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Brownfields Resources

Writing a Request for Proposals

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Generally, the term **"brownfield site"** means real property – the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. This definition is found in Public Law 107-118 (H.R. 2869) – "Small Business Liability Relief and Brownfields Revitalization Act," signed into law January 11, 2002.

Cleaning up and redeveloping such sites is essential if we are going to preserve our neighborhoods, slow down urban sprawl, and stop the continuing development of green space, i.e. space thus far untouched by development of any kind.

Federal and state governments are taking action to encourage redevelopment of brownfields. This includes providing funds for evaluating, cleaning up, and redeveloping these properties. For example, **EPA (United States Environmental Protection Agency)** Brownfield Assessment Grants for up to $200,000 per site and EPA Brownfields Cleanup Grants for up to $200,000 per site are awarded to communities for the purpose of assessing environmental conditions of brownfields and their subsequent cleanup, if needed.

Communities that receive a brownfields grant typically need to hire a consultant to do an **environmental site assessment (ESA)** and, if needed, clean up the property. The purpose of this guide is to help those who need to solicit proposals for environmental site assessments or cleanup of brownfields. This document is a general guide only and is intended to help those soliciting proposals to clearly state their requests and requirements. It does not include any procedural information that may be required by the specific city or entity requesting proposals, nor does it contain any legal information. For these types of questions, consult an attorney or appropriate person within your organization.

Soliciting proposals for an environmental site assessment or cleanup involves producing a **Request for Proposal (RFP)**. This document spells out the goals of the redevelopment project and associated environmental site assessment or cleanup and should include the following:

- a description of the site, including maps and diagrams;
- a discussion of the scope of the project and expected deliverables;
- a statement about any preferences or requirements regarding assessment approaches, data quality, and reporting requirements;
- time constraints for completing the work;
- directions for access to relevant records (such as previous environmental work) and to the site for interested bidders;
- directions for submitting proposals; and
- criteria that will be used for review and selection of proposals.

The RFP should be specific to your brownfield project and describe as clearly as possible goals for the project and work to be done. Typically, the RFP is divided into sections, each addressing specific project requirements. The following examples of such sections may be useful as you prepare an RFP for the environmental site assessment or cleanup of your site.

Introduction

The introduction of the RFP should identify your organization, explain the type of work for which you are seeking proposals, give a brief explanation of the project, and mention any pertinent factors such as having an EPA grant for funding the work. The following is an

example of an RFP for an environmental site assessment, which has these elements.

Introduction: The City of Utopia is soliciting proposals for conducting a Phase II Environmental Site Assessment. The assessment will be conducted on a five-acre, city-owned brownfield site located within the city limits of Utopia at 501 Star Street. The site consists of three abandoned buildings, two known underground storage tanks, and a wastewater lagoon. The work will include recommendations for remediation submitted under separate cover. This Request for Proposal (RFP) provides specifications and requirements for prospective, qualified firms to complete a proposal with itemized cost estimates for services. Only proposals submitted no later than 5 p.m. on February 10, 2007, will be considered. The work will be funded under a Brownfield Assessment Grant awarded by the United States Environmental Protection Agency (EPA). Proposed work should meet any federal requirements for work funded by an EPA Brownfields Grant.

Site Description

The property to be assessed or cleaned up should be described as fully as possible in the RFP. A more detailed property description will enable consultants to make better estimates of the time and cost of environmental assessment or cleanup work. Maps of the site should be included in the RFP or made available to consultants upon request. Likewise, any previous environmental reports, i.e. assessments or other documents, and any written materials regarding the history of the site should be made available. The more information you can provide, the more specific the proposal will be, thus avoiding costly delays and/or change orders later. Continuing with the above example, the following is a detailed site description, including instructions, for obtaining more information.

Site Description: The property on which the Phase II Environmental Assessment is to be conducted is a five- acre site currently owned by the City of Utopia. This property was an orphanage in the early 1900s. Since then, it has been the location of various businesses, including a crop-dusting business, dairy operation, and auto repair shop. The property was abandoned in 1979. In 2006, a Phase I Environmental Site Assessment showed that the site includes three abandoned buildings, two underground storage tanks, and a wastewater lagoon. Structures on the property are in various phases of deterioration and structural failure. Deteriorating insulation encasing furnaces and piping in two of the buildings may contain asbestos. Odors emanating from the lagoon may be indicative of oils or industrial cleaning fluids. There are a few partially submerged 55-gallon barrels with unknown content in the lagoon. The City of Utopia plans to redevelop this property into a city park including a swimming pool, playground area, and sheltered picnic area. A recent aerial photo of the site is included with this RFP. The Phase I assessment, additional maps, and other historical documents are available upon request to assist in preparation of proposals. These materials may be obtained by contacting Ms. Fields, City Planner, at City Hall. (For contact information see page X of this document.)

Objectives and Scope

If you wish to have the consultant approach the project in a certain way, any guidance you can give will help ensure that you receive proposals that meet your requirements. If you expect specific sampling and analytical procedures to be followed, state this expectation in the RFP. Prospective consultants need to know the level and timing of contingency development that will be expected from them. For example: Will the consultant be expected to pre-plan specific courses of action for various types of findings encountered during the assessment? If the answer is "yes", include it in the RFP. Prospective consultants also need to understand how the project will be managed by your organization. Will decisions be reviewed and approved by you and your staff, a steering committee of citizens, or others? Clearly stating objectives of the project and scope of work will help consultants write their proposals specifically for your project. The following is an example of an Objectives and Scope section of an RFP, again using the City of Utopia as the model case.

The overall objective of this project is to evaluate the environmental condition and, if necessary, clean up the property to subsequently redevelop it into a place for community activities and recreation. The scope of services, as outlined in this RFP, is preliminary. The final scope of services will be negotiated with the selected firm and modified as needed, depending on site conditions.

Scope of the project includes the following:

- *Phase II Environmental Site Assessment (ESA) following AAI/ASTM guidelines, including sampling activities as needed to evaluate the presence and extent of suspected contaminants in soil and ground water;*
- *Sampling for asbestos- and lead-containing materials in buildings;*
- *Final Phase II ESA report documenting all sampling activities and analytical results, including stating and depicting the*

extent (horizontal and vertical) of any identified contamination, identification of risks to human health and the environment, and recommendations for remedial alternatives to be submitted under separate cover; and

- *Final report for asbestos- and lead-containing materials in buildings, and recommendations for further action. This report may be part of the final Phase II ESA report.*

All proposals and subsequent work plans will be reviewed by the Utopia City Council to determine if activities will meet stated objectives of the project before the start of environmental site assessment activities. The final scope of services will be negotiated and modified as site conditions warrant. Sampling activities must be adequate to determine the magnitude and extent of contamination and to identify remedial options, if necessary. All work will be consistent with appropriate EPA and state guidelines, and must be approved by the city prior to implementation. The proposed work will follow accepted practice guidelines for environmental assessments and brownfield redevelopment, including EPA laboratory analytical methods, ASTM or All Appropriate Inquiry (AAI) standards, and State Department of Health requirements. Use of cost- and time-saving equipment and methods is encouraged if the quality of data and results is adequate and defensible in court.

Generally, you should not tell the consultant in the RFP how the work per se should be done. Taking a more prescriptive approach (specifying how to do the work) should only be used if you have knowledgeable environmental staff well versed in environmental projects, requirements, and procedures and who are very familiar with the conditions at your site. The outline above allows the consultant to develop his/her own approach to the work you need to have done, and the resulting proposals and work strategies will allow you to better evaluate the respective firm's capabilities.

Quality Assurance

An important aspect of the field and laboratory work done for environmental assessments is quality assurance. In order to make good decisions about cleanup and redevelopment of your property, you need to have high-quality information. Errors in the field or laboratory can nullify assessment results and cause increased costs. A **Quality Assurance Project Plan (QAPP)** is required for any environmental project funded by EPA. Therefore, it is a good idea to write your quality assurance requirements into the RFP. The following is an example of how to accomplish this task.

The proposal should describe procedures to ensure that defensible and quality data are collected and reported. The proposal must describe and provide a rationale for selecting locations, types, quantities, and analyses of proposed samples. The proposal should also include general equipment and methods for proposed sampling and analyses with references to specific federal, state, and professional practice guidelines. Proposed analysis and measurement methods must be capable of reliably detecting concentrations equal to or below applicable cleanup standards for future land use. The consultant will prepare a Quality Assurance Project Plan (QAPP) containing required information for approval by the EPA, per EPA Requirements for Quality Assurance Project Plans: EPA QA/R-5 (EPA/240/B-01/003, March 2001) and Guidance for Quality Assurance Project Plans: EPA QA/G-5 (EPA/240/R-02/009, December 2002) or their subsequent revisions. The consultant may choose to modify a generic QAPP provided by the regional EPA office or the state to meet EPA requirements for a site-specific QAPP.

Health and Safety Requirements

The Occupational Safety and Health Administration (OSHA) prescribes programs of safety and health that cover a variety of occupational and construction activities applicable to brownfield assessment or cleanup activities (e.g., excavation, drilling, handling of hazardous substances). Brownfield assessment and cleanup activities involve safety and health issues beyond traditional physical and mechanical hazards. OSHA training requirements (OSHA 29 CFR 1910.120) for workers involved with hazardous waste operations very often include workers performing environmental site assessments or cleanup of brownfield sites.

Brownfield assessments and cleanups using federal funds must use EPA's Guidance for Quality Assurance Project Plans, EPA QA/G-5 (EPA/240/R-02/009, December 2002) and EPA Requirements for Quality Assurance Project Plans: EPA QA/R-5 (EPA/240/B-01/003, March 2001) or their subsequent revisions. These require health and safety training and documentation thereof as part of designing sampling and analysis plans. Sampling and field activities under state-level voluntary programs involving a brownfield site may also be subject to OSHA and EPA health and safety training requirements. Therefore, it is in your best interest to assure that any consultant you hire will provide you with an adequate, site-specific health and safety plan and that project personnel have the appropriate OSHA training. The following is an example of how health and safety requirements may be written as part of an RFP.

The project manager or technical lead for the project must have appropriate health and safety training as specified in OSHA, 29 CFR 1910.120. The proposed individual must be present on site during all on-site work and sampling activities. All individuals working at the site must have appropriate health and safety training. A site-specific health and safety plan must be prepared and submitted prior to performing on-site work. The proposal should provide an example outline or describe the type of information that will be included in the health and safety plan. Such a plan must be submitted as part of the work plan.

Community Outreach/Environmental Education Plan

If you are performing brownfields work under an EPA grant, you are required to perform community outreach. Typically this involves communicating with community organizations and citizens who may be affected by the project. The level of community involvement varies. You may wish to establish a Citizen Steering Committee to oversee and provide input to the project and to participate in project decisions, or you may simply want to keep citizens informed, know their concerns, and answer their questions. This activity may be accomplished by your own staff or an organization such as the **TAB** (Technical Assistance to Brownfields communities) program at Kansas State University, or you may wish to have the consultant assist with community involvement activities by preparing educational materials and participating in public meetings or educational sessions. The level of consultant involvement in community outreach may be dependent on your budget. However, attendance at a few community meetings to explain the work and answer questions is a recommended minimum level of community involvement for consultants. The following is an example of the City of Utopia's request for community outreach support.

The City of Utopia plans to solicit community participation in the redevelopment project. The proposal should include a Community Outreach/Environmental Education Plan that describes the outreach approach and schedule, and examples of educational materials that will be used to communicate technical aspects of the environmental site assessment to the community. Community meetings should be included, and personnel who will be involved in community training activities should be identified. Information presented to the community must be in layman's terms and will include summaries of cleanup standards, assessment plans and results, and recommendations as related to project objectives and decisions.

Deliverables

There will be a minimum expected number of reports, informational meetings, or other deliverables depending on the nature and scope of your project. Listing deliverables for the project will help consultants provide better time and cost estimates. The City of Utopia put the following deliverables section in their RFP.

All deliverables should be submitted to the City Planner, City of Utopia. (For contact information see page X of this document.) The proposal should provide a description of documents that are part of the deliverables for the project. At a minimum, the following project deliverables are expected:

- *Work Plan for Final Negotiated Scope of Services*
  This document will be a revision of the original proposal, as negotiated with city representatives. It will also include a Quality Assurance Project Plan and required health and safety documents.
- *Quarterly Progress Reports and Invoice Submittals*
  Progress reports should contain short summaries of progress for all phases of work, data, and findings. Also, information that relates to decisions for subsequent assessment work or redevelopment will be reported in a timely manner.
- *Work Plans for Additional Investigations (if needed)*
  Applicable only as negotiated with the city.
- *Final Phase II Environmental Assessment Report*
  This report will summarize assessment procedures and results, including definition of the lateral and vertical extent of contamination. It will also include a brief summary of quality assurance/quality control performance, and an appendix containing boring logs, field data, laboratory analytical data, chain-of-custody records, photograph logs, documentation of proper management of investigation-derived wastes, and abandonment records for boring and monitoring wells, if applicable.
- *Recommendations for remedial alternatives with rough cost estimates.*
- *Community Outreach/Environmental Education Report.*
  This report will summarize the information presented and feedback received relevant to redevelopment objectives and scope of the assessment work.

Qualifications

You will need information about the firms that respond to your RFP to make a good decision about which firm to hire. Defining the information you need and requesting references will save time and effort later in the decision-making process. Continuing with the City of Utopia example, you may want to indicate your expectations in a similar manner to the example below:

Qualifying proposals will include a description of the business organization, including the name and address of the firm, year established, number of employees, and descriptive breakdown of staff and types of services provided. Certifications for boring and monitoring well installations, as well as certifications from analytical laboratories that may be used, and demonstrated ability to use alternative technologies (if applicable) should be included. Familiarity with brownfields or equivalent processes should be demonstrated by describing recent projects. Include references and names of personnel involved in the projects described. Key personnel assigned to the project will be identified and resumes provided. An organizational chart showing management structure and project staffing will be provided. The proposal should emphasize recent experience of personnel and their roles in similar projects.

Schedule and Costs

Time constraints for the project should be explained to prospective consultants so they can develop a project schedule that meets your needs. If your decision to hire a firm will be based on cost as well as other criteria, the RFP should include a request for detailed cost information. An example of this section of an RFP is below.

The proposal should include time and material cost estimates for the activities listed below, to be completed by April 30, 2007. Unit rates on which costs are based should be included with the proposal, as well as a timeline and project milestones. Time should be allowed in the schedule for the city to review and revise draft deliverables and for preparation of final documents.

Pre-Bid Meeting

It is very useful to arrange for a pre-bid meeting. This type of meeting will provide a time for interested firms to have questions answered. As all interested parties will be present at the meeting, it will facilitate dissemination of additional project-related information. Answers to posed questions will be heard by everybody present, i.e. it will level the playing field in that everybody gets the information at the same time. In addition, this will allow you to gauge the interest and commitment a firm may have towards your project – only firms with a real interest will send a knowledgeable representative to a pre-bid meeting. In order to save on copying costs, you may choose to distribute any maps, documents, etc. related to the project at the pre-bid meeting (perhaps in exchange for a small fee). Below is an example of a pre-bid meeting announcement to be included in the RFP.

The City of Utopia will hold a pre-bid meeting on Thursday, January 12, 2007 at 2:00 p.m. at City Hall located at 512 Main Street. Documents not previously included in the RFP (Phase I site assessment, copies of additional aerial photographs) will be available at the meeting for a small fee. A site visit will be conducted.

Project Contact

A point of contact may be helpful to consultants who want to gather additional information.

Contact for the City of Utopia:
Ms. Fields
City Planner
Utopia City Offices
200 Main Street
Utopia, KS 66666
Phone: 123-456-8901

Directions for Submitting Proposals

Clear directions for submitting proposals and information on how proposals will be evaluated will help ensure that you have a sufficient number of proposals to review. This section of the RFP should include the proposal deadline, directions on how to obtain maps or other documents, and contact information for obtaining additional information and submitting the proposal. A description of how proposals will be evaluated is also helpful for consultants. An example of this section of an RFP is shown below:

Firms responding to this RFP should submit five copies of their proposal to:
Ms. Fields
City Planner
Utopia City Offices
200 Main Street
Utopia, KS 66666

Proposal must arrive no later that 5 p.m. on February 10, 2007.

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No faxed or e-mailed proposals will be accepted. Bids will be opened on February 13, 2007. All proposals will be reviewed by a Proposal Review Committee, which will select the firm to be awarded the contract. Proposals from responding firms will be evaluated by the following criteria.

20%	*The firm's reputation for personal and professional integrity and competence; ability to work and comply with federal, state, and local government agencies and persons in official oversight/compliance capacities; and familiarity and experience with the type of project/process*
25%	*Professional and educational experience of key personnel to be assigned to the project*
30%	*Approach to accomplish required services, ability of the firm to perform the required work within the project period*
25%	*Cost of services provided*

Conclusion

A clearly written RFP will benefit both your organization and the contractor responding to the request. Key elements include a detailed description of the site, maps, scope of the project, expected deliverables, preferred approach, time constraints, directions for submitting proposals, and criteria for selecting a contractor. Provisions for complying with federal, tribal, state, and/or local laws are important and should not be overlooked. Community involvement in EPA-sponsored brownfield projects is required and also is an important factor in non-EPA-sponsored projects. Therefore, it should be considered in the proposal development process.

Additional Resources

If you need additional assistance in preparing an RFP, please contact the Center for Hazardous Substance Research at Kansas State University at 1-800-798-7796. Staff will provide the additional assistance you need or guide you to other sources of assistance. Sample RFPs are available upon request.

Glossary of Terms

AAI • All Appropriate Inquiry, a standard set forth by EPA for conducting Phase I Environmental Site Assessments.

ASTM • American Society for Testing and Materials, an organization that writes technical standards and guidelines.

Brownfield Site • Abandoned, idled, or under-used property where redevelopment or reuse is complicated by real or perceived environmental contamination.

EPA • United States Environmental Protection Agency

ESA • Environmental Site Assessment

Phase I Environmental Site Assessment • Identifies potential environmental concerns. A Phase I Environmental Assessment involves a review of records, a site reconnaissance (walk-through), and interviews to evaluate whether past or current activities at the site raise environmental concerns. Further described in EPA's AAI and in ASTM1527-05 standard.

Phase II Environmental Site Assessment • Evaluates potential concerns identified in the Phase I ESA. Phase II ESAs are tailored to meet site-specific needs and, at a minimum, may involve limited sampling and analysis to confirm or rule out potential environmental concerns.

QAPP • Quality Assurance Project Plan, a formal document describing in comprehensive detail the necessary quality assurance, quality control, and other technical activities that must be implemented to ensure results of sampling and laboratory work will satisfy stated performance criteria.

RFP • Request for Proposal

TAB • Technical Assistance to Brownfields

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