

Statement of Work for the Multi-Site Open Work Assignment for Enforcement Support

Background

This Multi-Site Open Work Assignment (MOWA) is designed to provide EPA Region IX with expedited enforcement support to conduct Potentially Responsible Party Searches and related tasks to support Superfund enforcement actions. Through narrowly defined/directed tasks, this work assignment will provide EPA with a means to obtain timely, expedited support in acquiring and managing information concerning a Site. This information will be used in EPA enforcement actions such as negotiations, Administrative Orders and/or referrals to the Department of Justice. It is anticipated that the combined expenditure for tasks performed for any single Site under this work assignment shall normally not exceed \$20,000.

In order to address the unique nature of this expedited work assignment, a phased approach towards implementation will be used. The contractor shall acknowledge receipt of this MOWA statement of work within 10 work days, as currently provided in the ESS contract. The contractor will then prepare a general work plan describing the methods and procedures to be employed to accomplish each of the specific tasks described in this MOWA statement of work. The contractor's work plan shall be submitted within 20 calendar days after acknowledgment of this work assignment. The EPA Project Officer (PO) shall be the approving official for this MOWA.

Another unique feature of this work assignment is negotiated pricing at the general work plan stage. The contractor shall use Attachment A to provide cost and level of effort estimates for each and every task in this work assignment. Estimated LOE for each task will be based on a "per unit" basis using the requirements and parameters described with each task. Unit pricing will be based on estimated expenditures of time by P-level, reproduction costs and administrative costs (computer time, overhead, etc ...) but will not include related travel expenses, which are Site specific. (During actual performance, departures from this "unit" pricing will be addressed and justified in the Site Implementation Memorandum as discussed below.) Subsequent initiation of work under this work assignment will be controlled through the use of Technical Direction, Memoranda, prepared by EPA and approved by the PO, and Site Implementation Memoranda and Monthly Status Reports, prepared by the contractor and approved by the EPA WAM.

Technical Direction Memorandum:

After approval of the general work plan, the EPA Work Assignment Manager (EPA-WAM) shall initiate site-specific tasking through the use of a Technical Direction Memorandum (TDM) to the contractor. This memorandum must be approved by the PO, and will direct the contractor to perform specifically enumerated tasks for a designated Site and describe the type of deliverables required (e.g. Letter Report; Documents; certified copies.) The memorandum will further provide the contractor with a Site Account Number to be used to charge work performed for the Site and a target date for completion of the work requested.

Site Implementation Memorandum:

Upon receipt of a TDM, the contractor may begin work immediately. Within 10 working days, the contractor shall provide the EPA WAM with the following information in a Site Implementation Memorandum (SIM):

- 1) Enumeration of the tasks to be performed with the estimated LOE (by P-level) and dollars anticipated for each specific task.
- 2) Delineation of the personnel and P-level of employees who will perform the tasks assigned.
- 3) Estimate of travel expenses (including P-level of traveler) to complete the tasks identified.
- 4) Justification of any tasks which are anticipated to exceed the "per unit" price used in the MOWA work plan.

The contractor shall not exceed \$2,000.00 in expenses, including ODCs, per Site, prior to approval of the SIM estimates by the EPA PO, which approval shall be documented with an acceptance TDM signed by the PO. Expenses exceeding \$2,000.00 will not be allowed and should not be incurred by the contractor until and unless such approval is received by the contractor. SIM approval shall normally occur within 5 working days of receipt of the SIM

Monthly Status Reports:

The contractor shall submit a Monthly Status Report to the EPA WAM, containing information through the 15th of each month and to be submitted by the 20th of each month. The report shall describe by Site the status of work being performed as well as the LOE in hours and dollar expenditures to date. In addition, the contractor shall also include a concise summary of costs incurred and LOE hours expended, accrued through the date of the report, attributed by Site, for the entire MOWA work assignment. This summary is for the purpose of tracking hours of LOE and dollars expended for the MOWA work assignment as a whole and is primarily for the benefit of the PO. More detail on the format and content of this report is contained in the section entitled SCHEDULE OF DELIVERABLES.

Scope of Work

The purpose of this work assignment is to provide narrowly directed support to EPA for enforcement related activities. The contractor's staff assigned under this work assignment shall be trained, qualified and appropriate to the specific task(s) directed. They shall also have knowledge of the general liability scheme under CERCLA, and be familiar with the following pertinent Department of Justice reviews, EPA guidance documents, and search manuals:

1. Potentially Responsible Party (PRP) Search Manual, OSWER Directive 9834.6, August 1987;
2. PRP Search Supplemental Guidance for Sites in the Superfund Remedial Program, OSWER Directive 9834.3-2a, June 29, 1989; and
3. Guidance on Preparing and Releasing Waste-in Lists and Volumetric Rankings to PRPs Under CERCLA, OSWER Directive 9835.16, February 22, 1991.
4. Elements of Liability Under Sections 104, 106, and 107 of CERCLA, U.S. Department of Justice, (current edition).

In most instances, the contractor will not be tasked to provide a comprehensive written report as envisioned in the PRP Search Supplemental Guidance (OSWER Directive 9834.3.2a) and the EPA PRP Search Manual. Specific deliverables will be identified in the Site specific TDM. A Completed Activity-Summary Memorandum shall generally be submitted at the completion of all tasks for each Site, as directed by the EPA WAM. This memorandum will briefly describe all activities performed to accomplish the directed tasks and a compilation of costs incurred.

Tasks Allowable Under this Work Assignment

The following tasks are included and authorized under this work assignment and may be assigned for a specific Site by the EPA WAM.

- 1] **Title Searches** - The EPA WAM will provide the contractor with a Site address (s) , a location map and, where available, specific parcel number(s). As specifically directed by the EPA WAM, the contractor will perform some or all of the following related tasks.

- a) Obtain specifically identified title documents (and/or parcel maps).
- b) Perform title searches, obtaining all documents for a specified period which evidence both current and possible past owners, lessors and lessees for a designated Site address(s).
- c) Analyze title documents in order to provide a clear opinion as to the true ownership, quality, condition, and clarity of title for a designated period of time. This may include preparation of title tree diagrams and accompanying narrative reports.

Deliverables for this task shall include the following: copies of requested documents (certified or plain as specified in the TDM); a memorandum presenting title analysis conclusions (including related tables, charts or other aides as directed by the EPA WAM).

- 2] **Interviews** - The EPA WAM may direct the contractor to interview designated government/public officials and/or individuals connected with a Site's history to obtain information regarding a Site. Unless otherwise specified in the TDM, the contractor will prepare an appropriate outline focusing on proposed questions and methodology for the EPA WAM's approval prior to conducting the interview. Interviews may be conducted via telephone at the EPA WAM's written technical direction. Deliverable shall be a summary of the results of the interview which identifies at a minimum the date, time, place of interview, person(s) interviewed (including name, address, telephone number at work and home, occupation, and relation to the Site), interviewer, and a comprehensive summary of the information obtained during the interview.

- 3] **Document Collection** - At the written technical direction of the EPA WAM, the contractor shall obtain documents from designated public agencies, private parties, or other sources. EPA WAM will provide a list of the specific agencies or other sources to be contacted, as well as the types of documents to be collected.

Deliverable shall be the submission of a single copy (unless multiple copies are specifically requested by the WAM in the TDM) of the documents requested, with appropriate document identification as required in the TDM.

- 4] **Document Indexing** - At the written technical direction of the EPA WAM, the contractor shall be tasked to index a collection of documents obtained in connection with a Site. This indexing shall be performed in a manner and format consistent and compatible with the Superfund Records Center indexing format, but may, at the EPA WAM Is written technical direction, include additional entry fields for issue coding of documents.

Deliverable shall be the submission of a single hard copy of the document index plus one electronic version on 3.5 inch disc in a format compatible with Word Perfect 5.1, or such other software as may be specified through written technical direction by the EPA WAM. Alternatively, with the EPA WAM's approval, the contractor may transmit the document index directly to the Superfund Records Center via modem.

- 5] **Data Entry** - At the written technical direction of the EPA WAM, the contractor shall enter data into a CERCLA § 104(e) Information Letter Tracking System (to be provided by EPA) which will track mailing, receipt and return response to EPA Information Requests. At the written technical direction of the EPA WAM, the contractor may also be tasked to provide an analysis of the 104 (e) response to determine it I s completeness and/or to extract information.

Deliverable shall include updated 104 (e) tracking information, and/or a memorandum summary of data extraction for each respondent providing one or more of the following:

- Evidence of a release of hazardous substance.
- Purpose and/or use of facility.
- Evidence of a release of hazardous substances.
- Presence of physical features which significantly impact release or potential for release.
- Identification of chemicals used.
- Identification of waste streams and disposal methods.
- Corporate formalities and relationships of the subject.
- Apparent financial viability of subject.

- 6] **Waste Stream Analysis** - At the written technical direction of the EPA WAM, the contractor shall perform a chemical process analysis or a waste process analysis for a subject business activity, using information provided by EPA, by the subject business, or available from public sources, as specified in the TDM. If the contractor determines that the information supplied is insufficient to provide a reliable analysis, the contractor shall provide written recommendations specifying the kind of information and potential or probable sources for obtaining such additional information as is necessary to complete this task.

Deliverable shall be the submission of a technical memorandum detailing to the extent possible the probable waste stream and disposition of wastes for subject business and business activities.

- 7] **Business Status** - At the written technical direction of the EPA WAM, the contractor shall develop and/or resolve issues relating to the business structure, "familial" relationship(s), and ownership and control of business entities. This shall be accomplished through the use of public information sources, on-line data retrieval services, and by obtaining and analyzing documents, including responses to Information Request Letters, as directed by the EPA WAM through written technical direction memoranda.

Deliverable shall be a written submission summarizing the requested information, together with documentation to support conclusions drawn, either in a technical memorandum or incorporated within a larger deliverable.

- 8] **Financial Viability** - At the written technical direction of the EPA WAM, the contractor shall provide a financial viability analysis using EPA supplied information and/or publicly available information in order that EPA may make a determination regarding an entity's ability to satisfy Superfund liabilities.

Deliverable shall be the submission of a technical memorandum outlining the financial condition of the subject. At a minimum, the technical memorandum shall include either or both of the following: a high and low lump sum, figure based upon the entity's financial condition with a justification of the figures; and an analysis of the entity's ability to make installment payments over time. The deliverable shall be more fully described in the TDM authorizing performance of this task.

- 9] **Current Status** - At the written technical direction of the EPA WAM, the contractor may be tasked to verify and/or provide current names, responsible official and address information for subject entity(s). This task will normally be accomplished through use of on-line data retrieval sources, but may also require retrieval of publicly available documents, as directed, by the EPA WAM through written technical direction.

The deliverable will be an updated list providing current information, accompanied by printouts of the database- supplied information and/or requested documents.

- 10] **Expert Opinion** - At the written technical direction of the EPA WAM, the contractor may perform specialized tasks such as providing current real property appraisals, providing cadastral and/or spotted surveys of property to determine the location of physical features or structures in relation to property bounds, etc. , or providing expert opinions from technical experts, relating to any other task or tasks described in this MOWA work assignment.

The deliverable shall be a technical report resolving specific technical issues as assigned in a TDM, with whatever attachments or graphical presentations are authorized by the TDM.

- 11] **Summation & Reporting** - At the written technical direction of the EPA WAM, the contractor shall review all available information in order to develop a summary report which shall provide a chronological presentation of known facts (properly referenced to supporting documentation) regarding a Site. The contractor may also be required through written technical direction by the EPA WAM to prepare a separate memorandum detailing the evidence relating to the liability of each identified entity connected with a Site, containing the following general elements (unless otherwise directed):

- Overall Facility Summary
- Corporate Status / Business Information Financial Viability
- Property Ownership
- Detail of Operations Conducted Evidence of Release
- Relation to other PRPs.

The deliverable shall be a report and/or memorandum as identified above. Memoranda presenting evidence of liability will be marked as "Enforcement Confidential - Prepared in Anticipation of Litigation. 11 Since this report or memorandum does not include an analysis or appraisal of the strength or quality of the evidence, nor an analysis of liability, this deliverable will not ordinarily be classified as legal analysis. Chronological reports only shall not be marked Enforcement Confidential.

Schedule of Deliverables

A general Work Plan shall be prepared, as required under the ESS Contract, in response to this Statement of Work and submitted to EPA for approval within 20 calendar days after acknowledgment of receipt of this Statement of Work. Upon approval, performance of any tasks under this work assignment will be on an as-assigned basis through the use of Technical Direction Memorandum issued by the EPA PO and the EPA WAM, using the following general schedule.

Site Specific Tasking

EPA WAM will initiate a Technical Direction Memorandum to the Contractor providing general background information concerning the Site, a Site account number to be used, the specific tasks to be performed, the desired time frame for completion and a summary listing of known or suspected PRPs who may be involved with the Site. **This TDM must be signed by an PO, and is not valid without such signature.**

Within 48 hours (not including weekends and holidays) , the contractor will advise the EPA CO/PO verbally of any apparent or potential conflicts of interest that may arise concerning this Site. Thereafter, should additional information disclose an apparent conflict, the contractor shall appraise the EPA CO/PO within one working day.

Within five (5) work days of receipt of a TDM, the contractor shall submit a Site Implementation Memorandum detailing personnel assigned as well as anticipated schedule and projected costs to complete the tasks assigned. The EPA PO will approve this estimate with a TDM authorizing work to be performed or will notify the contractor in writing of any objections or disapproval. Any changes to the initial TDM shall be effected through sequential amendments to the TDM.

When all tasks for a specific Site have been completed, the EPA WAM shall, at the WAM's discretion, notify the Contractor WAM in writing to prepare a Completed Activity - Summary Memorandum which will summarize all tasks completed for the Site and include a re-cap of all expenses incurred for the Site. This Completed Activity - Summary Memorandum shall be completed by the Contractor within ten (10) working days after notification of completion by the EPA WAM.

Monthly Reports

The contractor shall submit a monthly report to EPA detailing the following information for each Site for which activities have been performed or costs incurred:

For each Site:

- Activities conducted during the month. Costs incurred, by task, per month.
- LOE hours expended, by task and P level, for the month.
- Total monthly costs and LOE hours expended. Total Work Assignment Costs to date.
- Projected future costs to completion.

The information contained in the report shall be current through the 15th of each month, and the report shall be transmitted to the EPA PO by the 20th of each month.

The contractor is also expected to maintain frequent, verbal communication with the EPA WAM on progress, problems, issues or suggestions relative to individual Site tasking or the overall Work Assignment.

Period of Performance

The period of performance for this work assignment is through December 1, 1995.

Work Assignment Manager

The primary EPA Work Assignment Manager for this work assignment is **Cliff Davis**, who can be reached at (415) 744-2377. The alternate EPA WAMs for this work assignment are Mark Calhoun, Steve Simanonok and Nancy Riveland-Har, Lois Green, and Kim Muratore. Other WAMS may be added as needed. Any WAM may initiate TDMs, however only POs may sign and authorize TDMs.

ESTIMATED PER UNIT PRICING

Task	LOE Hours				Contract MGMT.*	Dollar
	P4	P3	P2	P1		
1] Title Search (Per Parcel)						
a) Document						
b) All Docs.						
c) Analysis						
2] Interviews (Per Interview)						
a) Gov't. Agency						
b) Individual						
3] Document Collection (500 pgs./ 2 or fewer sources)						
4] Document Indexing (500 pgs.)						
5] Data Entry (10 letters)						
a) Tracking only						
b) Extraction						
6] Waste Stream Analysis (1 analysis)						
7] Business Status (1 entity)						
8] Financial Viability (1 analysis)						
9] Current Status (1 entity)						
10] Expert Opinion (1)						
11] Summation & Reporting						
a) Chron. Report						
b) Enf. Memo						

Monthly Contract Maintenance

* CONTRACT MANAGEMENT is primarily quality assurance/quality control (QA/QC) activities, together with administrative activities such as time charging, logging in - assignments, and routing documents.