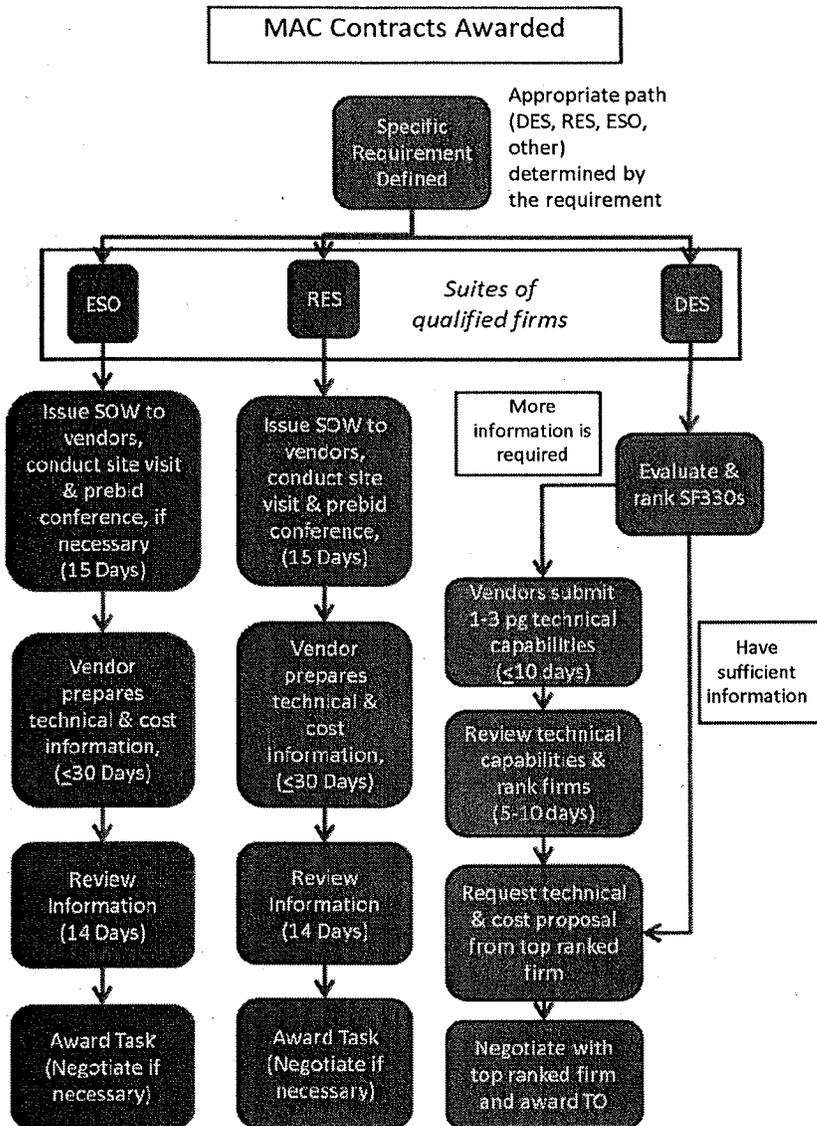


Figure 1: Proposed Process for Awarding new DES/RES/ESO Task Orders

DES

Ordering under the DES contracts will be performed in accordance with the fair opportunity process as diagrammed above. It is anticipated that firms will be evaluated for project-specific requirements consistent with FAR Part 36. In some circumstances, per FAR Part 16.505(b)(1), EPA reserves the right to compete these task orders exclusively among small business contractors.

RES and ESO

The RES and ESO task order fair opportunity process will be based on an evaluation of cost and/or technical proposals submitted by the contractors on a project specific basis. The evaluation criteria (past performance, technical proposal, and/or cost) and their relative importance will be outlined in the task order notification.

**Transition Plan for Existing Projects on RACs**

As the contracts are put in place, EPA intends to transition work as soon as practicable and as deemed appropriate by the agency.

**Section 2 – Feedback Request**

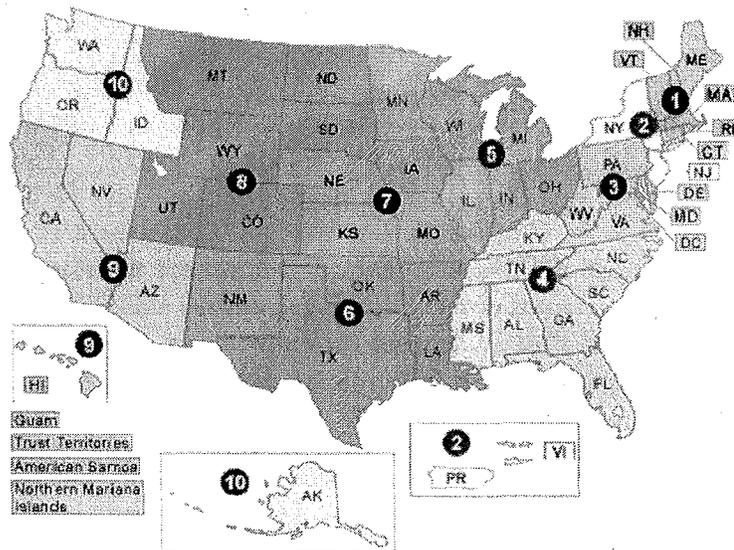
Notice: This information is for EPA internal planning purposes only. We will not distribute your responses. An independent contractor will assist EPA in the collection, organization, and review of data submitted in response to this SS/RFI. The contractor understands that this information includes confidential business information and has submitted all required contractor personnel non-disclosure agreements to EPA.

1. Company Name \_\_\_\_\_

2. Business Size \_\_\_\_\_

a. If small, list other any additional socio-economic grouping. \_\_\_\_\_  
*Note: (i/a/w NAICS code 562910, 500 employees or less = Small Business).*

3. Please fill out the checklist below based on your firm's capabilities. Only check the box if you believe you can meet all the requirements outlined in the suite of contract description above. The map below shows EPA regions.



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	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	National (R1- R10)
DES											
RES											
ESO											

3a. In addition to checking the boxes above, please provide additional explanation around your capabilities and demonstrated area(s) of expertise. If you do not have geographic coverage across an entire region, please note this in your explanation.

4. EPA understands that subcontractors, teaming arrangements, and SBA approved joint ventures may be proposed by vendors to meet the requirements of each suite of contracts, as detailed above. For each of the suite of contracts that you have checked above, please indicate those functional areas that you would likely subcontract:

	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	National (R1- R10)
DES											
RES											
ESO											

4a. Please also provide additional explanation around your subcontracting practices and previous experiences, such as compliance with limitation on subcontracting requirements.

5. In order to assist EPA in developing the Conflict of Interest (COI) Plan, please answer the following questions:

- a. If EPA allows contractors to bid under all three MACs does your company intend to bid on more than one MAC? Do you anticipate competing for prime awards under multiple suites of contracts (DES, RES, ESO)? Do you intend on teaming or being a sub on a contract in another suite?
- b. Potential conflict of interest situations may arise when a contractor has performed work for a potentially responsible party (PRP), including a Federal Facility (FF) PRP, and is then asked to provide support overseeing the PRP under a different contract. EPA has historically excluded work overseeing federal facility cleanups from RAC contracts. FF oversight is being considered for inclusion into the DES and ESO contracts with the conflict of interest review being performed at the site level. Will this cause conflict of interest issues that will prevent you from competing on either the DES or ESO suites?

**6. Remedial Action Framework**

- a. What benefits, complications, and drawbacks do you anticipate EPA will experience from the new proposed structure?
- b. How does the proposed approach (national DES, RES, ESO) align and/or differ from current industry practices?
- c. Please provide any feedback you have based on your experience at other federal agencies with multiple award contracts.

**7. Contract Structure / Incentives**

- a. Do you think the contract structure and period of performance discussed in the SS/RFI is a reasonable approach? If you do, please explain why. If not, please provide an alternative and a rationale.
- b. In your opinion, what are the potential benefits and drawbacks of using award terms for this suite of contracts?
- c. What experiences do you have using performance based contracting? In your experience, what types of measures have been effective in evaluating performance?
- d. What other incentives would you recommend EPA consider? Please provide an explanation.
- e. What do you think is a reasonable minimum guarantee for each suite of contracts? Please explain.

**8. Fair Opportunity**

- a. In your experience with other agencies, what makes a fair opportunity process effective or ineffective? Please discuss A&E procedures versus construction and service contract experiences.

**9. Munitions**

- a. EPA is considering including munitions expertise requirements at the prime contract level but we are concerned that this prime contract requirement may be too restrictive and will limit the competitive pool. Would inclusion of munitions expertise requirements in the DES and ESO contracts preclude you from competing for the DES or ESO contracts?

**10. Electronic Automated SF330 process:** Have you ever responded to a solicitation using an automated system? If so, please explain the process and your view of its effectiveness.

**Please title the subject line "RAC MAC."**

**Please submit responses by close of business 3/17/14. See attached spreadsheet.**

**Please also submit any questions by close of business 3/17/14. See attached spreadsheet.**

**Send your reply to [clark.jim@epa.gov](mailto:clark.jim@epa.gov)**

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THIS IS NOT AN ANNOUNCEMENT OR REQUEST FOR PROPOSALS. NO CONTRACT WILL BE AWARDED FROM THIS SS/RFI. NO REIMBURSEMENT WILL BE MADE FOR ANY COSTS ASSOCIATED WITH PROVIDING INFORMATION IN RESPONSE TO THIS ANNOUNCEMENT AND/OR ANY FOLLOW-UP REQUESTS. No communications that request additional information or a solicitation will be accepted or acknowledged.

**Interested vendors are reminded that due to the procurement sensitivity of this process and confidential business information nature of the data that has been collected, EPA cannot, at this time, respond to individual inquiries about the RAF. Please contact the Placement Contracting Officer, Jim Clark, at [clark.jim@epa.gov](mailto:clark.jim@epa.gov) if additional clarification is required. Do not request any information from any other EPA personnel on this matter.**