

Performance Work Statement
Superfund Records Management Support

I. BACKGROUND

The Environmental Protection Agency (EPA) Region 2 requires Records Management Support Services to be obtained through a contract vehicle in order to serve its customers adequately.

EPA compiles information in many forms, which are used to interact with the regulated community. To facilitate this interaction, EPA must be able to readily access all available records in order to answer Freedom of Information Act (FOIA) and Congressional requests, and to prepare for various kinds of enforcement, litigation and regulatory activities. This demands that an effective records management system be in place. Such a system provides consistency in the way records are managed, greater efficiency in the filing and retrieval of documents, increased document security, efficient preparation of files for cost recovery, litigation and improved utilization of available space.

II. PURPOSE

A. The Records Management Support Services covered by this Performance Work Statement include the following primary functions:

- Maintenance and Operation of 4 File Rooms
- Management of Documents/Records/Compilation of site files and Administrative Records
- SDMS Support
- Assisting EPA in responding to Freedom of Information Act (FOIA) Requests
- Maintenance of Dockets/Documents
- Providing Records Disposition
- Labor for Miscellaneous Tasks

B. The contractor shall provide sufficient on-the-job training to new employees to ensure continuity of operations at all times.

C. The contractor shall provide sufficient personnel to perform the covered functions five (5) days a week, Monday through Friday, except Federal Holidays, which are identified in the attached Department of Labor wage determination. In the event that any of these holidays occur on a Saturday or Sunday, then such holiday shall be observed on the workday designated for Government employees. The contractor shall ensure sufficient staff coverage during the core hours of 8:30 AM and 5:30 PM.

The four file rooms are at the following locations:

- Superfund Remedial File Room (10 Staff): 290 Broadway, New York, Room 1828
- Superfund Active Contracts File Room (2 Staff): 290 Broadway, New York, Room 1824
- Pre-Remedial File Room (2 Staff): 290 Broadway, New York, Room 1930
- Removal File Room (5 Staff): Building 205, 2890 Woodbridge Avenue, Edison, N.J. 08837

D. The contractor shall provide an on-site project manager for

supervision of the activities under the contract. Basic duties of the Project Manager are described in Section V of this Performance Work Statement.

III. POLICIES/PROCEDURES AND FORMS

A. Policies and Procedures

The EPA Region 2 Superfund Records Center has existing standard operating procedures and policies in place, which are described in the attachments.

The contractor shall conform with procedures related to identification of contractor office space and staff. All of the services to be performed under this contract will be performed in EPA facilities. Contractor office space shall be identified as such by clearly visible signs. Contractor staff shall wear badges at all times that identify their staff as contractor personnel, and shall indicate the company for which they work when interacting with EPA staff and the public or when answering telephones.

B. Technical Direction Forms

Technical Direction Documents (Attachment A) will be used by the EPA Contract Level COR when it is necessary to provide technical clarification regarding requirements set forth in the performance of the contract.

C. Superfund Remedial and Removal File Circulation and Update Forms

File Circulation and update Request Forms (Attachment B) shall be stocked in the file rooms and used by EPA personnel to request files when applicable.

D. General Contract Requirements

The following general contract requirements apply to all of the tasks or activities described in this Performance Work Statement:

- 1) This Performance Work Statement describes major tasks and task areas that the Contractor can be expected to perform under this contract. It is not meant to be a detailed list of all possible subtasks that might be considered a part of a major task.
- 2) The contractor shall not interpret Agency policy as part of any task set forth in this Performance Work Statement. EPA will make all decisions concerning policy interpretation and implementation. EPA will make final determinations on the content and format of all deliverables.
- 3) The role of the Contractor is to assist the Agency in implementing records management procedures in accordance with EPA policies and procedures. The Contractor shall not make records management decisions under this contract. Contractor assistance in developing procedural and technical documents is limited to recommending to the Agency the best ways to implement policies or to present Agency policy and procedures in formats that make it more meaningful to a particular audience. Contractor assistance in communications is limited to routine administrative

dissemination of information.

- 4) Under various tasks in the PWS, the Contractor staff may have access to Confidential Business Information (CBI), Privacy Act system of records or other information determined by the EPA to be sensitive in nature. Examples of sensitive information include enforcement sensitive information, information relating to litigation and information that would not be releasable under the Freedom of Information Act. Documents claimed as CBI may not be released except under the circumstances indicated in 40 Code of Federal Regulations (CFR) Part 2; for documents provided to or obtained by the EPA under Section 104 of CERCLA, 42 U.S.C. 9604, the regulations at 40 CFR Section 2.310 specifically details circumstances under which CBI, or claimed, CBI, may be released.
- 5) The tasks discussed below are described, in so far as possible, in technology-neutral terms. The records discussed may be in any medium (e.g. paper, microform, optical, electronic, audiovisual, cartographic, etc.). Implementation methods for the functions discussed will be appropriate to the medium on which the records are created, maintained and stored. Also note that the term "information system" as used in this Performance Work Statement can mean either an automated or manual system. This is consistent with the definition of an information system given in OMB Circular A-130.
- 6) The technology to intellectually and physically control records is also not specified. EPA is increasingly moving towards managing its records holdings using automated systems. Examples include automated indexing, electronic filing, document control and management systems, inventories, records disposition schedules, and other functions that directly support the records management program. Such work merely continues traditional records management functions in a different medium. Therefore, any of the functions described in the Performance Work Statement can be done in either a manual or automated form, depending on the exact programmatic requirements.
- 7) The Contractor may be called upon to assist in developing procedures for accomplishing tasks, implement those procedures, or implement existing procedures. The exact range of activities will be specified by technical direction letter. In all cases, the approach the contractor selects for addressing these tasks shall:
 - a) Be consistent with Federal regulations and Agency policies governing records and records management
 - b) Allow for the possibilities that the program may or may not be currently performing the task, or have contractor support to accomplish the task;
 - c) Recognize that some of the documents may contain confidential business, Privacy Act, or other sensitive information;
 - d) Address quality assurance and reporting requirements.
- 8) All records management terms used in this Performance Work Statement are defined in the 1993 edition of "A Federal Records Management Glossary" published by the National Archives and Records Administration (NARA).

IV. TASKS

The contractor shall provide supervision and the necessary personnel and materials to perform all work necessary to accomplish the following:

A. Operation of Four Records Centers

The Contractor shall maintain and operate four file rooms by providing appropriate access to Agency records and related documents and information and by ensuring that all appropriate procedures and guidance are followed in the maintenance of the records centers.

The contractor shall:

- 1) Provide access to the Remedial and Removal File Rooms daily from 9:00 AM to 5:00 PM for the general public and other interested parties. All public file reviews in New York shall be conducted in the Public Viewing Room (Room 1828). EPA Remedial Project Managers (RPM)/On-Scene Coordinators (OSCs)/Site Assessment Managers (SAMs) shall have direct access to their site files on an as-needed basis. EPA access to the File Rooms shall be between the hours of 8:00 AM and 5:30 PM. The Pre-Remedial File Room is restricted to EPA Emergency and Remedial Response Division (ERRD) and Office of Regional Counsel (ORC) staff. The Contracts File room is restricted to Superfund Contract Level CORs and Contracting Officers (COs). The Contract Level COR will provide list of staff authorized to have access.
- 2) Retrieve files for EPA staff and the public and refile documents when returned.
- 3) Respond to requests for information from or about the record holdings. Requests may come from Agency staff and contractors, the public, and other federal agencies (hereafter referred to as requestor) and may be verbal (in person or by telephone), electronic, or written. Requests may be for records or specific documents, information from records or documents, or information about records or documents or the programs to which they relate. Some requests may require extensive searches for specific documents or data. The Contract Level COR or CO will make any necessary determinations concerning who has appropriate access and what documents are appropriate to the response.
- 4) Serve as attendant/receptionist for file rooms in which the public and/or Agency staff review, copy, and use records.
- 5) Prepare documents for electronic distribution via Internet, Government Printing Office, National Technical Information Service, or similar mechanism.

B. Management of Documents/Records

- 1) File Compilation
 - a) For Remedial, Removal, Pre-Remedial and Contracts (e.g., Superfund) files

The contractor shall:

- (i) For each new file, attend an initial planning session with the Contract Level COR and the applicable EPA staff

(i.e. RPM, OSC, SAMs, or CORs) to arrange a schedule for transition of documents. The contractor shall attend additional meetings when necessary as work progresses. The contractor shall transport file documents to the appropriate file room.

- (ii) Collect and inventory records related to new or existing files. Classify file documents in accordance with the EPA Region 2 ERRD Site File Structures (Attachment C). Segregate documents that are confidential in nature. Identify, BUT DO NOT DISCARD, duplicate records among the files. Duplicates shall be returned to COR.
- (iii) Organize file documents, prepare labels and place documents in labeled file folders and accordion folders. Completed files shall be stored on space saver shelves alphabetically. Update files as additional documents are received.
- (iv) Perform a quality assurance check when the file is complete to ensure that all documents are in the correct order and correctly filed, and annually thereafter as needed. Perform a quality assurance check on site file information with Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database to ensure that site identification number and site name are accurate.
- (v) Search for and retrieve requested records. Provide the Contract Level COR with documents on an as-needed basis during the compilation process.

b) For non-Superfund files (e.g. Brownfields files and WTC Administrative Record):

- (i) Brownfields files shall be organized in accordance with the Brownfields File Structure using manila folders and accordion folders using dividers to separate main categories then stored on shelving specified by Contract Level COR for Brownfields files.
- (ii) The WTC Administrative Record shall be compiled in chronological order and indexed and numbered at document level.

c) For other Superfund Files Housed in Removal File Room (e.g., Spill Prevention Control and Countermeasure (SPCC) Facilities Files, Facility Response Plan Facilities files and Non-Superfund Oil Program Enforcement files and Oil Removal files)

- (i) Organize all folders alphabetically by State and site name and place all documents in chronological order in each folder.

2) Update Files

a) For Remedial, Removal, Pre-Remedial and Contracts (e.g., Superfund) files

Receive, process and file new documents and files in accordance with the approved file structures; assist with retrieving documents using the indices, both manual and online; perform special searches when deemed appropriate; and schedule work to meet program deadlines.

b) For Non-Superfund files (Brownfields and WTC)
File new documents in accordance with the above guidelines.

c) For Non-Superfund Files Housed in Removal File Room
File new documents chronologically in folders filed alphabetically by State and site.

3) Maintain Files

a) For Remedial, Removal, Pre-Remedial and Contracts (e.g., Superfund) files

Perform all necessary file maintenance and inventory and acquire needed supplies to maintain the files for long term use and storage.

b) For Non-Superfund files (Brownfields and WTC)

Perform all necessary file maintenance and inventory and acquire needed supplies to maintain the files for long term use and storage.

c) For Non-Superfund Files Housed in Removal File Room

(i) Replace torn or damaged accordion and/or manila folders for each file, as needed, and prepare new labels for replacement folders.

(ii) Maintain and update inventory of all files.

4) Compile Administrative Records (ARs)

The contractor shall assemble a draft AR for the sites found on the priority list. The priority list is a list of Records of Decision (RODs) to be completed by the end of the fiscal year, Explanation of Significant Differences (ESD) on a ROD, and ROD amendments. The Contract Level COR will provide the priority list at the beginning of each fiscal year and advise the contractor of any changes in priority order or additions of new sites for which an AR is required. The contractor shall attend an initial meeting with EPA staff prior to beginning the compilation of each AR. Additional meetings will be scheduled as necessary during the compilation of each AR.

EPA staff will identify documents to be incorporated into the AR. The contractor shall reproduce, organize and index these documents in accordance with EPA guidance. The format to be used in compiling ARs is outlined in a memorandum from Don R. Clay, former Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), entitled "*Final Guidance on Administrative Records for Selecting Comprehensive Environmental Response*,

Compensation, and Liability Act (CERCLA) Response Actions," dated December 3, 1990 (Attachment D).

The contractor shall provide a draft index to the COR. Upon approval by the RPM, the contractor shall finalize the index and AR and provide two copies. Additional copies may be required as directed by the COR.

a) For Remedial ARs:

The contractor shall inform Contract Level COR when the AR is ready for mailing to the designated repository(ies) at or near the site. EPA will prepare a transmittal letter. The contractor shall prepare and label boxes for mailing. A copy of the final index and AR will be housed in the Remedial File Room.

b) For Removal ARs:

The contractor shall maintain a copy of the removal AR in the Removal File Room.

5) Confidential Documents

Confidential documents pertaining to the Administrative Record should be maintained in a locked cabinet in the Records Center. The index should reflect that these documents are confidential and are available for viewing, in the Records Center, with proper authorization. Confidential documents should not be sent to the site repository.

6) Update ARs

When additional documents are received for inclusion in the AR, the contractor shall process these documents as per EPA AR guidance and update all ARs and indices. As part of the updating of ARs, the contractor shall maintain a log of ARs and update log as new records are compiled. The contractor shall also monitor and assist users in retrieving ARs; refile documents and perform a quality assurance audit as directed by COR.

The contractor shall maintain a list of AR repositories and update the list when new ARs are compiled.

7) Create Removal Site File Kits

Removal site file kits are utilized by EPA OSCs to develop and maintain an organized file structure while the OSCs are working at a removal site. Documents placed in the Removal Site File Kits are ultimately incorporated into the removal site files in the removal records center. Approximately fifty (50) site file kits are created annually on an as-needed basis. Old kits are reused as documents are incorporated into the removal site file.

The contractor shall prepare Removal Site File Kits for the EPA OSCs, as required. Each site file kit includes:

a) Fifty-six (56) manila file folders labeled according to the Region 2 removal file structure (Attachment C).

- b) Five (5) brown accordion folders (letter-size).
- c) Hanging folders for the following sections:
 - (i) Administrative - five (5) bright green hanging folders
 - (ii) Technical - fifteen (15) violet hanging folders
 - (iii) Enforcement - five (5) orange hanging folders
 - (iv) Public Involvement - five (5) yellow hanging folders
 - (v) Contracts Administration - ten (10) red hanging folders
- d) Five hanging folder index tabs - one for each of the above sections - typed in bold and capitalized.

C. Superfund Document Management System (SDMS)

The primary functions of SDMS will be to build collections of

- Records of Decision
- Work performed documents in support of cost recovery;
- Documents in response to Freedom of Information Act (FOIA) requests;
- Documents in support of on-going litigation;
- Administrative Records and Deletion Dockets

To support the SDMS effort, the contractor shall:

- 1) Prepare documents for scanning into SDMS. Preparation will include removing any binding material, staples, paperclips, etc., bates stamping when required and rebinding/stapling documents. The contractor shall identify oversize or unscannable documents for special handling and flag documents which may present difficulties in the scanning process. The contractor shall scan the documents into SDMS adjusting contrast and paper-size settings as needed. The contractor shall perform quality assurance reviews of the scanned images to ensure that the images are legible, of proper orientation and are not skewed. Types of documents to be scanned are: monthly progress reports, core documents and select administrative records and site files.
- 2) Index documents using required SDMS fields and any additional fields identified by the COR; develop and adhere to indexing standards and ensure consistency of data within the system; perform quality assurance reviews of the indices upon completion of scanning.
- 3) Maintain the integrity of confidential documents in SDMS; redact documents as necessary; allow access to authorized personnel only. EPA will determine who will have access to SDMS.
- 4) Transfer images to CDs as requested by the COR; maintain a library of master CDs and provide copies as needed to the COR; assist users with accessing and reading documents on CDs.
- 5) Provide on-site technical support for SDMS; coordinate with ETSD developers, RTP and Region 2 LAN administrators to ensure continued smooth operation of the system; work with ETSD staff to resolve any problems/bugs in the code and develop enhancements to SDMS.

- 6) Update and revise SDMS training materials as needed to help both EPA and Superfund records center staff index, scan and retrieve documents.
- 7) Hold training sessions for SDMS users. The training seminars may include the following topics: logging into the system; an overview of the indexing and scanning process; accessing images in SDMS; managing images in SDMS; demonstration of the redaction, annotation and collection features; printing images and collections; and an explanation of revised records center procedures resulting from SDMS implementation. These sessions will be conducted in small groups or one-on-one and will be scheduled as needed.
- 8) Assist all SDMS users (EPA staff and the public) in accessing the system, performing searches, setting up collections and printing documents.

D. Assist with FOIA Requests

The contractor shall assist the Contract Level COR in responding to Freedom of Information Act requests consistent with Agency and program policy and procedures and/or preparing records for judicial review, with limitations as stated in EPA policies and procedures. Except for the list of excluded activities below, contractor FOIA support may include retrieval of records, copying of records and verification of document filing. EPA will review incoming request letters and instruct the contractor concerning the nature of records to be retrieved. EPA will provide written technical direction to the contractor as to what task to perform (e.g. to provide an estimate of the number of pages requested and/or to copy the documents requested). Agency staff will make all determinations regarding releasability of information and redaction.

The contractor shall:

- 1) Determine if the requested records exist in the file room(s);
- 2) Estimate the effort required to retrieve and duplicate the requested information (e.g. number of pages requested and number of hours required to copy the requested documents);
- 3) When directed to proceed by the COR, collect and copy the requested information. In the event that the Contract Level COR determines that documents will be sent to a commercial vendor operating under an EPA blanket purchase agreement (BPA) for copying, the contractor shall prepare the documents for pick-up by the vendor and QA and refile documents upon return;
- 4) Present the FOIA response material to the COR. Provide documentation to support the Bill for Collection (search time, computer time, number of photocopies, etc.).
- 5) Refile original documents.

During the performance of FOIA support, the contractor shall not:

- 1) Interpret the FOIA request letter;
- 2) Determine where to look for responsive records, except with

- respect to those files under the contractor's control;
- 3) Decide what records are releasable; or
- 4) Sign correspondence

E. Tracking System and Dockets

1) Maintain Tracking System

The contractor shall track and record the flow of documents in and out of the file rooms using an EPA Region 2 provided tracking system. The contractor shall affix a printed bar code on each folder and designated key documents to facilitate the check-in/check-out process only for remedial, removal, and pre-remedial site files.

The contractor shall maintain (and make available upon request by the COR) a sign-in sheet for all visitors to each of the four file rooms and a separate sign-in sheet for individuals viewing Administrative Records.

2) Update Federal Facilities Docket

The Federal Agency Hazardous Waste Compliance Docket (Federal Facilities) is published two or three times a year. After each docket update is published, the Region's docket files must be updated.

The contractor shall:

- a) Create an accordion file for each new Federal Facility added to the Docket.
- b) Create a manila folder for each applicable reporting mechanism [CERCLA or Resource Conservation and Recovery Act (RCRA)]. File documents received for new and existing facilities;
- c) Prepare labels for all folders.
- d) Collect and copy the appropriate documents from EPA HQs, Region 2 RCRA or CERCLA files (Preliminary Assessments, Site Investigations, etc.) for new and existing facilities.
- e) Annotate appropriate log sheets and update computer tracking system in accordance with EPA guidance.

3) Compile Deletion Docket

EPA may delete a site from the National Priorities List (NPL) if it determines that no further response action is required to protect human health and the environment. As part of this process, EPA must prepare a deletion docket which contains all pertinent information supporting the Region's deletion recommendation.

The contractor shall:

- a) Copy and number documents to be incorporated into the deletion docket. The original shall be retained in the file room and one copy shall be forwarded to the site repository. Additional

copies may be required as directed by the COR; and

b) Prepare an index of documents.

4) Maintain Special Electronic/Paper Files:

The contractor shall maintain and update these unique files as part of the assistance provided for all four file rooms:

- a) ARs on microfiche
- b) Closed-out contracts/work performed microfiche
- c) National Collection of Records Of Decision (RODs) Compact Disks (CDs)
- d) Regional Collection of RODs on CDs
- e) CDS produced under Superfund Document Management System (SDMS)
- f) NPL docket (as per Technical Direction Document)
- g) OSWER Directives
- h) Toxicological profiles

5) Provide Records Disposition

The Contractor shall assist the Agency in the implementation of all phases of a records disposition program including records identification, retirement to inactive storage, recall from inactive storage, and destruction. The specific activities identified below are typical of those that would be performed in implementing a records disposition program. Depending on program needs, the Contractor shall perform some or all of the tasks as directed by the COR:

- a) Review records and documentary materials and match them to entries in the Agency and NARA Records Disposition Schedules to determine disposition. The purpose is to identify records suitable for purging, destruction or retirement to inactive storage. Any questions concerning proper applications of a Records Disposition Schedule will be brought to the attention of EPA.
- b) Retire (archive) records to a Federal Records Center (FRC) or other storage areas including Agency records centers, central file rooms, the National Archives, or commercial storage that has been secured by the Agency. In accomplishing this task the Contractor shall perform functions such as organizing records as required in the procedures for records retirement, refolding or labeling as necessary, boxing records, preparing an index, preparing the boxes for shipment, shipping or locally transporting the boxes to the FRC or a storage center in the metropolitan area, completing the necessary paperwork for signature by EPA.
- c) Retrieve retired records. In accomplishing this task the Contractor shall perform functions such as using finding aids to locate records for retrieval, completion of forms for retrieval for EPA signature, and pick-up and delivery of documents when necessary.
- d) Assist in implementing the records disposition process. Using

approved Records Disposition Schedules, the Contractor shall carry out the approved purging and/or destruction of documents. This may include carrying out the actual destruction of records by recycling, shredding, deletion or other methods of destruction as defined in approved SOPs or arranging for the destruction to be carried out.

6) Other Tasks

The contractor shall:

- a) Ensure that all Superfund and non-Superfund (i.e. all activities related to Brownfields, WTC, Oil Pollution program, SPCC, etc.) charges (including ODCs) are separated and invoiced in accordance with site specific invoicing requirements.
- b) Provide a monthly progress report and invoice in conformance with the Reports of Work section of the contract (including a site specific invoice attachment - as specified on the attached format). (Attachment E);
- c) Maintain a Monthly Circulation Report (MCR) for each of the 4 file rooms and provide the report to the Contract Level COR upon request. (Attachment F);
- d) Provide a quarterly update of the 4 file rooms inventory reports to the Contract Level COR (e.g., remedial and removal ARs; remedial and removal site files; deletion dockets; and microfiche collection);
- e) Provide a quarterly update of the Master Inventory Report (MIR) (Attachment G);
- f) When tasked by EPA, provide recommendations on improving the File Room Standard Operating Procedures (EPA will make the final determination as to the SOPs for the file rooms);
- g) Attend and participate in meetings/conference calls with Contract Level COR when necessary;
- h) Attend EPA-sponsored conferences/training sessions on Records Management (attendance at training sessions by the contractor will require prior approval of the EPA Contracting Officer). These conferences/training sessions update those doing records management on the latest Agency procedures and provide Agency specific records management guidelines for resolving specific issues. The Agency will not pay for training in aspects of records management that Contractor personnel are expected to know as part of general records management services.

V. BACKGROUND CHECKS

The contractor shall provide qualified personnel that meet the background check and drug screening requirements established below. The EPA has established 2 levels of criteria. Level 1 contains background check criteria that applies to all contractor employees working at a response site. Level 2 contains background check criteria and drug screening requirements

that apply to all contract employees working at sites that are designated by EPA as "Sensitive Sites." Examples of such sites include those that involve law enforcement activities, apparent or suspected terrorist activities, any indoor cleanups (including private residences), drug lab cleanups, and response actions at geographically sensitive locations such as military installations and government buildings. Contractor personnel who shall perform under this contract must meet the Level 2 EPA Background Check Criteria. If a background check has been performed within one (1) year prior to the requirement for the background check, the contractor need not conduct another background check.

LEVEL 1 - EPA Background Check Criteria:

- Can be a non U.S. citizen with a valid visa,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, including development of defense plans or policies, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.- No weapons offense in the last five (5) years,
- No felony conviction in the last three (3) years,
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: <http://epls.gov>

LEVEL 2 - EPA Background Check Criteria For Sensitive Sites:

- Must be a U.S. citizen,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, including development of defense plans or policies, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
 - No weapons offense in the last ten (10) years,
- No felony conviction in the last seven (7) years,
- No misdemeanor conviction in the last five (5) years,
- No convictions for three (3) separate offenses in the last ten (10) years (excluding traffic offenses),
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: www.epls.gov

Drug Screening at Sensitive Sites:

Contractor employees working at designated "Sensitive Sites" must pass,

within the previous 90 calendar days, a drug test for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) in conformance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs first published by the Department of Health and Human Services in the Federal Register on April 11, 1988 (53 FR 11979, and revised on June 9, 1994 (59 FR 29908), on November 13, 1998 (63 FR 63483), and on April 13, 2004 (69 FR 196440); and Procedures for Transportation Drug Testing Programs, 49 CFR Part 40. References to "DOT " shall read, as "EPA" and the split sample method of collection shall be used.

The requirements in Level 2 may be waived by the Contracting Officer, on a case-by-case basis, at a specific location, or for a specific individual.

If the results of an employee's background check or drug screening do not meet the criteria in Level 2, as required, the Contractor may apply for a waiver. To initiate the waiver process, the contractor must submit, in writing, the background report or drug test on the employee and an explanation of the need for the employee for approval by the Contracting Officer before the employee performs contract services for EPA. The contracting officer will notify the contractor of their decision within five (5) days of receipt of the contractor's request for a waiver.

NOTE: SECTION VI. TO THE PERFORMANCE WORK STATEMENT IS NOT EFFECTIVE UNTIL NOTIFIED IN WRITING BY THE CONTRACTING OFFICER.

VI. Agency Personal Identity Verification Procedures for Contractor Personnel

Background:

Homeland Security Presidential Directive-12 (HSPD-12), signed by President Bush on August 27, 2004, sets forth the policy of the United States to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide common identification standard for Government employees and contractor employees for gaining physical access to Federally controlled facilities and logical access to Federally controlled information systems. Secure and reliable forms of identification (badge) are (a) issued based on sound criteria for verifying an individual employee's identity; (b) strongly resistant to identity fraud, tampering, counterfeiting, and terrorist exploitation; (c) rapidly authenticated electronically; and (d) issued only by providers whose reliability has been established by an official accreditation process.

The requirements of HSPD-12 are implemented through the Federal Information Processing Standards Publication (FIPS) 201 and guidance from OMB policy memorandum M-05-24, dated August 5, 2005. These policies require personal identity verification (PIV) and suitability determinations (background investigation) for all affected contractor and subcontractor personnel before issuance of a PIV Card (badge) when contract performance requires contractors to have physical access to a Federally controlled facility or access to a Federal information system.

In compliance with Federal requirements, a FAR case is in development.

Pending publication, the FAR will require agencies to include their PIV procedures for contractor personnel that implement HSPD-12, FIPS PUB 201 and OMB guidance M-05-24, dated August 5, 2005, in solicitations and contracts that require the contractor to have physical access to a Federally controlled facility or access to a Federal information system. The FAR will also have an associated FAR clause "Personal Identity Verification of Contractor Personnel" that requires the contractor to comply with agency PIV procedures of contractor personnel that implement HSPD-12.

EPA has developed a master plan to implement the requirements of HSPD-12, FIPS 201, and OMB guidance, M-05-24. The plan provides for a phased in approach for facilities and information systems over several years, but must be completed for all affected contractor personnel by October 2007. Authentication of an individual's identity is a fundamental component of physical and logical access control processes. An accurate determination of identity is needed to make sound access control decisions. The procedures below are the agency's personal identity verification and suitability procedures to implement HSPD-12, FIPS PUB 201 and OMB guidance M-05-24, for contractor employees.

a) Contractor Requirements for Personal Identity Verification of Contractor Personnel.

All individual contractor and subcontractor employees (hereafter referred to as "contractor") whose work under the contract requires physical access to an EPA controlled facility or logical access to an EPA information system for six months or longer, must be prepared to submit to a National Agency Check with Inquiries (NACI) or higher level investigation, if required, and have their fingerprints taken at an EPA designated facility. The background investigation is performed by the Office of Personnel Management (OPM) for EPA. Contractor employees shall provide all information required in the Standard Form (SF) 85P, Questionnaire for Public Trust Positions, and provide fingerprints. Only contractor employees who work on-site at the Agency for at least 24 hours a week for 6 months or longer will be eligible to receive credentials (Identification badge).

Contractor employees who have a favorably adjudicated Federal background investigation at the NACI level, or above, completed within the past 5 years, will not require an additional investigation unless one is requested by the contracting officer or the contracting officer's representative (COR). However, these employees must still submit an SF 85P, but need only provide their name and social security number. All contractor employees must be fingerprinted at an EPA authorized site.

During performance of this contract, in accordance with EPA's master implementation plan, the contractor will be notified that a NACI, or higher level investigation, and fingerprints are required under the contract. At that time, contractor employees will be required to submit a completed SF 85P. The contractor will be instructed of the date, place, and time for fingerprinting. The SF 85P is available online at:

<http://www.opm.gov/Forms/html/sf.asp>

The contractor employee must appear in-person at least once before the issuance of a PIV credential. When reporting in person to the EPA facility

for fingerprinting, contractor employees must provide two forms of identity source documents in original form. The identity source documents must come from the list of acceptable documents included in Form I-9, OMB No. 1115-0136, Employment Eligibility Verification. At least one document shall be a valid State or Federal government-issued picture identification (ID).

EPA Contractor Badges. Until notified by the contracting officer or COR of the implementation of the PIV and suitability requirement for this contract, contractor employees will be issued EPA Contractor identification badges.

Foreign Nationals. Contractor employees who are foreign nationals requiring physical access to an EPA controlled facility, or access to an EPA information system for longer than six months, must submit an SF 85P and have their fingerprints taken at an EPA facility, as noted above. In addition, foreign nationals must submit proof of their official legal status in the U.S., and continuous residency for the prior two years from date the SF 85P is submitted to EPA.

6 months or Less. Contractor employees requiring physical access to an EPA controlled facility or access to an EPA information system *for less than 6 months* may be subject to the same requirements, as discussed. However, at a minimum, these contractor employees must have their fingerprints taken, but are not required to submit a completed SF 85P, unless notified by the COR. These contractor employees may have limited and controlled access to facilities and information systems.

NOTE: Information contained on the SF-85P forms may demonstrate that the employee is not suitable to be given access to an EPA facility or an EPA information system. The contractor should be aware that information on the SF 85P will be screened by EPA. For individuals with admitted derogatory information, issuance of a provisional credential may be delayed pending further investigation. Contractors are responsible for providing qualified personnel in accordance with requirements stated elsewhere in this contract. Any contractor employee found unsuitable to perform as a result of screening or suitability determinations shall be immediately replaced by the contractor. The following are possible "red flags":

Employment - Having been fired from a previous job, or having left under unfavorable circumstances within the past 7 years (Question 12 on the SF 85P);

Selective Service - Failure to register with the Selective Service System; this applies to male applicants born after December 31, 1959 (Question 17 on the SF 85P);

Police Records - Within the past 7 years, 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 (Question 20 on the SF 85P);

Illegal Drugs - Illegal use within the previous year, or drug manufacture or other involvement for profit within the past 7 years (Question 21 on the SF 85P)

b) When the contractor Program Manager (PM) is notified of the implementation of the PIV and Suitability of Contractor Personnel, the PM shall submit to the EPA COR, the following summary information, in addition to the required individual information, discussed above:

- Contract number
- Name, address and phone number of contractor with point of contact
- Names of all contractor employees submitting an SF 85P.
- Names of contractor employees claiming to have a previous favorably adjudicated Federal background investigation on record.

c) All PIV Cards (badges) must be returned to the COR or EPA badging office at the conclusion of the contract, or when contractor on-site services are no longer required. Failure to return all credentials will result in a cost of \$15 per badge/credential.

d) This requirement must be incorporated into all subcontracts wherein employees whose work under the subcontract requires physical access to an EPA controlled facility or logical access to an EPA information system, for longer than six months.

e) Contractors and their employees have the right to appeal the determination to deny or revoke credentials. The contractor will submit their appeal to the COR. Once EPA has issued a decision on the appeal, it is final and not subject to further appeal.

f) Definitions:

"EPA information system" means - an information system [44 U.S.C. 3502(8)] used or operated by EPA, or a contractor of EPA or other organization on behalf of the agency.

"EPA Controlled Facilities" means --

EPA or Federally-owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, all or any portion of which is under the jurisdiction, custody or control of the agency;
EPA or Federally controlled commercial space shared with non-government tenants. For example, if a department or agency leased the 10th floor of a commercial building, the Directive applies to the 10th floor only;
and
Government-owned contractor-operated facilities, including laboratories. The term does not apply to educational institutions that conduct activities on behalf of departments or the agency or at which Federal employees are hosted unless specifically designated as such by the sponsoring department or agency.

ATTACHMENTS TO THE PERFORMANCE WORK STATEMENT

ATTACHMENT A EPA ERRD TECHNICAL DIRECTION FORM

ATTACHMENT B SUPERFUND REMEDIAL AND REMOVAL FILE CIRCULATION AND UPDATE FORM

ATTACHMENT C EPA REGION 2 ERRD SITE FILE STRUCTURES

ATTACHMENT D FINAL GUIDANCE ON ADMINISTRATIVE RECORDS FOR SELECTING CERCLA RESPONSE ACTIONS

ATTACHMENT E REPORT FORMATS
MONTHLY AND CUMULATIVE EXPENDITURES REPORT
(Site-specific invoice)

ATTACHMENT F CIRCULATION REPORT

ATTACHMENT G QUARTERLY MASTER INVENTORY REPORT

OTHER QUARTERLY INVENTORY REPORTS:

- a. Remedial Site Files
- b. Remedial Administrative Records
- c. Removal Site Files
- d. Removal Administrative Records
- e. List of Administrative Record Repositories
- f. Work Performed Documents on Microfiche
- g. Deletion Docket Files
- h. Uncompiled Material for Remedial Files
- i. Scanned RODs, ROD Amendments, ARs and ESDs
- j. Site Alias List

ATTACHMENT H QUALITY ASSURANCE SURVEILLANCE PLAN