

STATEMENT OF WORK CONFLICT PREVENTION AND RESOLUTION SERVICES (CPRS)

I. BACKGROUND

The United States Environmental Protection Agency (EPA) Conflict Prevention and Resolution Center (CPRC) in Office of General Counsel's (OGC) Alternative Dispute Resolution Law Office (ADRLO) provides alternative dispute resolution (ADR) services to the entire Agency. The Agency's Dispute Resolution Specialist, designated under the Administrative Dispute Resolution Act of 1996, is the Director of ADRLO and CPRC.

CPRC administers Agency-wide ADR programs, coordinates case management, reporting and evaluation, and provides support to program-specific ADR activities. The CPRC assists other EPA offices in developing effective ways to anticipate, prevent, and resolve disputes, and makes neutral third parties more readily available for those purposes. The CPRC also provides specific support to the implementation of EPA's Public Involvement Policy through consultation in design of public involvement programs and activities and participation in implementation, training and evaluation projects in partnership with other EPA offices.

Other EPA offices, including the Office of Enforcement and Compliance Assurance (OECA), the Environmental Appeals Board (EAB) and the Office of Administrative Law Judges (OALJ), use ADR to resolve conflicts between the Agency and regulated entities. EPA media program offices, regions and the Office of the Administrator (OA), in partnership with other EPA offices, use public involvement and ADR processes to provide opportunities for stakeholders to contribute to the design and implementation of Agency actions that affect them. For example, CPRC has historically provided the Office of Superfund Remediation (OSRTI) in the Office of Land and Emergency Management (OLEM), with public involvement support to meet its requirements for community involvement in cleanups.

EPA regional offices have ADR and public involvement programs that meet their specific needs. Some EPA regions have identified staff experts, called ADR Specialists, to coordinate workplace, enforcement, and/or other ADR activities. EPA regions also use internal and external neutral third parties to foster stakeholder involvement, resolve workplace disputes, help in organizational problem solving, and mediate enforcement cases. The CPRC supports existing regional ADR and public involvement programs and assists in developing new ADR and public involvement efforts.

II. OBJECTIVE

The objective of this requirement is to obtain contractor support to implement the EPA's Alternative Dispute Resolution (ADR) Policy (65 FR 81858), December 2000, which was established under the Administrative Dispute Resolution Act of 1996 (ADR Act) and to implement EPA's Public Involvement Policy (65 FR 82335). Under EPA's ADR Policy, the Agency encourages the use of ADR techniques to prevent and resolve disputes with internal and external parties in many contexts, including adjudications, rulemaking, policy development, administrative and civil judicial enforcement actions, permit issuance, protests of contract awards, administration of contracts and grants, stakeholder involvement, negotiations, and litigation. In addition, the policy encourages the use of ADR techniques to prevent and resolve internal disputes such as workplace grievances and equal opportunity employment complaints, and to improve labor management partnerships. EPA's Public Involvement Policy encourages Agency management and staff to provide for meaningful public involvement in EPA's decision-making and offers guidance and direction on how to accomplish this mission.

Additional information regarding EPA's alternative dispute resolution programs is available at: www.epa.gov/adr. Information regarding federal ADR practice is available at www.adr.gov.

III. SCOPE

A. EPA Public Involvement and ADR Processes

EPA's Public Involvement Policy (May 2003) describes a five-part range of public involvement or engagement processes commonly used in EPA's decision making. This range is illustrated in Figure 1. The most common activities in this range are Outreach and Information Exchange. EPA policy encourages EPA programs to undertake any of these activities in a collaborative and cooperative manner. Recommendations and Agreements processes may frequently require compliance with the Federal Advisory Committee Act (FACA), in addition to best practices in public involvement. EPA has led the government in initiating and supporting joint stakeholder action for voluntary pollution reduction, pollution prevention and sustainability activities.

Figure 1: EPA Public Involvement Processes

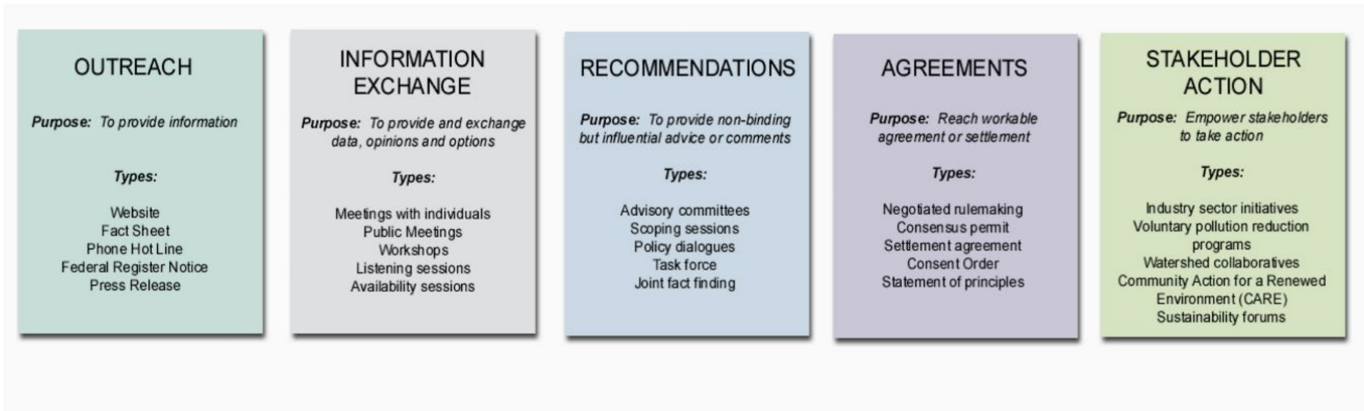
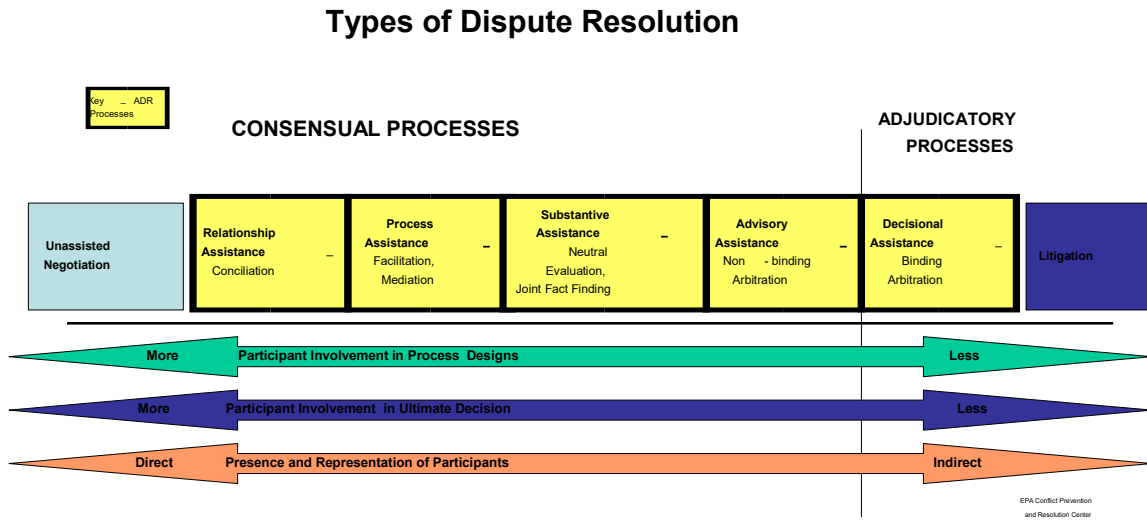


Figure 2 illustrates the range of dispute resolution techniques available to federal agencies and commonly accepted in dispute resolution literature. EPA's primary approach to conflict prevention and resolution is unassisted public involvement and negotiation. However, in cases where ADR assistance is considered in the best interest of the government, EPA's primary uses of ADR are in the non-binding ADR processes of conciliation, facilitation, mediation, and joint fact finding. EPA almost never employs arbitration.

Figure 2: EPA ADR Processes



B. Office Space and Hours of Operation

The Contractor shall maintain office space within the Washington, D.C. metropolitan area. This office space shall be staffed during normal working hours by the Contractor's Contract Administrator, and its contract administration staff to facilitate meetings between EPA and the Contractor.

The Contractor's project management and financial staff shall be available during the core work hours in the Eastern Time Zone (9:30 am to 2:30 pm) to facilitate easy contact with the Contracting Officer's Representative (COR) and Contracting Officer (CO).

C. Considerations Applicable to Entire Requirement

1. The Contractor shall ensure that ADR professionals serving as neutral third parties under this requirement perform in accordance with the procedural and confidentiality requirements of applicable federal, state, and court provisions and rules applicable to their service. Relevant examples of potentially applicable provisions and rules include the Administrative Dispute Resolution Act of 1996 (ADR Act), 5 USC 57 et seq., and rules for the conduct of ADR promulgated by the federal district courts.
2. The Contractor shall ensure that ADR professionals serving as neutral third parties under this requirement perform in accordance with ethical codes applicable to the practice of dispute resolution professionals. Relevant examples of ethical codes include those adopted by the American Arbitration Association, American Bar Association, Association for Conflict Resolution, International Coach Federation, International Association of Facilitators, and the International Association for Public Participation.
3. The Contractor shall remove ADR professionals from projects conducted under this contract if they do not conduct their practice in adherence with the statutory provisions or court rules and ethical codes appropriate to the services provided.
4. The ADR professional shall inquire prior to the facilitation and throughout the process whether individual participants have the time, financial, and logistical resources necessary to participate effectively and--where resources are inadequate--assist them in identifying appropriate resources or in making necessary adjustments to the process to accommodate resource constraints.
5. The ADR professional shall assist the participants in identifying the issues that are important to resolving any controversy and solutions that will address the needs shared by the participants.
6. The ADR professional shall conduct the process to promote active engagement from all participants.
7. The ADR professional shall explore with the participants appropriate ways to incorporate high quality and relevant information resources necessary to resolve the issues.
8. The ADR professional shall ensure that participants have appropriate authority to make commitments on behalf of their organizations to support productive dialogue and effective implementation of any agreements reached by the participants.

9. The Contractor shall work collaboratively with EPA personnel in performing services such as co-mediation, co-facilitation, and co-training.

IV. TASKS

TASK A--CONTRACT MANAGEMENT

1. ADR Professionals

The Contractor shall provide a methodology to expeditiously identify, match, select and manage facilitators, mediators and other dispute resolution professionals for cases. The method shall be responsive to the needs of EPA and outside parties in identifying a recommended individual or a slate of potential individuals. In addition, the Contractor shall retain a dispute resolution professional or team with adequate skills, knowledge and experience in the process and substantive issues described in individual task orders or written technical direction, taking into account geographic location, foreign language needs and cultural sensitivities.

EPA has used the following sources for names, qualifications of facilitators, mediators and other dispute resolution professionals with skills in environmental conflict resolution: the National Roster of Environmental Dispute Resolution Professionals, the International Institute for Conflict Prevention and Resolution, Martindale Hubbell Dispute Resolution Directory, the American Arbitration Association and the membership directories of the Association for Conflict Resolution, American Bar Association ADR Section, and the International Association of Public Participation.

2. Project Tracking

The Contractor shall administer, maintain and continuously update the following as part of the ordinary course of business:

A comprehensive project status, deliverable and cost tracking mechanism or system for each task order, at the project and sub-project level. The system shall also maintain other data needed for CPRC internal and external reporting, such as description of case/project, statutes, goal and venue of project, policy context for the case/project, level of agreement reached, type of ADR or public involvement process, identity of neutral and EPA contacts, sponsoring offices and which other federal agencies were participating.

The system shall be made available to the CO and COR so that queries and reports can be obtained quickly and easily. Alternatively, the Contractor may agree to provide quick turnaround reports (within 24-48 hours of request, timeframe to be specified in technical direction) rather than providing access to the system.

The Contractor shall participate in a monthly in-person meeting with the COR and

Contracting Officer to review the status of all task orders based on reports from this system.

3. Evaluation

CPRC requires evaluation of the effectiveness and efficiency of the ADR, collaboration, and public involvement cases conducted under this requirement. Evaluation data shall be collected upon issuance and expiration of a task order, and annually for all active task orders. Some evaluation tasks are performed by CPRC; however, as specified in a task order or written technical direction, the Contractor shall:

- a. Adapt available standard formats for evaluation for the case being evaluated or develop an evaluation format and survey questions and methods.
- b. Obtain contact information for all participants in the case or process.
- c. Send questionnaires to respondents.
- d. Track receipt of responses and follow up to maximize the number of responses received. Achieve a minimum average of 70% response rate, unless otherwise specified.
- e. Conduct standard and specialized data analyses on the data accumulated questionnaires in a format and at a frequency specified by EPA.
- f. Identify the status of task orders and technical directives issued under just-in-time task orders to determine when evaluation is needed.
- g. Identify the appropriate Task Order Contracting Officer's Representatives (TOCORs) and technical directive leads to receive evaluation questionnaires.
- h. Administer an evaluation questionnaire to each TOCOR within 10 business days after task order award.
- i. Administer an evaluation questionnaire to each TOCOR within 10 business days of task order expiration.
- j. Administer an evaluation questionnaire at least once annually for all active task orders.
- k. Administer an evaluation questionnaire for all in progress technical directives issued under just-in-time orders at least once annually.
- l. Administer an evaluation questionnaire for all completed technical directives within 10 business days of the period of performance expiration.

- m. Prepare reports and make presentations regarding the evaluation.

TASK B--SITUATION ASSESSMENT

A well-designed public involvement process or alternative dispute resolution process starts with a situation assessment, stakeholder assessment, conflict assessment, or convening process. This process or study attempts to identify the sources of differences or conflict, the parties who must be involved to resolve or participate in a decision or discussion, and the timeframe and resources needed to conduct the process.

As specified in the task order or written technical direction, the Contractor shall:

1. Select an appropriate dispute resolution professional or team, based on knowledge of the subject, conflicts of interest, availability, experience in the ADR process and any other selection criteria specified by EPA. The Contractor may also be required to conduct an initial meeting with all parties to gather information on the parties' views on appropriate qualifications of the dispute resolution professional. The Contractor shall discuss potential areas of conflict of interest with EPA and other parties. Selection of the dispute resolution professional shall be approved by the COR, TOCOR, and program office coordinator and, if appropriate and timely, by the parties to the dispute.
2. Coordinate with the COR, TOCOR and program office coordinator to develop a list of potential participants, and identify a tentative set of issues to be addressed.
3. Prepare and distribute with COR, TOCOR and program office staff consultation background information on procedural and technical aspects and issues to potential participants in a dialogue or negotiation under exploration.
4. Contact potential parties to discuss their participation in a specific process. The dispute resolution professional shall discuss the opinions, positions and needs of each party regarding the issues involved, and both the procedural and substantive technical aspects of the process. The dispute resolution professional shall ask the parties to suggest additional individuals or groups that should be contacted to ensure that the candidate pool for participation is comprehensive. The dispute resolution professional shall also ask the parties to identify the issues that should be covered in the process, definitions for measures of a successful process and other parties necessary to the success of the process.
5. Propose any other useful alternatives suggested by the parties or judged by the Contractor to be potentially productive, if initial interviews with the key participants reveal that the process that EPA is initially interested in conducting is not feasible. Await EPA's decision on whether to proceed to interview all potential participants.

6. Provide regular oral or email reports to the TOCOR and the program office contact on the progress of the convening effort, and/or participate in Agency briefings as requested to provide information on the progress of the convening effort.

7. Contact potential participants to arrange scoping or organizational meetings and facilitate or preside, along with EPA personnel, at any scoping or organizational meetings if a meeting with potential participants appears to be useful in convening a process. The primary purpose of a scoping meeting is to make a preliminary determination if the parties are interested in the process. The primary purpose of an organizational meeting is to determine if negotiations, dialogue, or information exchange should proceed, and if so, to determine the appropriate parties, set the discussion agenda and timetable for subsequent meetings and to answer any remaining questions regarding the process.

8. Handle logistics of arranging meetings for participants. This includes, but is not limited to, scheduling, arranging facilities, equipment and supplies, notifying participants, and providing advance materials.

9. Prepare draft summaries or minutes of each meeting and distribute them to the participants for their approval, and distribute final summaries or minutes after comments have been reviewed and incorporated.

10. Provide a report to the COR, TOCOR, and program office contact which summarizes the results of convening, situation assessment or stakeholder assessment discussions including such things the chances of a successful agreement seeking or consultative process (regulatory negotiation, policy dialogue, workshop series) recommendations of potential parties at the table, discussion of issues which will bring parties to the table, and any issues which the parties cannot agree to negotiate. This report will be described in the individual task order and will be tailored to the size and complexity of the project or case assigned and the required timeframe.

11. Propose a design for the process including such things as number, length, location and frequency of meetings, discussion of the attributes of an acceptable dispute resolution professional, recommendation of potential participants whom EPA should invite or contact, information or research necessary prior to or during the process, estimated resources (EPA and facilitation) recommended for the success of the process, discussion of measures of success and plan for post-negotiation evaluation if an ADR or public involvement process appears to be feasible and might accomplish joint objectives of EPA and the parties.

TASK C--ADR FOR AGREEMENT SEEKING PROCESSES

Agreement-seeking processes may last months or years, others may last only a day or two, depending on the scale of the discussion or dispute. Many agreement-seeking processes benefit

from the skills and resources of a neutral third party or team of neutrals. EPA's ADR Policy (2000) encourages the use of mediation and other ADR processes in settlement of administrative and judicial cases such as enforcement actions, permit appeals and U.S. District Court actions.

1. National Policy and Regulatory Issues

Public involvement in development of regulations and policies typically occurs through informal notice and comment, as specified in the Administrative Procedure Act, or can occur in response to an executive order. This can be a complex and contentious process. An Agency develops facts and policy, solicits comments from interested parties, and proposes a rule. The agency then analyzes the comments and issues a final rule. When this system fails to accommodate competing interests, the result can be some form of conflict, possible litigation or difficulties in compliance. ADR in the form of negotiated rulemaking and policy dialogues has been successfully applied to regulatory and policy disputes.

The Contractor shall provide expertise in convening and facilitating or mediating agreement seeking processes such as regulatory negotiations, policy dialogues, advisory committees, and other long-term consultative processes. The processes described in the Negotiated Rulemaking Act of 1996 and any associated EPA guidance shall be followed for regulatory Negotiations. In the case of established groups giving collective advice to the Agency, the requirements of the Federal Advisory Committee Act shall be followed. The Contractor shall design appropriate processes to conduct dialogues and gain input via electronic means or a mixture of in-person or electronic processes.

2. Site, Facility or Geographic Area Negotiations

EPA is involved in many site-or facility specific disputes such as those arising from permit issuance and enforcement actions taken under environmental statutes or regulations. EPA is also involved in identification of cleanup or reuse issues under the Brownfields and Superfund programs. In addition, EPA is involved in geographically organized pollution reduction efforts such as National Estuary Program, Urban Waters Program, and other multi-media pollution control and reduction efforts.

Processes used to prevent, manage or resolve these issues include facilitation, mediation, early neutral evaluation, mini-trials and fact finding. The design may include conference calls, joint session meetings, individual meetings or any other design accepted by the parties. The design may also include an initial mediation and future review or check points, if the parties and the mediator agree that this design is useful.

As specified in the task order or written technical direction, the Contractor shall:

- a. Facilitate or mediate all plenary sessions of the negotiations or dialogue. The facilitator shall assist participants in articulating their interests, identifying areas of agreement, and developing consensus solutions to the problems that divide them. The facilitator shall

assist participants in overcoming impasses, structuring appropriate agreements, and memorializing agreements as agreed to by the parties. The facilitator/mediator shall keep the parties talking, listening, and moving towards consensus. The facilitator/mediator shall provide any staff support needed for managing, recording and summarizing meetings.

b. At the initial meetings, assist the group in reaching consensus on the ground rules for refining and distribute written protocols reflecting the consensus. The mediator shall assist the parties in drafting and negotiating an ADR or mediation agreement that documents the parties' agreements regarding dispute resolution process design, timing and costs.

c. Facilitate or mediate meetings, conference calls, or on-line dialogues of break out groups or work groups (self-selected subgroups of the plenary group which address subsets of the issues) and; if several work groups meet simultaneously and if the EPA project staff and/or committee determine it is useful, provide additional facilitators or support staff to assist other work groups.

d. Identify and provide subject matter experts in technical, scientific, economic or other fields related to the substance of the dispute to research, review, analyze facts, or to make presentations to the parties.

e. Prepare and present research, analyses, explanations, summaries, fact sheets, white papers, brochures, social media messages, web pages and other data or information needed to educate the parties or the public as to the substance of the dispute and options for resolving it.

f. Establish and/or maintain communication and information links such as web pages, list serves, and other methods of communication among the parties and with the public.

g. Handle logistics of arranging meetings, conference calls or on-line dialogues for participants, which includes but is not limited to scheduling, arranging facilities and notifying participants.

h. Prepare summaries, next step lists or minutes of each meeting and distribute them to the participants for their approval.

i. Communicate with participants between meetings to ensure that issues and concerns have been communicated accurately and that participants are adequately prepared for the next meeting.

j. Assist the parties in settling disputes during implementation of the agreement or settlement.

k. Design and implement communications and document repository systems such as websites, databases, electronic files, etc., for parties to the ADR process to access, and to

promote sharing of information between parties.

- l. Draft, assemble comments and changes, and/or edit agreement documents or reports.
- m. Prepare a final case study or process report, from the point of view of the facilitator or mediator, which summarizes what occurred and how the service provider added value, evaluates the process, provides recommendations for improvement and outlines follow-up or future activities. The Contractor shall ensure that all studies and reports are drafted in compliance with the confidentiality provisions of applicable statutes, regulations, and rules, including the Administrative Dispute Resolution Act of 1996.
- n. Conduct a process debriefing with EPA officials to discuss lessons learned and any next steps.
- o. Contribute to or conduct all or part of an evaluation of the case according to CPRC case-evaluation protocol. When acting as a neutral on a case, complete the evaluation questionnaire, provide names and contact information for case participants, and/or participate in interviews for evaluation purposes.

TASK D--CONSULTATION AND INFORMATION EXCHANGE

EPA's public involvement and conflict prevention activity involves processes to exchange and discuss scientific, technical, legal and policy information in ways designed to provide all parties the chance to have their views heard and to build understanding and improve relationships. This facet of dispute prevention and public involvement has increased dramatically over the last 30 years and CPRC consults regularly with every program office and regional office at EPA regarding facilitation of these information exchanges and consultation processes. These processes encompass less formal, less intensive, usually shorter-term processes for discussion and input into decision-making than the Advisory Committees of negotiated rule making and policy dialogues, and may include more collaborative activities such as facilitated public meetings, listening sessions, focus groups, open houses, joint learning workshops, town hall meetings, technical workshops, conferences, forums and roundtables.

1. National Policy and Regulatory Issues

EPA's Public Involvement Policy encourages early involvement of the affected public in EPA's regulation development process. The public involvement activities may consist of a single meeting or a series of related meetings. They may involve individuals identified for specific expertise, or many very diverse individuals who self-identify. The purpose may vary from a chance to air differences, to information and data exchange, to listing of alternatives and options, to examination and discussion of technical or scientific data. These processes are not designed to generate an agreement; however, the facilitator must have the skills to reach out to as many affected interests as possible and to accurately summarize the variety of individual viewpoints presented in a way that allows EPA to

understand the full range of opinions and data. An understanding of the application of the Federal Advisory Committee Act and other government sunshine laws is essential to proper design of public involvement processes to ensure they are conducted within legal constraints.

2. Site, Facility or Geographic Area Discussions and Negotiations

EPA's Public Involvement Policy encourages early involvement of the affected public in decision-making that will affect them such as the cleanup of contaminated sites, issuance of permits, land use planning decisions and determinations of water body uses. EPA's ADR policy favors the use of ADR processes to prevent disputes and improve relationships with the public in dealing with potential conflicts. EPA's regional offices and area specific offices such as the Great Lakes Program, the Gulf of Mexico Program and the Chesapeake Bay Program, all work with local citizens, businesses, and governments in preventing or cleaning up pollution. Four of the most prominent on-going programs are the Superfund cleanup and reuse programs, the Brownfields program, the Urban Waters Program and the National Estuaries Program. These outreach and public involvement activities require skilled facilitators or mediators and support services to provide quality outreach products and technical assistance.

Most of these activities do not involve negotiating agreements between EPA and the affected public. The processes are usually short-term activities such as public meetings, open houses and other public involvement processes designed to bring EPA management and staff into discussions with local citizens, local government, companies and interest groups. Some of these processes require ongoing facilitation support of groups such as Community Advisory Committees under (CERCLA) or National Estuary Committees. While these groups may meet multiple times over a period of months or years, the end result is usually ongoing communication and dialogue and individual advice or recommendations rather than collective advice or agreement.

As specified in the task order or written technical direction, the Contractor shall:

- a. Work with EPA and the parties to design a process that meets the goals of the Agency and the parties. Construct a mutually acceptable agenda, ground rules and schedule for the meeting(s).
- b. Chair all plenary sessions of consultation or collaboration process. The facilitator shall assist participants in articulating their interest, identifying areas of agreement, narrowing areas of disagreement and articulating options and alternatives.
- c. Facilitate meetings of work groups, breakout groups or caucuses if the project plan calls for facilitated workgroup meetings.
- d. Provide subject matter experts in technical, scientific, economic or other fields related to

the substance of the dispute to research, review, analyze facts or to make presentations to the parties.

- e. Prepare and present, in consultation with the TOCOR and the parties, research, analyses, explanations, summaries, fact sheets, white papers, brochures, social media messages, webpages, and other similar collections of data or information needed to educate the parties or the public, as to the substance of the dispute and options for resolving it.
- f. Establish and/or maintain communication and information links such as web pages, list serves, and other methods of communication between the parties and the public.
- g. Handle logistics of arranging meetings, conference calls or electronic communications for participants, which includes but is not limited to scheduling, arranging facilities and equipment and notifying participants.
- h. Prepare draft summaries or minutes of each meeting and distribute them to participants.
- i. Communicate with participants between meetings, if additional meetings are scheduled, to ensure that issues and concerns have been communicated accurately and that participants are adequately prepared for the next meeting.
- j. Conduct a post-collaboration process debriefing with EPA officials to discuss lessons learned, and to discuss any next steps.
- k. Write final case studies or process reports including evaluation of the process and recommendations for improvement, follow-up or future activities, taking into consideration issues of confidentiality.
- l. Contribute to or conduct all or part of an evaluation of the case according to CPRC case-evaluation protocol. When acting as a neutral on a case, complete the evaluation questionnaire, provide names and contact information for case participants, and/or participate in interviews for evaluation purposes.

TASK E--JUST-IN-TIME/QUICK RESPONSE DISPUTE PREVENTION AND RESOLUTION

A “Just-in-Time” (JIT) task order provides for short term services in response to an urgent need, when there is inadequate lead time to get a dispute resolution professional in place through the standard task order issuance process. The JIT task order is issued for a specified set of conflict assessment and facilitation or mediation tasks for a set number of potential cases or projects. The cases for which these tasks will be performed are not specified in the JIT task order Statement of

Work. When the need arises for a quick response, the TOCOR will issue technical direction which provides:

1. Case or project name and location
2. Case or project description and background
3. Qualifications of the dispute resolution professional
4. Ceiling amount of funds, labor hours and other direct costs
5. List and schedule for specific deliverables
6. Case contacts
7. Reporting requirements (budget and status tracking)

The Contractor shall provide dispute resolution, stakeholder involvement, consensus-building, and conflict analysis, avoidance and resolution services to the TOCOR, and other EPA staff involved in the assigned case as follows:

1. Identify and select appropriate service provider.
2. Conduct situation or conflict assessment and analysis.
3. Convene appropriate parties.
4. Design appropriate processes and interventions.
5. Design meeting agendas.
6. Facilitate sessions or meetings.
7. Mediate disputes.
8. Synthesize issues, prepare fact sheets and informational materials.
9. Prepare and distribute meeting summaries.
10. Arrange logistics such as meeting rooms, audiovisual equipment, invitations to participants, and other services required to accomplish the agenda.
11. Contact parties before and after meetings or sessions.
12. Coach parties to prevent or manage conflict.
13. Training parties in negotiation, conflict management and dispute resolution.
14. Collect and respond to public comment.
15. Design and submit a monthly report format that reports on each assigned project with separate budget, expenditure and status reports in addition to tracking the overall budget and progress under the task order, actual hours and percentages spent to-date, remaining hours and budget available.
16. Submit a case report for each case assigned unless there is not any substantive outcome (e.g. search for a facilitator, or the project does not move forward).
17. Write final case studies or process reports including evaluation of the process and recommendations for improvement, follow-up or future activities, taking into consideration issues of confidentiality.
18. Contribute to or conduct all or part of an evaluation of the case according to CPRC case-evaluation protocol. When acting as a neutral on a case, complete the evaluation questionnaire, provide names and contact information for case participants, and/or participate in interviews for evaluation purposes.

TASK F--WORKPLACE DISPUTE PREVENTION AND RESOLUTION

EPA has programs to provide ADR assistance for the resolution of both equal employment opportunity (EEO) and non-EEO related workplace conflicts. The majority of EPA's workplace disputes are handled with EPA in-house mediators or collateral duty mediators from the Interagency Sharing of Neutrals Program; however, there are workplace disputes that parties elect to have handled by an outside dispute resolution professional. The Contractor shall provide mediators, facilitators or other dispute resolution professionals, who are experienced in a variety of workplace dispute resolution processes.

As specified in the task order or written technical direction, the Contractor shall:

1. Conduct an initial assessment of the case through conversations or meetings with the parties to the dispute or situation, exploring whether the issues are a candidate for negotiation, whether all of the parties are identified and willing to participate, whether the schedule is appropriate, and discuss the qualifications of an appropriate neutral dispute resolution professional to handle the case.
2. Select the dispute resolution professional or team that possesses knowledge of the subject, conflicts of interest, experience in the required ADR procedure and meets the needs of the parties to the dispute. This task may require co-facilitation or co-mediation with qualified EPA or federal government staff in convening, facilitation or mediation of public meetings, or case negotiations or meditations.
3. Contact all participating parties to arrange a mutually acceptable time, place and design for the process; and, if the parties are willing, discuss the background of the case.
4. Handle logistics of arranging meetings, conference calls or electronic communications for participants. Schedule, make arrangements for facilities and equipment, and notify participants.
5. Implement the ADR design agreed to by the parties. The design may include conference calls, joint session meetings, individual meetings or any other design accepted by the parties. The design may also include an initial mediation and future review or check points, if the parties and the mediator agree that this design is useful. The mediator shall facilitate information sharing between the parties in furtherance of the resolution process. The mediator shall conduct such impasse breaking techniques as are necessary to facilitate settlement of the case.
6. Draft, assemble comments and changes, and/or edit agreement documents or reports.
7. Contribute to or conduct all or parts of an evaluation of the case according to CPRC case evaluation protocols. When acting as a neutral on a case, complete the evaluation

questionnaire, provide names and contact information for case participants, and/or participate in interviews for evaluation purposes.

TASK G--STRATEGIC PLANNING, ORGANIZATIONAL DEVELOPMENT AND CAREER DEVELOPMENT COACHING SUPPORT

EPA requires facilitators with strategic planning and organizational development skills and knowledge of environmental issues for office retreats, strategic planning, reorganization processes and facilitating internal conflicts or potential conflicts at the organizational level. In addition, EPA requires executive coaching, conflict coaching and strategic planning for EPA staff and managers to develop skills in collaboration, dispute resolution and management, leadership, and team and group management.

As specified in the task order or written technical direction, the Contractor shall:

1. Select the appropriate professional or team that possesses knowledge of the subject and experience in the procedure required.
2. Develop a list of potential group or individual participants and identify a tentative set of issues, subjects or skills to be addressed.
3. Prepare and distribute background information on the subject matter or issues to participants.
4. Contact potential participants to discuss the issues, schedule and outcomes of the process and the needs of the participant in the process.
5. Design a process that meets the goals of the project and prepare a mutually acceptable agenda with ground rules and a schedule for the meeting(s).
6. Chair all plenary sessions of consultation or collaboration process. Facilitate meetings of work groups, breakout groups or caucuses. The facilitator shall assist participants in articulating their interest, identifying areas of agreement, narrowing areas of disagreement and articulating options and alternatives.
7. Handle logistics of arranging meetings, conference calls or electronic communications for participants. Arrange for facilities and equipment and notify participants.
8. Provide subject matter experts in technical, scientific, economic or other fields related to the substance of the dispute to research, review, analyze facts, or to make presentations to the parties.
9. Provide confidential coaching services to individual employees, groups, and teams for

improving conflict prevention, conflict management, leadership, and management skills.

10. Prepare draft summaries or minutes of each meeting and distribute them to the participants for their approval, and distribute final summaries or minutes after comments have been reviewed and incorporated.
11. Write or assist in compiling reports, summaries, white papers, fact sheets, strategies, planning documents and analyses.
12. Communicate with participants between meetings, if additional meetings are scheduled as part of the process design, to ensure that issues and concerns have been communicated accurately and that participants are adequately prepared for the next meeting.
13. Conduct a process debriefing to discuss lessons learned and to discuss any next steps.
14. Write final process report which includes follow-up or future activities.

TASK H—ARBITRATION

The Administrative Dispute Resolution Act of 1996 provides for both non-binding and binding arbitration of disputes between the Federal government and other parties. Procedures to be followed by the government are stated in that Act and provide the basis for arbitration policies.

On May 30, 1989, EPA promulgated rules under the Superfund Amendments and Reauthorization Act that provide procedures for binding arbitration of disputes arising from EPA's Superfund cost recovery program. Cases to be arbitrated under this program must meet strict procedural and substantive requirements, must be for amounts under \$500,000 and must not have been referred to the Department of Justice.

The Contractor shall provide arbitration services for cases identified by EPA attorneys under the Agency's arbitration policy. The parties to an arbitration proceeding shall be entitled to participate in the selection of the arbitrator. The arbitrator shall be a neutral who meets the criteria of the Administrative Dispute Resolution Act. Arbitrators may be retired judges, project managers, accountants, cost control specialist, or others, as considered appropriate by the parties. Arbitrators shall be selected on a case-by-case basis under the procedures in the Administrative Dispute Resolution Act and applicable federal rules and policies.

As specified in the task order or written technical direction, the Contractor shall:

1. Select appropriate arbitrator with knowledge of the subject, conflicts of interest, and experience in the arbitration procedure.
2. Contact each of the parties' representatives or counsel to explore the needs of each party

and to design an appropriate arbitration proceeding.

3. Handle logistics of arranging meetings for the parties, which includes, but is not limited to, scheduling, arranging facilities, and notifying participants.
4. Prepare reports, summaries and drafts of agreements.
5. Communicate with parties between meetings to ensure that issues and concerns have been communicated accurately and that participants are adequately prepared for the next meeting.
6. Provide subject matter experts in technical, scientific, economic or other fields related to the substance of the dispute to research, review, analyze facts, or to make presentations to the parties.
7. Prepare and present research, analyses, explanations, summaries, fact sheets, white papers, brochures, social media, web pages, and other similar collections of data or information needed to educate the parties as to the substance of the dispute and options for resolving it.
8. Issue decisions as built into the design of the process in accordance with the Administrative Dispute Resolution Act and as specified under other statutory provisions, regulations or policies.
9. Write final case studies or process reports including evaluation of the process and recommendations for improvement, follow-up or future activities, taking into consideration issues of confidentiality.
10. Conduct all or parts of an evaluation of the case according to CPRC case evaluation protocols.

TASK I--TRAINING SUPPORT

The Contractor shall provide training in negotiation, conflict prevention, dispute resolution processes, conflict coaching, public involvement, consensus building, collaborative decision making, visioning, and other consultative processes and subject matter courses that increase the effectiveness of EPA personnel and programs in their interactions and negotiations with the goal of achieving better, more efficient resolution of environmental issues. Participants in training seminars may be EPA and other federal, tribal, state, local or international government staff partnered with EPA staff in resolving environmental issues, parties to disputes or issues discussions, groups of stakeholders participating in EPA initiatives, and committee, dialogue or workshop group members. Training may be conducted in person, via telephone, video or web conference, coaching, or through computer-assisted means. For program and consistency reasons, training should be designed so that it can be replicated in order to provide national

consistency and reduce costs. Training may be designed to be presented by Contractor staff, EPA staff or others involved in the program.

As specified in the task order or written technical direction, the Contractor shall:

1. Conduct a needs assessment with EPA staff or other parties to identify training needs and materials.
2. Design, or co-design with EPA personnel, in-person or web-based training.
3. Produce training materials (handouts, manuals, notebooks, videos, and audio). Provide written or electronic copies of speaker/trainer notes.
4. Provide subject matter experts in technical, scientific, economic or other fields to research, analyze or to contribute to the training materials or make presentations to the training participants.
5. Prepare and present research, case studies, exercises, analyses, explanations, summaries, fact sheets, white papers, brochures, social media messages, and other data or information required to accomplish the goals of the training.
6. Establish and maintain communication and information links such as web pages, list serves, and other methods of communication between the organization sponsoring the training and those receiving it.
7. Perform logistical tasks such as registration and notification of participants, arrange meeting facilities and support, provide required services, supplies and equipment for presenting the course, including access to teleconference, webinar or other electronic communication technologies.
8. Teach all or portions of seminars. Present off-the-shelf courses that the provider possesses expertise in presenting.
9. Design and conduct evaluations. Provide results and recommendations regarding the effectiveness of, and proposed changes to, the trainings or programs.
10. Prepare a final report summarizing the training, participant evaluations, and recommendations for changes, additions or deletions in the training agenda, materials or procedures.
11. Manage a suite of courses or a specialized curriculum of courses, develop program and course descriptions, disseminate information, schedule courses and locations, track participant attendance and course completion, program effectiveness evaluation and program reporting.

TASK J--TECHNICAL SUPPORT

Ancillary to a dispute resolution, public involvement process, training or other project ordered under this contract, the Contractor shall provide technical support as specified in the task order or written technical direction.

1. Meeting Logistical Support

The Contractor shall obtain meeting room facilities, equipment (such as computers, screens, audio-visual equipment, flip charts and markers), on-line connections and services, supplies and other allowable, miscellaneous services appropriate and necessary in helping the parties achieve the goals of the assigned task.

2. Expert Technical and Scientific Assistance

Conflicting factual assertions arise that may require evaluation, assessment, research, information gathering, verification, calculation and analysis by a specialist in the narrow field of concern. For example, a committee or group of stakeholders may require specialized advice on statistical sampling methods, economic analyses, or chemical or biological analytical test methods from an expert who has not been previously retained or used by any of the parties and can be considered by all parties as neutral. Or a group of stakeholders or committee may require a panel of experts with expertise and varying opinions to bring to light all possible sides of an issue in one place or time.

The Contractor shall locate, retain and manage subject matter experts in such fields as statistics, economics, engineering, medicine, toxicology, epidemiology, agriculture, and other technical or specialized fields. The Contractor shall consult with parties to the dispute to identify the experience, education, knowledge, and skills required of the expert and to further define the scope of the expert's work.

3. Administrative Support

The Federal Advisory Committee Act and the Negotiated Rulemaking Act both authorize travel reimbursement to participants in a negotiation or Committee. EPA will reimburse the contractor for travel. The Contractor shall reimburse non-federal technical experts, panel members, presenters, and speakers for travel expenses and other direct costs incurred. The Contractor shall conduct local and Continental United States (CONUS) travel in accordance with GSA's Federal Travel Regulation found here: www.gsa.gov/fttr. The Contractor shall conduct Outside the Continental United States (OCONUS) travel in accordance with the

Department of Defense Joint Travel Regulations found here: <http://perdiem.hqda.pentagon.mil/perdiem/trvlregs.html>. The contractor shall adhere to the requirements of Federal Acquisition Regulation (FAR) Subpart 31.2 in incurring allowable travel costs under this requirement.

4. Communications Support

The Contractor shall design and implement efficient and effective communications, information exchanges and education processes such as document repositories, help lines, teleconference calls, video conference calls and electronic communications through web sites, list serves, on-line dialogues, podcasts, social media, or text messages. In addition, the Contractor shall gather, compile, categorize, report, research, analyze and prepare responses to public comment.

5. Write/Edit and Design Documents

The Contractor shall research, design, write and edit fact sheets, brochures, white papers, analyses, data presentations, meeting presentations, webcasts, videos, online postings, social media messages, webpages, and other documents, presentations or papers required to educate parties in a potential or actual dispute or issue in controversy regarding the programmatic, scientific or technical information, policy or factual matters.