

**SUPERFUND ENFORCEMENT SUPPORT SERVICES (SESS)  
EPA REGIONS 7, 8, 9, and 10  
STATEMENT OF WORK**

**INTRODUCTION AND BACKGROUND**

This Statement of Work (SOW) is issued as the successor to the existing Superfund Enforcement Support Services (SESS 4) SOW. For enforcement support services provided pursuant to this SOW, the Contractor shall perform in accordance with all environmental statutes as appropriate [e.g., Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Superfund Amendments Reauthorization Act (SARA) (commonly referred to collectively as "Superfund"), as well as Emergency Planning and Community Right-To-Know Act (EPCRA), Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA) and Toxic Substances Control Act (TSCA), or successor statutes].

Successful completion of enforcement activities at Superfund sites requires close coordination of these activities in concert with other site events. The pace of enforcement activities is often dictated by removal actions, mandatory notice to Potentially Responsible Parties (PRPs), public comment periods, and statutes of limitation (SOLs). Each of the enforcement support activities listed in this SOW is interrelated with, and dependent upon, the others. Site complexities such as divisibility of harm, multiple operable units, and both cooperative and recalcitrant PRPs at the same site make it difficult to delineate the end of one enforcement activity and the beginning of another. Enforcement should be considered an ongoing process rather than a discrete event. Each activity has a direct bearing on the others, and successful performance of each activity is essential to the successful completion of all activities. Therefore, in order to provide any of the activities below, the Contractor shall and must be capable of providing them all.

Support services will be provided to EPA Regions 7, 8, 9, and 10. Regions 8 and 9 will be the primary users.

There are two (2) teams within the EPA Region 9 CERCLA Enforcement Section. Their activities include, but are not limited to:

1. Cost Recovery Team

- Cost Documentation/Work Performance Packages
- Oversight Billings
- Special Accounts/Cash-outs
- State Superfund Contract Billings
- Administrative Records Coordination/Records Management
- Site Charging Assistance
- CERCLA Administrative Docket and Accounts Receivable
- Coordination of Enforcement Reporting
- Ability to Pay Determinations

2. Case Development Team

- Potentially Responsible Party (PRP) Searches
- Corporate Entity Research
- Property Ownership Research
- Evidence Gathering and Analysis
- Financial Analysis

- PRP Analysis and Referral
- Skip Tracing
- Office of Regional Counsel Support
- Litigation Referrals and Litigation Support
- Settlement Negotiations and Allocations of Liability

In Region 8, the Technical Enforcement Program staff, housed within the Office of Enforcement, Compliance and Environmental Justice, perform all CERCLA related enforcement activities, including arranging for and managing the conduct of work under SESS contracts. Their activities include, but are not limited to:

- Skip Tracing
- Property Ownership Research
- Simple and Complex Title Searches
- Information Request Preparation and Analysis
- General and Special Notice Preparation
- Enforcement Addendum Preparation
- PRP Searches
- Simple and Complex Corporate History Research
- CERCLA Liability Evidence Gathering and Analysis
- Simple and Complex Financial Assurance Needs Determination
- Simple and Complex Ability-to-Pay Determinations
- Simple and Complex PRP Liability Analysis
- Negotiations Support
- Referral Preparation
- Litigation Support
- Cost Documentation/Work Performance Package Support
- Oversight Billing Support
- Cost Recovery Negotiation Support
- Coordination of Enforcement Reporting
- FOIA Responses

For the purpose of this SOW, the words “The Contractor” shall mean the firm ultimately selected under this procurement. Services shall be delivered in compliance with all applicable federal, state, and local laws, regulations, guidance and policies and will be adjusted to reflect those applicable laws, regulations, guidance, and policies which become effective after the effective date of the contract. A collection of federal environmental laws, regulations, and non-binding guidance documents may be accessed at <http://www2.epa.gov/laws-regulations>.

Contractors may access relevant laws, regulations, and policy documents for individual states and or/local jurisdictions at their respective web sites.

Analysis and/or recommendations provided by the Contractor to EPA under the contract, may be used by the Agency; however, a Contractor shall not make any decisions or assist in the development of policy documents for the Agency. The Contractor shall explain to outside parties, at the onset of communications, that they are “United States Environmental Protection Agency Contractors.”

All work conducted under this SOW must be performed consistent with EPA’s Quality System. Therefore, the contractor shall develop a Quality Management Plan (QMP) and Quality

Assurance Project Plan (QAPP). Guidance on developing the QMP and QAPP may be accessed at <http://www.epa.gov/quality/>.

## **PURPOSE**

This procurement is intended to obtain professional and technical support, products, and services for EPA points of contact involved in a wide range of enforcement and litigation support activities. The contractor shall assist EPA Regions 7, 8, 9, and 10 in their continuing efforts to identify and involve PRPs responsible for releases or threatened releases of hazardous substances, and involve them in EPA's cleanup processes and activities, which will lead to reduction, or elimination of risks to human health and the environment.

## **SCOPE**

The scope of the Region 7, 8, 9, and 10 SESS contract is for the contractor to provide enforcement support activities as described in the Task Areas of this SOW.

Enforcement activities under this SOW include PRP search activities at all types of sites, including, but not limited to: removal and remedial sites and sites that have not yet been evaluated for potential placement on the National Priorities List (NPL).

While the SOW is organized by specific technical requirements, activities may incorporate the overlapping of multiple technical requirements to provide enforcement support to EPA. The Contractor shall submit all analyses, options, recommendations, reports and any other work products in draft form for review to the EPA Contracting Officer (CO) or Contracting Officer Representative (COR) prior to use or distribution. The government will make all final regulatory, policy, and interpretative decisions resulting from Contractor-provided advice and assistance under this SOW, as well as all final decisions regarding compliance determinations, or the existence or violation of, any order, law, regulation, etc.

The contractor shall furnish all resources necessary to:

- Perform all work described in the Task Area of this SOW.
- Perform specific tasks assigned through Task Orders under this contract.
- Perform contract management functions and meet all other contract terms and conditions.

The contractor shall furnish all resources including the necessary personnel, material, equipment, services, and facilities (except as otherwise specified) to perform the tasks identified in the SOW and to perform management functions including monthly and quarterly meetings with EPA representatives to review issues, problems, and performance. Requirements for deliverables, their delivery schedule, and their acceptance criteria will be specified in applicable Call Orders.

As directed by EPA, the contractor shall provide relevant information and provide suggestions regarding alternative approaches on technical issues. All information provided shall be supported by underlying analysis.

## **TECHNICAL REQUIREMENTS**

- Expertise in conducting PRP Searches at sites of varying complexity, e.g., mining sites, multiple generator sites, groundwater sites, etc.
- Ability to expedite commencement of assigned tasks, as necessary
- Any written deliverable submitted under this contract shall:

1. Demonstrate good command and usage of the English language (e.g., discussion of facts flow in a coherent and organized manner);
  2. Demonstrate use of proper grammar (noun and verb tense correspond, etc.); and,
  3. Be free of incomplete sentences and misspelled words.
- The contractor shall perform support services in accordance with the three principal Superfund program guidance documents listed below, and any subsequently issued guidance documents which pertain to PRP search work. These documents are:

**1. Potentially Responsible Party (PRP) Search Manual**, The current PRP Search Manual, published in 2009 with 2011 and 2012 amendments, can be accessed on-line at <http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

**2. Guidance on Preparing and Releasing Waste-in Lists and Volumetric Rankings to 1991 PRPs Under CERCLA**, can be found in the PRP Search Manual, September 2009, Chapter 3, Section 3.8. A direct reference to that particular policy can be found at: <http://www2.epa.gov/sites/production/files/2013-09/documents/guide-volumet-rpt.pdf>

**3. Elements of Liability Under Section 104, 106, and 107 of CERCLA, U.S. Department of Justice, (Current edition)**

- All deliverables, unless directed differently in the individual Call Order, shall be printed double-sided. Sensitive information shall be properly labeled.
- All deliverables, unless directed differently in the individual Call Order, shall be printed double sided. Sensitive information shall be properly labeled.
- Tasking under the SOW will generate investigation-derived deliverables and communications that contain the following categories of EPA privileged information: personally identifiable information (PII), sensitive PII (SPII), confidential business information (CBI), enforcement confidential information, attorney work product, and deliberative process product.

The Contractor and all subcontractors shall adhere to all federal security regulations, policies, and guidance, and any and all subsequent revisions or modifications, including, but not limited to:

1. EPAAR 1552.211-79 concerning compliance with EPA policies for Information Resources Management.
2. FIPS 199: Federal Information Processing Standards Publication - System Categorization and NIST 800-60 Volumes 1 and 2.
3. NIST 800-18: Guide for Developing Security Plans for Federal Information Systems (2006).
4. NIST 800-30: Risk Management Guide for Information Technology Systems.
5. NIST 800-34: Contingency Planning for Federal Systems.
6. NIST 800-37 Revision 1: Risk Management Framework for Federal Systems. Conduct independent control assessment annually on approximately 1/3 of controls.

7. NIST 800-53 Revision 4: Security and Privacy Controls for Federal Information Systems and Organizations (April 2013).
8. NIST 800-171: Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations.
9. NIST 800-122: Guide to Protecting the Confidentiality of Personally Identifiable Information (PII).
10. OMB 11-33: On-going continuous system monitoring based on OMB's FY 2011 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management.
11. Privacy Act, Title 5 of the U.S. Code, Section 552a.
12. EPA Privacy Policy, applicable EPA rules and regulations.

The Contractor and all subcontractors shall implement all necessary processes and controls for the secure use, storage, management, and transmission of privileged information, including specifically the following controls from NIST 800-53, Revision 4:

1. AC-17 Remote Access
2. MP-2 Media Access
3. MP-4 Media Storage
4. MP-5 Media Transport
5. SC-8 Transmission Confidentiality and Integrity
6. SC-28 Protection of Information at Rest

The Contractor and all subcontractors shall operate consistent with EPA implementation and interpretation of the Privacy Act, guidance, and policy at all times.

Pursuant to EPA's Privacy Policy, the Contractor and all subcontractors who work on or in support of this contract are responsible for and shall immediately report any suspected or known data breach of PII or SPII as soon as the incident is discovered to the EPA Call Center at 1-866-411-4372 within one hour. In addition, the Contractor and its subcontractors shall inform the EPA Region 9 Contracting Officer, EPA Region 9 Contract Project Officer, EPA Region 9 Alternate Contract Project Officer, and EPA Region 9 Information Security Officer.

Privileged information in any electronic format, e.g., MS Excel, Adobe, etc., shall be encrypted at the file level while at rest and during transmission. Currently, SecureZip is the only file encryption solution approved for use in Region 9 by the Region's Information Security Officer for PII and SPII storage. Additional information on SecureZip is available at <https://www.pkware.com/store>.

Transmission of privileged information between EPA and the Contractor shall occur via encrypted FIPS 140-2, Level 3 compliant USB hard drives and/or in hard copy. Depending on investigation phase, exchange of the above types of privileged information may be necessary up to several times per week on an ongoing basis over an indeterminate period of time.

Computer hard drives, including network and/or other servers, that store or contain privileged information shall be encrypted.

The Contractor shall control and limit access to privileged information and ensure that equipment and information are secured and safeguarded within their facility and when in transit. To the extent required to carry out a program of inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of Government data, the

Contractor will afford the Government access to the Contractor's or other external organization's facilities, installations, technical capabilities, operations, documentation, records, and databases. The Contractor will cooperate with Federal agencies and their officially credentialed representatives during official inspections or investigations concerning the protection of all categories of privileged information. Cooperation may include providing relevant documentation showing proof of compliance with federal and agency requirements, and rendering other assistance as deemed necessary.

## **TASK 1      POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCHES**

### **OVERVIEW**

The purpose of a PRP search is to identify PRPs and gather evidence demonstrating liability for actions conducted under CERCLA. When appropriate, and as directed by EPA in a Call Order, the Contractor may be tasked with conducting PRP search activities with the PRPs and/or the PRPs' contractor(s) where the PRPs and EPA are coordinating search activities.

#### **Enforcement in Superfund consists primarily of four steps:**

- Identification of PRPs who are or may be liable for performing or paying for response/remedial actions;
- Notification of PRPs of their potential responsibility and liability;
- Negotiation with PRPs in an effort to obtain their agreement to perform or pay for required response/remedial actions; and,
- Issuance of Unilateral Administrative Orders to PRPs to require response/remedial actions, or litigation initiation for recovery of response/remedial costs, in instances when negotiations are unsuccessful.

These steps are ideally, but not always, performed sequentially, and should be considered interrelated and interdependent. The government may order all or selected components of a PRP Search. The Contractor may be required to perform any or all of the Baseline Tasks and Specialized Tasks described in the September 2009 PRP Search Manual (Chapter 3, Section 3.10 for baseline tasks), leading to production of a PRP Search Report. PRP search activities include but are not limited to:

### **1.1 PRP NAME AND ADDRESS VERIFICATION, CORRESPONDENCE TRACKING AND TRANSACTIONAL REPORTS**

- Maintain a current, up-to-date list of PRPs' names, addresses, and other contact information (e.g., phone number, attorney's name, attorney's phone number, etc.) which will enable EPA to serve enforcement-related correspondence. The Contractor shall verify the accuracy of the PRPs' addresses prior to mailing any correspondence and shall notify the EPA COR of any correspondence that is returned undeliverable.
- Assist the Agency in the development of databases that track contact with PRPs and transactional data related to individual PRPs.
- When required, the Contractor shall maintain a Correspondence Tracking System (CTS) that contains data extracted from PRP responses to EPA inquiries.
- When required, the Contractor shall prepare and deliver to the government a Transactional Report which shall consist of information extracted from written documents including, but not limited to, waste manifests, invoices and/or witness testimony to establish time frames, wastes or contaminated materials, individuals and/or facilities involved, and volumetric values.
- Analyze and organize information obtained during PRP Search activities in accordance with the rules of evidence, CERCLA elements of liability, and applicable case law. The Contractor shall provide a written summary of information gathered during the PRP

search in the form of evidence summary sheets and shall analyze the information for evidentiary value, strength, and potential admissibility.

- Recommend, in writing, the classification of each “person” [as defined by CERCLA section 101(e)(21)] identified during research into appropriate PRP categories for EPA consideration and approval under CERCLA Section 107(a).

## **1.2 DEVELOPMENT OF WASTE-IN LISTS, VOLUMETRIC RANKING REPORTS, AND WASTE-IN TRANSACTIONAL REPORTS**

- The Contractor shall develop and submit for COR approval site-specific protocols to be applied during review of supporting documents and allocation of waste volume to PRPs.
- The Contractor shall develop, operate, and maintain an electronic database which contains information needed to produce Waste-in Lists, Volumetric Ranking Reports, and Waste-in Transactional Reports.
- The Contractor shall prepare and deliver to EPA an accurate inventory of wastes that were generated at, transported to, stored, and/or disposed of at a site in the form of a computer-generated list which includes volume and nature of hazardous substances contributed by each identified PRP, while also noting any weaknesses in the data.
- The report summarizes analyses performed to estimate volumes of hazardous waste attributable to PRPs including chemical processes, chemical fate, and waste modeling. The report presents stoichiometric calculations, analysis of material balances, and interpretation of process engineering data about manufacturing processes employed by PRP generators.
- The Waste-in List shall identify all clarifying assumptions made during compilation in accordance with the “Generally Accepted Waste-in List and Volumetric Ranking Assumptions,” in the September 2009 PRP Search Manual. The Waste-in List document summarizes analyses used to estimate hazardous waste volumes attributable to PRPs, including stoichiometric calculations, analysis of material balances, and interpretation of process-engineering data about manufacturing processes employed by PRP generators.
- The Volumetric Ranking conforms to the Contractor proposed, COR-approved report format. The Volumetric Ranking Report created for release to PRPs satisfies all information-release requirements of CERCLA Section 122(e)(1)(C).
- Databases developed under this subtask shall be functional and compatible with EPA hardware and software. The Contractor shall be prepared to install databases (with edit capability) on EPA computers/laptops as designated by the COR, and provide training on use, if needed. Databases will be completed within the proscribed schedule detailed in the Call Order. Costs are within the approved budget ceiling.

## **1.3 CORPORATE AND INDIVIDUAL RESEARCH AND FINANCIAL ASSESSMENTS**

Financial Reports shall generally: (a) summarize the financial issues being addressed; (b) list documents received and reviewed from EPA or from a third party (such as a PRP) that formed a basis for the financial analysis; (c) describe the methods of financial analysis used to arrive at recommendations; (d) identify relevant referenced EPA guidance documents and how they were applied in the analysis and recommendations; (e) explain policy or action alternatives, if any; and, (f) otherwise make clear the methods and considerations upon which recommendations are based. Tasks that may be performed under this task area include, but are not limited to:

- Provide support to EPA in analyzing information obtained in this and other tasks to determine whether a PRP identified from historical records still exists, and for business entities, whether or not a successor as defined by statute and common law, exists for the historical PRP(s). Such support shall include, but not be limited to, obtaining copies of certificates of name changes, mergers, Securities and Exchange Commission filings, asset

- purchase agreements, merger agreements, and other relevant case development documents and providing document synopses or summaries, tailored to the tests established by statute and common law for determining a successor relationship.
- Financial viability assessments include, but are not limited to, such tasks as developing pro forma balance sheets, cash flow statements, and income statements, reviewing financial statements, calculating financial ratios, analyzing trends from year to year, and providing experienced, expert opinions regarding a PRP's ability to pay costs. As directed by the COR, and as provided in the General Policy on Superfund Ability to Pay Determinations, dated September 20, 1997 (or most current version) and codified by PL 107-118 (HR 2869), enacted January 11, 2002 and called the *Small Business Liability Relief and Brownfields Revitalization Act*, the contractor shall assist EPA in analyzing financial statements, accounting and tax records, and other relevant information. This includes information provided by PRPs in response to CERCLA Section 104(e) information request letters, in order to assist EPA in evaluating a PRP's ability to pay costs. The contractor shall also support EPA in obtaining documentation in order to verify information and substantiate claims submitted by PRPs.
  - The Contractor shall assist EPA by assessing future viability of responsible parties and assessing risk to EPA in accepting installment or deferred payments. The contractor shall perform economic trends analyses of selected businesses and the business sector to which the responsible parties belong.
  - The Contractor shall arrange for appraisals of real and personal property, as requested.
  - The Contractor shall arrange for property surveys, as requested.
  - Financial Analysis of Individual PRPs: The Contractor shall analyze the ability of individual PRPs (including sole proprietors or business partners) to contribute to financing costs at a Superfund site. The Contractor will use individual tax returns, individual financial statements and other financial information provided by the PRP to EPA, as well as available public documents, to provide EPA with advice regarding the PRP's ability to contribute to costs at the site.
  - Financial Analysis of Business PRPs: The Contractor shall analyze the ability of business PRPs to contribute to financing costs at a Superfund site. The Contractor shall use Federal tax returns, business financial statements, and other financial information provided by the PRP to EPA. In addition, the Contractor shall use available public documents and other sources of business information, as applicable to the business PRPs, to provide EPA with advice regarding the PRP's ability to contribute to costs at the site.
  - Financial Analysis of Government Organizations PRPs: The Contractor shall analyze the ability of PRPs who are government organizations, such as municipalities, counties, state agencies or universities, to contribute to financing costs at a Superfund site. The Contractor shall use financial statements and other financial information provided by the PRP to EPA, as well as available public documents, and shall apply principals of government finance to provide EPA with advice regarding the PRP's ability to contribute to costs at the site.
  - Financial Analysis of Non-profit Organizations PRPs: The Contractor shall analyze the ability of PRPs who are non-profit organizations, either government or non-governmental, such as educational institutions, hospitals, and service organizations, to contribute to financing costs at a Superfund site. The Contractor shall use financial statements and other financial information provided by the PRP to EPA, as well as available public documents, and shall apply accounting principles applicable to non-profit organizations to provide EPA with advice regarding the PRP's ability to contribute to response costs at the site.
  - Review and Analyze Financial Assurance Documents: The Contractor shall review and analyze financial assurance documents provided to EPA by PRPs to fulfill financial obligations under Superfund settlements. The Contractor will advise EPA whether the

- economic assumptions used to calculate the present value of the cost estimates are acceptable or unrealistic and whether the financial assurance documents satisfy EPA's criteria for acceptability of such financial assurance documents, based on the requirements established by EPA enforcement attorneys working on the case and EPA CERCLA financial assurance guidance. The contractor shall utilize computer modeling software programs, e.g., ABEL, to make and support its analyses.
- The Contractor may be asked to assist EPA in reviewing the following types of financial assurance documents: trust agreements, surety bonds, letters of credit, and corporate guarantees or self-guarantees, using an EPA financial test method or other method of financial assurance as requested by EPA.
  - **Financial Analysis of Complex Corporate Organizations:** The Contractor shall research and analyze the history and organizational structure of complex corporate organizations. The Contractor will use corporate Federal tax returns, available financial statements and other information provided by the PRP to EPA. In addition, the Contractor will use public documents and other available sources of business information. The Contractor will assist EPA in understanding the relationships among existing corporations and their potential liability for Superfund costs. Analyses may focus on a variety of issues such as operation and control of a PRP by another person, ability of a person to undercapitalize a PRP, evaluation of fair market value of related-party transactions, ability of a PRP to limit or reduce its earnings for benefit of a different person, and ability of a PRP to transfer an investment or other asset to an entity that may not be subject to CERCLA authority.
  - **Assist with Settlement Negotiations with Superfund PRPs:** The Contractor shall assist EPA enforcement teams, including DOJ enforcement attorneys, with PRP financial negotiations. This may include drafting information requests and interrogatories, reviewing draft settlement documents, participating in conference calls and meetings with PRPs, and providing advice to EPA and DOJ attorneys during depositions.
  - **Provide Expert Witnesses in Administrative Hearings or Judicial Cases:** If required, the Contractor shall provide financial analysts qualified to testify as expert witnesses in Superfund enforcement mediation, administrative hearings, and/or judicial trials. The financial analysts shall assist EPA and DOJ enforcement attorneys to prepare for administrative and civil litigation of financial issues, including, but not limited to, preparing expert reports and affidavits, reviewing documents provided by defense counsel and drafting questions for cross-examination of defense witnesses.
  - **Review Compliance with Superfund Settlements and Orders:** If required, the Contractor shall assist EPA enforcement staff in reviewing compliance with Superfund settlements and orders involving financial issues, including financial assurance. Compliance reviews may include assisting EPA to calculate economic benefit derived by liable parties from non-compliance with CERCLA requirements.
  - **Develop and Test Financial Analysis Tools:** The Contractor may be tasked to work with the Office of Site Remediation Enforcement (OSRE) and Regional enforcement teams to develop and test financial analysis tools, e.g., spreadsheets, and databases, in the context of providing expert financial analysis support.
  - **Provide Property Appraisals:** The Contractor shall provide property appraisals by a licensed, certified individual that is qualified to perform contaminated property appraisals.
  - **Provide Property Surveys:** The Contractor shall provide property surveys by a licensed, certified surveyor.

#### **1.4 INVESTIGATIONS**

PRP searches require the ability to obtain and develop information from sources and parties not known at the outset of the search. Therefore, it is essential for the contractor to have experienced

personnel available, either on staff or through contract, with demonstrated success in planning, organizing, and conducting investigations and securing information and cooperation from a variety of people, some of whom may be uncooperative or hostile. The contractor may be required to work independently or to work concurrently with other parties, including PRPs and their contractors. If private investigators are utilized by the contractor, licensed private investigators shall be used in those states where licensing is a requirement.

When conducting an investigation, the contractor shall apply and be governed by:

- CO approved call order pricing quote;
- Written technical direction from the COR, approved by the CO in the form of a TDM;
- Evidence custody and admissibility rules (e.g., collection, chain of custody, credibility, and admissibility); and,
- The scope, application and specific provisions of CERCLA Section 104(e) relating to the investigative jurisdiction of EPA.

Tasks performed under this task area may include, but are not limited to:

- Trace individuals and businesses, locate assets, and develop leads to relevant records and document collections.
- Identify discrepancies or inconsistencies in information received and develop strategies to resolve significant discrepancies.
- Prepare investigative activity reports that are accurate, concise, thorough, logically organized, and objective.
- Prepare lists of recommended individuals (e.g., former employees, etc.) to be interviewed by EPA and/or the contractor. Lists shall include name, title, and current or last known address, and telephone numbers for all persons named. Lists shall indicate relevant knowledge the individual is expected to provide, as well as recommended questions to be asked of the individual.
- Conduct interviews with governmental officials, witnesses, and other knowledgeable persons. The contractor shall identify witnesses whose testimony, due to the age or infirmity of the witness, should be preserved by audio or audiovisual recording. At written direction of the COR, and with prior expressed knowledge and permission of the interviewee, the contractor shall record by audio or audiovisual means selected interviews. The contractor shall prepare reports of interviews which shall contain a detailed summary of information provided (including all opinions, comments and statements of the interviewee, whether or not believed to be erroneous), and statements of interviews which the interviewee may be asked to review, authenticate, and sign.
- Transcribe, or arrange for transcription, interview audio or audiovisual recordings, producing accurate and complete written transcripts.
- Provide translation services for both written and recorded material and provide professional contemporaneous translation support for activities such as interviews, depositions, meetings, etc. Language support needs may include, but not be limited to, Spanish, Chinese (Cantonese or Mandarin), Tagalog, French, German, and sign language. Support for other languages may be necessary and will be assigned at the direction of the COR. Such capability may be provided by multilingual contractor personnel or may be subcontracted.
- Provide testimony regarding PRP search activities conducted by the contractor in support of EPA's enforcement actions.
- Deliverables demonstrate that the Contractor conducted investigations in accordance with: (a) proper investigative standards set forth in applicable federal and state rules of evidence and relevant interpretive case law concerning collection, chains-of-custody, credibility, and admissibility; and, (b) scope, application, and specific provisions of CERCLA Section 104(e) relating to the investigative jurisdiction of EPA.

## 1.5 TITLE SEARCHES

Provide the government with site owner, lessee, operator information that will assist in issuance of CERCLA Section 106 Notice Letters. The contractor shall conduct title searches by identifying and obtaining copies of relevant title documents from city, county, or state offices, or other designated sources. Title searches shall identify current and past owners of properties identified by the COR. Title searches generally address the entire time period in which hazardous substances were disposed, beginning with initiation of commercial activity (if known) to the present. Otherwise, the search shall address a time frame established by the COR.

Tasks that may be performed under this task area include, but are not limited to the following:

- Review all relevant title documents pertinent to the property identified by EPA. Relevant title documents include deeds, mortgages, deeds of trust, liens, leases, mining claims, mining patents, right-of-way easements and any other documents which establish an ownership or possessory interest in or an encumbrance upon the property. The contractor shall locate Superfund sites on county parcel maps as well as review metes and bounds legal descriptions to determine whether a parcel is part of a site.
- Analyze the contents of documents located, including leases, for information which will aid EPA in identifying and issuing notice to owners and operators, as defined in CERCLA Section 107(a).
- Provide copies of relevant County Assessor parcel maps, and title documents, either certified true copies or regular photocopies, as directed by the COR.
- Analyze title records and develop chain of title, title abstracts, or lessee information summaries as directed by the COR.
- Develop a graphic presentation (“title tree”) of the title information as part of its deliverable to aid in representing the chain of title.
- Develop parcel maps as directed, plotting out each parcel using current legal descriptions from recorded title documents and utilizing GIS (Geographic Information System) or other software technology. To the extent that the plotted legal descriptions do not match closely with the dimensions of the parcels as identified on the most recent County Assessor Parcel map(s), the contractor shall immediately alert the COR and advise him or her as to the extent of the discrepancies. Unless directed otherwise, the contractor shall attempt to determine the basis for the discrepancies and rectify the discrepancies on the contractor-generated map (such as by obtaining and plotting additional recorded documents). Any unresolved discrepancies shall be noted in the contractor’s report deliverable.
- The contractor possesses sufficient GIS and mapping capabilities, including the creation of maps and overlays that help identify parcel boundaries and site topography.
- Provide preliminary title reports establishing current ownership within thirty (30) days of initiating a title search.
- Prepare site parcel overlays onto aerial photography and provide other mapping services.
- Conduct lessee/operator searches.
- Provide both “spotted” and cadastral surveys to support title searches and other activities, as required by EPA.
- For mine sites, the report shall summarize the history of patented and unpatented mining claims, including an alphabetical list and copies of relevant documents including: (1) Bureau of Land Management Documents (master title plats, use plats, historical indexes, mining claim indexes, serial register pages, case files, survey plats, individual control documents, such as patents, public land orders, secretarial orders, and survey notes); (2) Minerals Management Service Documents; (3) Uniform Commercial Code Filings; and,

(4) County Records (deeds, assignments, mortgages, assessment work for unpatented mining claims, land valuation and appraisal data, ownership plats, tract or abstract indexes, grantor/grantee indexes, mortgagor/mortgagee indexes, and miscellaneous indexes that may contain information on leases, judgments, liens, encumbrances, royalty agreements, UCC filings, and zoning).

#### **1.6 CERCLA SECTION 106 GENERAL/SPECIAL NOTICE AND SECTION 104(E) INFORMATION REQUEST LETTER SUPPORT**

Provide formal notification to PRPs of potential site liability and request information from persons or companies with knowledge about site operations and hazardous substance management practices at a site, as well as ability of a PRP to pay for or conduct cleanup of a site.

Tasks that may be performed under this task area include, but are not limited to, the following:

- Provide administrative and technical support in preparation and mailing of CERCLA Section 104(e) Information Request letters and/or General/Special Notice letters, as defined in CERCLA Section 122. Support may include preparation of routine administrative-type letters (non-decision making) based on a model or template provided by EPA.
- Collect and compile PRP responses to Information Request letters and provide EPA a written summary and analysis of the responses (“Completeness Review”), ultimately integrating findings into the PRP Search Report.
- As directed, compile, review, and prepare background summaries supporting enforcement referrals to the Department of Justice.
- Develop, maintain, and operate a data base to track correspondence mailings to PRPs and receipt of responses to 104(e) Information Request letters and Notice letters. PRP information and lists shall be maintained in a format which allows easy electronic transfer to EPA’s CERCLIS data base.

#### **1.7 PRP SEARCH REPORT**

Organize the information collected during the course of the PRP search described above into a PRP Search Report.

Tasks that may be performed under this task area include, but are not limited to the following:

- Deliver to EPA a PRP Search Report which contains comprehensive evidentiary information on PRPs.
- The PRP Search Report conforms to the format and content standards outlined in EPA’s PRP Search Manual issued in September of 2009. Supporting documents cited in the report are identified correctly in accordance with the information management requirements of the SOW.
- The report demonstrates that the Contractor conducted the PRP search in accordance with proper investigative standards, consonant with applicable Federal and State rules of evidence and relevant interpretive case law concerning collection, chains-of-custody, credibility, and admissibility.
- The contractor possesses sufficient GIS and mapping capabilities to produce maps as directed by the COR to be included in the PRP Search Report.

#### **TASK 2 EXPEDITED PRP SEARCH SUPPORT**

Occasionally, EPA requires PRP search support on an expedited basis. These assignments are usually of short duration and of lesser monetary value, and require a quick turnaround (as quick as 48 hours).

Tasks that may be performed under this task area include, but are not limited to the following:

- The contractor shall be capable of providing, when ordered, all PRP search support activities in an expedited manner, which may include, but not be limited to: records collection, title searches, interviews, corporate research, financial research, assessment of PRPs, filing liens, service of documents, notice letter preparation, financial information collection and analysis relating to individual or corporation ability to pay assessments, and evidence summary preparation.
- Identify available personnel with Level C health and safety training and necessary equipment, in accordance with OSHA requirements found in 29 CFR 1910.120, in order to respond on a contingency basis.
- The contractor shall have in place streamlined procedures for health and safety planning, conflict of interest certification, and quality assurance.
- The contractor shall maintain a site-specific log on expedited search tasks for review by EPA. This log shall include the date of notification, the date deliverables were completed, and the cost of the expedited PRP search work.

### **TASK 3            INFORMATION GATHERING/RECORDS COLLECTION AND COMPILATION ACTIVITIES**

#### **Document Management and Control**

In accordance with the September 2009 PRP Search Manual with 2011 and 2012 amendments, preliminary information gathering PRP search tasks generally include interviewing government officials and private parties, records collection activities, conducting industrial surveys, and developing site histories. The contractor shall also develop sources of information tailored to the needs of specific PRP searches. The Contractor shall, when conducting record searches, interview record custodians to obtain an understanding of the uses and manner in which documents are or were received, created, processed, stored, preserved, and destroyed. The information obtained during this phase will be used to produce a written history of the site. As these searches will require the contractor to review records from a variety of sources, including archives and highly specialized collections, the Contractor shall have knowledge of records management practices and library science principles.

The contractor shall provide general records management support services. Services shall include, but are not limited to:

- Establishing and operating document support centers for selected Superfund cases. Associated tasks may include developing a computer-based information management system for organizing and controlling document files and for summarizing case-specific information contained in the documents. The information management system must provide the following support services.
  - A means for assisting EPA in responding within required time frames to Freedom of Information Act (FOIA) requests, discovery requests, discovery orders, and voluntary document exchanges. The system should be compatible with and built upon evidence tracking, letter, and transactional databases and document management systems referenced in other Tasks of this SOW, so that information in those databases may be loaded directly into this system.
  - A method of identifying and flagging the status of documents which EPA has designated or tentatively designated privileged, containing CBI, or otherwise not for public release, and protecting such documents from disclosure. In addition, developing a code for documents which have not yet been evaluated for privilege status.
- Screen documents for responsiveness, privilege, and confidentiality (e.g. CBI), according to previous designations by appropriate EPA staff.

- Convert paper source documents to optical disc media with optical character recognition (OCR). This includes creation of index materials, maintenance of conversion schedules, and quality control evaluation of delivered products to ensure compliance with Agency and contract specifications.

The Contractor shall identify Agency, state and local government officials and interview them in order to obtain information on: (1) the existence of relevant documents such as site records, permits, and clean-up orders, hauler's licenses, business licenses, landfill permits, zoning permits, building permits, zoning ordinances, and compliance history; and, (2) the names of individuals who may be knowledgeable about the site (e.g., current and former site employees who may have information regarding site operations). If directed to do so by EPA, the Contractor shall interview private individuals regarding site history and operations.

The Contractor shall search for and obtain copies of EPA, federal, state and local government documents, as well as documents located at the site that provide relevant information on activities that have taken place at the site. To ensure comprehensive review of business records pertaining to potential liability under CERCLA section 107(a), and to document the PRP's volumetric contribution and ability to pay, knowledge of records maintained in the ordinary course of business and knowledge of documents kept in accordance with environmental regulations is required of the Contractor. Such documents may include manifests (including Uniform Hazardous Waste Manifests), business plans, gate logs, records of accounts receivable and payable, purchase orders, invoices, and bills of lading, in addition to financial records and statements, including balance sheets, income statements, cash flow statements, ledgers, and journals.

The Contractor shall have the capability to photocopy and scan documents (with OCR), often at remote locations consistent with EPA guidance on reproduction of documents.

The Contractor shall assess and provide a written recommendation as to whether site records to be reviewed are contaminated by hazardous wastes. The Contractor shall have the capability to handle contaminated documents, and to safely transport and/or store such records should the situation arise. The Contractor shall undertake all appropriate measures to protect the health and well-being of its employees in these situations, including training in the proper handling of contaminated records.

The Contractor shall document record collection activities in PRP Search Reports, including information on contacts, records availability, and leads, consistent with EPA's PRP Search Manual.

The Contractor may be tasked to prepare profiles of industries and businesses that are currently operating or have operated in the past in a specified geographic area. These industrial profiles shall be based on information obtained from: federal, state, and local government records; industrial directories and manufacturer's registers; chambers of commerce records; county, city, college, university, and business school libraries; Sanborn Fire Insurance Company maps; Polk, Haines, and other similar city directories; aerial photography collections; urban archives; and, any other relevant sources. The deliverable for this research will be a comprehensive list of current and formerly operating industrial facilities. The list shall include, if available, location and size of the facility, physical plant information, location of storage tanks, lists of chemicals used, wastes generated, products produced, permits, years of operation, records of any facility inspections, and notices of violation.

Based on information obtained during PRP Search activities, the Contractor shall prepare and deliver to EPA a written "Site History," including operational and compliance histories, which shall be incorporated into the PRP Search Report. Site Histories shall be based upon a comprehensive records search and may include summaries of past owners' operations, federal, state, and local enforcement and cleanup efforts, investigation and sampling activities and sampling results. Other essential information to be gathered and included in the Site History includes: descriptions of facility operations and processes; lists of chemicals used; quantities of chemicals used and quantities of waste generated; information relating to the management of hazardous substances, including a description of any hazardous substance storage, treatment, and disposal practices.

The Contractor shall report relevant findings to EPA as required under the site-specific Call Order and incorporate the information into the PRP Search Report, or as otherwise directed.

The Contractor shall organize, save and manage the copies of relevant documents obtained under this subtask in accordance with the information management requirements detailed in this SOW and the EPA site-specific Call Order.

Standard practice in the waste hauling and disposal industry often results in several transactions occurring before final disposal of hazardous substances. These transactions frequently involve generators contracting with haulers, who then transport hazardous substances to disposers. Records of these transactions may contain information regarding the type, volume, and disposal method of the hazardous substances. At the written direction of the COR, with CO approval the Contractor shall develop and manage a data base for sites involving multiple operators, owners, generators and haulers. The data base shall be capable of tracking, controlling, and displaying in an internet based GIS all data and documents, which shall include but not be limited to some or all of the following items: 1) correspondence, 2) reports, 3) records of interviews, 4) witness information, 5) general business records, 6) title documents, 7) sampling locations and results, 8) groundwater well locations, 9) real property parcel information, groundwater contaminant shape files, aerial photography which has been orthorectified, and 10) other data or documents furnished to the contractor or obtained or collected by the contractor as part of this task and the tasks which follow. The database developed by the contractor shall meet requirements for data storage and compatibility identified by the COR and elsewhere in this contract. When available from the documentation, database reports shall display the following evidentiary information:

- Types of substances disposed by chemical composition or name, e.g. trichloroethylene, halogenated solvents, lead, BTEX;
- Process which led to release or disposal;
- Generators and transporters of the substances disposed;
- Total volume of each type of substance disposed;
- Quantity of each type of substance contributed by each owner, operator, generator or transporter;
- Ranking of each generator or transporter as a function of the total quantity of hazardous substances disposed; and,
- Information on the location and method of disposal or release.

The information gathered demonstrates that the Contractor has conducted interviews in accordance with proper interview standards set forth in applicable federal and state rules of evidence and relevant interpretive case law concerning collection, chain of custody, credibility, and admissibility. Interviews shall be documented in a Memorandum of Interviews, summarizing information and/or documents acquired.

Each document shall be assigned a unique tracking number. Specific information about the document is recorded, including the document's date, record type, author, recipient, and subject. Information gathered may include: licenses, permits, inspection reports, contamination or environmental studies, sampling data, and memoranda and correspondence between site owners/operators and government officials which would document a PRP's compliance history.

Relevant documents are copied and incorporated into reports in a manner consistent with EPA guidance on reproduction and document record collection activities in PRP Search Reports as set forth in the September 2009 PRP Search Manual. Records collected shall be organized in a manner compatible with the Region's Superfund filing structure and, at a minimum, will identify each document by its source, location, provider, and legal status (e.g., original, certified copy, true copy, etc.). Documents shall be indexed in conformance with Regional and national standards, as outlined in EPA Superfund Standard Operating Procedures.

The Contractor shall take all appropriate actions to ensure and protect the health and wellbeing of its employees, and the safe handling and transport/storage of contaminated records.

The Contractor shall research records such as industrial directories, Chamber(s) of Commerce records, business school libraries, insurance company maps, city directories, aerial photograph collections, urban archives, and the Internet, where deemed necessary.

The report shall conform to the format and content standards for a "Site History" as outlined in the September 2009 PRP Search Manual.

Supporting documents cited in the report (e.g., government documents, title search documents, and interview summaries) shall be correctly identified in accordance with the information management requirements of the site-specific Call Order.

#### **TASK 4      EXPEDITED GENERAL ENFORCEMENT SUPPORT**

The Contractor shall have capability to provide expedited technical and administrative assistance to EPA for service of Information Request Letters, General/Special Notice letters and other documents, and filing of liens and deed restrictions. While specific subtasks required under Task 4 are detailed below, each subtask has common requirements.

The Contractor shall have in place administrative and accounting procedures that enable them to expedite assignments, as necessary. The Contractor will ensure performance is consistent with Call Order deadlines.

##### **4.1    SERVICE OF PROCESS, DEPOSITIONS, LITIGATION, MEETINGS AND OTHER DOCUMENTS**

The contractor shall assist EPA by arranging for legally correct service of various enforcement related documents including information requests, notice letters, demand letters, subpoenas, orders, summonses, and complaints, on various parties. The contractor shall locate parties as assigned and properly serve or deliver enforcement or other documents to them. If needed, the contractor shall provide overnight or same day delivery service. The contractor shall, when required and at the direction of the COR, complete an affidavit, or certificate of service or other document to serve as evidence of service, in accordance with Federal Rules of Civil Procedure, local court rules, and EPA procedures.

Tasks that may be performed under this task area include, but are not limited to, the following:

- The summarizing of information contained in transcripts of prior depositions or statements;

- The summarizing or collecting of information obtained by the contractor in the performance of one or more of the other Tasks in this SOW;
- The summarizing of information available to EPA in the Superfund Records Center or in other venues;
- The preparation of exhibits such as slides, posters, charts, tables, or other graphic presentations to support EPA in enforcement activities, including litigation; and,
- Arrangement for procurement of appropriate meeting or conference rooms away from EPA's Regional offices, for such activities as public meetings, depositions, interviews, and conferences in support of enforcement activities.

#### **4.2 FILING OF CERCLA LIENS, DEED RESTRICTIONS, FOIA, AND OTHER RECORDED DOCUMENT SUPPORT**

Tasks that may be performed under this task area include, but are not limited to, the following:

- Assist EPA in preparing Notices of Lien as provided in Section 107(1) of CERCLA and in developing an “administrative record” in support of the proposed lien filing. This shall include deeds, EPA notices or notice letters and other documentation evidencing the release or threat of release of hazardous substance(s) at the site. In addition, the contractor shall, among other tasks, assist in determining the correct legal description of the property EPA proposes to lien, and, after EPA has prepared and signed the Notice of Lien, shall record it in the appropriate jurisdiction in compliance with the rules of that jurisdiction. The contractor shall furnish EPA with evidence and a letter report confirming that the lien has been recorded, including a certified copy of the recorded lien. The contractor may also be required to file other documents of record, as directed by the EPA COR.
- Assist in preparation and filing of deed restrictions pursuant to CERCLA and state laws. This shall include assisting EPA in determining the correct legal description of the subject property, recording the deed restriction in the appropriate jurisdiction in compliance with the rules of that jurisdiction. The contractor shall furnish EPA with evidence and a letter report confirming that a deed restriction has been filed, including a certified copy of the recorded deed restriction document. The contractor may be required to provide support in monitoring deed restriction compliance.
- Support the agency in managing the FOIA process by conducting activities such as retrieval of records, preparation of routine, non-judgmental correspondence, duplication/copying of records (microfiche, microfilm, optical disk or other photo, and/or electronic reproduction), and verification of document filing. The Call Order will identify the nature of correspondence to prepare.

The Contractor shall NOT: 1) interpret the FOIA request letter; 2) determine where to look for responsive records, except with respect to those files under the Contractor's control; 3) decide what records are releasable; 4) prepare any correspondence except as directed by EPA; or, 5) sign correspondence.

#### **TASK 5 NEGOTIATION, LITIGATION, EXPERT, AND REFERRAL SUPPORT**

The Contractor may be tasked with providing technical assistance to the Agency that will facilitate negotiations relating to: removals (emergency, time critical, and non-time critical); Remedial Investigation/Feasibility Studies (RI/FS); Remedial Design/Remedial Actions (RD/RA); Long Term Remedial Actions (LTRA); Operation and Maintenance (O&M) projects; deed restrictions; cost recovery; and claims defense. The Contractor may be tasked to provide case support for liability and viability analyses and cost documentation support. The Contractor will be required to provide technical support to EPA during the development of EPA/DOJ's negotiating strategy and during EPA's negotiations with PRPs. This may include identification

and procurement of expert witnesses and/or expert's opinions in subjects relating to scientific, engineering, financial, and valuation specialties relating to any tasks described in this SOW.

Tasks that may be performed under this task area include, but are not limited to the following:

- Summarizing draft orders, including collecting and analyzing information;
- Reviewing and assisting in drafting technical support documents, which may include statements of work to be performed by the PRP, work plans, or data submitted by PRPs;
- Evaluating PRP offers and work plans to conduct the proposed response action;
- Evaluating technical and financial capabilities of the PRP, the PRP's proposed consultant, and any subcontractor(s) to adequately implement the proposed remedy or remedies;
- Reviewing and evaluating financial information to determine completeness of costs and gathering work-performed documentation;
- Reviewing settlements, including mixed funding, and de minimis/de micromis settlements;
- Publishing public meeting notices, and preparing responses to comments;
- Collecting and developing information for the Agency's use in evaluating and preparing Preliminary Non-Binding Allocations of Responsibility (NBARs);
- Reviewing settlements involving cost recovery;
- Coordinating natural resources damages aspects of settlements;
- Verifying the compliance of a PRP's work plan with the requirements and schedules in pertinent legal documents such as orders and decrees;
- Other negotiation support activities that may be needed.
- Identifying qualified experts when tasked that possess special qualifications necessary to support specific enforcement actions. Includes providing the EPA COR with letter reports that contain verified and accurate information on the qualifications including, resumes, supportive documentation, and matrix showing the basis for selection of the final candidates.
- Obtaining professional and other services and products that help attorneys acquire, screen, analyze, and organize evidentiary and other documents that assist in preparation of litigation reports to establish a prima facie case and serve as the recommended basis for the EPA/DOJ-prepared complaint. Under this task, the Contractor will need to be capable of performing all of the activities listed below.
- Provide expert witnesses in administrative hearings or judicial cases and provide expert services in support of the PRP search or in support of developing settlement parameters. If required, the Contractor shall provide persons qualified to testify as expert witnesses in mediation, administrative hearings, or judicial trials in support of Superfund enforcement cases. Experts shall assist EPA and DOJ enforcement attorneys in preparing for administrative and civil litigation of financial issues, including preparing expert reports and affidavits, reviewing documents provided by defense counsel and drafting questions for examining defense witnesses.
- Provide expert level assistance in the areas of financial assurance determinations, complex ability-to-pay analysis, evaluation of evidence of fraudulent conveyances, evaluation of evidence that may allow piercing of the corporate veil, expert advice on strategy in complex bankruptcies and related matters. This includes access to Ph.D. level expertise in economics, specifically environmental economics, with demonstrated ability in the previously listed areas and alacrity in evaluating corporate finance using complex quantitative methods.
- Provide expert level assistance in the areas of insurance archaeology, evaluating historical insurance policies, and analysis of liability insurance policies.

- Experts may be required in the additional following fields, which include but are not limited to:
  - Accounting
  - Aerial photographic interpretation
  - Analytical methods
  - Appraisals (real property, etc.)
  - Auditing
  - Bioaccumulation/biotransfer/environmental fate
  - Biology/zoology
  - Biostatistics
  - Botany/plant pathology
  - Chemical engineering
  - Chemical transport and fate (pathways, modeling, etc.)
  - Chemistry (analytical, organic, inorganic, physical, process, etc.)
  - Civil engineering
  - Ecology (marine, food chain, agricultural, etc.)
  - Entomology
  - Environmental Economics
  - Epidemiology
  - Financial analysis/auditing
  - Geological engineering
  - Geology/hydrogeology
  - Hazardous waste management practices and technologies
  - Health and safety
  - Hydrology
  - Materials engineering
  - Metallurgy
  - Medicine (medical opinion, veterinary opinion)
  - Mining Engineering
  - Modeling
  - Pharmacology
  - Public health
  - Regulatory and policy development
  - Remedial engineering
  - Risk assessment
  - Sampling procedures
  - Soil chemistry/soil physics
  - Structural engineering
  - Surveying
  - Toxicology (aquatic, human, invertebrate, mammalian, etc.)
  - Other allied fields, as directed by the call order
  
- Preparation of a written statement or affidavit describing the expert's background and educational qualifications, publications, and experience in their field;
- Visit the Superfund site and/or other locations pertinent to the site/case, as tasked by the EPA COR;
- Review government, PRP and public comments and information from other sources relevant to the site/case and provide an oral and/or written evaluation;
- Review the literature for information relevant to the site/case;
- Present opinions and factual information in deposition(s) related to a case;
- Testify as an expert witness, providing written or oral testimony in federal court and/or administrative hearings;

- Assist in referral development pursuant to CERCLA Sections 103, 104, 106, 107, 109, and 122. The Contractor shall assist in assembly of all documents which support the referral, including EPA-PRP contacts, sampling data, records collected during the PRP search, and various other legal instruments.
- Assist in assembly of all documents that support the complaint and all discovery requests. Data collection, management, review, and assessment will continue until the prima facie case is determined by EPA to be complete and PRP searches have been completed.
- Utilize a document indexing system which will manage and track all evidence collected and is compatible with the Regional Records Center's indexing system.
- In preparation of litigation referrals and during ensuing discovery/litigation, the Contractor shall assist EPA in compilation of cost packages which document costs expended for a particular site. The Contractor shall conduct audits of information in the cost packages to identify and correct errors (e.g., costs incorrectly charged to a site, missing documentation, etc.), assist EPA in reconciling cost updates from EPA's current cost documentation packages, and assist in collection of work-performed documents. The Contractor shall document all discrepancies in the cost package in a Letter Report.

#### **TASK 6            COST RECOVERY SUPPORT**

The Contractor shall assist with cost package preparation and be knowledgeable in the four elements which evidence that: work was tasked; work was performed; costs were incurred; and, costs were paid. The Contractor has accumulated and verified all costs incurred in connection with a site or sites by reconciling all supporting documentation with EPA data. The Contractor has identified to EPA deficiencies in the cost package and/or potential sources of challenges. The Contractor shall maintain an organized cost package or cost document file that includes cost summaries for each cost element claimed, together with organized, supporting documentation.

Tasks that may be performed under this task area include, but are not limited to the following:

- Review all cost documentation and/or accounting procedures;
- Collect and summarize all available Superfund work-performed documents to support costs included in the cost package, including documentation that describes site specific response actions (e.g., contractual, cooperative, and interagency agreements);
- Compare work-performed documents against financial documents in the cost package to ensure that all documented costs are supported;
- Provide technical support for data analysis of government-furnished documentation;
- Provide assistance in developing proof to support allocation of non-site-specific charges on a site-specific basis;
- Review and analyze audits or technical reports;
- Provide support in defending claims for reimbursement under CERCLA during EPA preparation for civil and administrative settlements, including pre-trial and auxiliary services, leading to formal negotiations/meetings with private parties, and trial;
- Scan with optical character recognition (OCR), index, input data into a database, and copy cost recovery documents, as requested;
- The Contractor has performed the above-mentioned requirements in accordance with EPA guidance documents, including, but not limited to, Superfund Cost Recovery Referrals, September 6, 1983, OSWER Directive No. 9832.0; Superfund Cost Recovery Strategy, July 29, 1988; OSWER Directive No. 9832.13; Superfund Removal Procedures (Revision No. 3), February 1988, OSWER Directive No. 9360.0-3B (versions may be updated); and any EPA subsequent or superseding directives, guidance, policies, and/or revisions pertaining to the Cost Recovery Support Task.
- The Contractor will provide technical assistance to EPA in preparing Closeout Memoranda, where appropriate. A Closeout Memorandum is EPA's cost recovery decision document (CRDD), which summarizes the Agency's decision not to pursue further the

recovery of certain costs incurred at a site.

## **Task 7            COMMUNITY INVOLVEMENT SUPPORT**

The Contractor shall assist EPA with community involvement activities, including, but not limited to: making logistical arrangements for public meetings; development and dissemination of presentation materials; assistance with meeting registration; note taking; and/or production of recorded documentation of meetings.

### **7.1        PUBLIC MEETING SUPPORT**

The Contractor will prepare and provide support to EPA for public informational meetings, workshops, site tours, and conferences.

Tasks that may be performed under this task area include, but are not limited to the following:

- Logistical Support for Meetings: EPA community involvement coordinators (CICs) through the COR will provide the Contractor with the following information: date of meeting, meeting location, and court reporter/translator/speaker/security needs. The Contractor will handle making all arrangements and report results to EPA. When required, the Contractor shall:
  - Reserve and pay for meeting rooms;
  - Assist with meeting registration and notes;
  - Arrange and pay for audio-video equipment;
  - Arrange and pay for court reporters and transcripts. (Assume two transcripts of 100 pages each. Draft transcripts to be provided EPA within 15 working days of the meeting. Final transcripts to be provided within 5 working days of receipt of EPA's revisions);
  - Arrange and pay for translators with audio equipment;
  - Arrange and pay for expert speakers;
  - Arrange and pay for security; and
  - Arrange for transportation and other support for site tours.
- Presentation Materials: The Contractor shall develop visual materials (slides, PowerPoint presentations, signs, posters and/or other audio-visual materials). EPA's CIC, through the COR, will provide the Contractor with information to be placed on slides, posters, and other audio-visual materials.

### **7.2        FACT SHEET PRODUCTION**

Fact Sheets, flyers, brochures, press packets, and other written materials developed are of high quality, easily understood by the target audience and are accurate. Graphics are colorful, relevant, dynamic, and enhance the overall message presented. Written materials conform to EPA's preferred format, and are provided in Microsoft Publisher. Translations are factually accurate and grammatically correct. All maps, graphics and pictures for publications are of high quality and relevant to the subject being discussed.

Tasks that may be performed under this task area include, but are not limited to the following:

- Preparation of Fact Sheets: The Contractor shall prepare fact sheets, flyers, brochures, press packets, and other materials as needed, for the public regarding Superfund activities. Written materials may include information regarding the Superfund process, site history, upcoming site activities and opportunities for public involvement, and information regarding the results of studies, as well as plans for remediation at a particular site. The site CIC, through the COR, will furnish the text for the fact sheets. The Contractor shall provide graphics at the direction of EPA. EPA shall approve the Contractor's drafts of fact sheets and other public materials before distribution to the public. Fact sheets shall be produced using EPA's approved format. Final fact sheets

shall be provided to EPA in Microsoft Publisher. The Contractor shall arrange to have fact sheets reproduced.

- Translation of Fact Sheets: The Contractor shall provide translations of fact sheets, flyers and other public materials (predominately Spanish translations), as requested. When EPA requests only translation services, the site CIC, through the COR, will provide the Contractor with a hard or electronic copy of the fact sheet to be translated. The Contractor shall produce a translated version of the fact sheet and provide EPA with an electronic copy.
- Generate Maps, Graphics, and Pictures for Publications: The Contractor shall generate maps, graphics, and pictures for publications as requested by EPA.

### **7.3 PUBLIC NOTICES AND MAILINGS**

Public notices conform to Agency standards, are of high quality, well written, concise, and accurately transmit the information being relayed. Public notices are placed in EPA specified newspapers and are published on the date(s) specified by EPA. Letter reports transmitting the Public Notice and proof of publication are timely submitted to the COR.

Tasks that may be performed under this task area include, but are not limited to the following:

- Prepare Public Notices: The Contractor shall prepare the public notice layout and graphics and submit the draft notice to EPA for review and approval before publication. The site CIC, through the COR, will provide the text for notices and sample layout. EPA staff will identify newspapers in which the notices are to be placed and the date on which the notice must be published. The Contractor will be responsible for sizing the public notice to fit the display advertisement space. If the Contractor must make extensive layout and/or graphic changes to the public notice, the Contractor shall notify EPA prior to proceeding with placement of the public notice for final approval.
- Arrange for Publication of Public Notices: The Contractor shall proofread notices prior to publication, arrange with the newspaper for publication and payment of the notices as display advertisements, and assure that notices are placed in the newspapers on the appropriate date. The Contractor shall submit copies of the public notices to EPA, with proof of publication, for inclusion in the Administrative Record and information repositories as soon as received from newspaper.
- On rare occasions there is potential for short notice (as little as 48 hours) requiring quick response to the need to place a public notice.
- Develop, Update, and Maintain Mailing Lists: The Contractor shall develop, update, and maintain the database for site contact/ mailing lists. The site CIC, through the COR, generally will furnish names, addresses, and phone numbers for mailing lists; however, there may be occasions where EPA will ask the Contractor to locate appropriate addresses and phone numbers. Mailing lists are to be prepared in accordance with Regional format and content requirements.
- Provide Printouts of the Mailing List and/or Mailing Labels: The Contractor shall provide, as requested, printouts of, or CDs containing, the mailing list and/or mailing labels within 3 working days of the request
- Prepare Large Mailings: The Contractor shall arrange for labeling, folding, stuffing envelopes and bundling, as required by the Post Office.

### **7.4 COMMUNITY INVOLVEMENT PLANS, CONGRESSIONAL BRIEFING BOOKS, AND GENERAL COMMUNITY INVOLVEMENT ADMINISTRATIVE SUPPORT**

Prescribed procedures are followed when contacting individuals for interviews. Reports detailing site history, community history, and demographic information are accurate, clearly written, and

produced in a timely manner. Media identification and contact information is provided timely and accurate.

Tasks that may be performed under this task area include, but are not limited to the following:

- Arrange for Community Interviews: The Contractor shall be prepared to arrange for community interviews as requested by the CIC, through the COR and contact interviewees either via telephone or email to request an interview. Upon agreement on an interview time, the Contractor shall follow up with a confirmation letter to the interviewee.
- Perform Demographic and Site-History Research: The Contractor shall have the capability to perform demographic and site history research. As requested by CIC for the site, through the COR, the Contractor shall research US Census data and other relevant information to identify demographics of the area near the site and provide a written demographic description of the site. The Contractor shall conduct research and provide a written description of the community’s history.
- Identification of Media Contacts: The Contractor shall identify local media outlets and provide contact information as needed.
- As required, EPA staff will generate text for fact sheets, graphics, maps, and the cover. The Contractor will produce fact sheet format, graphics, charts, maps and covers for each Congressional Briefing Book. The Contractor will provide draft materials. EPA will review and provide comments on the draft. Based upon EPA’s comments, the Contractor will produce final fact sheets, maps, graphics, and cover. The Contractor will be responsible for reproducing and binding the briefing books, and also shall provide the information in electronic form on a CD. Briefing books will be produced every two years, following Congressional elections.
- The Contractor shall provide general community involvement administrative support to EPA, such as photocopying, acquiring newspaper subscriptions, and other tasks of this nature, to be determined as needed.

**EVALUATION OF PERFORMANCE**

**1. ACCEPTABLE QUALITY LEVEL (AQL)**

At a minimum, the contractor performs all activities in accordance with the guidance contained within this SOW, its exhibits and/or attachments, or in task order SOWs, as well as all other applicable guidance and regulations. The minimum AQL is a rating of “Good.”

**2. MONITORING METHOD**

The EPA will monitor and evaluate the contractor’s performance in accordance with the terms and conditions of the contract.

	<b>Unsatisfactory</b>	<b>Poor</b>	<b>Fair</b>	<b>Good</b>	<b>Excellent</b>	<b>Outstanding</b>
<b>Quality of Services Delivered</b>	Non-compliance is jeopardizing the achievement of contract requirements despite major Agency involvement.	Overall compliance requires major Agency involvement to ensure achievement of contract requirements.	Overall compliance requires minor Agency involvement to ensure achievement of contract requirements.	Overall compliance requires no Agency involvement to ensure achievement of contract requirements.	There are no quality problems and quality slightly exceeds the contract requirements.	The contractor demonstrates an outstanding performance level in all of the categories that justifies adding a point to the score.

<b>Initiative in Meeting Contract Requirements</b>	The contractor's complete lack in displaying initiative in meeting requirements is jeopardizing the achievement of contract requirements despite major Agency involvement.	The contractor's display of initiative in meeting requirements requires major Agency involvement.	The contractor's display of initiative in meeting requirements requires minor Agency involvement.	The contractor's display of initiative in meeting requirements requires no Agency involvement.	The contractor's display of initiative in meeting requirements slightly exceeds contract requirements.	(It is expected that this rating will be used in those rare circumstances when contractor performance clearly and greatly exceeds the performance levels required by the contract)
<b>Timeliness of Performance</b>	Delays are jeopardizing performance of contract requirements despite major Agency involvement.	Delays require major Agency involvement to ensure achievement of contract requirements.	Delays require minor Agency involvement to ensure achievement of contract requirements.	Delays require no Agency involvement to ensure achievement of contract requirements.	There are no unexcused delays and performance slightly exceeds contract requirements.	
<b>Cost Control</b>	Inability to manage cost issues is jeopardizing performance of contract requirements despite major Agency involvement.	Ability to manage cost issues requires major Agency involvement to ensure achievement of contract requirements.	Ability to manage cost issues requires minor Agency involvement to ensure achievement of contract requirements.	Management of cost issues requires no Agency involvement to ensure achievement of contract requirements.	There are no unresolved cost management issues and performance in this area slightly exceeds contract requirements.	
<b>Business Practices</b>	Response to inquiries or technical/ service/ administrative issues is not effective.	Response to inquiries or technical/ service/ administrative issues is minimally effective.	Response to inquiries or technical/ service/ administrative issues is somewhat effective.	Response to inquiries or technical/ service/ administrative issues is usually effective.	Response to inquiries, and technical/ service/ administrative issues is effective and performance in this area slightly exceeds contract requirements.	
<b>Customer Satisfaction</b>	Overall performance of the contractor is jeopardizing the achievement of contract requirements despite major Agency involvement.	Overall performance of the contractor requires major Agency involvement to ensure achievement of contract requirements.	Overall performance requires minor Agency involvement to ensure achievement of contract requirements.	Overall performance requires no Agency involvement to ensure achievement of contract requirements.	Overall performance slightly exceeds contract requirements.	