

PERFORMANCE WORK STATEMENT

RCRA ENFORCEMENT, PERMITTING, AND ASSISTANCE CONTRACT (REPA) REPA 5 Region 7

PERFORMANCE WORK STATEMENT

PART I. BACKGROUND

Under the authority of the Resource Conservation and Recovery Act (RCRA) and in cooperation with EPA's state and tribal partners, EPA manages a hazardous waste program, an underground storage tank program, and a solid waste program, including development of waste reduction strategies such as recycling. The goals of the RCRA program are to: 1) Protect human health and the environment from the hazards posed by waste disposal; 2) Conserve energy and natural resources through waste recycling and recovery; 3) Reduce or eliminate the amount of waste generated, including hazardous waste; and 4) Ensure that waste is managed in an environmentally safe manner.

RCRA is the result of several laws. Congress passed the Solid Waste Disposal Act (SWDA) in 1965. This statute provided the basis for regulating the proper management of solid waste. The SWDA went through several major amendments resulting in the RCRA of 1976. The Hazardous and Solid Waste Amendments (HSWA) in 1984 and the Federal Facilities Compliance Act of 1992 have also amended RCRA.

To achieve RCRA program goals, four distinct yet interrelated programs exist under RCRA. Subtitle D of RCRA promotes and encourages the environmentally sound management of solid waste. It includes minimum Federal technical standards and guidelines for state solid waste plans. Subtitle C establishes a management system that regulates hazardous waste from the time it is generated until its ultimate disposal, in effect, from "cradle to grave". Subtitle I regulates petroleum products and hazardous substances (as defined under Superfund) that are stored in underground tanks. It establishes performance standards for new tanks and requires leak detection, prevention and corrective action at underground tank sites. Subtitle J regulates medical waste generation, treatment, destruction, and disposal.

In conjunction with achieving the RCRA program goals, other programs or related Agency initiatives may be addressed within this performance work statement. This includes the following programs and initiatives: Clean Air Act (CAA), Clean Water Act (CWA), Toxic Substance and Control Act (TSCA), Safe Drinking Water Act (SDWA), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation Challenge (RCC), Pollution Prevention (P2), National Environmental Performance Track (NEPT), Environmental Management Systems (EMS), Border 2012, Environmental Justice (EJ), National Environmental Justice Advisory Committee (NEJAC), Community Based Environmental Protection (CBEP), Emergency Planning and Community Right to Know (EPCRA), RCRA Brownfields, and other new initiatives and special programs.

PART II. PURPOSE

The purpose of this contract is to provide technical support services to EPA Region 7. The contract will support EPA activities, as well as EPA coordinated efforts with states, tribes and other Federal agencies, at private, state and federal facilities, Indian Country, U.S. Territories, along the United States international borders, and further abroad. The activities required under this contract will support the RCRA goals cited above and other programs or related Agency initiatives.

PART III. SCOPE

The Contracting Officer (CO) will issue task orders for all work required under this contract, in accordance with the terms and conditions of the contract. This Performance Work Statement (PWS) contains general performance requirements and standards. The task orders will provide specific performance requirements and standards based on the activities/support required.

The contractor shall submit all work products for review and approval to the appropriate Contracting Officer Representative (COR), in accordance with the contract and task order. The Government will make all final determinations and decisions after a close and critical review of the contractor's work product. All work products resulting from the performance of this contract are the property of EPA. The contractor shall not publish or otherwise release, distribute or disclose any work product generated under this contract without obtaining EPA's express written approval.

The contractor shall not provide legal services, make any decision for the Agency, nor develop policy under this contract. In all contact with the public and government officials under this contract, contractor personnel shall identify themselves as contractor employees working under contract to EPA. Contractor identification badges/visitor badges shall be prominently displayed at all times, and clearly visible in all public settings.

PART IV. PERFORMANCE GUIDELINES AND TOOLS

A. Complexity Levels

Task orders will identify the complexity level of the work assigned. There are three complexity levels: highly complex, moderately complex and less complex. Highly complex assignments are defined as those assignments where a substantial amount (80% or more of the task) requires qualifications of senior level or expert staff to complete. Moderately complex assignment can generally be accomplished by mid-level staff, with support of junior-level staff, and minimal support for senior staff. Less complex work can be completed by entry or junior-level staff, with minimal support from mid-level and/or senior staff. The tasks/subtasks presented in PART V below provide examples of the three complexity levels. These examples are for informational purposes only. Specific guidance as to the complexity of an assignment will be discussed in each task order, and will be clarified prior to start of the assignment, if necessary.

B. Acceptable Quality Levels (AQLs)

85% of draft deliverables, and 100% of final deliverables, adhere to the format and content standards defined in the task order and EPA-approved contractor work plan/ staffing plan.

When utilized, customer satisfaction and learning survey tools indicate a satisfactory or above score 90% of the time.

Work is completed in accordance with the task order, and within the defined schedules and the cost estimate in the EPA-approved work plan/ staffing plan.

C. Monitoring Method

EPA will evaluate and monitor the contractor performance in accordance with the Quality Assurance Surveillance Plan (QASP). EPA retains the right to unilaterally change the monitoring or surveillance methods consistent with the “Inspection of Services” clause in Section E of the contract.

The designated COR will review and approve all contractor deliverables. The COR may also observe contractor personnel while performing activities under the contract. When appropriate, EPA may utilize feedback, learning and customer satisfaction survey tools and tests to monitor success.

D. Incentives/Disincentives

Where the contractor’s work fails to meet one or more of the performance standards identified under each task or subtask, EPA will require the contractor to correct the deficiency at no additional cost to the government, and the contractor may be subject to a reduction of up to 20% of the costs incurred for that task. When the defect(s) cannot be corrected by re-performance, the government may reduce the costs payable for that task by up to 50%, to reflect the reduced value of the services performed. Performance issues will be noted within the contractor’s performance rating.

PART V. DESCRIPTION OF SPECIFIC TASKS AND REQUIREMENTS

The following tasks and subtasks identify general performance requirements and standards that describe the type of activities that will be assigned by each task order. Any or all of the below tasks/subtasks may be requested in support of EPA activities under the subject contract.

Task 1 TECHNICAL REVIEWS AND ANALYSIS/ASSESSMENT SUPPORT

The contractor shall provide technical reviews and analysis/assessment services to support various environmental activities, primarily under RCRA and related programs. These services

may also be used in support of CERCLA, SDWA, CWA, CAA and other environmental laws and initiatives.

Subtask 1.1 Technical Reviews

Performance Requirement

The contractor shall conduct technical reviews of documents or other materials (e.g. videos, databases, etc.) prepared by facilities, states, tribes or other Federal agencies as set forth in the individual task orders. Types of RCRA documents that may require technical review include but are not limited to: waste determination, waste delisting, land revitalization, Part B permit applications, corrective action documents, Regional Facility Assessments (RFAs), Regional Facility Investigations (RFIs), Corrective Measure Studies (CMS), Corrective Measure Design and Implementation Reports, financial assurance documents, risk assessment documents, Site Evaluation Reports, Closure Plans, Statements of Basis, Environmental Indicator documents, Field Sampling Plans (FSPs), and Quality Assurance Project Plans (QAPPs). CERCLA documents may include but are not limited to: Record of Decisions (ROD), Hazard Ranking Score (HRS), treatability studies, Remedial Design Documents, Remedial Investigation/Feasibility Study Related documents, and Site Characterization Information.

The contractor shall provide technical support at internal and external meetings to address/discuss technical review of documents. The contractor may be required to defend, clarify, or explain any comments or reports it generated based on the technical review. Meeting support may include technical facilitation and/or formal presentation, using visual aids such as maps or computer programs. Meeting attendees may include representatives from facilities, states, tribes, other Federal agencies, and the public.

Complexity Examples:

Highly Complex – Review of human health or ecological risk assessments and review of design documents. Technical support at a meeting concerning a complex corrective action at a large Federal Facility.

Moderately Complex – Review of permit documents.

Less Complex – Review of basic field sampling plans, RFI work plans and CMS documents.

Performance Standard

The contractor shall provide technical review support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards. Technical support shall focus on the technical adequacy of the reviewed items, and any deficiencies of critical importance.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use quality assurance (QA) monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables shall demonstrate that the reviewed items are consistent with: 1) recent agreements or orders (e.g., Orders, Permits, ROD); 2) professional industry standards; and 3) current laws and EPA and/or State/Tribal rules, regulations, ordinances, and guidance. Deliverables or technical support shall demonstrate that appropriate relevant documentation was considered when developing comments, conclusions or recommendations (e.g., state documents, past EPA comments, or other documentation affecting the technical review). Deliverables shall include the rationale behind any conclusions or recommendations. If appropriate, recommendations for a facility to perform additional work shall be included in the deliverables.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with the Government Printing Office (GPO) guidelines.

Contractor support at meetings/conference calls shall meet the requirements of the individual task orders. Contractor support shall also demonstrate a high level of technical subject knowledge, thorough knowledge of the reviewed documents/materials and consistency with review comments and/or recommendations. Technical facilitation support shall demonstrate a high level of technical subject knowledge and facilitation skills.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 1.2 - Technical Analysis/Assessment Support and Document Preparation

Performance Requirement

The contractor shall provide technical analysis and assessment services in support of various EPA activities at private, state, tribal and Federal facilities, or sites as set forth in the individual task orders. Types of analysis and assessment support the contractor shall provide may include but are not limited to: RCRA waste determination, RCRA waste delisting, land revitalization, corrective action analysis, RCRA Facility Assessments (RFAs), RCRA Facility Investigations (RFI), Corrective Measure Studies (CMS), Corrective Measure Design and Implementation Reports, financial assurance analysis, risk assessments, Site Evaluation Reports, Environmental Indicator analysis, Field Sampling Plans, and Quality Assurance Project Plans. The contractor

shall generate written reports, summaries, or analyses in support of activities as required in individual task orders.

The contractor shall provide technical support at internal and external meetings to address/discuss technical analyses and/or assessments. The contractor may be required to defend, clarify, or explain any comments or reports it generated based on the analysis/assessment. Meeting support may include technical facilitation and/or formal presentation using visual aids such as maps or computer programs. Meeting attendees may include representatives from facilities, states, tribes, other Federal agencies, and the public.

Complexity Examples:

Highly Complex – combustion risk assessment, human health risk assessment and ecological risk assessment.

Moderately Complex – Environmental Indicator Risk evaluation.

Less Complex –RFA file review.

Performance Standard

The contractor shall provide technical analysis and assessment support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards. Technical support shall demonstrate thorough technical analysis or assessment.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure technical support and deliverables meet contract and task order requirements.

Deliverables shall be consistent with recent agreements or orders (e.g., Orders, Permits, ROD), applicable laws and EPA and/or State/Tribal rules, regulations, ordinances, and guidance. Deliverables or technical support shall demonstrate that appropriate relevant documentation was considered when conducting analyses and assessments (e.g. state documents, past EPA comments, or other documentation affecting the technical review). Deliverables shall include the rationale behind any conclusions or recommendations. If appropriate, recommendations for additional work shall be included in the deliverables.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

Contractor support at meetings/conference calls shall meet the requirements of the individual task orders. Contractor support shall also demonstrate a high level of technical subject knowledge, thorough knowledge of the contractor's analysis/assessment and deliverables, and consistency with the conclusions and/or recommendations of the analysis/assessment.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Task 2 FIELD OVERSIGHT, INSPECTION, SAMPLING AND DATA REVIEW

The contractor shall provide field activities and data review services to support various environmental activities, primarily under RCRA and related programs. These services may also be used in support of CERCLA, SDWA, CWA, CAA and other environmental laws and initiatives. Field activities may be required at private, state or federal facilities, Indian Country, U.S. Territories, and along the United States international borders. For purposes of this contract, field activities shall include field audits, oversight, inspections, and sampling and sample analysis.

Subtask 2.1 Field Audit/Oversight and Inspections

Performance Requirement

The contractor shall provide field audit/oversight and inspection support to evaluate facility or site compliance with RCRA, CERCLA, CWA, and CAA, as well as other environmental laws and regulations as set forth in the individual task orders. Field audit/oversight and inspection support may include, but is not limited to: RCRA program compliance (inspecting generators, transporters, and treatment, storage or disposal facilities); oversight inspections for adherence with corrective action requirements set forth in orders, decrees, voluntary agreements and permits; and Underground Storage Tank (UST) inspections.

Contractor support may include the implementation and/or oversight of work plans, sampling and analytical plans, and QAPPs in the field. It may also include: preparing a Field Audit Plan/Split Sample Plan which explicitly describes what field audit activities the contractor will undertake, including a checklist of such activities; observing sampling activities for compliance with the orders, decrees or permit conditions, or other settlement documents, approved sampling and analysis plans, and QAPP; and maintaining a diary or log of detailed observations at the site, including interactions with all parties, results of field tests, observations about conformance with the approved plans, orders, decrees and permit conditions, case development, and/or other settlement documents. Diaries and logs may be supplemented by photographs and/or videotaping. If necessary, the contractor may conduct a site visit to become familiar with site conditions.

Complexity Examples:

Highly Complex – Inspections of incinerators, boilers and industrial furnaces (BIFs), and facilities with complex industrial processes, or those that have complex geology.

Moderately Complex – Routine Transportation, Storage and Disposal (TSD) facility inspections and corrective action oversight inspections at routine facilities.

Less Complex – Generator inspections and inspections a non-technical nature (such as manifest reviews).

Performance Standard

The contractor shall provide field audit/oversight and inspection support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards.

The contractor shall be adequately prepared before going into the field, including but not limited to: appropriate field staff with required training and knowledge, appropriate field equipment (personal protective gear, surveillance equipment, etc.), familiarity with site conditions, and requirements of applicable plans and settlement documents. The contractor shall use detailed logbooks and photographs to support observations and activities in the field.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy; responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure technical support and deliverables meet contract and task order requirements.

Deliverables should be of sufficient quality to document any violations or deviations in the field. Deliverables or technical support shall demonstrate that relevant information and documentation was considered when developing field audit, oversight or inspection reports. Deliverables shall include the rationale behind any findings, conclusions or recommendations.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 2.2 Field Sampling

Performance Requirement

The contractor shall provide field sampling services as set forth in the individual task orders. Field sampling may include, but is not limited to: soil, debris, waste, groundwater, surface water, and sediments. The contractor shall take all actions required to achieve successful sampling events, including but not limited to: developing and submitting to EPA sampling and analysis plans; preparing QAPPs and site Health and Safety Plan (HSP); providing coordination support to EPA through the EPA Contract Laboratory Program, Regional EPA laboratories, and/or private laboratories; procuring private analytical support, if necessary; conducting sampling activities in accordance with the QAPP; providing sample management (e.g., FORMS II Lite, SCRIBE, Chain-of Custody sample tracking, sample retention, and maintenance of sample integrity); and managing investigative derived waste (IDW).

The generator of the wastes is responsible for making a hazardous waste determination, and ultimate disposal of the waste. If the generator is a contractor, the contractor shall make a hazardous waste determination and dispose of IDW. The contractor shall use the assigned RCRA facility ID number on the IDW disposal manifests.

In any case where EPA is the shipper (generator) of wastes, such as when IDW is generated from an EPA sampling event, the EPA site manager/representative will sign the hazardous waste manifest. However, the EPA contractor conducting the sampling shall prepare the appropriate paperwork (e.g. EPA form 8700-12, EPA Form 8700-22 or State Hazardous Waste Manifests IAW 40 CFR 262.21) for review and signature by the EPA site manager/representative.

Complexity Examples:

Highly Complex – Sampling drums where the contents are unknown, where high levels of protection are necessary, or any event requiring non-routine sampling techniques or equipment to accomplish the assignment.

Moderately Complex – Routine sampling.

Less Complex – Split sampling at a corrective action site where the facility is collecting the samples and placing them in EPA sample containers.

Examples of “Routine Sampling” are scheduled sampling from established sampling wells, air stations, and at previously established sampling sites. Some examples of actual sampling time includes well evacuations/purging, well casings, timed sampling and decontamination, field analysis (on the back of the truck) and chain-of custody and other paperwork.

Examples of “Non-Routine Sampling” would be collection of specific rare bird eggs, rare plant sampling, collection of specific live wildlife, and collection of insect species associated with ecological risk assessments. The complexity level for sampling will be indicated in the task order by EPA.

Performance Standard

The contractor shall provide field sampling support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support

shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards. The contractor shall be adequately prepared before going into the field including but not limited to: appropriate field staff with required training and knowledge, appropriate field equipment (personal protective gear, surveillance equipment, etc.), familiarity with site conditions, and requirements of applicable plans and settlement documents. The contractor shall use detailed logbooks and photographs to support observations and activities in the field.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure technical support and deliverables meet contract and task order requirements.

Deliverables should be of sufficient quality to document the type and location of all samples taken in the field. Deliverables or technical support shall demonstrate that relevant information and documentation was considered when developing field sampling reports. Deliverables shall include the rationale behind any findings, conclusions or recommendations.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 2.3 Data Review (Validation, Evaluation, and Reporting)

Performance Requirement

The contractor shall provide data review support as set forth in the individual task orders. Typical data review activities may include, but are not limited to, data validation, evaluation, compilation, tabulation and reduction. The contractor shall focus on quality, intended use, and usefulness when evaluating and/or validating data. If required, the contractor shall format the data for input into a regional or other database. The contractor shall verify and report whether adequate sample management was performed and, if applicable, that the appropriate EPA tracking software was used.

Complexity Examples:

Highly Complex – Review data packages of PCB data or evaluation of tentatively identified compounds.

Moderately Complex – Validate organic data packages.

Less Complex – Validate inorganic data packages or wet chemistry evaluations.

Performance Standard

The contractor shall provide data review support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards.

The contractor shall have thorough knowledge of data quality objectives prior to conducting any data review.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure technical support and deliverables meet contract and task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables should document whether data is of sufficient quality for its intended use. Any data qualifiers or restrictions in use should be clearly noted. Data review reports shall be accurate, complete, and defensible in court.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Task 3 ENFORCEMENT NEGOTIATION AND LITIGATION SUPPORT

The contractor shall provide negotiation and litigation services to support various environmental enforcement activities primarily under RCRA and related programs. These services may also be used in support of CERCLA, SDWA, CWA, CAA and other environmental laws and initiatives.

The contractor shall provide negotiation and litigation support in three general areas: case development, general enforcement negotiation support, and expert witness and litigation support.

Subtask 3.1 - Case Development

Performance Requirement

The contractor shall provide case development support as set forth in the individual task orders. Case development activities may include, but are not limited to: technical and administrative assistance in developing defensible information to support specific enforcement or legal actions, developing draft information request letters and general/special notice letters; developing and maintaining administrative records; conducting PRP or title searches; and preparing trial exhibits.

Complexity Examples:

Highly Complex – Investigation related to process-based review, exclusions exemptions, multi-media impacts (or potential impacts), multi-sight investigations, complex corporate structure or ownerships situations.

Moderately Complex – Interpretation of results with regard to compliance status.

Less Complex - Gathering/compiling records already available, routine ownership, financial assurance issues.

Performance Standard

The contractor shall provide case development support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards. The contractor support shall demonstrate thorough knowledge of applicable Federal and State rules of evidence, and relevant interpretive case law concerning collection, chain of custody, credibility, and admissibility.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

If required, interviews shall be fully documented, including a summary of information and documents acquired, in the format identified in the individual task orders. Records collected shall be organized in accordance with the appropriate EPA filing system.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 3.2 – General Enforcement Negotiation Support

Performance Requirement

The contractor shall provide negotiation support as set forth in the individual task orders. General enforcement negotiation activities may include, but are not limited to: technical assistance in negotiating interim corrective action, removal actions, remedial design/remedial action, and consent orders; liability and viability analysis and cost documentation support; technical assistance during EPA/Department of Justice (DOJ) negotiations and negotiations with Potential Responsible Parties (PRPs); and assessment of PRP financial capabilities, assessment of economic benefit, review settlements, and verify compliance of a PRPs work plans with the requirements and schedules in pertinent legal documents. Negotiation support may involving the collection and/or development of information to be used during discussions between EPA and site/facility owners and operators to settle or conclude outstanding issues.

Complexity Examples:

Highly Complex – Negotiations based on process investigation, exclusions, exemptions, multi-media implications, multi-site matters.

Moderately Complex – Interpretation of violations and desired injunctive relief.

Less Complex - Administrative support regarding sampling results, field observations, administrative record.

Performance Standard

The contractor shall provide general enforcement negotiation support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

The contractor shall identify and pursue investigative leads, including locating individuals who may be knowledgeable about site operations and waste handling practices, as well as PRPs and their assets.

PRP financial assessments shall be based upon standard accounting and finance measures of income, solvency, and asset valuation. Financial assessment reports shall cite all sources of financial information used in the assessments.

The contractor shall review all relevant documents and adhere to applicable Agency guidance in the drafting of documents and publication requirements; evaluation and preparation of non-binding preliminary allocation of responsibility; and evaluation of PRP proposals, work plans, and cost recovery work.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. The contractor shall locate and secure experts within the time frame specified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 3.3 - Expert Witness/Consultant Support

Performance Requirement

The contractor shall provide expert witness and litigation support as set forth in the individual task orders. The contractor may be required to obtain expert witnesses and consultants to assist EPA in the support of civil and criminal actions, administrative orders and hearings, negotiations and settlement meetings, and other settlement-related proceedings. The contractor may be required to perform a search for potential experts in specific fields having certain knowledge and experience as identified by EPA.

Complexity Examples:

- Highly Complex – Matters related to exemptions and exclusions, process-based Investigations
- Moderately Complex – Interpretation of observations or sampling results and how this related to compliance status. Explanation of sampling plans and their representativeness
- Less Complex - Matters related to observations during site visits, matters related to analytical results

Performance Standard

The contractor shall provide expert witness and consultant support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This

support shall be tailored to the needs of and consistent with the policies and guidance of the specific office being supported. This support shall also meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to execute the support required (e.g. problem identification/resolution strategy; responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use quality assurance monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables should document whether data is of sufficient quality for its intended use. Any data qualifiers or restrictions in use should be clearly noted. Data review reports shall be accurate and complete and defensible in court.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high quality professional graphics. Preparation and printing of materials shall be in accordance with the Government Printing Office (GPO) guidelines.

Contractor personnel shall meet the standards of the position as described in the contract schedule. The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. The contractor shall locate and secure experts within the time frame specified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Task 4 RECORDS AND DATA MANAGEMENT

The contractor shall provide records and data management services to support various environmental activities primarily under RCRA, related programs and special projects. These services may also be used in support of CERCLA, SDWA, CWA, CAA and other environmental laws and initiatives.

Subtask 4.1 - Records Management

Performance Requirement

The contractor shall provide records management services as set forth in the individual task orders. These services may include, but are not limited to: records center and/or records management database operation and maintenance; document control and maintenance; Notification of Hazardous Waste Activity (EPA Form 8700-12) processing and associated support; program, site or facility-specific records compilation and maintenance; document list development and maintenance; and Freedom Of Information Act management.

Complexity Examples:

- High Complex - Establish Records Management System.
- Moderately Complex – Records Center Management.
- Less Complex - Document list development and maintenance.

Performance Standards

The contractor shall provide records management support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall also meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 4.2 - Data Management

Performance Requirement

The contractor shall provide data management services set forth in the individual task orders. These services may include, but are not limited to: application/system development, maintenance and upgrade or enhancement; data screening, validation, entry and formatting; and system interface and conversion development. Activities required may include, but are not limited to: develop automated or written management information systems; develop automated record management systems; develop, maintain and upgrade automated regional tracking systems, databases, spreadsheets, and reporting systems; develop and modify draft geographical information systems (GIS) or geospatial reports; biennial report (BR) data screening/validation, entry and follow up; and create unique reports by manipulating information from various sources, which may include “secondary data”.

The contractor shall demonstrate the operational capability of written or automated applications or systems developed, upgraded or enhanced. The contractor shall maintain compatibility among

system components in an operational environment when developing system interfaces and conversions. Developed applications shall conform to the operational environment and specified user requirements. Developed applications shall NOT adversely affect system performance. For conversion projects, the contractor may be required to provide an inventory of programs and description of the complexity of the existing systems, and programs for transfer to another processing system or hardware and software platform operational environment.

The contractor shall provide application operation and maintenance manual or training manual. The contractor may also be required to provide training on use of the database or automated system. Training may vary based on user levels/needs (e.g., end users, administrators, analysts, management, etc.)

Any database or system developed under this contract shall be the property of the EPA.

Complexity Examples:

- Highly Complex – Develop an integrated Unified Hazardous Materials Information Delivery System application in coordination with states to collect, verify and compile local (city/county) government data and transfer to RCRA Info.
- Moderately Complex – Local (regional) RCRA database system updates and maintenance.
- Less Complex – Data screening and entry.

Performance Standards

The contractor shall provide data management support in accordance with applicable laws, regulations, policies, guidance, and direction provided in an individual task order. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. The support provided and applications developed shall meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Any application developed shall meet the standards set in the individual task order and be functional, user-friendly, with edit-capability and be compatible with software used by EPA. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum

requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Task 5 TRAINING, CONFERENCES AND PUBLIC INVOLVEMENT

The contractor shall provide training, conference and public involvement services to support various environmental activities primarily under RCRA, related programs and special projects. These services may also be used in support of CERCLA, SDWA, CWA, CAA and other environmental laws and initiatives.

Subtask 5.1 - Training and Conference Support

Performance Requirement

The contractor shall provide assistance in conducting training and conference/meeting support as set forth in the individual task orders. These services may require contractor support involving the communication of EPA policy and regulations, and providing guidance to other Federal, State and local agencies on EPA's behalf. Training and conference/meeting support may include, but are not limited to: logistical activities such as facility arrangements, publicizing the course or conference/meeting, registration, and attendee tracking; material development and distribution such as training manuals, handbooks, pamphlets, slide shows, and Power Point presentations; and specialized and/or expert technical or instructor support for various environmental areas such as risk assessment, inspector and site inspection training, corrective action, waste minimization, pollution prevention, landfill regulation, Environmental Indicator (EI) scoring, and closure/post-closure.

Complexity Examples:

- Highly Complex – Develop and provide Risk Assessment Training.
- Moderately Complex – Financial Assurance Training.
- Less Complex – Training registration and attendee tracking.

Performance Standards

The contractor shall provide training, meeting and conference support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use quality assurance monitoring tools to ensure services and deliverables meet contract/task order requirements.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

The contractor shall provide training outlines that, at a minimum, identify course objectives, major and supporting topics of instruction, and the methods of instruction. Course materials shall be clearly and directly in support of identified course objectives. The contractor shall ensure that the technical content of all material for training purposes is in accordance with EPA technical directives or guidance documents.

Logistical support shall ensure meeting/training space is available, adequate, and contains appropriate furnishings, equipment, and support personnel. All arrangements must be completed within cost and schedule.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Subtask 5.2 - Public Involvement and Outreach Activities

Performance Requirement

The contractor shall provide assistance in conducting public involvement and outreach support as set forth in the individual task orders. Public involvement and outreach activities may include, but are not limited to: assessing community concerns and desired involvement; assisting in development and implementation of public involvement plans; planning and conducting public meetings, availability sessions, and public hearings; preparing general or site-specific fact sheets; establishing and maintaining information repositories at or near facilities of concern; preparing or gathering materials to improve EPA communication efforts and events; and providing situation specific facilitation support.

Complexity Examples:

- Highly Complex – Provide facilitation support at a high visibility contentious public meeting. Develop a public involvement/relations plan at sites with significant public and congressional interest.
- Moderately Complex – Develop fact sheets and/or posters.
- Less Complex – Establish and maintain information repositories.

Performance Standards

The contractor shall provide public involvement and outreach support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall also meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well-organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high-quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

Public outreach materials shall clearly and concisely present the document content including technical information, while considering the community/audience demographics, concerns and needs. The contractor shall ensure that the technical content of all material is in accordance with EPA technical directives or guidance documents.

Logistical support shall ensure meeting space is available, adequate, and contains appropriate furnishings, equipment, and support personnel. All arrangements must be completed within cost and schedule.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

Task 6 SPECIAL INITIATIVES, STUDIES AND PROGRAM SUPPORT

The contractor shall provide technical support for various environmental activities under special initiatives, studies, and state and tribal program support. Initiatives and programs supported under this task may include, but are not limited to: the Resource Conservation Challenge (pollution prevention, waste minimization, greening initiatives, etc.), Environmental Results Program, Environmental Performance Track, Environmental Management Systems, Environmental Justice, Border 2012, state program authorization and oversight, and tribal program strategy.

Performance Requirement

The contractor shall provide technical and administrative support as set forth in the individual task orders. Contractor support may include, but is not limited to: program assessment, site

stabilization, capacity building, and program/project-focused analysis. Some examples of previous activities include: bi-national sampling and analysis of hazardous materials and wastes in transport at U.S. and Mexican customs compounds, border EMS capacity building and implementation, border household toxins disposal project, and study of tribal solid waste management alternatives and cost analysis.

Complexity Examples:

- Highly Complex – Border contaminated site stabilization and capacity building for future cleanups.
- Moderately Complex – Support EPA and states on acceleration of LUST cleanups and develop tools to manage state, regional and local cleanup programs.
- Less Complex – Prepare Federal Register Notices of state authorized programs. Collect information regarding special sectors for RCC.

Performance Standards

The contractor shall provide special initiatives, studies and program support in accordance with applicable laws, regulations, policies, guidance, and direction provided in the individual task orders. This support shall be tailored to the needs of, and be consistent with, the policies and guidance of the specific office being supported. This support shall meet or exceed professional industry standards.

The contractor shall coordinate and integrate all activity needed to provide the required support (e.g., problem identification/resolution strategy, responses to inquiries, and/or technical, service, administrative issues, etc.) in a timely, complete and effective manner. The contractor shall use QA monitoring tools to ensure services and deliverables meet contract/task order requirements. The contractor shall also use QA monitoring tools to validate data and ensure adequate quality for its intended purpose.

Deliverables shall meet the schedule and cost presented in the task order. Written deliverables shall reflect a good command of the English language, be well organized, and free of grammatical errors, misspellings and incomplete sentences. As required, written deliverables shall also have high quality professional graphics. Preparation and printing of materials shall be in accordance with GPO guidelines.

As required, logistical support shall ensure meeting space is available, adequate, and contains appropriate furnishings, equipment, and support personnel (i.e., court reporter, etc.), and presentation material. All arrangements must be completed within cost and schedule.

The contractor shall utilize staff with the appropriate level of education and work experience to meet the task order requirements. Specialized and/or expert staff must meet the minimum requirements as identified in the individual task orders. Contractor staff shall demonstrate a high level of professionalism.

December 1, 2011

Attachment to Performance Work Statement

Agency Security Requirements for Contractor Personnel

To safeguard the EPA workforce and comply with Homeland Security Presidential Directive 12 (HSPD-12), Executive Order (E.O.) 13467, E.O. 13488 and Office of Personnel Management (OPM) regulations, the EPA requires the following:

- **For Unescorted Access for 6 Months or Less**
Contractor employees needing unescorted physical access to a controlled EPA facility¹ for 6 months or less must be determined by the EPA to be fit before being issued a physical access badge (picture ID). A fitness determination is, per E.O. 13488, a decision by an agency that an individual has or does not have the required level of character and conduct necessary to perform work for or on behalf of a federal agency as a contractor employee. A favorable fitness determination is not a decision to contract with an individual. Contractor employees must undergo, at a minimum, an FBI fingerprint check of law enforcement and investigative indices (see Section 2).
- **For Unescorted Access for More than 6 Months**
Contractor employees needing unescorted access to a controlled EPA facility for more than 6 months are required to have an HSPD-12 smart card, called an EPASS badge. Eligible contractor employees must have a completed or initiated background investigation at the National Agency Check and Inquiries (NACI) level or above, comply with all other investigative and HSPD-12-related requirements, and be determined by the EPA Personnel Security Branch (PSB) to be fit (see Section 3). “Initiated” means that all initial security requirements have been met (paperwork is completed, submitted, and PSB-approved; favorable fingerprint results have been received; funding has been provided to cover the cost of the investigation; and PSB has sent notification that the individual may begin work).

To ensure timely contract performance, the contractor must be prepared to immediately submit upon contract award the contractor employee information detailed in Section 1.c. This applies also to incumbent contractors’ employees for follow-on acquisitions. All contractor employees under a new contract are subject to the requirements in Sections 2 or 3; however, the time needed to meet security requirements may be shorter for personnel who already have a favorable fitness determination.

Contractor employees may begin work on the contract start date provided all applicable documentation in Sections 1, 2, and 3 has been received by the EPA and there is no derogatory information to preclude a favorable determination. Timely submission of contractor employees’ security forms and other required documentation is essential.

¹ A controlled facility is an area to which security controls have been applied to protect agency assets. Entry to the controlled area is restricted to personnel with a need for access.

A favorable determination may be revoked at any time should the EPA discover derogatory information that deems a contractor employee unfit. Contractor employees deemed unfit will not be allowed to continue under the contract, and the contractor will be responsible for providing replacements acceptable to the EPA.

The EPA may make a determination of a contractor employee's fitness at any of the following points:

- When the EPA prescreens the individual's security forms. "Red flag" issues include:
 - Having been fired from a previous job or having left under unfavorable circumstances within the past 5 years (or longer, depending on the security form questions and type of investigation);
 - Failure to register with the Selective Service System (applies to male applicants born after December 31, 1959);
 - Within the past 5 years (or longer, depending on the security form questions and type of investigation), any arrest, charge, or conviction that has been upheld for violent or dangerous behavior or a pattern of arrests that demonstrates disregard for the law;
 - Illegal drug use within the previous year, or drug manufacture or other involvement for profit within the past 5 years (or longer, depending on the security form questions and type of investigation).
- When FBI fingerprint results are returned to the EPA;
- When OPM returns the individual's investigative results to the EPA;
- When the EPA becomes aware that the contractor employee may not be fit to perform work for or on behalf of a federal agency. The contractor is responsible for monitoring its employees' fitness to work and notifying the EPA immediately of any contractor employee arrests or illegal drug use.

1) Initial Contractor Requirements

This section contains the contractor's initial security requirements, which must be met before contractor employees can perform work **on-site** at EPA under this contract.

- a) The contractor must identify a point of contact (POC) and alternate POC to facilitate security processes.
- b) The contractor must ensure that all foreign nationals who will work under this contract have a valid U.S. Immigrant Visa or nonimmigrant Work Authorization Visa. The contractor must use E-Verify to verify employment eligibility as required by the FAR.
- c) The EPA requires contractor employee information for the investigative and EPASS processes. Immediately upon contract award or anytime new personnel are brought onboard, the contractor POC must log on to a secure, EPA-identified portal, create an account, and submit complete contractor employee information: Full name (as found on employment records and driver's license), Social Security number, date of birth, place of birth (city, state, country), citizenship, employee email address, EPA Program Office or

Regional Office, and EPA work city and state. Note: Incomplete names, inaccurate names, and nicknames are unacceptable and may delay contractor employees' start date. Instructions and the portal link will be provided upon contract award.

- d) EPA will provide the login information for the portal. After submission of the contractor employees' data, the Contracting Officer's Representative (COR) will notify the contractor POC if additional information or corrections are required. The COR's approval of the information triggers the investigative and EPASS processes.

2) Requirements for Contractor Employees Needing Unescorted Access for 6 Months or Less

This section contains the requirements for contractor employees who are not eligible for an EPASS badge but who need unescorted physical access. The minimum security requirement is an FBI fingerprint check.

- a) Before the contractor employee can begin work on-site at the EPA:
 - i) He/she must be fingerprinted by the EPA; arrangements will be made by the COR.
 - ii) The contractor employee must satisfactorily respond to all questions/information requests arising from the EPA's review of the fingerprint results.
 - iii) The EPA must determine that the fingerprint results are favorable.

Once all requirements in Section 2(a) are met, the COR/PO and contractor employee will be notified that the contractor employee can start work. Contractor employees will be issued a physical access badge and may work on-site at EPA. Contractor employees must sign a receipt acknowledging responsibility to safeguard the badge and surrender it when required (see Section 4.b).

3) Requirements for Contractor Employees Needing Unescorted Access for more than 6 Months

This section contains the requirements for contractor employees who are eligible for an EPASS badge and who must have, at a minimum, a NACI background investigation completed or initiated. Contractor employees needing access to sensitive information or otherwise occupying moderate or high-risk positions must undergo an investigation above the NACI level. The EPA will assign a position risk level to each position on the contract and identify which contractor employees are EPASS-eligible.

- a) EPASS-eligible contractor employees must undergo a background investigation appropriate to the risk level of the position occupied, as specified by the EPA; the minimum acceptable investigation is a NACI.
- b) Employees who have previously undergone a federal background investigation at the required level and who have worked for or on behalf of the federal government without a break in service since the investigation was completed may not need a new investigation. The EPA will verify the investigative information and notify the contractor employee and

COR if a new investigation is required. If an investigation is not needed, the contractor employee must still be fingerprinted by the EPA for an FBI fingerprint check and have favorable fingerprint results returned before beginning work on-site at EPA.

- c) Before beginning work on-site at the EPA, contractor employees who require a new background investigation must:
 - i) Complete and submit the appropriate OPM security questionnaire specified by the EPA via OPM's e-QIP system. Access to e-QIP will be provided by the EPA; the questionnaires are viewable at www.opm.gov/forms. Foreign national contractor employees must, on the security questionnaire, provide their alien registration number or the number, type, and issuance location of the visa used for entry to the United States.
 - ii) For a NACI only, also complete the OF 306, Declaration for Federal Employment, as required by OPM for any NACI and available at http://www.opm.gov/forms/pdf_fill/of0306.pdf. Contractor employees must answer questions 1-13 and 16, then sign the form on the "Applicant" line, 17a.
 - iii) Follow all instructions on the form(s), answer all questions fully, and submit signature pages as directed by the EPA.
 - iv) Be fingerprinted by the EPA; arrangements for fingerprinting will be made by the COR.
 - v) Satisfactorily respond to all questions/information requests arising from the EPA's review of the forms or fingerprint results.
 - vi) Receive favorable fingerprint results.
- d) Once all requirements in Section 3(c) are met, the COR/PO and contractor employee will be notified that the contractor employee can start work. Contractor employees may work on-site at EPA while OPM conducts the background investigation.
- e) At a time and location specified by the EPA, contractor employees must report in person for EPASS identity (ID) proofing and show two unexpired forms of identification from the lists on Department of Homeland Security Form I-9. At least one of the documents must be a valid, unexpired state or federal government-issued photo ID; non-U.S. citizens must show at least one ID from Column A on Form I-9.
- f) Before being issued an EPASS badge, contractor employees must sign a receipt acknowledging responsibility to safeguard the badge and surrender it when required (see Section 4.b). Contractor employees must meet all EPASS badge life-cycle requirements.
- g) A contractor employee has the right to appeal, in writing through the contractor POC to the COR, the denial or revocation of an EPASS badge. If the COR believes the appeal is justified, he/she will forward it to the Security Management Division (SMD). SMD's decision on behalf of the EPA will be final.

4) Ongoing Contractor Security Responsibilities

- a) The contractor POC must immediately provide updated information via the secure portal when new contractor employees are added to the contract. These contractor employees must meet all initial investigative requirements before beginning work on-site at EPA. The contractor POC must also update information via the secure portal whenever a contractor employee leaves the contract.
- b) The contractor POC must ensure that all EPA physical access and EPASS badges are returned to the COR as soon as any of the following occurs, unless otherwise determined by the Agency: (i) when the badge is no longer needed for contract performance; (ii) upon completion of a contractor employee's employment; (iii) upon contract completion or termination.
- c) These EPA security requirements must be incorporated into all resulting subcontracts wherein contractor personnel working under the subcontract require EPA physical access.