Notes

- This is the Response Contracts Basics Web seminar.

How To . . .

- Ask questions
  - » "?" button on CLU-IN page
- Control slides as presentation proceeds
  - » manually advance slides
- Review archived sessions
  - » http://www.clu-in.org/live/archive.cfm
- Contact instructors

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Notes

- When you registered, you were directed to this seminar's specific URL, which is the front page of today's seminar. The Front Page of the Web cast contains a short abstract of today's session. We have also included pictures and short biosketches of the presenters. Please note the presenters' e-mail addresses are hotlinked on that page in case you have any questions for one of them after today's presentation.

- For those of you joining us via the phone lines, we request that you put your phone on mute for the seminar. We will have Q&A sessions at which point you are welcome to take your phone off mute and ask the question. If you do not have a mute button on your phone, we ask that you take a moment RIGHT NOW to hit *6 to place your phone on MUTE. When we get to the question and answer periods you can hit #6 to unmute the phone. This will greatly reduce the background noises that can disrupt the quality of the audio transmission.

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Review of Module 1 — Introduction

- Introductions of instructors
- Overview of workshop
- RSC Resources
- IMH Handbook overview

1-3

Notes

- This slide presents an overview of the items discussed in Module 1.

Introduction of Instructors

- Instructor – Don Lininger
  - » On-Scene Coordinator, EPA Region 7
  - » Major responses – Columbia Shuttle disaster, Hurricane Katrina, Kansas tornadoes, Mississippi River flooding
- Instructor – Rich Messimer
  - » Field Accountant, EPA Region 3
  - » Major responses – Washington D.C. anthrax response, Columbia Shuttle disaster, Hurricane Katrina

1-4

Notes

- **Instructor – Don Lininger:** Don is an On-Scene Coordinator (OSC) in EPA Region 7. He has been with EPA since 1988 and has assisted with or coordinated many response actions, including major responses in Region 7 and Region 6.
- **Instructor – Rich Messimer:** Rich is a field accountant with the Removal Program in EPA Region 3. He has 20 years of experience assisting OSCs in the field with tracking and reviewing contractor costs during large response actions. Rich as been involved in a number of major incidents in Region 3, Region 4, and Region 6.

Overview of Workshop

- Objectives
  - Describe capabilities of START and ERRS
  - Describe how contractor costs are documented
  - Explain interaction between EPA and contractors
- Core ER

1-5

Notes

- **Objectives:** The overall objective of this workshop is to familiarize the participants with the capabilities of EPA's two major response contracts, the Superfund Technical Assessment and Response Team (START) and the Emergency Rapid Response Services (ERRS) contract, and to provide guidance on how to interact with contractor personnel. The workshop was designed for RSCs and very new OSCs that have not yet taken the OSC warrant course.

- **Core ER:** Cross-training on response contracts among regions is important to EPA. The Core ER now has criteria for contracts in backup Regions.

  The Core ER states "Region has critical response contracts (e.g., START, ERRS, BOAs) posted electronically so that response personnel from other regions can access them. Contact numbers including Project Officer (CO), CO and key contract personnel are also posted." Each Region will be evaluated on how well it meets these criteria.

RSC Resources

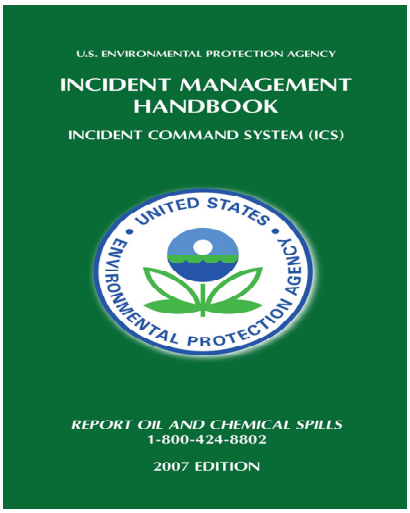
- Incident Management Handbook
- OSC Toolbox Guide
- Reference page in Appendix
- Select policy and guidance in Appendix

1-6

Notes

- **RSC Resources:** The major resources for this course are the Incident Management Handbook, OSC Toolbox Guide, and Web page references cited in the workshop materials. A reference guide page is located at the end of the manual in the Appendix along with copies of several shorter references.

IMH Handbook Overview



1-7

Notes

- The instructor will review the purpose and contents of the IMH. The IMH is available at: http://www.epaosc.net/site_profile.asp?site_id=963.

ICS Question

What piece of driving advice applies very well to working in the ICS?

a. Remember to watch what's coming up behind you.
b. Keep your eyes on the road and your hands upon the wheel.
c. Stay in your lane.
d. Put the pedal to the metal.

1-8

Any Questions?

1-9

Module 2:

Overview of Response Contracts

2-1

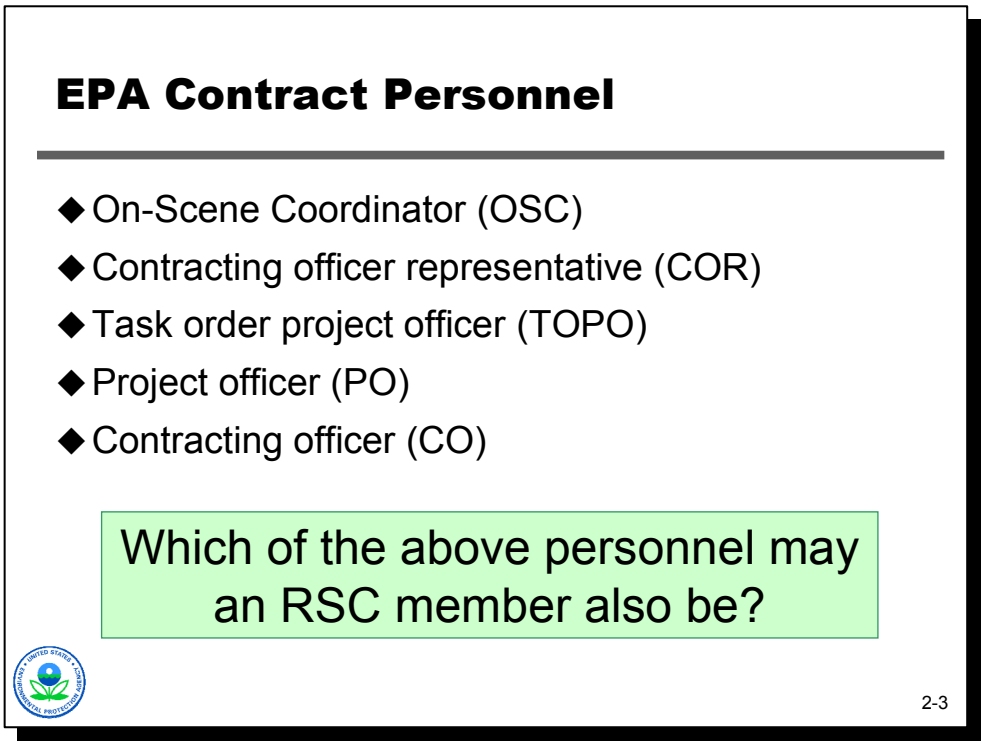
Review of Module 2 – Overview of Response Contracts

- General capabilities
- Contract type
- Contract teams
- Performance Work Statements
- Ordering work
- COR and CO/PO responsibilities
- Contractor duties during major incident

2-2

Notes

- Module 2 describes the major response contracts, START and ERRS, and discusses 1) the general capabilities of the response contracts, 2) the contract type, 3) the prime and team subcontractor team, 4) Performance Work Statement (PWS), 5) how work is ordered, 6) contracting officer representative (COR) and CO/PO responsibilities, and 7) contractor duties during major incidents.



Notes

- **OSC:** A predesignated Federal official who oversees response activities at oil spills and hazardous substance releases. The OSC ensures that the response is appropriate and timely, while minimizing environmental damage and protecting public health. Warrant authority provides the OSC with limited contracting authority to bind the Government financially for the procurement of essential goods and services to support a Federal response. Warranted OSCs are permitted to enter into contracts and make related determinations and findings subject to the limitations of their warrant.

- **COR:** An authorized representative of the contracting officer who acts within the limits of their authority as delegated by the contracting officer. OSCs and RSCs may also be CORs.

- **TOPO:** The TOPO is the EPA PO responsible for monitoring a specific task order under a contract. The TOPO is the link between the program and the PO and CO. The TOPO assists with developing statements of work, budgeting, and monitoring of TDDs or site-specific task orders issued under the contract level task order for which they are responsible.

- **PO:** The PO is the link between the program and the CO. The PO assists CORs with developing statements of work, budgeting, and monitoring. The PO assists the CO with quality and cost tracking, COI reviews, invoice approvals, and many other contract level operations.

- **CO:** A person with the authority to enter into, administer, and/or terminate contracts and make determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the CO.

Contract Terminology

- Daily work order (DWO)
- Technical directive document (TDD)
- Task Order
- Conflict of interest (COI)
- General and Administrative (G&A)
- Indefinite delivery/indefinite quantity (ID/IQ)
- Performance work statement (PWS)

2-4

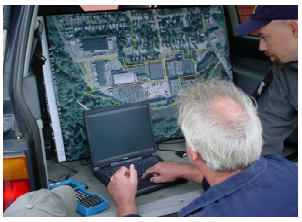
Notes

- **DWO:** A tool used by EPA to provide technical direction (consistent with the contract SOW) to contractors on a daily basis. Under performance-based contacting, the contractor is responsible for drafting the DWO for review and approval by the OSC.
- **TDD:** The mechanism by which EPA initiates or amends services required under a contract consistent with the SOW. TDDs are used on the START contract in some Regions.
- **Task Order:** A mechanism by which EPA initiates or amends services under a contract consistent with the SOW. Task orders are used to cover broad types of activities, such as emergency response task order or site assessment task order, under the START contract, and are also used for site-specific activities under the ERRS and START contract.
- **COI:** Actual and potential personal or organizational situations that preclude a contractor from working on a specific site, in accordance with the provisions of the contract and the Federal Acquisition Regulations, and as determined by the CO.
- **G&A:** Costs of the contractor not directly identified with a specific project or contract. G&A include corporate services, marketing, and bid and proposal costs. Depending on the contract, G&A may be added as a percentage of other direct costs and are included in the fixed loaded labor and equipment rates under START and ERRS contracts.
- **ID/IQ:** A type of contract under that allows for the delivery of services and materials at fixed labor and equipment rates.

- **PWS:** This describes the work that can be performed under the contract and is usually broken down by major task and relevant subtasks. The PWS is used to issue individual statements of work for TDDs under START or task orders under ERRS.

General Capabilities of Response Contracts

- General START capabilities
  - » Technical assessment and advice
  - » Personnel are science-based
- General ERRS capabilities
  - » Conduct cleanup response operations
  - » Personnel are operations-based

START  vs  ERRS

2-5

Notes

- **General START capabilities:** The START contract is designed to provide technical assessment support and technical and documentation support for response activities. START contractors provide technical advice during response activities and conduct air monitoring, modeling, photo and video documentation, and written documentation during emergency responses and long-term removal actions. START contractors conduct removal site evaluations and make recommendations regarding the findings for EPA's consideration. START contractors are typically biologists, chemists, engineers, hydrogeologists, geologists, and environmental scientists. START contractors also provide technical expertise such as certified industrial hygienists, toxicologists, risk assessors, and structural engineers.

- **General ERRS capabilities:** The ERRS contract is designed to provide for the conduct of the cleanup removal activities, such as moving containers, consolidating waste, excavating soil, clearing and grubbing, removing waste materials from tanks and other containers, and arranging for treatment and disposal of waste materials. ERRS contractors are typically heavy equipment operators, technicians, foreman, and response managers. Many ERRS personnel do not have scientific educational backgrounds, but have strong operational experience and knowledge.

START/ERRS Contract Type

- ID/IQ time and materials
- Fixed labor rates
- Fixed equipment rates
- Some regions have fixed-price components for START

2-6

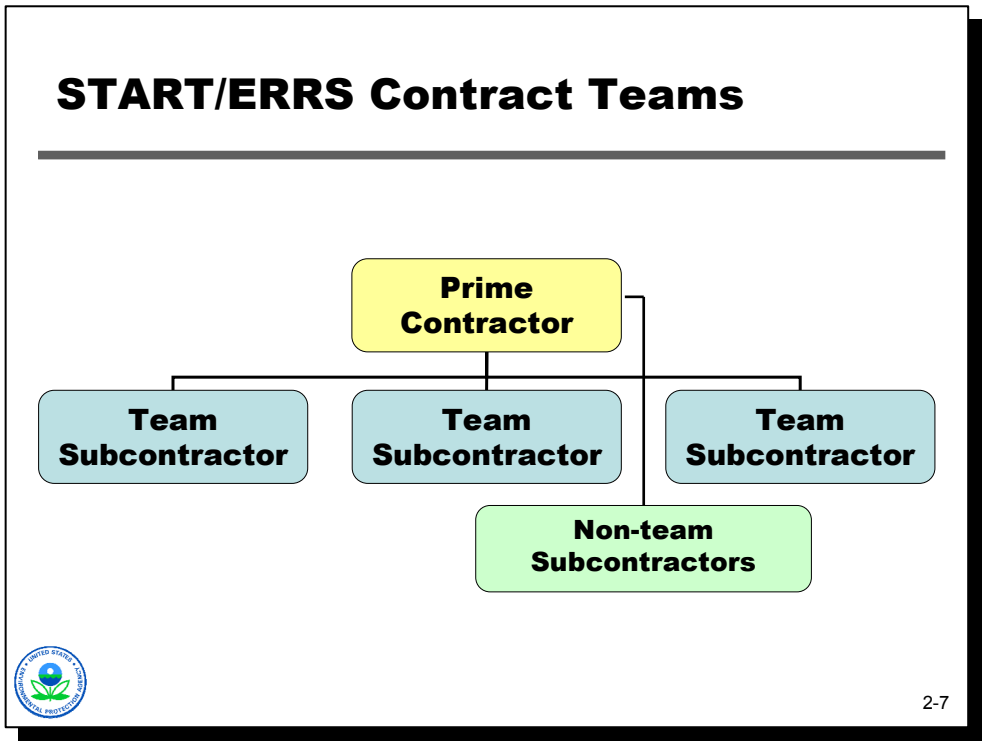
Notes

- **ID/IQ time and materials:** The START and ERRS contracts are indefinite delivery/indefinite quantity (ID/IQ) time and materials contracts. EPA is not able to define delivery and quantity of services it may require because of the nature of the work to be conducted. EPA therefore agrees to pay for the time and cost of materials necessary to conduct the work it requires at the agreed-on rates. Each project has a dollar and hour ceiling that the contractor may not exceed. These types of contracts require more oversight than fixed-price contracts because of the less well-defined nature of the work.

- **Fixed labor rates:** Labor rates for the START and ERRS contracts are fixed and are fully loaded with program management costs, routine equipment costs, general services and administration (G&A), fringe, overhead, and fee (profit). The labor rates vary for the personnel working on the contract, depending on expertise, experience, and the type of work they will be conducting.

- **Fixed equipment rates:** Routine equipment rates are fixed in the START and ERRS contracts and differ for daily, weekly, and monthly usage. Daily rates are used until a week of use has occurred, when weekly rates are used. Weekly rates are used until a month of use has occurred, when monthly rates are used.

- **Some regions have fixed-price components for START:** Some regions have fixed price components in their START contracts. For example, Region 4 has a fixed-price component for site assessment work. The amount of the fixed price varies depending on the complexity of the site assessment.



Notes

- **Prime START and ERRS Contractors:** Each region has at least one START prime contractor, and some regions may have two. One is usually a small, disadvantaged business, and the other is a large business. Each region has at least one ERRS prime contractors, and some regions may have more than one. Each prime contractor, whether START or ERRS, has a number of team subcontractors as part of its contracting team.

- **Team Subcontractors:** The team subcontractors are part of the prime START and ERRS contractors' teams. The prime contractor is responsible for the quality and timeliness of each team subcontractor's work. Team subcontractors may be used for specialized projects or to provide geographical coverage in the region. Team subcontractor costs are included in the prime START and ERRS contractors' invoices.

- **Non-team Subcontractors:** The prime START and ERRS contractors may also let subcontracts for certain types of work, such as analytical services, drilling services, or other specialty work. The prime START and ERRS contractors must use federal procurement regulations to issue subcontracts and, in some cases, must obtain CO approval. Most large businesses have an approved procurement system that is audited by a cognizant federal auditing agency.

- **Regional START and ERRS prime contractors:** The table entitled "EPA Response Contract" is include as Item 2 in the Appendix and lists the START and ERRS prime contractors for each region and provides the CO contact for each contract. The list of START and ERRS contracts changes as old contracts end and new contractors are selected. The following Web site should be checked for updates to this list:

  http://www.epa.gov/oamsrpod/ersc/bpa/index.htm

Another useful site is:

http://www.epa.gov.oamsrpod/ersc/Industry/index.htm

This site contains a list of Blanket Purchase Agreements that supplement the emergency response contracts in an emergency.

START Performance Work Statement

- General capabilities
- On-call requirements
- Response
- Site assessment
- Preparedness and prevention
- Technical support
- PWS specific task list

2-8

Notes

- **General capabilities:** The START contractor's general capabilities are to provide technical assessment and technical assistance during a response, including health and safety support, air monitoring, sampling, and documentation.

- **On-call requirements:** The START contractors are required to maintain response capabilities 24 hours per day, 7 days per week, and 365 days per year (24/7/365). Each region has defined the response time for various zones within the region. For example, Region 5 lists the counties in each state that have a 2-hour response time. The START contractor must respond to any incident in these listed counties within 2 hours after it receives notification. Response zones and times vary from region to region.

- **Response:** The START contractor must be able to provide adequate personnel and equipment for the technical support of the following response activities:

  - Emergency response
  - Removal support (CERCLA)
  - Removal support (PRP)
  - Oil spill response
  - Engineering evaluation/cost analysis
  - Regional response center support
  - Minor containment
  - Site documentation

- **Site assessment:** The START contractor must be able to provide personnel and equipment to conduct site assessments under CERCLA. The types of assessments that may be conducted include (1) removal site evaluation, (2) preliminary assessment, (3) site inspection, (4) site inspection prioritization, (5) expanded site inspection/remedial investigation, and (6) Hazard Ranking System and NPL packages.

- **Preparedness and prevention:** The START contractor must be able to provide the personnel and equipment to conduct the following preparedness and prevention activities:

  - Chemical emergency preparedness and prevention
  - Contingency plans
  - Chemical safety audits
  - Spill prevention control and countermeasures inspections
  - Facility response plan reviews
  - Oil program initiatives

- **Technical support:** Technical support under the START contract covers a wide range of activities, from analytical services to public participation. The national PWS discussed 16 activities that may be conducted as technical support. Typically, this portion of the PWS or one of the portions above will cover all CERCLA and OPA assessment and technical support. The START PWS does not cover design or construction work.

- **PWS specific task list:** The PWS contains a list of specific tasks that the contractor may be required to conduct as part of each of the major work elements of the PWS. CORs and project managers can use this list to prepare the scope of work for each START project.

ERRS Performance Work Statement

- General capabilities
- On-call requirements
- Response operations
  - » Project planning
  - » Containment, countermeasures, emergency and removal response
  - » Decontamination, response mitigation
  - » Transportation and disposal operations
  - » Restoration and soil stabilization
  - » Analytical services
  - » Demolition services
  - » Construction and support facilities
  - » Marine operations

2-9

Notes

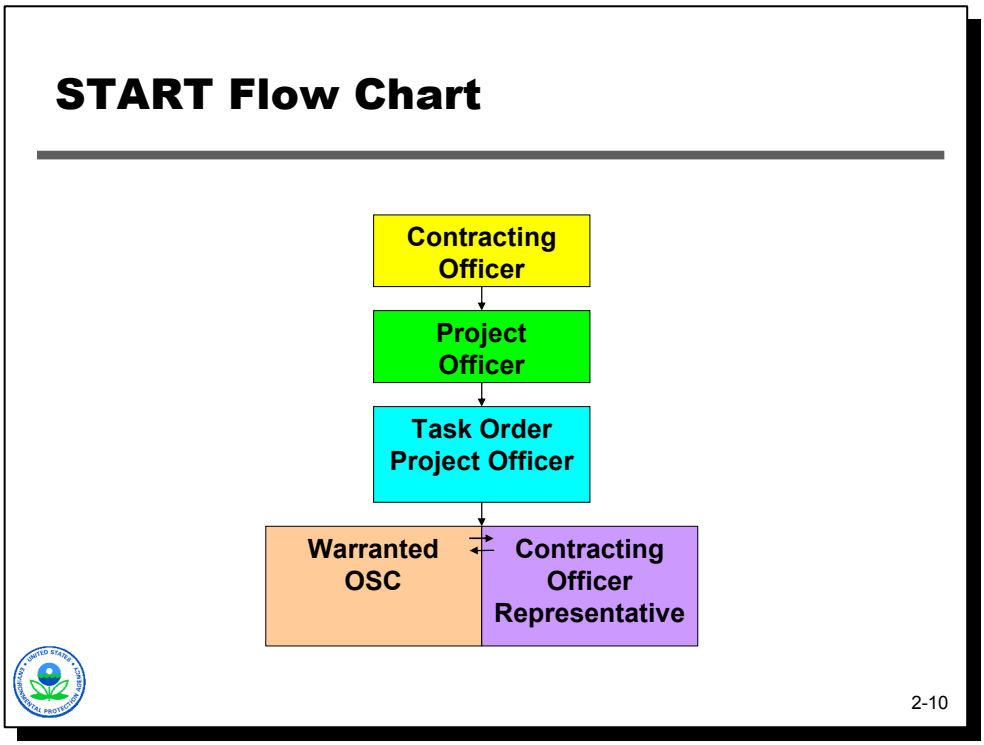
- **General capabilities:** The ERRS contract provides the personnel and equipment to plan and conduct the physical operations during response actions.

- **On-call requirements:** The ERRS contractors are required to maintain 24 hours per day, 7 days per week, and 365 days per year (24/7/365) response capabilities. Each region has defined the response time for various zones within the Region. For example, the Region 8 ERRS contract requires the ERRS contractor to be en route to the site within 2 hours of activation and to arrive at the site within 12 hours of activation.

- **Response operations:** The ERRS contractor must be able to provide adequate personnel, material, and equipment to conduct emergency and removal response operations. Specifically, the ERRS contractor must conduct the following response operations:

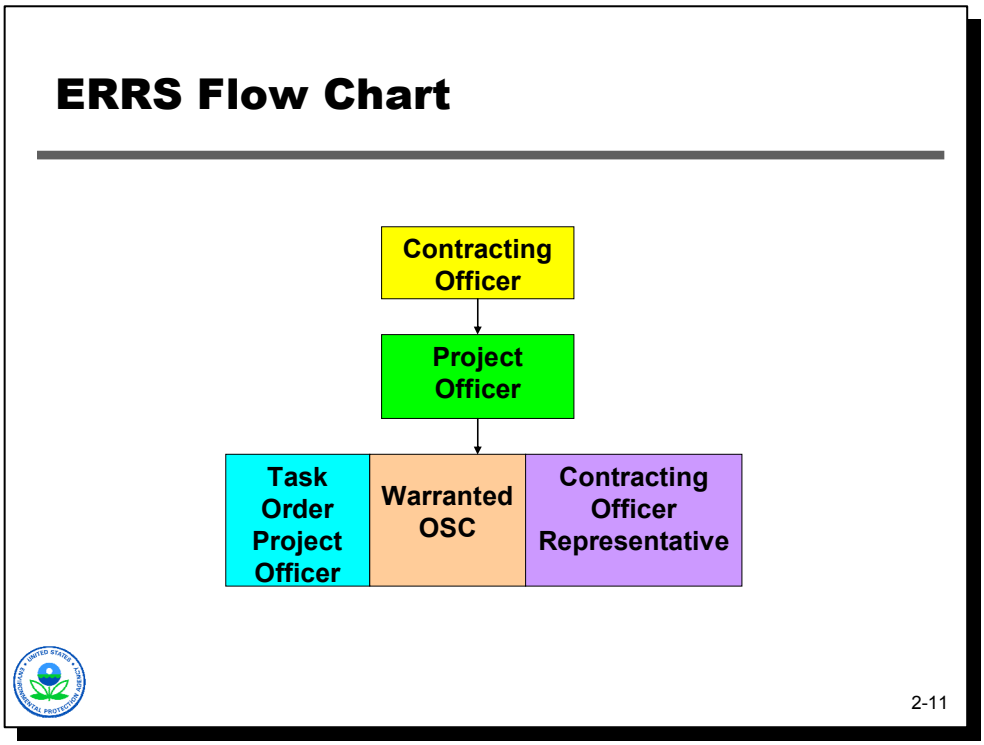
  - » Project planning
  - » Containment, countermeasures, emergency and removal response
  - » Decontamination, response mitigation
  - » Transportation and disposal operations
  - » Restoration and soil stabilization
  - » Analytical services
  - » Demolition services
  - » Construction and support facilities
  - » Marine operations

  In addition, the ERRS contractor must support government enforcement proceedings, maintain site-related documentation, implement cost-control measures, manage the overall contract and each task order, and manage and track site costs.



Notes

- **START Flow Chart:** This flow chart shows the relationship between the START CO, PO, TOPO, Warranted OSC, and COR.



Notes

- **ERRS Flow Chart:** This flow chart shows the relationship between the ERRS CO, PO, TOPO, Warranted OSC, and COR.

START/ERRS Ordering Work

- START
  - » Verbal and written task orders and technical direction documents (TDD)
- ERRS
  - » Verbal and written task orders
- Work is ordered or changed by OSC or CO
  - » With contract authority
  - » Working within the ICS structure

2-12

Notes

- **START:** There are differences between Regions in how work under the START contract is ordered. In some regions, task orders are issued for project-specific work, and technical direction documents (TDD) are no longer used. The task order describes the scope of work to be conducted by the START contractor. In other regions, general task orders are issued for the four major PWS areas — response, site assessment, preparedness and prevention, and technical support — and then project-specific TDDs are issued under the more general task orders.

  Verbal task orders or TDDs are issued for emergency response. Each emergency response has its own task order or TDD in some regions. One emergency response task order or TDD exists in other regions, and each separate emergency response is a subtask under the umbrella emergency response task order or TDD. Written task orders are issued for all verbal task orders and TDDs within days after the verbal authorization is provided.

  In most regions, the CO or PO issue written task orders or TDDs for all non-emergency response activities. The COR or project manager provides the CO or PO with the specific tasks to be assigned to the contractor. The written task orders and TDDs describe the scope of work to be conducted by the contractor, the deliverables to be submitted, and the general schedule of activities. Removal actions and other longer-term projects are funded incrementally in some regions.

  Any alternate OSCs that may work on the project should be named in the TDD in order for the alternate to be able to direct the contractor. This is especially important for long-term removal actions which use several OSCs.

- **ERRS:** EPA orders work from the ERRS contract with a task order. The task order describes the scope of work to be conducted by the ERRS contractor, the type of equipment and personnel to mobilize to the site or incident, and the mobilization date. The task order usually requires the ERRS contractor to prepare a work plan.

  Verbal task orders are issued for emergency responses. Written task orders are issued for all verbal task orders within days after the verbal authorization is provided. OSCs are warranted to issue task orders of up to $250,000 for emergency responses. Even with a warrant, the OSC must follow the procedures and policies of the region for issuing task orders to the ERRS contractor.

  The CO or PO issue written task orders for all non-emergency responses in most regions. The COR provides the CO or PO with the specific tasks the contractor is to conduct. The written task order describe the scope of work to be conducted by the contractor, the deliverables to be submitted, the personnel and equipment to be used, the mobilization date, and the general schedule of activities. Removal actions and other longer-term projects are funded incrementally in some regions.

- **Work is ordered or changed by OSC or CO:** Work can only be ordered or changed by an OSC or a CO with contract authority and who is working within the ICS structure. OSCs and COs should not order or change work for a contractor working in a different ICS structure.

Questions on Ordering/Changing Work

What must an OSC have in order to order/change work?

What other RSC members would be able to order/change work?

How likely is it that an RSC member would be able to order/change work?

2-13

Questions on Ordering/Changing Work

What must an OSC have in order to order/change work? – Warrant Authority

What other RSC members would be able to order/change work? – CO or PO

How likely is it that an RSC member would be able to order/change work? – Not very likely

2-14

Scenario – Ordering/Changing Work

You are an RSC member working for the Planning Section Chief. You are not a COR, TOPO, PO, or CO. The GIS Coordinator within the Situation Unit is a START contractor. You identify an additional task that the GIS Coordinator should be conducting. How do you go about getting this necessary task done?

2-15

START/ERRS COR Responsibilities

- COR responsibilities under START and ERRS
  - » Define scope of work for project prior to issuance of TDD or task order
  - » Monitor work progress, budget, and schedule
  - » Request change in scope
  - » Evaluate contractor performance
- Additional COR responsibilities under ERRS
  - » Review and approve DWOs
  - » Review and approve 1900-55s

2-16

Notes

- **COR responsibilities under START and ERRS:** The COR is responsible for providing the scope of work for the project to the CO or PO for the task order or TDD, along with an IGCE for each project. The COR uses the PWS to provide specific information about the tasks the contractor will be required to perform. Once the task order or TDD is issued, the COR is responsible for monitoring the progress of the work and for tracking the budget and schedule for the project. The COR requests changes in scope, which may involve conducting additional tasks to meet performance objectives, increasing the budget, or extending the period of performance. The COR is responsible for ensuring amendments are processed as needed to add dollars and hours or to extend the period of performance. Each month, the COR reviews the START monthly report for each START project and (1) provides feedback to the PO on whether the costs invoiced by the contractor should be paid, and (2) evaluates the performance of the contractor. The contractor must respond in writing to all negative evaluations.

- **Additional COR responsibilities under ERRS:** The OSC issues daily work orders to the ERRS contractor that provide detailed information on the tasks to be performed and the personnel and equipment to be used. An example daily work order is included as Item 3 in the Appendix. The ERRS contractor prepares 1900-55 forms daily, which summarize the costs incurred for personnel and equipment. The COR reviews and approves the Form 1900-55. Field accountants may also review and approve 1900-55s and should be designated as CORs. In some circumstances, 1900-55s may not be generated daily.

START/ERRS CO and PO Responsibilities

- CO/PO responsibilities
  - » Authorizing officials for contracts
  - » Approve contractor key personnel and EPA CORs
  - » Issue task orders and TDDs
  - » Monitor overall contract expenditures
  - » Approve use of overtime and subcontracting
  - » Review COI determinations and future contracting requests
  - » Evaluate contractor performance
  - » Review and approve invoices

2-17

Notes

- **CO/PO responsibilities:** The CO and PO are the authorizing officials for the contract. The CO and PO are both from the contracting office in some regions. In other regions, the CO is from the contracting office and the PO is from the Superfund program office. The CO and PO approve any changes to the contractor's key personnel identified in the contract and also approve EPA CORs. The CO and PO issue task orders and TDDs. Both the CO and PO sign task orders and TDDs. In some regions, COs issue TDDs. In other regions, POs or CORs issue TDDs. The CO and PO monitor the overall contract expenditures and may also monitor individual budgets for task orders and TDDs. The CO and PO approve overtime, and the CO approves requests for subcontracting. The CO reviews and evaluates COI determinations and future contracting requests. Section 9.2 of the Contract Management Manual which discusses Post Award COI Determinations is included as Item 4 in the Appendix. The CO and PO evaluate contractor performance and are required to evaluate overall performance on the contract annually. The PO and Task Order Project Officer (TOPO) are primarily responsible for reviewing and approving invoices and coordinating payment through Research Triangle Park (RTP). In some Regions, OSCs approve invoices.

START Contractor Duties During Major Incidents

- Command – Health and safety monitoring and planning
- Operations – Sampling and documentation
- Planning – Situation reports, incident action plans, and mapping
- START personnel in ICS positions

2-18

Notes

- **Command – Health and safety monitoring and planning:** START personnel may assist as part of the command staff. START contractors would most likely support the health and safety officer by monitoring and planning for health and safety. START personnel may also serve other supporting roles in the command staff.

- **Operations – Sampling and documentation:** START personnel would collect samples and prepare documentation as part of the operations function of the ICS. START personnel could also conduct minor containment operations and provide technical support for other types of operations. START personnel may be assigned as leaders of small branches or divisions. For example, START personnel served as leaders in household hazardous waste divisions during the Hurricane Katrina response.

- **Planning – Situation reports, incident action plans, and mapping:** START personnel would be involved in the planning function of the ICS in several ways. They would contribute to preparing the situation report by compiling and presenting data from the field. START personnel may assist in preparing the incident action plans and may support the environmental unit. START personnel would also be involved in GIS mapping and data management.

- **START personnel in ICS positions:** EPA RSC personnel may encounter situations where START personnel are in positions in the ICS. This situation is to be expected on large and complicated incidents such as the responses to Hurricanes Katrina and Rita.

ERRS Contractor Duties during Major Incidents

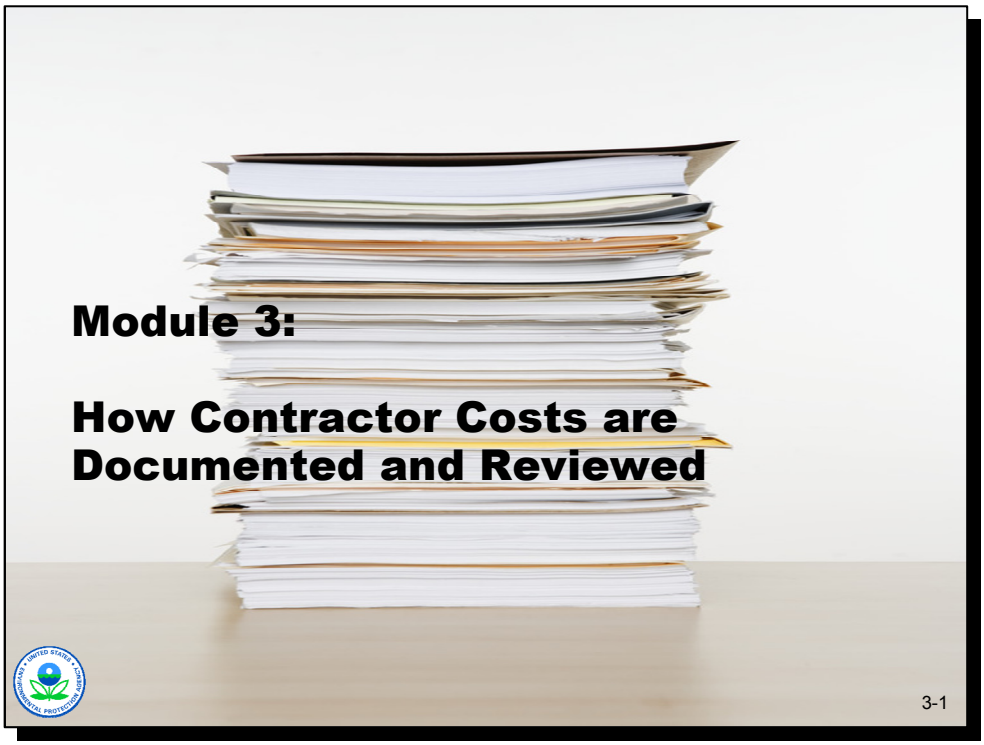
2-19

Notes

- The PWS of the ERRS contract suits these contractors well for the Operations section of the ICS. Some ERRS personnel may work in the Planning section, for example to address waste transportation and disposal. However, the vast majority of ERRS work at a major incident occurs in Operations.

Any Questions?

2-20


Module 3:
How Contractor Costs are Documented and Reviewed
3-1

Review of Module 3 – How Contractor Costs Are Documented and Reviewed

- RCMS
- Logbooks
- Daily Work Orders
- 1900-55s
- Invoices
- Regional differences

3-2

Notes

- Module 3 describes how contractor costs are documented and reviewed, and includes a discussion of 1) RCMS, 2) logbooks, 3) Daily Work Orders, 4) 1900-55s, 5) invoices, and 6) regional differences.

Removal Cost Management System (RCMS)

- EPA software for estimating, projecting, and tracking removal costs
- Estimates costs and assists with preparation of IGCE
- Generates Form 1900-55
- Projects future costs and burn rates
- RCMS template in Appendix

3-3

Notes

- **EPA software for estimating, projecting, and tracking removal costs:** EPA's ERT developed the RCMS software for estimating, tracking, and projecting removal costs. RCMS is primarily used for the ERRS contractor, but some regions are now requiring its use by the START contractors. Actual ERRS and START contractor rates are loaded into the RCMS program to estimate, track, and project removal costs. To get technical support for using RCMS, call the RCMS Hotline at 1-800-999-6990. Element 10, item 6 of the Core ER states that, "All OSCs and other appropriate personnel have access to and can use EPA's Removal Cost Management System."

- **Estimates costs and assists with preparation of IGCE:** CORs use RCMS to estimate the costs for upcoming removal actions and to prepare the IGCE. The COR can use cost projections or actual cost data from similar sites that are archived in RCMS. This function helps the COR to more accurately define the scope of activities, the personnel to use, and the equipment needed for the removal action. The COR is required to prepare an IGCE for each ERRS task order. The RCMS cost projection serves as the IGCE.

  A guide for preparation of an IGCE is available from the EPA's OAM at the following Web site:

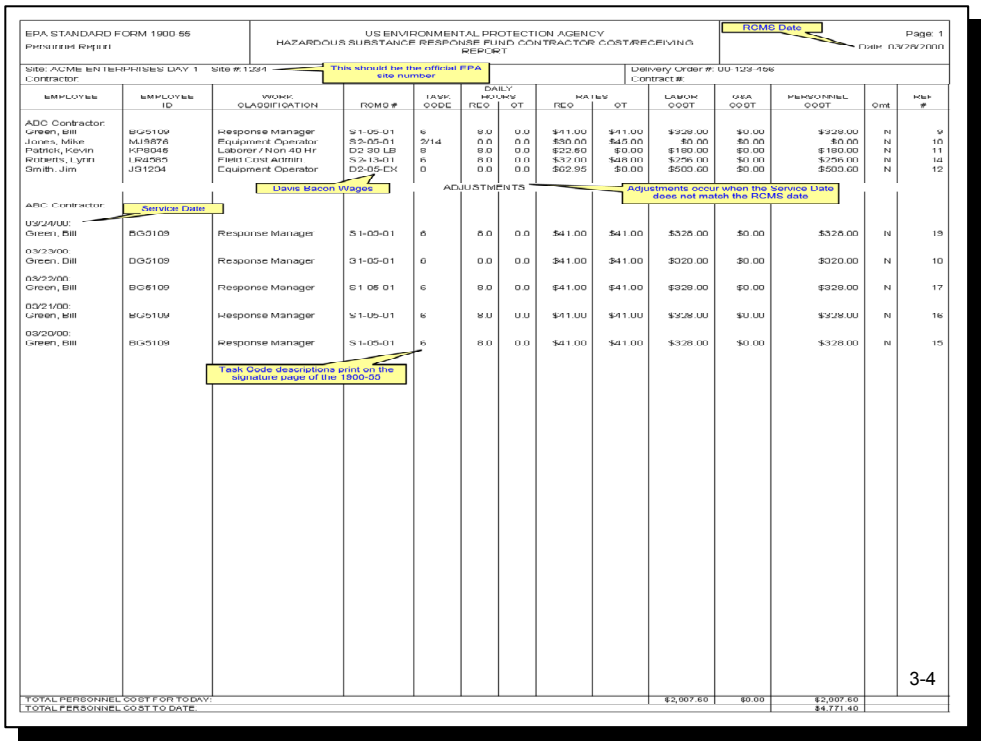
  http://epawww.epa.gov/oamintra/training/igeguid2.pdf

  In addition, the document "Independent Government Estimates, A Student Text Reference and Workshop" is included as Item 5 in the Appendix.

- **Generates Form 1900-55:** Costs are tracked daily using the RCMS program. RCMS uses these cost data to generate the 1900-55 forms that the ERRS contractor must submit to the COR for approval.

- **Projects future costs and burn rates:** The RCMS program can also be used to project future costs associated with a removal action. It projects these costs by projecting "burn rates" for labor and equipment into the future. The RCMS program can also alert the COR when a certain percentage of the budget for the project has been expended so that the COR can decide whether amendments to the task order are necessary.

- **RCMS template in Appendix:** An annotated RCMS template is Item 6 in the Appendix. The instructor will review the RCMS template on the following slides.



EPA STANDARD FORM 1900-55
Personnel Report

US ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS SUBSTANCE RESPONSE FUND CONTRACTOR COST/RECEIVING REPORT

RCMS Date

Page: 1
Date: 03/28/2000

Site: ACME ENTERPRISES DAY 1 Site #:1234
Contractor:

This should be the official EPA site number

Delivery Order #: 00-123-456
Contract #:

EMPLOYEE	EMPLOYEE ID	WORK CLASSIFICATION	RCMS #	TASK CODE	DAILY HOURS REG	DAILY HOURS OT	RATES REG	RATES OT	LABOR COST	G&A COST	PERSONNEL COST	Cmt	Ref #
ADC Contractor:													
Green, Bill	BG5109	Response Manager	S1-05-01	6	8.0	0.0	$41.00	$41.00	$328.00	$0.00	$328.00	N	9
Jones, Mike	MJ9876	Equipment Operator	S3-05-01	2/14	0.0	0.0	$50.00	$45.00	$0.00	$0.00	$0.00	N	16
Patrick, Kevin	KP8045	Laborer / Non 40 Hr	D2 30 LB	8	8.0	0.0	$22.50	$0.00	$180.00	$0.00	$180.00	N	11
Roberts, Lynn	LM2565	Field Cost Admin	S2-15-01	6	8.0	0.0	$32.00	$48.00	$256.00	$0.00	$256.00	N	14
Smith, Jim	JS1234	Equipment Operator	D2-05-DX	0	0.0	0.0	$62.95	$0.00	$503.60	$0.00	$503.60	N	12
					ADJUSTMENTS								
ABC Contractor	Service Date												
03/24/00:													
Green, Bill	BG5109	Response Manager	S1-05-01	6	8.0	0.0	$41.00	$41.00	$328.00	$0.00	$328.00	N	19
03/23/00:													
Green, Bill	BG5109	Response Manager	S1-05-01	0	0.0	0.0	$41.00	$41.00	$320.00	$0.00	$320.00	N	10
03/22/00:													
Green, Bill	BG5109	Response Manager	S1-05-01	6	8.0	0.0	$41.00	$41.00	$328.00	$0.00	$328.00	N	17
03/21/00:													
Green, Bill	BG5109	Response Manager	S1-05-01	6	8.0	0.0	$41.00	$41.00	$328.00	$0.00	$328.00	N	16
03/20/00:													
Green, Bill	BG5109	Response Manager	S1-05-01	6	8.0	0.0	$41.00	$41.00	$328.00	$0.00	$328.00	N	15

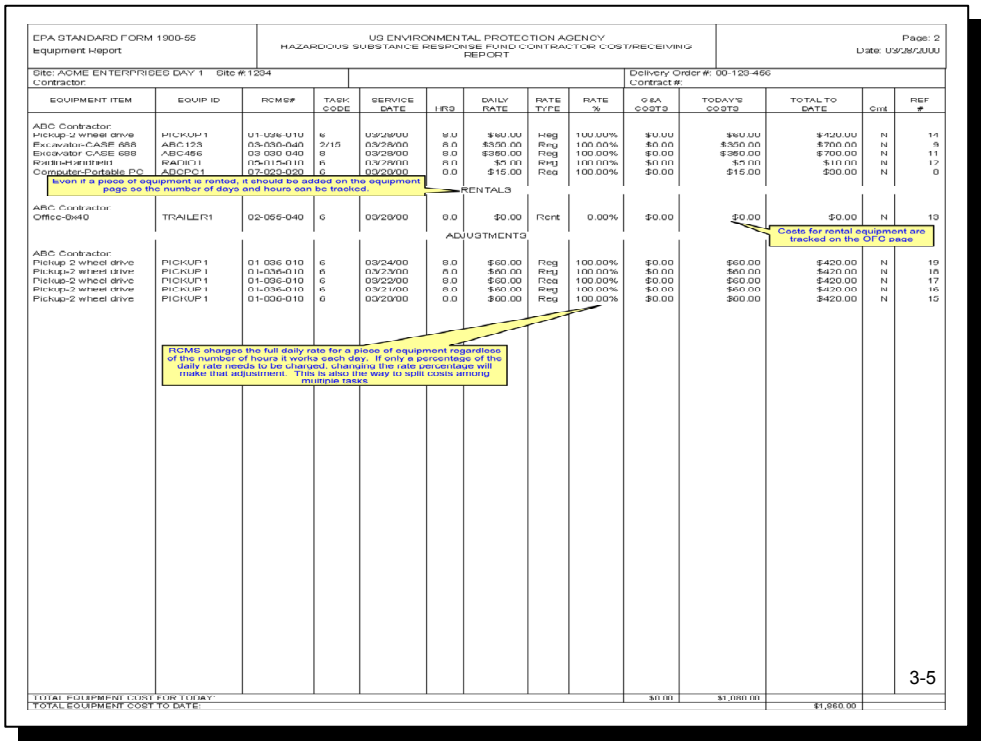
Davis Bacon Wages

Adjustments occur when the Service Date does not match the RCMS date

Task Code descriptions print on the signature page of the 1900-55

TOTAL PERSONNEL COST FOR TODAY:	$2,007.60	$0.00	$2,007.60
TOTAL PERSONNEL COST TO DATE:			$4,771.40

3-4



EPA STANDARD FORM 1900-55
Equipment Report

US ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS SUBSTANCE RESPONSE FUND CONTRACTOR COST/RECEIVING REPORT

Page: 2
Date: 03/28/2000

Site: ACME ENTERPRISES DAY 1 Site #:1234
Contractor:

Delivery Order #: 00-123-456
Contract #:

EQUIPMENT ITEM	EQUIP ID	RCMS#	TASK CODE	SERVICE DATE	HRS	DAILY RATE	RATE TYPE	RATE %	G&A COST	TODAY'S COST	TOTAL TO DATE	Cmt	REF #
ABC Contractor:													
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/28/00	8.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	14
Excavator-CASE 688	ABC123	03-030-040	2/15	03/28/00	8.0	$350.00	Reg	100.00%	$0.00	$350.00	$700.00	N	9
Excavator CASE 688	ABC456	03 030 040	8	03/28/00	8.0	$360.00	Reg	100.00%	$0.00	$360.00	$700.00	N	11
Radio-Handheld	RADIO1	05-015-010	6	03/28/00	8.0	$5.00	Reg	100.00%	$0.00	$5.00	$10.00	N	17
Computer-Portable PC	ADCPC1	07-020-020	6	03/20/00	0.0	$15.00	Reg	100.00%	$0.00	$15.00	$90.00	N	0
					RENTALS								
ABC Contractor:													
Office-8x40	TRAILER1	02-055-040	6	03/20/00	0.0	$0.00	Rent	0.00%	$0.00	$0.00	$0.00	N	19
					ADJUSTMENTS								
ABC Contractor:													
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/24/00	8.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	19
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/23/00	8.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	18
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/22/00	8.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	17
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/21/00	8.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	16
Pickup-2 wheel drive	PICKUP1	01-036-010	6	03/20/00	0.0	$60.00	Reg	100.00%	$0.00	$60.00	$420.00	N	15

Even if a piece of equipment is rented, it should be added on the equipment page so the number of days and hours can be tracked.

Costs for rental equipment are tracked on the OFC page

RCMS charges the full daily rate for a piece of equipment regardless of the number of hours it works each day. If only a percentage of the daily rate needs to be charged, changing the rate percentage will make that adjustment. This is also the way to split costs among multiple tasks

TOTAL EQUIPMENT COST FOR TODAY:	$0.00	$1,000.00	
TOTAL EQUIPMENT COST TO DATE:			$1,860.00

3-5

EPA STANDARD FORM 1900 55 — US ENVIRONMENTAL PROTECTION AGENCY — Page: 3
Other Field Costs — HAZARDOUS SUBSTANCE RESPONSE FUND CONTRACTOR COST/RECEIVING REPORT — Date: 03/28/2000

Site: ACME ENTERPRISES DAY 1 Site # 1234 — Delivery Order # 00 123 456
Contractor: — Contract #:

ITEM DESCRIPTION	SERVICE DATE	COST STATUS	COST TYPE	TASK CODE	VENDOR	INVOICE #	QTY	UNITS	COST	G&A COST	TOTAL COST	Cmt	REF #
ABC Contractor:													
Bulliten Water	03/27/00	Final	Subcb/Con	13	Sparkle Spring	SS0001	5	each	$60.00	$3.00	$63.00	N	10
Disposal	03/27/00	Final	Disposal	3	A1 Disposal	A19876	3000	tons	$30,000.00	$1,600.00	$31,600.00	Y	12
Disposal	03/27/00	Final	Transportati	5	Big City Haulin	BCH123	8	each	$40,000.00	$2,000.00	$42,000.00	N	11
Disposal	03/27/00	Pending	Disposal	3	A1 Disposal		2000	tons	$470,000.00	$23,500.00	$493,500.00	Y	17
Disposal	03/27/00	Pending	Transportati	5	Big City Haulin		1	each	$10,000.00	$500.00	$10,500.00	N	16
Lodging	03/27/00	Pending	Lodging		Holiday Inn		1	week	$2,100.00	$100.00	$2,200.00	Y	13
Office 8x40	03/27/00	Pending	Equipment	6	Action Rental		1	Each	$2,000.00	$100.00	$2,100.00	Y	9
Per Diem	03/27/00	Pending	Per Diem		ABC Contract		1	week	$1,953.00	$96.60	$2,049.60	Y	14
Port-O-John	03/27/00	Pending	Subcb/Con	13	123 Sanitation		2	each	$800.00	$40.00	$840.00	Y	15
OTHER FIELD COSTS FOR TODAY (FINAL):									$70,060.00	$3,603.00	$73,663.00		
PENDING TOTAL (ALL):											$911,173.00		
TOTALS FOR TODAY (including Pending):											$984,736.60		
TOTAL OTHER FIELD COSTS TO DATE (including Pending):											$505,104.10		

A cost is considered final when you receive the invoice with the actual amount spent on that item. Examples would be a monthly invoice from the trailer rental company or a receipt from Wal Mart.

A cost is considered pending when you have incurred a site related expense but have not yet received an invoice for that expense. For example, you have rented a piece of equipment but the bill will arrive at the end of the month. That charge should be placed on the 1900-55 as a pending charge until the final invoice is received. Doing so will subtract the pending amount from the site ceiling to ensure funds will be available when the invoice arrives. This is especially important for T&D charges that can be quite expensive. A pending item will carry forward each day until the final bill has been received.

If a Y appears in this column, additional information (comments) have been entered for this expense. The comment will appear on the signature page of the 1900 55 and is referenced by the type of expense (Personnel, Equipment or OFC) and the Ref # that corresponds to the comment. For example 15-O will appear on the last page of the 1900-55 with the comment for this item.

3-6

EPA STANDARD FORM 1900-55 — US ENVIRONMENTAL PROTECTION AGENCY — Page: 4
Comments and Daily Totals — HAZARDOUS SUBSTANCE RESPONSE FUND CONTRACTOR COST/RECEIVING REPORT — Date: 03/28/2000

Site: ACME ENTERPRISES DAY 1 Site #:1234 — Delivery Order #: 00-123-456
Contractor: — Contract #:

REF #	COMMENTS
9-O	Service Date: 03/27/00, Vendor: Action Rental, Office-8x40: PO for $2000.00
12-O	Service Date: 03/27/00, Vendor: A1 Disposal, Disposal: PO for $500,000.00
13-O	Service Date: 03/27/00, Vendor: Holiday Inn, Lodging: $50/night-6 employees-7 nights
14-O	Service Date: 03/27/00, Vendor: ABC Contractor, Per Diem: $40/day - 6 employees - 7 days
15-O	Service Date: 03/27/00, Vendor: 123 Sanitation, Port-O-John: 1 month estimate
17-O	Service Date: 03/27/00, Vendor: A1 Disposal, Disposal: PO for $500,000.00
TASK	CODES: C = Administrative, 2/14 = Excavation / Pit 2, D = Demolition, 2/15 = Excavation / Pit 1, 13 = Operations, 3 = Disposal, 5 = Transportation

Comments from the Personnel, Equipment and OFC detail pages.

Task code descriptions from the Personnel, Equipment and OFC detail pages.

* IN THE 'CMT' COLUMN DENOTES A DISPUTED ITEM — PERCENTAGE OF CEILING UTILIZED: 59.17% DO End Date: 12/31/01

TOTAL DAILY COSTS (excluding Pending):	$77,550.60	TOTAL COSTS TO DATE (including Pending)	$591,705.50
SIGNATURE OF OSC REPRESENTATIVE	DATE	SIGNATURE OF CONTRACTOR'S REPRESENTATIVE	DATE

3-7

Page 1

ACME ENTERPRISES DAY 1

IOL 1900-55 Cost Summary

RCMS Date	Personnel	Equipment	Final OFCs	Pending	Daily Total	Total	Ceiling	Balance	% Remaining
Prior Total	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00			
03/27/2000	$1,963.80	$780.00	$367.50	$591,736.80	$587,747.90	$587,747.90	$1,000,000.00	$412,252.10	41.23%
03/28/2000	$2,907.60	$1,080.00	$73,563.00	$511,173.60	$588,724.20	$591,735.50	$1,000,000.00	$408,264.50	40.83%
Detail Total	$4,771.40	$1,860.00	$73,930.50	$511,173.60	$591,735.50				
TTD:	$4,771.40	$1,000.00	$73,930.50	$511,173.60	$591,735.50	$591,735.50	$1,000,000.00	$400,264.50	40.03%

This is the IOL page. IOL stands for Incident Obligation Log. This page is a daily summary of expenses for the current month and includes year to date totals as well as the current ceiling and percentage of ceiling remaining. Although the IOL prints with the 1900-55 for the current month, it can be printed at any time and for any date range.

3-8

Logbooks

- Personal log
- Site log
- Other logs
- Guidance on maintaining logbooks

3-9

Notes

- **Personal log:** Many EPA employees, including OSCs, maintain a personal log in a bound document. Whether or not a personal log is kept is up to each individual. When kept, the personal log should include detailed daily entries that discuss such subjects as work accomplished during the response, meetings held or attended, and decisions made. Logbooks are legal documents and may be important evidence in future cost recovery litigation. Therefore, pages must never be torn out of a bound logbook.
- **Site log:** The OSC or the OSC's designee (such as the START contractor or USCG Strike Team) maintains the site log. The written site log documents all activities and decisions; all safety messages; and all new personnel, equipment, materials, and services on site. Because field records are the basis for documenting site activities and will be used in preparing future reports, the language should be objective, factual, and free of inappropriate terminology. Once completed, the site log must be maintained as part of the site file. Site log is also part of the cost documentation.
- **Other logs:** Several other logs should be kept during a response: the (1) site entry and exit log, (2) equipment and material log, (3) hot zone entry and exit log, (4) photograph and videotape log of site activities, (5) drum or disposal log, and (6) incident obligation log (IOL). The IOL is part of RCMS. All of these various types of logs are part of the cost documentation.
- **Guidance on maintaining logbooks:** Guidance on maintaining logbooks and sample logbook entries can be found in EPA's "Removal Cost Management Manual," dated April 1988 (OSWER Directive No. 9360.0-02B). Regional enforcement personnel should be consulted about any logbook issues. RSC members must turn all logbooks, photos, etc., into the Documentation Unit.

Daily Work Orders

- Describes work to be performed
  - » Number and type of personnel to do the work
  - » Authorized equipment and expendable materials
  - » Health and safety issues
  - » Sampling and analytical requirements
  - » Scheduling of shipments
- Reviews work completed

3-10

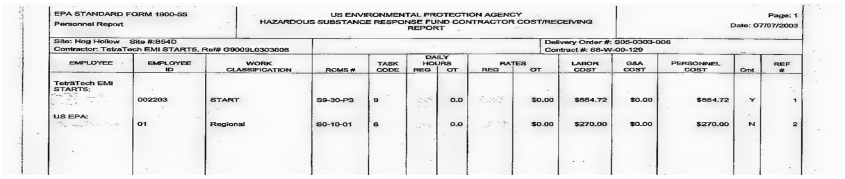
Notes

- **Describes work to be performed:** The DWO describes the tasks to be conducted on that day. Work orders also can be for multiple days, depending on the nature of the work. The general nature and quantity of the work are described, such as "hazard categorization and stage in the storage area approximately 15 drums." The DWO identifies the number and type of personnel authorized to do the work, and the equipment and expendable materials authorized for use. The DWO also helps to identify safety issues, sampling and analytical requirements for the coming day, and scheduling of shipments of waste off site.

- **Reviews work completed:** The DWO has space to note what planned activities were completed. This helps to track the progress of the work at the site and assists with planning the next day's activities. Completed DWOs are another source of information for reviewing contractor costs.

Form 1900-55

- Issued daily – personnel/equipment/other field costs
- Signed by contractor and COR
- COR compares 1900-55s to daily work orders, site sign-in logs, and vendor receipts



EPA STANDARD FORM 1900-55
Personnel Report

US ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS SUBSTANCE RESPONSE FUND CONTRACTOR COST/RECEIVING REPORT

Page: 1
Date: 07/07/2003

Site: Hog Hollow Site #:B54D
Contractor: TetraTech EMI STARTS, Ref# G9009L0303006

Delivery Order #: 905-0303-006
Contract #: 68-W-00-126

EMPLOYEE	EMPLOYEE ID	WORK CLASSIFICATION	RCMS #	TASK CODE	DAILY HOURS REG	DAILY HOURS OT	RATES REG	RATES OT	LABOR COST	G&A COST	PERSONNEL COST	OT#	REF #
TetraTech EMI STARTS:													
	002203	START	S9-30-P3	9		0.0		$0.00	$554.72	$0.00	$554.72	Y	1
US EPA:													
	01	Regional	S0-10-01	6		0.0		$0.00	$270.00	$0.00	$270.00	N	2

3-11

Notes

- **Issued daily – personnel/equipment/other field costs:** The ERRS contractor usually issues 1900-55s on a daily basis. On major incidents, this schedule may not be possible until activities settle into a routine. In some cases, the COR may request generation of 1900-55s on a weekly basis. Whatever the period, the 1900-55 itemizes all labor and equipment costs associated with the work conducted during the period. An example Form 1900-55 is included as Item 7 in the Appendix.

- **Signed by contractor and COR:** The contractor and COR both sign the 1900-55 form. The COR's signature does not constitute approval of the costs, however. Instead, costs are approved as part of the invoicing process.

- **COR compares 1900-55s to daily work orders, site sign-in logs, and vendor receipts:** The COR issues daily work order (DWO) to the ERRS contractor. These DWOs detail the work to be conducted and the personnel and equipment to be used. The COR then compares the DWO with the corresponding 1900-55 form and to site sign-in logs and vendor receipts to evaluate whether all costs are properly reflected on the form. It is very important that all forms and log-in sheets be timely, accurate, complete, and legible.

Invoices

- Submitted monthly
- Required for payment of the contractor
- Review and approval process

3-12

Notes

- **Submitted monthly:** The ERRS and START contractors submit one invoice per month. The invoice details all costs for each project the ERRS and START contractor has been assigned in that month. The costs are broken out by project, by labor, and by other direct costs, such as travel, reproduction, and subcontracting. The invoice for the START contract is accompanied by a monthly report that details the activities conducted and planned.

- **Required for payment of the contractor:** An invoice must be submitted and approved before the contractor can be paid. The Form 1900-55 does not trigger payment of the contractor. The region recommends payment or suspension of costs. RTP actually processes payment of the invoice.

- **Review and approval process:** Invoice review and approval may vary from region to region. Generally, the invoice is reviewed, approved, and recommended for payment by the PO or TOPO. The PO or TOPO may seek input from the COR for costs that seem erroneous. A field accountant will also review the invoice and compare the invoice to the 1900-55s associated with the work in some regions.

Question on Cost Documentation and Review

Would an RSC get involved in documenting and reviewing contractor costs?

3-13

And the Answer Is . . .

Would an RSC get involved in documenting and reviewing contractor costs?

Absolutely!

3-14

Which RSC activities below are related to cost documentation and review?

- Checking in and checking out equipment
- Observing and reporting to command post on field operations
- Keeping log of personnel and activities of a field crew
- Monitoring weather forecasts and changes in weather
- Reviewing draft maps created by START contractor
- Sending sampling results to EPA headquarters

3-15

Regional Differences

- RCMS for START
- Invoice review
- Daily work order and ICS forms
- Field accountant (FACC)

3-16

Notes

- **RCMS for START:** Some regions, such as Region 4, are requiring that START contractors use the RCMS program for all task orders. The START contractor must track costs and issue 1900-55s. The 1900-55s must be reconciled with the invoice. In other regions, RCMS is used only on long-term removal actions or very large incidents.

- **Invoice review:** Invoice review varies from region to region. Some regions require the COR to review the ERRS invoice, while others have removed that duty from the COR. Some regions have field accountants who are responsible for tracking costs in the field using RCMS, for reviewing 1900-55s, and for reviewing invoices. In other regions, the PO is primarily responsible for invoice review and approval.

- **Daily work order and ICS forms:** In most regions, the OSC issues DWOs to the ERRS contractor. Under performance-based contracting, the ERRS contractor would draft the DWO for review and approval by the OSC. The DWO specifies the tasks to be conducted and the personnel and equipment to be used. The DWO can also be used to document the tasks accomplished each day. An example DWO is included in the Appendix as Item 3.

  ICS forms are being used in some regions to document the work conducted. ICS forms can also be used to detail the tasks to be performed and the personnel and equipment to be used to complete them. Participants should describe how ICS forms are being used in their Regions. An example Incident Action Plan, which uses ICS forms, is included as Item 8 in the Appendix.

- **Field accountant (FACC):** The EPA field accountant (FACC) is an ICS position that was created to provide financial assistance to EPA field operations during major response incidents. The FACCs report to the Cost Unit Leader in the Finance Section. The FACCs spend the majority of their time on-site reviewing ERRS and START 1900-55s and DWOs, verifying equipment use and addressing contract and financial issues. The FACC will have regular contact – both written and verbal – with the ERRS and START COs and POs, EPA field supervisors, ERRS response managers and field accountants, and START lead field representatives.

Any Questions?

3-17

Module 4:

Giving Direction to EPA Contractors

4-1

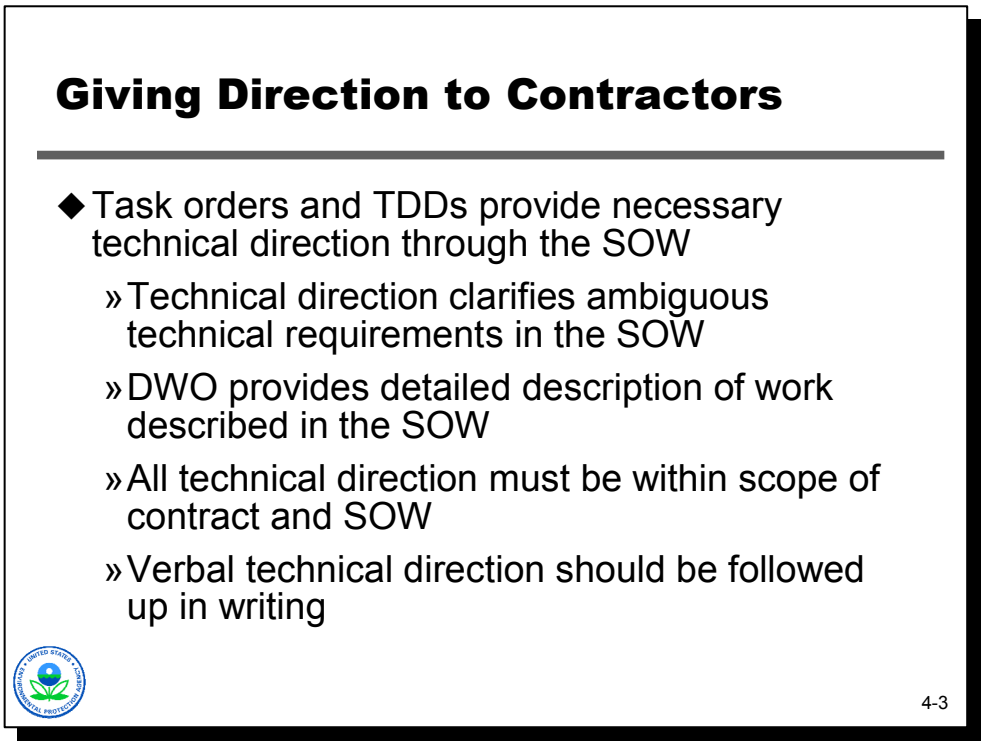
Review of Module 4 – Giving Direction to EPA Contractors

- Giving direction to contractors
- Interactions to avoid
- Responsibilities for providing direction to contractors
- Scenarios

4-2

Notes

- Module 4 discusses the interaction between EPA and contractor personnel including the following 1) giving direction to contractors, 2) interactions to avoid, 3) responsibilities for providing direction to contractors, 4) and a review of scenarios that deal with EPA and contractor interactions.



Notes

◆ **Task orders and TDDs provide necessary technical direction through the SOW:** EPA issues the task orders and TDDs with SOWs that provide the necessary technical direction to the contractor. Writing SOWs is an important task performed by the OSC or other contracting officer representative (COR). An RSC may be a COR for an ERRS or START project at major incidents. A good SOW provides the foundation for EPA to obtain supplies and services at a fair and reasonable cost and to get the best product or service on time and within budget. All SOWs must fall within the scope of the PWS for the contract they are issued under. The SOW provides the framework for communications between EPA and the contractor. If site or project conditions change, a modification to the original SOW may be required.

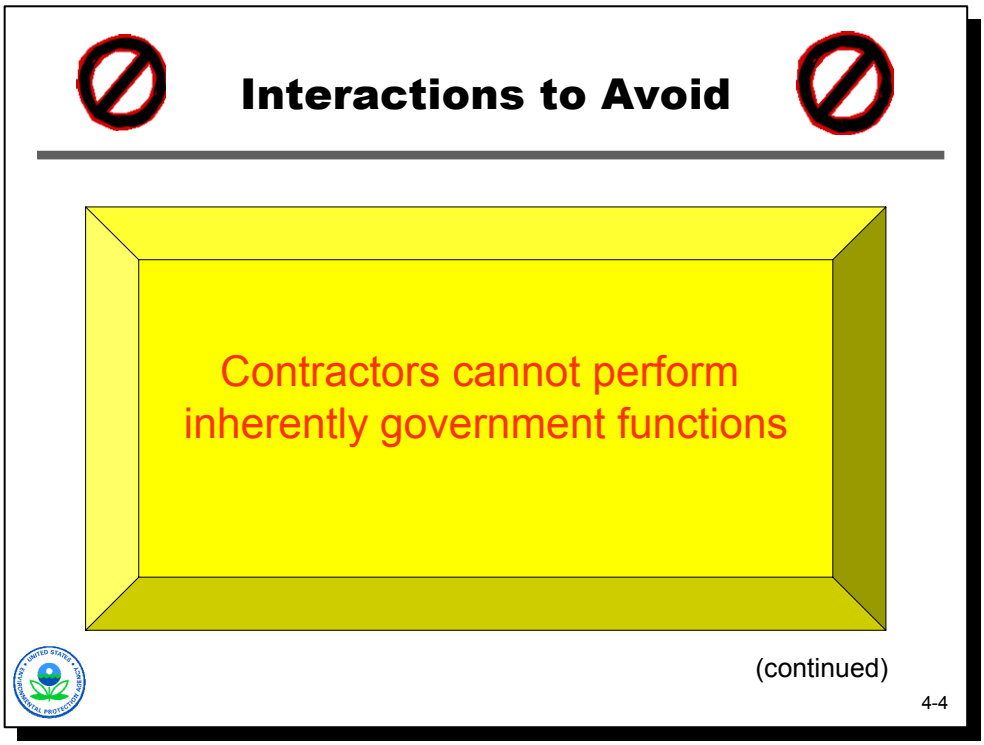
A SOW should be broad enough to allow contractor innovation and at the same time define the contractor's obligations to ensure the government achieves its objectives. The SOW should clearly define the work to be performed, contain all information required, and be within the scope of the contract.

» **Technical direction clarifies ambiguous technical requirements -** Technical direction is verbal or written clarification of ambiguous technical requirements. EPA provides technical direction starting with the statement of work (SOW) for the task order, or TDD. Because of the nature of the work, technical direction is usually required throughout the life of the project.

» **DWO provides detailed description of work described in the SOW -** DWOs should be prepared in consultation with the ERRS response manager, or by the ERRS response manager for review and approval by the OSC. The DWO represents the contractor's and OSC's agreement on the tasks to be completed that day, the type of personnel to be assigned to the tasks, and the type of equipment necessary. The DWO outlines what needs to be done but does not specify how or by what specific individual it should be done.

» **All technical direction must be within scope of contract -** Technical direction provided to contractors must fall within the scope of the overall contract. EPA personnel interacting with contractors must have a thorough understanding of the scope of work for the overall contracts, and should have a copy of the PWS of the contracts they oversee. All questions or concerns about whether specific activities are within the scope of a contract should be referred directly to the CO. EPA Order 1900.A1CHG2 entitled "Interacting with Contractors" is included as Item 9 in the Appendix.

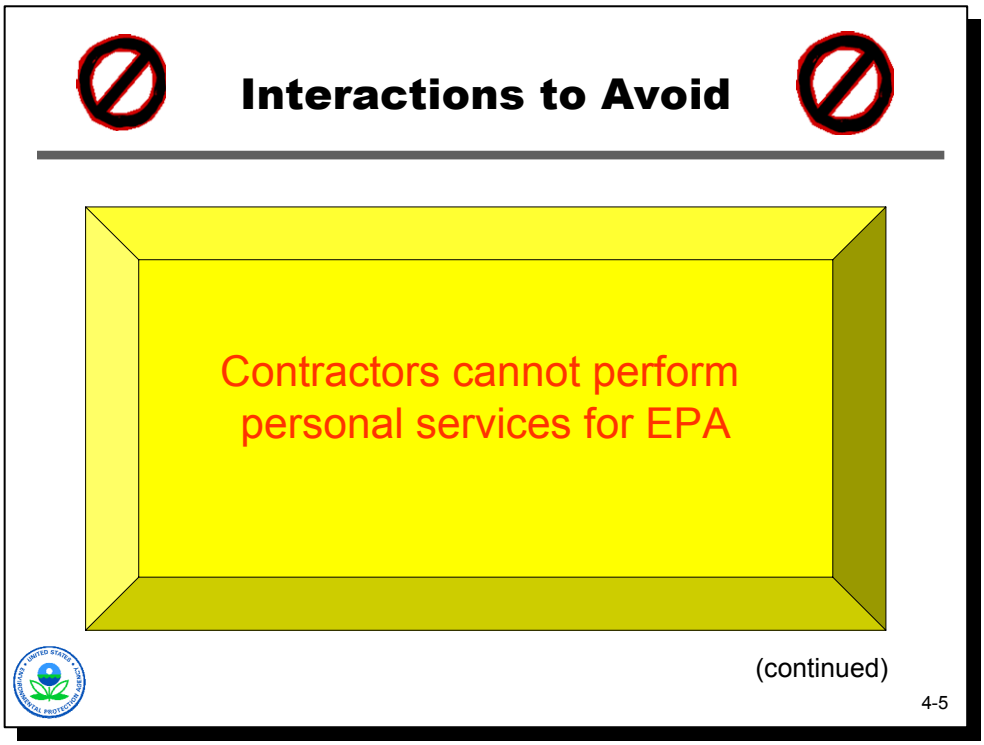
» **Verbal technical direction should be followed up in writing -** EPA personnel should follow up any verbal technical direction with written technical direction within 5 days in an amended DWO for ERRS. DWOs can be amended at the suggestion of either the contractor or EPA. TDDs are broad enough to cover most technical direction.



Notes

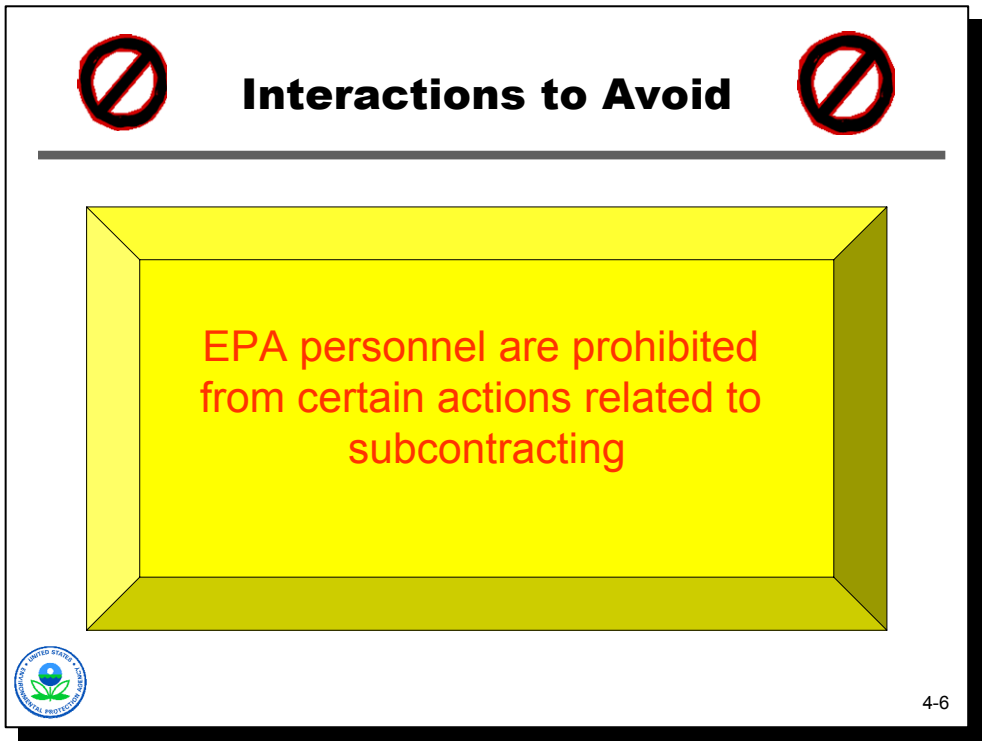
- **Contractors cannot perform inherently government functions:** The extent of EPA's contracting, coupled with its regulatory nature, means that a limited number of contractors provide support in a variety of potentially sensitive areas. Contractors are prohibited from performing anything intrinsic to executing government responsibilities, including any function so intimately linked to the public's interest that the government is mandated to perform it. The FAR 7.5 defines Inherently Government Functions. EPA decision documents, such as action memoranda and records of decision, must be prepared by EPA employees.

  In general, contractors can support the EPA as long as government employees make discretionary and value-making decisions. However, EPA must always play a proactive role in ensuring that final Agency products and decisions are unbiased and appropriately represent Agency thinking. The contractor must demonstrate that it is free from any conflicts of interest and that the contract requires the contractor to disclose and rank alternatives available, the procedures used, the substance of any deliberations and dissenting views, and the sources relied on, and make clear the basis for the recommendations. Once the Agency has accepted a final product from a contractor, EPA becomes responsible for its content and for how it may be used in Agency decision making.



Notes

- **Contractors cannot perform personal services for EPA:** A personal services contract, by its express terms or as administered, makes the contractor's staff appear, in effect, to be government employees. The OSC is responsible to ensure that the appearance of an employer/employee relationship does not exist. This distinction can be upheld by maintaining separate work areas and by ensuring that all work transactions, such as technical direction, are between the COR and the contractor's designated point of contact at the site. In essence, the COR is expected to monitor contractor performance, rather than direct individual contractor employees in their work. Personal services include actions, such as approving or disapproving contractor staff or their personal time outside of daily site activities, providing day-to-day instructions to contractor employees, and evaluating the performance of individual contractor employees. CORs are not allowed to provide contractor employees any type of direct performance evaluation. EPA evaluates the performance of the contractor, but not of its specific employees. EPA and OAM policy on personal services can be found at http://intranet.epa.gov/oamintra/.



Notes

- **EPA personnel are prohibited from certain actions related to subcontracting:** EPA's only direct contractual relationship is with the prime contractor. The following are several key activities prohibited for EPA personnel involved in contract management:
  - » Directing that any portion of work should be performed by subcontracting, rather than by the prime contractor, is improper.
  - » Directing the prime contractor to subcontract with a specific firm is strictly prohibited. The mere suggestion that a particular firm be used is improper; however, it is acceptable to provide a general list of potential subcontractors.
  - » Providing technical direction to a subcontractor without the knowledge of the prime contractor is improper.
  - » Directly monitoring a subcontractor's technical performance and financial expenditures to the exclusion of the prime contractor is improper. Any technical or financial subcontract problem must be documented and brought to the attention of the prime contractor, who is responsible for subcontract oversight.

Responsibilities for Providing Technical Direction to Contractors

- OSC/COR
- CO/PO

4-7

Notes

- **OSC/COR:** The OSC or COR is responsible for developing the SOW and IGCE for the project. Warranted OSCs may also issue task orders and provide consent on subcontracting in emergency incidents when the CO cannot be contacted. The OSC or CORs provide daily technical direction to the contractor by issuing DWOs. The contractor and the OSC or COR work together to develop the DWOs. Both parties are required to sign the DWOs. Section 42.1 of the Contract Management Manual, which discusses the Contracting Officer Representative, is included as Item 10 in the Appendix.

- **CO/PO:** The CO/PO are responsible for ensuring all task orders and TDDs are within the overall scope of the contract under which they are issued. The CO/PO also answer OSC/COR and contractor questions about whether a specific activity is within the scope of the contract. The CO/PO do not provide daily technical direction to the contractor.

  The following policy and guidance documents are included in the Appendix:

  » Item 11: Continuous Learning Policy for Acquisition Workforce

  » Item 12: Acquisition Training Options

  » Item 13: OFPP Policy Letter 05-01, Developing and Managing the Acquisition Workforce

  » Item 14: What is ACMIS?

Scenario 1

Several START personnel are working with you, an RSC and COR, in a field unit. You are the field unit leader. You provide technical direction to an individual to conduct perimeter air monitoring for VOCs, combustible gases, oxygen, and carbon dioxide while several drums are opened. The individual agrees but says he must first discuss the request with a different START individual.

What might be happening?

4-8

Scenario 2

You are an RSC working in the field as part of a unit that is identifying and mapping the location of hazardous materials. The Division/Group leader is a warranted OSC, and the unit is made up of ERRS prime contractors and non-team subcontractors, a START individual, and you. The work to be conducted that day involves identifying and mapping containers in Cell 23. A local official calls you and requests support to conduct these same activities in a different area. You send two ERRS subcontractors to the new area to provide the requested support.

What, if anything, did you do wrong?

4-9

Scenario 3

You are working in the IMT Planning Section as a member of the situation unit. An experienced START responder is the unit leader. The unit leader assigns tasks for collecting information and preparing the situation report. You receive your task assignments from the START responder.

Is there anything wrong with this picture?

4-10

Scenario 4

You are an RSC working in the field as part of a unit that is identifying and mapping the location of hazardous materials. You are not a COR.

You notice a contractor employee smoking in the hot zone. What should you do?

You notice a contractor employee drinking a water in the decontamination zone. What should you do?

You notice that a contractor employee has developed a rip in the back of her tyvek. What should you do?

4-11

Scenario 5

You are an RSC and COR and are part of a field crew as field observer for EPA. The crew is scheduled to work a 12-hour shift. After four hours, bad weather develops and you send the crew back to the hotel.

What, if anything, did you do wrong?

What is the appropriate billable time for the crew?

4-12

Any Questions?

4-13

Module 5:

Wrap Up

5-1

Module 5 – Wrap-Up

- As an RSC, be familiar with the START and ERRS PWS's
- If you are a COR, be very knowledgeable of the START and ERRS PWS's
  - » How costs are documented, reviewed, and approved
- Be aware of what is considered acceptable technical direction
- Fully understand activities that are improper and prohibited

(continued)

5-2

Module 5 – Wrap-Up

- When in doubt, check the contract and/or ask the PO/CO
- Know the prime and team subcontractors for START and ERRS contracts and the POs and COs
- Know your role and function in the ICS
- Expect to interact with contractor and government personnel during a major incident
  - » Know the roles and functions of all personnel in the ICS
  - » Especially those you interact with the most

5-3

Any Final Questions?

5-4