

# EPA BROWNFIELDS GRANTEES: HOW TO GET THE RIGHT CONTRACTOR ON BOARD

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Michele Christina of BRS, Inc.  
Leah Yasenchak of BRS, Inc.  
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# Meet the Moderator

- Licensed Site Remediation Professional (NJ)
- BSc Environmental Science Susquehanna University, Selinsgrove PA
- 20 Yrs Experience – including NJDEP and environmental consulting



Elizabeth Limbrick, LSRP

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# Course Outline

- Logistics
- NJIT TAB Overview
- Consultant Procurement
  - ▣ Q&A

- We have put all callers on mute
- Please submit questions using the chat or Q&A window
- Webinar is scheduled for 1 hour
  - Web room will remain open at the end of the hour to answer questions
- The webinar will be recorded and will be posted on our website [www.njit.edu/tab](http://www.njit.edu/tab)
- Technical Difficulties – use chat function – to Sean Vroom

# What is TAB?

TAB is a technical assistance program, funded by the USEPA, which is intended to serve as an independent resource to communities and nonprofits attempting to cleanup and reclaim brownfields.

NJIT's TAB program covers communities in EPA Regions 1 and 3.



# Who Can Receive NJIT TAB Assistance?

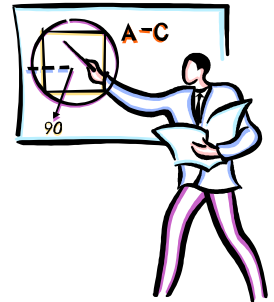
- ✓ Communities, regional entities and nonprofits interested in brownfields



# What are NJIT TAB Services?

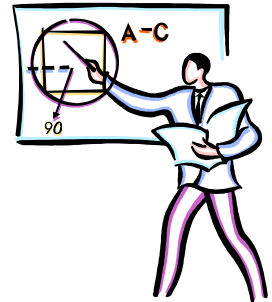
**NJIT TAB can provide free assistance throughout the brownfield process from getting started to staying on track to getting the job done.**

All services must be **aimed at achieving Brownfields clean up and development** and be consistent with Region 1 and 3 programs.



# Examples of TAB Services?

- ❑ One-on-One Technical Assistance
- ❑ Review , Analysis, and Interpretation of Technical Reports
- ❑ Assistance with Procuring Consultants
  - Examples of RFPs
  - Consultant Selection Process
- ❑ Brownfields Workshops
- ❑ Webinars
- ❑ Review and Comment for Grant Applications





# NJIT TAB CONTACT INFORMATION

*NJIT TAB Hotline 973-642-4165 [tab@njit.edu](mailto:tab@njit.edu)*

*<http://www.njit.edu/tab/>*

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Elizabeth Limbrick [Limbrick@njit.edu](mailto:Limbrick@njit.edu)

Sean Vroom [svroom@njit.edu](mailto:svroom@njit.edu)



# Meet the Presenters

- ❑ Over 21 years of experience at both Federal (EPA) and Local levels of government.
- ❑ Principal of BRS responsible for managing over 110 EPA cooperative agreements.
- ❑ Broad background in planning, economic development, and grant writing.



**Leah Yasenchak, PhD,**  
AICP/PP, CEcD/EDP  
BRS, Inc.

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732-859-0831

- ❑ Over 27 years of experience with addressing contaminated property as both a private consultant and municipal manager.
- ❑ Principal at BRS responsible for firm's technical services.
- ❑ Background in economic development, site assessment, and grant writing and management.



**Michele Christina**

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# Overview of Today's Presentation

- Updated Uniform Administrative Requirements
- General Procurement Guidelines for Construction, Equipment, Supplies, and Services
- Types of Allowable Federal Procurement Methods
- Crafting / Evaluating a Professional Services Solicitation
- Consultant's Procurement Viewpoint

**OVERALL GOAL FOR TODAY:**  
Getting a general feel for grantee procurement "Dos and Don'ts"!



# DISCLAIMER!

- ❑ This presentation is no substitute for legal advice!
- ❑ The presentation is focused on FEDERAL procurement requirements.

# NEW UNIFORM ADMINISTRATIVE REQUIREMENTS

- ❑ Effective 12/26/2014. Codified at 2 CFR 200 Subpart E

<http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1.5&rgn=div6>

- ❑ Consolidates Cost Principles previously located:
  - ❑ A-21 (no longer at 2 CFR 220) for Educational Institutions
  - ❑ A-87 (no longer at 2 CFR 225) for State, Local & Tribal
  - ❑ A-122 (no longer at 2 CFR 230) for Non-Profits

# PROCUREMENT

- ❑ Construction
- ❑ Equipment
- ❑ Supplies
- ❑ Services

# PROCUREMENT METHODS

- ❑ Micro-Purchases (<\$3,000)
- ❑ Small Purchases (<\$150,000)
- ❑ Competitive Sealed Bids (>\$150,000)
- ❑ Competitive Proposals (>\$150,000)
- ❑ States follow their own procurement procedures.  
2 CFR 200.317

# MICRO-PURCHASES (< \$3,000)

- ❑ Does not require issuing a solicitation.
- ❑ Price needs to be considered “reasonable.”
- ❑ Purchases should be equitably distributed among qualified suppliers.
- ❑ More info: 2 CFR 200.320(a)



# SMALL PURCHASES (<\$150,000)

- ❑ Require price or rate quotations from an adequate number of qualified sources. 2 CFR 200.320(b).
- ❑ Generally, offers from at least three sources should be solicited.
- ❑ Public notice not required.
- ❑ Change Orders an issue of contract aggregate goes over \$150,000.
- ❑ Documented cost or price analysis not required for competitively awarded small purchases.

# COMPETITIVE SEALED BIDS (>\$150,000)

- ❑ Will involve solicitations in which there is a high degree of specificity relating to the characteristics of the goods or services to be obtained and where there is an expectation of the award of a firm fixed price contract. 2 CFR 200.320(c ).
- ❑ Publicly advertised.
- ❑ Publicly opened.
- ❑ Fixed fee contract (costs Not To Exceed) awarded to responsive low bidder.

# COMPETITIVE PROPOSALS (>\$150,000)

- ❑ Requires more than one proposal and result in a fixed price or cost reimbursement contract.
- ❑ Requests for Proposals (RFPs) must be publicized and include factors to be evaluated and the relative importance of the factors. 2 CFR 200.320(c).
- ❑ Proposal selected for award is most advantageous to project, not necessarily the lowest bid.
- ❑ Must document price analysis.

# NON-COMPETITIVE PROPOSALS (SOLE SOURCE)

- ❑ Last resort
- ❑ Get EPA approval first
- ❑ Must document that goods or services are not available from multiple sources.

# A WORD ON COMPETITION AND POLITICAL REALITIES

## Restrictive Competition

- Placing unreasonable requirements on firms in order for them to qualify for them to do business with you
- Requiring unnecessary experience and/or excessive bonding
- Non-competitive pricing practices between firms or affiliated companies
- Non-competitive awards to consultants that are on retainer contracts Organizational conflicts of interest
- Specifying only a “brand name” in lieu of allowing an “or equal”
- Any arbitrary action in the procurement process

# Meet the Presenter

- BSCE The Cooper Union, New York, NY
- MSCE University of Massachusetts, Amherst, MA
- Professional Engineer, Massachusetts
- Licensed Site Professional, Massachusetts



Specialized in the assessment, cleanup and development of contaminated properties with more than 30 years of experience in environmental engineering, site investigation and cleanup. Principle areas of practice are the development of contaminated properties, vapor intrusion mitigation, Polychlorinated Biphenyl (PCB) cleanup, and the management of public sector environmental contracts.

Ileen Gladstone, P.E., LSP  
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# CRAFTING A PROFESSIONAL SERVICES SOLICITATION

- What do you want to accomplish and what is really important for your project?
  - ▣ Community outreach and communication skills
  - ▣ Technical skills-not all projects require the same expertise
  - ▣ Clear, well written reports
  - ▣ Relationships with regulatory personnel
  - ▣ State compliant
  - ▣ Positioning properties for redevelopment
- Share your selection criteria
- Are you really looking for someone who thinks differently?

# EVALUATING A PROFESSIONAL SERVICES SOLICITATION

- Who is the team, have they worked together and on the example projects.
- Are they bringing added value-do they understand how to position your sites for development.
- Do you need EPA grant funding and technical expertise in the same consultant—limits qualified consultants.
- Value experience on similar projects--Check references.
- Presentations that are exceptionally creative, well organized and compelling--demonstrates an ability to effectively work as a team and communicate ideas.



# APPLES TO APPLES: CONSULTANTS VIEWPOINT

- Does the approach meet your goals and objectives
- Compare the Costs
  - The outcomes- realistic, or overly optimistic
  - The scopes-are they similar, if not why not
  - Rates vs. number of hours-low rates may be associated with overly inflated level of effort
- Depth of experience of personnel and team

# Final Wrap Up

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- Q&A/Discussion

# Thank you!

## CONTACT INFORMATION:

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