

# Proactive Procurement: How to Ask for & Get What You Need

Part 2

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# Meet Our Team



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# WVU TAB

EPA Region 3 Technical Assistance to  
Brownfields (TAB) provider

Resources we offer include **Brownfield  
Education**

Including today's webinar led by



CENTER FOR CREATIVE  
LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM.



# Presenter

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Center for Creative Land Recycling



CENTER FOR CREATIVE  
LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM.



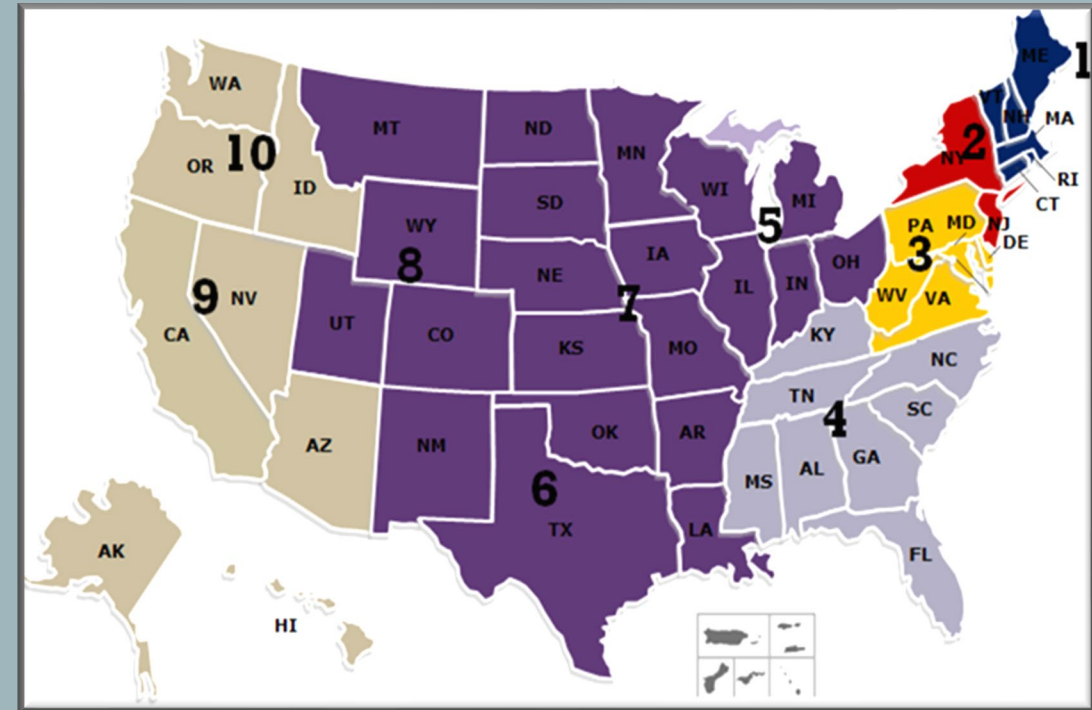
# Center for Creative Land Recycling (CCLR) “See Clear”

- National non-profit promoting the sustainable, equitable and responsible reuse of underutilized and environmentally impacted properties.
- Educate, advocate, assist and convene stakeholders to revitalize communities through land recycling.
- Newsletter, blogs ([CCLR.org](https://www.cclr.org))



# Technical Assistance to Brownfields Communities (TAB)

- Services are FREE
- Visioning & Planning
- Redevelopment process
- Environmental “Translations”
- Economic Development
- Grant Writing Assistance & Reviews
- Grant Management & Reporting
- Webinars, workshops, trainings, national conferences, online resources



Source: USEPA

# AGENDA

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# AGENDA

Day 1 Recap  
Selection Process  
BMPs of Contracts

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# AGENDA

Contractors & Roles  
SMART Expectations  
Personnel Changes

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# AGENDA

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Deliverables & Reporting  
Exit Strategy  
Invoicing, Payment & ASAP

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The Art of Managing Contractors  
Internal Controls  
Successful Grant Administration

# AGENDA

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Day 1 Recap  
Selection Process  
BMPs of Contracts

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# Day 1 Recap

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- Procurement: What & Why
- Guiding Principles & Regulations
- Tenets of Procurement
- Procurement “Claw”
- IGAs, RFPs, RFQs
- Developing a Scope of Work
- Evaluation & Selection
- Bid Process



# Proactive Procurement Takeaways

## The Basics

- Read Cooperative Agreement & Terms and Conditions
- Know the Rules (2 CFR 200)
- Consult with EPA/Governing Body/Legal Advisors
- Seek Mentors/Obtain Examples
- Don't Rush or Wing It – Ask questions!
- TAB Providers Can Assist

## Tenets of Procurement

- Clear understanding of what you need and want
- Know the rules & regulations (2 CFR 200, 1500 & etc.)
- Understand timeline and process
- Unbiased/knowledgeable procurement team – reviewers/facilitator
- Document, Document, Document - defensible
- Conduct procurement per the minimum UGG standards/requirements

## UGG Standards

- Must maintain Procurement P&Ps covering methods (“Claw”)
- Cost must be reasonable and necessary
- Must provide for full and open competition
- Must maintain written standards of conduct for internal/external COI
- Must maintain documentation addressing cost and price analysis & vendor selection where applicable based on method of procurement

## RFP vs. RFQ

- RFP – single contractor; RFQ – stable of contractors
- Both must **MUST account for reasonableness of costs/price**

## Solicitation Components

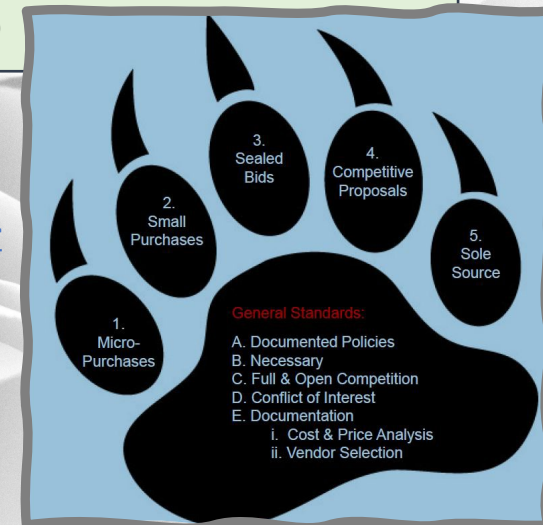
- Introduction/Background
- SOW
- Terms, Conditions, Expectations
- Budget
- Experience/Qualifications
- Submission Requirements
- Evaluation Criteria/Process
- Project Timetable/Attachments

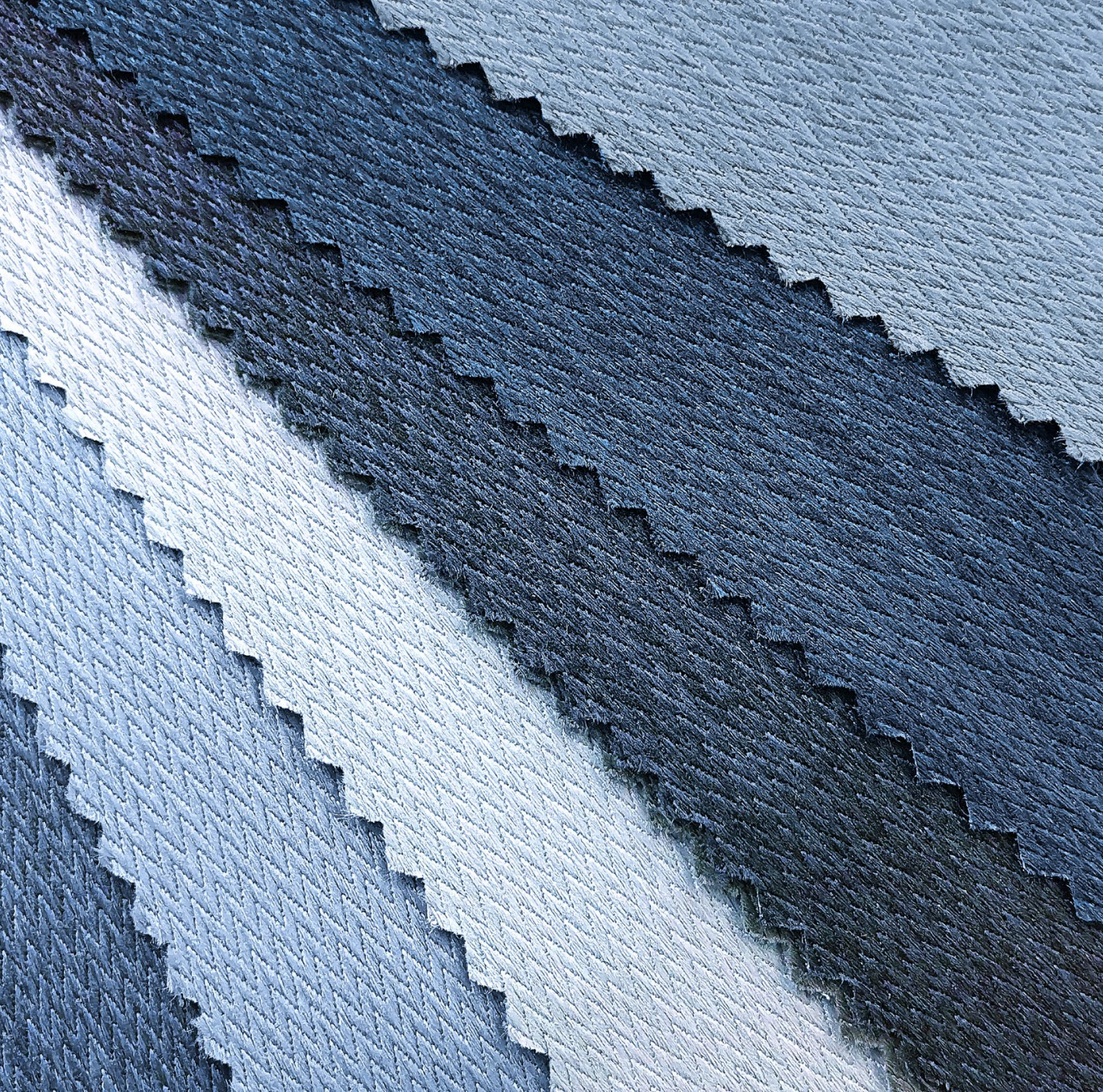
## Bid Process

- Open and free competition
- Publish according to procurement guidelines
- Minimum of 30 days
- Point of Contact
- Instructions & Questions (Must Share Q&A's!!)
- Timeframe & Deadlines
- Interviews (If necessary)

[EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)

[EPA's Brownfields Grants: Guidance on Competitively Procuring a Contractor](#)





# Evaluation & Selection

- Refer to Internal Evaluation Procedures
- Build Evaluation Team – unbiased & knowledgeable
- Select Facilitator (nonvoting)
- Blind Evaluation/Individually Scored
- Average Final Scores
- Score Before/After Interview (if applicable)
- Average Scores from Evaluation Team

# Evaluation & Selection

Selection Criteria and Rating					Ratings	
Written Proposal Criteria	Rating Score (x-x)	Weight	Total Criteria Rating	Comments	Description	Value
Criteria 1 Description			0		Clearly Outstanding	5
Criteria 2 Description			0		Well qualified	4
Criteria 3 Description			0		Average	3
Criteria 4 Description			0		Weak	2
Criteria 5 Description			0		Unsatisfactory	1
Criteria 6 Description			0		Insufficient	0
Criteria 7 Description			0			
TOTAL Proposal Criteria			0			
Interview Criteria	Rating Score (x-x)	Weight	Total Criteria Rating	Comments		
Criteria 1			0			
Criteria 2			0			
Criteria 3			0			
Criteria 4			0			
Criteria 5			0			
Criteria 6			0			
Reasonable overall costs/hours/rate schedule		1	0			
TOTAL Interview Criteria			0			
<b>Overall Selection Review Score (Written + Interview)</b>	<b>0</b>					



# Evaluation & Selection

	Cover Letter (10)	Experience (25)	Quals (20)	Cost (25)	Interview (20)	Score
Firm A	5	25	20	25	20	95
Firm B	5	20	20	20	15	80
Firm C	10	25	20	10	10	75

# BMPs of Contracts

Clear and Detailed Contract Language

Well-Defined Scope and Objectives

Legal and Regulatory Compliance

Performance Metrics and Reporting

Invoicing & Payment Procedures

Change Management Procedures

Communication Channels

Execution & NTPs (Notice to Proceed)

Dispute Resolution Mechanisms

Termination and Exit Strategies

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Contractors & Roles  
SMART Expectations  
Personnel Changes

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# Contractors & Roles

- Expertise & Guidance
- Defined in Scope of Work
  - ESAs
  - Remediation & Cleanup
  - Compliance w/Regs
  - Cleanup & Reuse Planning
  - Supports Outreach
  - Data Analysis
  - Innovation/Technology Integration

# Your Role

- Cooperative Agreement Recipient – “CAR”
- Legally responsible
- Driver’s seat
- Sets goals and vision
- Champions
- Connection to Community
- Sets the pace



# "SMART" Expectations

- Specific
- Measurable
- Attainable
- Relevant
- Time-Bound

Clear  
Understanding

Direct  
Communication  
Lines

What & When to  
Expect


Efficiency of  
Time &  
Resources

Builds Respect  
& Trust

Stronger  
Partnership

# Personnel Changes

- Notifications
- Internal Communications
- Transition Planning
- Review Contract Terms
- Knowledge Transfer
- Notify EPA (Required)
- Assess Skills
- Open Communication
- Update Agreements
- Document Transition
- Onboarding

A close-up photograph of a lizard with vibrant green and blue scales, perched on a green leaf. The lizard's head is in profile, facing right, and its eye is clearly visible. The background is a soft, out-of-focus green.

“Train people well enough so they can leave. Treat them well enough so they don’t want to.”

– Sir Richard Branson

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Deliverables & Reporting  
Exit Strategy  
Invoicing, Payment & ASAP

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# Deliverables & Reporting

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- Complete
- Usable Format
- Frequency to Align with Reporting
- Details
- Meeting Metrics



# Exit Strategy

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- 
- Why have one?
    - Ensure continuity of services
    - Data security
    - Privacy
    - Ownership of Work
    - Smooth Transition
    - Same Page
    - Transfer of data and knowledge

# Examples\*

## Termination for Cause

- If either party materially breaches any provision of this agreement, the non-breaching party may terminate the agreement by providing written notice specifying the breach. The breaching party shall have (X days) to cure the breach, and if not cured within that time, the non-breaching party may terminate the agreement immediately.

## Termination for Convenience

- Either party may terminate this agreement for any reason by providing (X days/weeks) written notice to the other party. Upon termination, all obligations under this agreement shall cease, except for those expressly stated to survive termination.

# Invoicing

- Frequency
- Review thoroughly
- Ensure work is reasonable
- Personnel matches contract
- Numbers add up
- Clearly show authorization and/or questions

# Payment & ASAP

- Enroll ([EPA policy](#), per [Terms and Conditions](#))
- Designate electronic payment
- Clear division of approvals
- Timing w/reporting
- EPA will measure compliance with [2 CFR 200.305\(b\)](#) based on disbursement of at least 95% of drawn down funds within **5 business days**
- **Cannot retain more than 5% of the requested amount, or \$1,000 whichever is less (RAIN-2018-G06)**

Information Necessary to Enroll EPA Recipients into the Treasury's Automated Standard Application for Payment (ASAP) System

Organization Name Recipient Name

Organization Type **Chose One of the Following:**  
State Agency  
Local Government  
University/College  
State University/College  
Other Educational Organization  
Non-Profit  
For-Profit  
Indian Tribal Organization  
Financial Institution

DUNS Dun and Bradstreet Data Universal Numbering System Number

EIN Employer Tax Identification Number

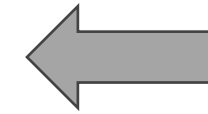
POINT OF CONTACT Person responsible for identifying the officials within the organization who will be needed to complete the ASAP enrollment.

CONTACT'S ADDRESS \_\_\_\_\_

CONTACT'S E-MAIL \_\_\_\_\_

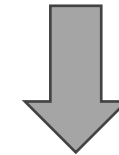
CONTACT'S PHONE \_\_\_\_\_

Page 1 of 1



[Initial Enrollment](#)

[Electronic Payment Designation](#)



**U.S. EPA/LVFC Electronic Payment Designation Instructions for International Disbursements**

Recipient Organization Name to Receive Funds: \_\_\_\_\_

Your Organization Address, City, Country: \_\_\_\_\_

EPA Assistance Agreement Number: \_\_\_\_\_

**For funds to be transmitted electronically, the following information must be provided in precise detail:**

Your Bank's Name (in your Country) \_\_\_\_\_

Your Bank's Street Address: \_\_\_\_\_

\*City & Country Your Bank is Located In: \_\_\_\_\_

\*Exact Name on the Account at your bank \_\_\_\_\_

Account Number at your bank: \_\_\_\_\_

SWIFT Code \_\_\_\_\_

Other Information \_\_\_\_\_

\*If your organization has more than one bank and/or bank account, please provide the information on this form for the primary account you prefer to have the funds from EPA deposited to. The information provided on this form will be used to electronically route funds through the U.S. Dept of Treasury's IDD Gov system from the U.S. EPA Payment Request, submitted by your organization. After completion, please email the signed form to: [lvfc-grants@epa.gov](mailto:lvfc-grants@epa.gov)

Approved By: \_\_\_\_\_ Dated: \_\_\_\_\_

11/2004 Rev 100.GOV

# ASAP Exercise

- You have a \$1,000,000 cleanup grant. You receive a \$100,000 invoice. All looks reasonable and in line with the monthly reports you have been receiving. Your small municipality cannot cover these funds, so you submit a reimbursement request for processing to your finance administrator for \$100,000 through ASAP with the intention of remitting the funds to the contractor within the 5 day timeframe.
- The following day, the finance administrator advises you that the \$100,000 has been received. They are about to process payment when you receive a call from the contractor advising you that one of the subcontractors made an error and the invoice is really \$91,000.
- Do you have an ASAP issue?
- Yes.
- You will have an extra \$9,000. While it is less than 5% of the requested funds, it is not less than \$1,000.
- 5% of \$100,000 is \$10,000; however, it is not less than \$1,000, the maximum amount one can hold onto.
- Contact ASAP to go over options.

The Art of Managing Contractors  
Internal Controls  
Successful Grant Administration



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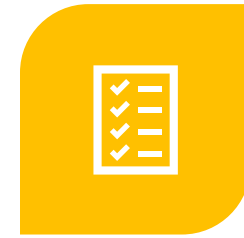
# The Art of Managing Contractors



PARTNERSHIP



SMART  
EXPECTATIONS



DETAILED  
CONTRACT  
W/PERFORMANCE  
MONITORING



SPECIFIC "ASKS"



INVOICES



COMMUNICATION  
CHANNELS





# The Art of Managing Contractors

## Asks

- Ok - "Monthly reports are due the following month"
- Better - "Written monthly summary reports (in Word) are due by EOB on the 15th of the following month and should not exceed one page or be billed more than 2 hours."
- Ok – "Be responsive to requests"
- **Better** – "Respond to emails/phone calls w/in 24 hours"

## Invoicing

- Who, What, When, Where & Why
- "T/c w/H. Jones re site visit at Barnum the week of 9/10 as well as logistics for in-person meeting w/EPA."
- "9/12 ABC Corp. installs 8 MWs at Barnum for GW sampling to determine presence of contamination."



# The Art of Managing Contractors



CHANGE CONTROL



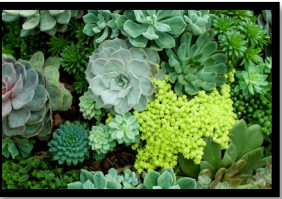
CONFIDENTIALITY & OWNERSHIP



TERMINATION CLAUSE



DISPUTE RESOLUTION



# Internal Controls

- Document, Document, Document (2 CFR 200.318(i))
- Develop detailed paper or electronic files for each procurement action above the micro-purchase threshold (see p.7; [Guidelines](#))
- Solid Team
- Roles & Responsibilities
- Training/Cross-Training





# Successful Grant Management

- Know your Cooperative Agreement & Terms and Conditions
- Know Deadlines & Make 'Em
- Establish and Foster Relationships
- Clear Communication
- Detailed Contracts
- Work Smarter Not Harder
- Ask for Help
- Keep the End in Mind
- What's Next?

**SUCCESS**

# Questions





# WVU TAB Can Help!

# WVU TAB

## Technical Assistance to Brownfields (TAB)

All WVU TAB services are **FREE** for the Mid-Atlantic Region

Key resources include:

- **Brownfield Education**
  - Trainings, webinars, events
- **Resource Identification**
  - Grant writing assistance, grant review, resource road maps
- **Local Brownfield Program Support**
  - Brownfield inventory development, questions on sites, technical support
- **Project Development & Design Assistance**
  - Site-specific assistance, design support from WVU Davis College



# Upcoming Events

## State Conference

### WV Brownfields Conference

- Wheeling, WV
- September 12-14, 2023
- Register [here](#)

## TAB Webinars

### Procurement Process & Advice – Part 2

- August 31
- 11:00 – 12:30 pm (ET)
- No need to sign up for Part 2 if already registered for Part 1

## Other

### State-Specific EPA FY 24 Grant Webinars

- October, 2023
- Registration coming [soon](#)





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