
Handbook

Technical Assistance For Public Participation

Deputy Under Secretary of Defense for
Environmental Security

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Section 1

Introduction

“[The TAPP Rule] permits the Department of Defense to obtain, from private sector sources, technical assistance to help TRCs and RABs better understand the scientific and engineering issues underlying an installation's environmental restoration activities.” Federal Register Notice, December 24th, 1997.

The community members of the Restoration Advisory Board/Technical Review Committee (RAB/TRC) are an important link between the community and the installation. A RAB/TRC can help the installation communicate its restoration plans to the community, and they can bring community responses and concerns back to the installation. To be a truly effective partner in the installation's cleanup program, however, the community membership must review, evaluate, and comment on any number of technical issues related to environmental restoration. When the expertise to do so is unavailable within the membership, they may seek outside technical assistance. While the installation and its restoration contractors should be the primary source of technical assistance to the RAB/TRC, the TAPP program also provides for the procurement of independent technical support.

Obtaining technical assistance requires the active participation of DoD installation staff and community members of the RAB/TRC. This Handbook is designed to help the public and DoD get the most benefit out of the TAPP program by suggesting courses of action, answering questions, and providing examples of projects and the associated documentation.

Section 2

TAPP Basics

The TAPP program provides technical assistance to RABs and TRCs.

TAPP is designed for community members of RABs and TRCs who can demonstrate that they will need technical assistance.

TAPP Projects are designed by the RAB/TRC, but are managed by DoD.

Understand the source of TAPP funds--TAPP is not funded from a new source of money, but is derived from an installation's cleanup budget.

The Technical Assistance for Public Participation (TAPP) program is aimed at providing community members of Restoration Advisory Boards (RABs) and Technical Review Committees (TRCs) with access to independent technical support through the use of government purchase orders. It is intended to supplement existing sources of support and foster a relationship of trust and understanding between the community and the installation.

TAPP is limited to the community membership of RABs/TRCs. This restriction was part of the legislation that created the TAPP program. The community members of a RAB/TRC suggest topics for a TAPP project and are responsible for determining what projects to pursue and for exploring other sources of support prior to turning to TAPP.

While developing the TAPP program, DoD tried to balance the desire of community members of RABs/TRCs to have flexibility in choosing a provider without imposing an administrative burden on them. Therefore, TAPP will be provided via government purchase orders, based upon requirements drawn up by the community members of the RAB/TRC. DoD will contract with and manage the TAPP contractor, and will serve as a liaison between the community and the contractor. This arrangement avoids the administrative burden inherent in the contracting process.

TAPP purchase orders are limited to \$25,000 or 1% of restoration cost to complete (the total cost of installation cleanup) annually, with a \$100,000 cap on the amount available to any one RAB/TRC per installation.

The sources of TAPP funding are the Environmental Restoration Accounts established for the DoD Components that are used for study, cleanup, and RAB funding. The installations, with input from their RAB/TRCs, will have to determine how tradeoffs will be made between these important activities. Once a TAPP project is approved, the procurement of a provider should occur quickly to avoid potential impacts on installation schedules.

Procurement of the assistance provider is subject to availability of funds. Each DoD Component will establish procedures for TAPP funding. They will not automatically set aside funds to cover annual or lifetime limits for each RAB/TRC for TAPP each year, because some RABs/TRCs may not need TAPP support. After the technical assistance provider has completed the task for the RAB/TRC community members, the RAB/TRC is responsible for reporting back to the DoD whether the TAPP was worthwhile or met the expectations of the community members of the RAB/TRC.

Questions and Answers

When proposing a TAPP project, do state and local government officials and tribal government representatives qualify as community members?

No. The purpose of TAPP is to provide community members of RABs/TRCs with the resources to obtain independent, scientific and engineering support concerning the restoration process. Individuals on the RAB/TRC who are representing state, local, or tribal governments are not considered community members of the RAB/TRC. The TAPP rule requires that three community members identify a specific project, and that the majority of community members on the RAB/TRC agree to this. Therefore, governmental officials on a RAB/TRC should not be involved in these activities since they are not considered community representatives.

Can you have more than one TAPP at a time?

An installation can elect to request more than one TAPP project within any fiscal year, as long as the total funded amount remains within the budget limitations of the lesser of \$25,000 or 1% of the installation cost to complete restoration and the lifetime limit of \$100,000. The Federal Acquisition Regulations prohibit awarding multiple purchase orders to avoid notice or competition requirements of larger contracts.

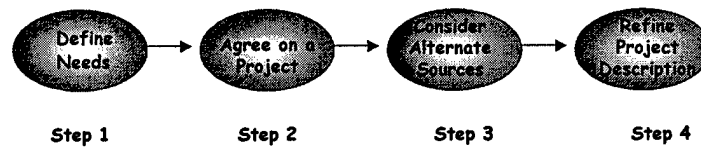
How are joint service RABs treated?

Joint service RABs and TRCs are eligible for TAPP, but projects will be funded from only one service and will be subject to the same funding limitations as are other RABs and TRCs. In other words, a joint service RAB cannot get both services to pay for the same TAPP project.

Section 3

Selecting a project

This section reviews the steps needed to define a project and determine whether TAPP is the appropriate mechanism for obtaining assistance. The basic steps are as follows:



In later sections of this handbook, we will discuss how the contracting officer uses the project description to obtain the desired support.

Step 1. Define Needs.

TAPP Projects are need-driven.

A good understanding of the progress of cleanup efforts, the outcome of risk evaluations, and the status of IRP funding for the current year will ensure that a TAPP projects meets the required eligibility criteria.

The first step for the community is to define a project that will help them better understand some aspect of the installation's restoration program or make a positive contribution towards defining risk or furthering cleanup. The two most common types of assistance will be training or education on a particular technical issue that is critical to the restoration program, or an interpretation of technical documents produced by the installation's restoration contractor. However, the community may define their needs differently, and is encouraged to come up with a project that will be of most use to them.

Most often, this will mean interpreting information generated during the restoration program regarding a particular technology in:

- the nature and extent of the hazard
- health impacts posed by site conditions
- relative risk evaluations
- remedial investigations and feasibility study conclusions
- records of decision
- remedial design
- selection and construction of the remedial action
- operation maintenance activities
- removal actions

RABs or TRCs may solicit funding for technical assistance activities not covered by this brief list. The guiding principal should remain whether or not the assistance advances the restoration program directly or by enhancing the public's ability to provide individual informed input to the decision-makers at the installation. Several factors bear consideration when evaluating possible projects or training options.

Eligibility Criteria in the Rule

Examine the eligibility criteria specified in Sections 203.10 and 203.11 of the TAPP rule. Is the proposed project consistent with those requirements? Remember that TAPP is eligible only for those projects funded from the Service Environmental Restoration Accounts.

Status of project

Is the cleanup project nearing completion? Would resources be better spent on projects in the early stages of cleanup where review and comment can still have a significant affect? Have relative risk evaluations been completed?

Risk to the public or the environment

Does the site/project pose a threat to human health and the environment?

Importance to the Community

Is this an issue of concern to the community at large?

Schedule

Can reviews or independent assessments be obtained through TAPP in a timely manner?

Step 2. Agree on a Project

A majority of RAB/TRC community members must agree on a proposed project.

The TAPP rule requires the majority of community members on the RAB/TRC to agree on projects submitted for TAPP. At a minimum, there should be three community members participating on the RAB or TRC. For a RAB, the Community Co-Chair is responsible for documenting that the proposed project meets this requirement. TRCs should elect a community member from within the committee to handle this responsibility.

A simple majority of RAB/TRC community members, as reflected in a vote recorded in the meeting minutes, is sufficient to meet the TAPP rule requirements. If agreement on a single project cannot be reached, the DoD Co-Chair can facilitate a resolution by helping everyone evaluate his or her priorities. In some instances, projects may be reduced in scope or postponed to a subsequent fiscal year to avoid budget or schedule impacts.

Alternative sources may provide a substitute for TAPP.

Step 3. Consider Alternate Sources

Once agreement is reached on a project, the next step is to determine the appropriate source for technical support. The TAPP rule requires the RAB/TRC community members to look first at available resources such as installation's cleanup contractors, regulatory staff, and volunteers. If these sources aren't adequate, or if the RAB/TRC determines that an independent assessment of a technical issue is still necessary, TAPP should be considered.

The following sources of support should be considered prior to committing to obtaining TAPP support:

Installation Cleanup Contractor.

Typically, the base restoration contractor is very knowledgeable about the on-site goals and status of the restoration process. Contractor staff are regularly involved in preparing workplans, conducting sampling, interpreting results, designing and implementing remedies, and meeting with regulatory agencies. Their expertise should be considered as an appropriate source for technical support to the RAB/TRC.

Federal, state, and local regulatory staff

Regulatory staff are familiar with the rules governing cleanup. As regulators, they are usually considered free from any influence by the installation, and can offer unbiased opinions about the installation's cleanup program.

Local university technical staff

Local university professors may be a good source of information about local conditions such as ground water regimes, surface water runoff patterns, or local environmental ordinances. For quick answers to specific concerns, they might be able to provide technical expertise free of charge or suggest other sources via contacts or published information.

RAB members

Concerned citizens often have significant expertise that they can share with other members of the RAB/TRC. Don't forget to poll the membership to determine if relevant expertise is available on a volunteer basis from within the organization.

EPA's Technical Assistance contacts at time of publication:

Dottie Pipkin – 703-603-8889

Lois Gartner – 703-603-9095

www.epa.gov/swetrfftr/involve.htm

See Appendix A for additional information about the TAG and TOSC programs.

National/Regional sources

National environmental organizations (Sierra Club, Environmental Defense Fund and their local chapters) may be a source of general information about particular types of contaminants or remedial technologies. However, they may not be in a position to comment directly on the situation at any particular installation.

TAG/TOSC programs

EPA's TAG program (for Superfund sites) and TOSC program (generally for non-NPL sites) can be a source of technical assistance, although the requirements to access these programs differ considerably. (See appendix A).

Step 4. Refining the Project Description

When the RAB/TRC determines that the procurement of a TAPP project is the best option for satisfying their needs, a TAPP application is then completed. The key elements required in the application are 1) a detailed description of the proposed project, including deliverables and schedules, and 2) the name of one or more sources for the assistance, if known.

The project description forms the foundation of the application—discussed in the next section. Community RAB/TRC members should understand that the key to success is ensuring that your project description accomplishes the task you intend and establishes deliverables and due dates. The DoD Co-Chair/TRC Chair can assist the RAB/TRC in any way necessary to help them refine the project description. The following data should be collected—translating this information onto the TAPP application is discussed in Section 4.

- (a) Installation.
- (b) Source of TAPP request (name of RAB or TRC).
- (c) Certification of majority request.
- (d) RAB/TRC contact point for TAPP project.
- (e) Project title.
- (f) Project type (e.g., data interpretation, training, etc.).
- (g) Project purpose and description (descriptions, time and locations of products or services desired).
- (h) Statement of eligibility of project.
- (i) Proposed provider, if known.
- (j) Specific qualifications or criteria for provider.

When preparing a description of the project desired, the more details that can be provided, the better-positioned DoD will be to get appropriate assistance. To allow the government and the prospective assistance provider to come to contract terms, each side should have a clear understanding of the scope of the intended product or services. Thus, the description should include the type of assistance required (such as training, document review, attendance at meetings, etc.) and details regarding the time and location for any activities that might be part of the project. Delivery dates for products such as written reviews or training should be specified, as well. These details will allow the government to develop a scope of work for the planned project and to estimate costs. Ultimately, the response of prospective assistance providers to the government's scope of work will determine the outcome of the procurement.

Submitting the names of potential assistance providers is not a prerequisite for obtaining assistance. However, it does enable the contracting office to locate and notify qualified sources for assistance. In addition, the application should describe any special circumstances that make a particular provider more attractive than others, such as a prior history with the project or local environment. DoD can take these factors into account when procuring assistance.

Questions and Answers

Can TAPP be used for other areas, such as compliance?

TAPP cannot be used for compliance. TAPP is eligible only for those projects funded from the Service Environmental Restoration Accounts.

Can TAPP be used to send RAB community members to training such as regional workshops?

Training activities are within the scope of eligible activities for TAPP, but are limited to scientific and engineering issues and restoration technology. This type of training under the TAPP program must be beneficial to all of the community members of the RAB/TRC. Community members of RABs/TRCs using TAPP for training activities are encouraged to bring experts to the community. Using restoration funds to send one or two community members of a RAB/TRC to off-site training such as regional workshops is currently against DoD policy.

Can the RAB use TAPP to hire a contractor to attend RAB meetings and provide general technical support to the RAB?

No. The TAPP program is designed so that community members can obtain independent scientific and engineering advice for a specific project—not for general technical support. A TAPP application that fails to identify a specific project for which the community members want technical advice on will not receive approval.

Section 4

Completing an Application for Technical Assistance

The TAPP rule, in §203.09, specifies the data necessary to complete an application and use it to obtain TAPP.

The application request form is the starting point for obtaining the right kind of technical assistance.

Submitting a clear description of the project eligibility and goals, how those goals will be met with the support requested, and a realistic schedule, will go a long ways towards getting the TAPP request approved in a timely manner.

The TAPP application starts the process. It is used to procure the technical support specified by the RAB/TRC.

Forms can be obtained online or from the DoD Co-Chair.

Careful attention to the completion of the application request form will speed the procurement process and ensure that the community receives the technical assistance it is seeking. The application request form (see Appendix B) documents the decision of the community members of the RAB or TRC to seek technical assistance, indicates why TAPP is the most appropriate source for that assistance, defines the project that is being requested, and, at the discretion of the RAB or TRC, suggests assistance providers.

This section of the handbook examines the following six questions:

What is the TAPP application?

Where can you obtain an application?

Who completes the application?

What accompanies an application?

Who gets the completed application?

What happens to a completed application?

1. What is the TAPP application?

The TAPP application form is a relatively simple form that transmits the request for assistance from the community members of the RAB/TRC to the installation. It should specify the nature of the request and the reason for requesting TAPP assistance rather than using alternative sources of technical support. The completed application should provide sufficient detail for DoD to procure appropriate support; alternatively, the application can specify a recommended provider. Lastly, the completed application should identify a point of contact within the RAB/TRC community membership to consult as the procurement proceeds.

2. Where can you obtain an application?

TAPP application forms can be obtained from the DoD RAB Co-Chair, DoD TRC Chair, or online at the DoD Environmental Security web site located at <http://web1.whs.osd.mil/icdhome/ddeforms.htm>

The RAB/TRC completes the application form, in coordination with the DoD Co-Chair and the contracting office, to avoid unforeseen issues that could slow down the application review process or procurement process.

Supplemental information, such as provider qualifications, can accompany the application.

Submit the completed form to the DoD Co-Chair.

The Co-Chair ensures the application will be reviewed by the Commanding Officer and forwarded to the Contracting Officer for action, if approved

3. Who completes the TAPP application?

The primary responsibility for completing the TAPP application lies with the RAB/TRC community members and, especially, the Community Co-Chair or equivalent person from the TRC. The DoD Co-Chair/TRC Chair should be substantively involved and provide assistance as appropriate. It is also advisable to bring the contracting office into the picture as early as possible to tailor the request in a manner that will facilitate procurement.

4. What material should accompany a TAPP application?

The completed TAPP application form (DD form 2749) is the only document required of the RAB or TRC for obtaining TAPP. Other information, such as qualifications statements from nominated providers, may be included at the discretion of the applicants. The information in the application forms the basis for the Statement of Work that DoD prepares to obtain assistance. The more explicitly the task is defined, and the more detailed the description of qualifications for a potential provider, the easier it will be to obtain assistance in a timely manner that matches the need of the RAB/TRC community members.

5. Who gets the completed application?

The completed application should be submitted to the DoD Co-Chair/TRC Chair, who will usually be the point of contact for TAPP activities at the installation. If the installation has designated someone else to coordinate TAPP requests, the DoD Co-Chair/TRC Chair can forward the application to that person.

6. What happens to the completed application?

The completed application form is reviewed by the DoD Co-Chair/ TRC Chair (or other designated staff) to ensure that all of the required information is present. Usually, the DoD Co-Chair/TRC Chair will notify the Commanding Officer of the TAPP request and will recommend action on that request. The Commanding Officer has the ultimate authority at the installation for expending funds and will approve or deny the request. Requests that have been denied must be returned to the RAB/TRC with an explanation for the denial and a suggested alternative. Approved applications are forwarded to the Contracting Officer for action. See Service Component guidance for additional steps in the process

Questions and Answers

When should the Statement of Work and the government cost estimate be prepared?

The statement of work and government cost estimate should be prepared by the DoD Co-Chair (or assigned Contracting Officer's Technical Representative (COTR), if other than the DoD Co-Chair) in consultation with the RAB and the Contracting Office. Both are prepared after the request has gained installation commander approval and has gone to the Contracting Office for action.

Section 5

Evaluating an Application For Eligibility

TAPP requests are reviewed for eligibility by the Installation Commander. He has to consider whether the installation could provide support that might meet the RAB's request, and make that resource available. However, the RAB could determine that an independent source of technical support is preferable to that supplied by the installation.

The TAPP project must also be considered in light of the eligibility requirements of the TAPP rule.

Determining whether a TAPP project meets the eligibility requirements is a two-stage process. The first step determines whether TAPP is the most appropriate resource to use. The second step ensures the proposed project meets eligibility criteria specified in the rule. These two requirements are discussed in more detail below:

- 1) The applicant's rationale for obtaining a TAPP procurement rather than seeking assistance elsewhere is first reviewed by the installation commander. Even if relevant technical assistance is available through the existing installation contractor or a Federal, State, or local agency, the RAB/TRC may still seek TAPP assistance. The assistance must contribute to the efficiency, effectiveness, or timeliness of restoration activities, and contribute to community acceptance of such activities. If the applicant makes a strong case that the required expertise is unavailable, or cites the need for an independent review, then the proposed project may be deemed eligible. However, if the installation commander or designated authority determines that expertise is available from other sources that adequately meets the needs of the RAB/TRC, the application will be returned to the RAB/TRC with these findings and recommendations regarding alternate sources of assistance.
- 2) The next step is to determine whether the project is eligible under the terms of the TAPP rule. TAPP is intended for those activities that will help the community participate in the decision-making process by increasing their understanding the scientific and engineering concepts and technology during cleanup. Most often, this means providing technical interpretation on a particular technology or engineering or scientific concept generated during the restoration program regarding:
 - the nature and extent of the hazard
 - health impacts posed by site conditions
 - relative risk evaluations
 - remedial investigation and feasibility study conclusions
 - records of decision
 - remedial design
 - selection and construction of the remedial action
 - operation maintenance activities
 - removal actions

RABs/TRCs may solicit funding for technical assistance activities not covered by this brief list. The guiding principal should be whether or not the assistance advances the restoration program either directly or by enhancing the public's understanding of cleanup technologies and scientific concepts.

The following activities are ineligible for assistance under this program:

Not all projects are eligible for funding.

- a) Litigation or underwriting legal actions such as paying for attorney fees or paying for a technical assistance provider to assist an attorney in preparing legal action or preparing for and serving as an expert witness at any legal proceeding regarding or affecting the site.
- b) Political activity and lobbying in accordance with OMB Circular A-122.
- c) Other activities inconsistent with the cost principles stated in OMB Circular A-122, "Cost Principles for Non-Profit Organizations."
- d) Generation of new data such as well drilling and testing, including split sampling. The generation of new data is the responsibility of the lead agency—in this case DoD. Furthermore, DoD works closely with the regulatory agencies to develop investigation strategies to ensure potential hazards are adequately characterized. This consultation and coordination is an important part of the partnership DoD maintains with regulatory agencies as cleanup proceeds. If the RAB identifies a circumstance where additional data collection may be necessary, these concerns should be communicated to DoD, where the final decisions on the restoration program reside.
- e) Reopening final DoD decisions such as the Records of Decision (see limitations on judicial review of remedial actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Sec. 113(h)) or conducting disputes with the Department of Defense.
- f) Epidemiological or health studies, such as blood or urine testing.

DoD believes community outreach should not be a part of the TAPP program. Community outreach is a fundamental part of an installation's community relations program, and should be conducted within the context of that program.

The Appeals Process

Appeals are the final step in settling disputes between the community membership of RABs/TRCs and the service component. The following three ideas should guide the implementation of the appeals process from the standpoint of DoD:

The RAB can appeal decisions of the installation to reject a TAPP application or waiver request.

- ◆ First goal is to provide the required services
- ◆ Appeals should be resolved at lowest level possible
- ◆ Appeals should follow the hierarchical chain of command

Note: The appeals process shouldn't be relied upon to settle differences of opinion between the installation and the RAB/TRC community members. An open line of communication should prepare both sides for the TAPP request. In that way, the Installation Commander will know what type of project is being requested, and the RAB/TRC can expect what action the Commander will take in response to the request.

The Commander's Role in the Appeals Process:

If the commander rejects a TAPP request, he or she must prepare an explanation and an alternative. Commanders can rely on their staff to prepare the details, but community members should be provided with something on which to base a decision to appeal, re-write the request, or accept support from an alternative provider.

The RAB/TRC's Role in the Appeals Process:

If the RAB/TRC appeals the decision, they must send the appeal to the installation commander, requesting that if not favorably considered, that it be sent to the next command level. The installation commander would send the appeal on by endorsement, with rationale for denying the appeal.

NOTE: OSD and the Service Component will NOT intervene in the process if the RAB circumvents the chain-of-command.

Questions and Answers

Can the Installation Commander delegate authority for approving or denying TAPP requests?

Yes. The rule states that the Installation Commander or other designated authority can approve or deny TAPP requests.

Section 6

Processing the Purchase Order

TAPP purchase orders are contracts initiated by the Department of Defense to provide technical services to community members of RABs and TRCs.

There is no separate account for TAPP within the Environmental Restoration and BRAC accounts. TAPP funds compete against resources that could be used for cleanup projects or RAB expenses.

The funding limits should be based on the most recent cost to complete estimates as published in the annual Defense Environmental Restoration Program report to Congress. TAPP rules set an annual limit on purchase orders at an installation to \$25,000 or 1 % of cost to complete, whichever is less, and \$100,000 over the life of the program

TAPP purchase orders are contracts between DoD and a service provider. However, the ultimate client is the community membership of the RAB/TRC. This section is intended to be a source of information to the RAB/TRC and DoD on:

- ◆ Funding TAPP projects,
- ◆ Using the Simplified Acquisition Procedures,
- ◆ Finding a technical assistance provider and awarding a contract,
- ◆ Involving community members of the RAB/TRC in the procurement process.

Funding

Funding for TAPP projects are subject to two main requirements:

- ◆ The only source of funds for TAPP projects are the DoD Environmental Restoration or BRAC accounts. Projects outside of restoration are not eligible for a TAPP award. Funds for TAPP projects compete directly with all other restoration activities.
- ◆ TAPP purchase orders are limited to the lesser of \$25,000 or 1% of restoration cost to complete (the total cost of installation cleanup) per year, with a \$100,000 lifetime cap on the amount available to any one RAB/TRC per installation.

Projects addressing other than scientific, engineering and technological issues associated with restoration activities are not eligible for TAPP funding.

The funding limitations for TAPP can only be waived by authority of the Deputy Assistant Service Secretary, using the recommendations of the Installation Commander or other designated authority.

The RAB/TRC should be notified if the government cost estimate exceeds the budget limitations for that installation. Unless a waiver is warranted, the procurement as proposed would not proceed without available funding. The RAB/TRC community members may wish to modify the statement of work so that the scope more closely matches the available resources and resubmit the procurement request.

Waivers

Waivers may be granted at the discretion of the Deputy Assistant Service Secretary

TAPP rules set an annual limit on purchase orders at an installation to \$25,000 or 1 % of cost to complete (environmental restoration cost), whichever is less, and \$100,000 over the life of the program. Waivers may be granted at the discretion of the Deputy Assistant Service Secretary

The TAPP rule states that waivers may be provided to reflect:

- ◆ The complexity of the response action.
- ◆ The nature and extent of contamination at the installation.
- ◆ The level of activity at the installation.
- ◆ The projected total needs as identified by the TAPP recipient.
- ◆ The size and diversity of the affected population.

Additional factors for granting a waiver include:

- ◆ The impact in time and money on the restoration program, both positively and negatively.
- ◆ Credibility gained or lost with RAB/TRC members and installation staff.

The mere fact that additional work has been identified is not an adequate argument for granting a waiver.

The Simplified Acquisition Procedure

TAPP procurements can take advantage of the Simplified Acquisition Procedures. See Appendix C for additional details.

The Simplified Acquisition Procedure is a contracting process that was designed to streamline the acquisition process and facilitate the procurement of goods and services quickly and easily. The results include less paperwork and lower costs for both the contractor and the government. The dollar limitations on the value of TAPP purchase orders make the use of the Simplified Acquisition Procedure appropriate for obtaining technical assistance.

Simplified Acquisition Procedures use the purchase order process, which specify a preference for the selection of small businesses.

A benefit of the Simplified Acquisition Procedure is that solicitations are typically shorter. If the statement of work is relatively simple, it may be possible to solicit quotes from candidate assistance providers verbally, without having to send out copies of a formal statement of work. Each potential provider receives the same description of the work, so that a fair comparison of the responses and proposed costs can be made.

Requests for quotes should notify potential offerors of the basis on which an award will be made. Price alone does not have to be the sole criteria for selection.

Paper solicitations for actions under \$25,000 should only be done if oral quotes are not practical or economical, or if the scope of work requires more detailed instructions than would be usual with oral solicitations. It is recommended that local sources be obtained to fulfill the requirement.

The contracting office at the installation will seek a reasonable number of bids to promote competition and to ensure the purchase is advantageous to the government. Several factors influence the number of quotes needed:

- ◆ the nature of the goods or services, and whether they are readily available or not
- ◆ information from recent purchases of similar items
- ◆ urgency
- ◆ dollar value
- ◆ past experience with specific dealer's prices

One source may be sufficient if the contracting officer determines that to be the case. For example, a specialized skill or knowledge may only be available through a single, recognized expert. Alternatively, an urgent requirement by the government may also indicate the necessity for soliciting from only one source.

Finding a Provider and Awarding a Contract

A variety of means are available to locate potential providers.

Potential technical assistance providers should demonstrate appropriate expertise.

Locating a Provider. It is the contracting officer's responsibility to find a potential provider for a TAPP project. There are a number of ways to do this including internet searches, the local Yellow Pages, or through a "sources sought" notice. These notices ask companies interested in providing a certain type of service to notify the contracting office. The notice does not obligate DoD to actually contract for such services, but it is an excellent way of identifying potential assistance providers.

The contracting officer should maintain an updated list of sources, whenever possible, and should not limit solicitations to suppliers that are well known or solicit quotes solely based on his or her personal preference.

The RAB/TRC's Role. The RAB/TRC can recommend service providers to the contracting officer. The potential TAPP provider must have certain minimum qualifications to perform the duties expected for

this program. In most instances, a resume of the individuals involved or a qualifications statement provided by the company should be sufficient. The RAB/TRC may impose specific conditions to augment these qualifications to ensure that the need for technical assistance is met.

Sole-source contracts are permissible under certain circumstances. They do not require the stringent documentation necessary for larger contracts.

The TAPP procurement process using the Simplified Acquisition Procedures is intended to provide support quickly and easily. Delays due to the procurement process are expected to be minimal.

Awarding the contract. In the majority of cases, TAPP procurements will be accomplished via the Simplified Acquisition Procedures. These procedures specify the selection of small businesses whenever possible. Under certain circumstances, the contracting officer can initiate a sole-source procurement if the statement of work indicates the necessity of contracting with a particular individual or organization. If only one small business responds at a reasonable price, the contracting officer can award the contract to them. If no reasonable quote is forthcoming, the contracting officer can compete the purchase on an unrestricted basis. In other words, the solicitation would not be restricted to small businesses only.

DoD does not anticipate any significant delays to the restoration program due to the TAPP process. The Simplified Acquisition Process provides a quick and relatively easy means of procuring assistance. TAPP contracts, like most small purchase orders, will rarely be contested.

Involving the RAB/TRC Community Members in the Procurement

Community members of RABs/TRCs can help design the project and nominate and help select the provider.

TAPP work is overseen by the Contracting Officer's Technical Representative (COTR), usually the DoD Co-Chair. The community members of the RAB/TRC can express their concerns to the COTR, but evaluations of performance and changing tasks cannot come from them directly.

Although the government procures the assistance, the community members of the RABs/TRCs can be involved in the effort. For example, it is the responsibility of the community members of the RAB/TRC to identify the TAPP project. With the project in mind, the RAB/TRC can comment on the statement of work that will be used to obtain the technical advisor. RABs/TRCs can also suggest providers for technical assistance. These providers will be contacted by the installation to solicit their interest in responding to the procurement.

RABs/TRCs are also an important information source if additional qualifications for assistance providers is needed. With RAB/TRC input,

requests for bids can specify particular experience or expertise that will be considered, along with price, in the evaluation of bids. Informing potential contractors of the factors to be considered (other than pricing) in awarding a contract is not simply a contracting requirement. Doing so results in obtaining the best information from the potential service providers, allowing them the opportunity to submit data relevant to the specified factors. The community can provide input on what those factors could be.

Finally, RABs/TRCs can be involved in evaluating the responses from potential providers. The selection of an assistance provider is a government function, but RAB/TRC input can be used in assessing the qualifications of bidders.

Under the rules of procurement integrity, proprietary information cannot be released. The contracting officer should have the RAB/TRC community members sign non-disclosure statements (certificate of non-disclosure) if cost proposals are shared with them. For example, in the TAPP pilot program at North Island, California, cost proposals indicated that the scope of work would have to be reduced to keep the total costs within the funding limits. The North Island RAB involvement helped determine which of tasks to eliminate and how best to award contracts to maximize the assistance they were ultimately able to obtain.

Questions and Answers

Is a government cost estimate that is greater than the annual funding limitations a sufficient justification for a waiver?

No. In most instances, the scope of the project can be modified to fit within funding limitations. Waivers are intended for use in situations where extenuating circumstances indicate the need for greater TAPP support than would otherwise be available. Such situations include the need to reflect the complexity of response action, the nature and extent of contamination at the installation, the level of activity at the installation, and the size and diversity of the affected population.

How do you decide what qualifies as a small business?

The providers will know whether or not they qualify as a small business for the purpose of the procurement. Should any questions arise, the

If the RAB/TRC community members are involved in the selection process, be aware of disclosure limitations.

local Small Business Administration official should be able to provide assistance. Additionally, each installation usually has a small business specialist who can help identify qualifying businesses.

Is a university considered a small business? Can RABs/TRCs request the services of a university through TAPP?

Universities are generally not considered small businesses. Exceptions are historically black and minority owned institutions, which are eligible for contract set-asides for small businesses, according to the Federal Acquisition Regulations. Specific professors associated with a university can serve as private consultants, and may be eligible for TAPP contracts.

Can a RAB/TRC member be the TAPP assistance provider?

As the following language extracted from the final rule illustrates, RAB members would have a potential conflict of interest if they also acted as technical service providers. Because RAB/TRC membership is comprised of voluntary service from within the community, DoD would expect relevant expertise from among RAB/TRC community members to be openly and freely available to assist in the community's participation with the cleanup program.

Section 203.18 Conflict of interest and disclosure requirements.

The Department of Defense shall require each prospective assistance provider on any contract to provide, with its bid or proposal:

(a) Information on its financial and business relationship with the installation, RAB/TRC members, or any/all potentially responsible parties (PRPs) at the site, and with their parent companies, subsidiaries, affiliates, subcontractors, contractors, and current clients or attorneys and agents. This disclosure requirement encompasses past and anticipated financial and business relationships, including services related to any proposed or pending litigation, with such parties.

(b) Certification that, to the best of its knowledge and belief, it has disclosed such information or no such information exists.

(c) A statement that it shall disclose immediately any such

information discovered after submission of its bid or after award. The contracting officer shall evaluate such information and shall exclude any prospective contractor if the contracting officer determines the prospective contractor has a potential conflict of interest that is both significant and cannot be avoided or otherwise resolved. If, after award, the contracting officer determines that a conflict of interest exists that is both significant and cannot be avoided or resolved, the contract will be terminated for cause.

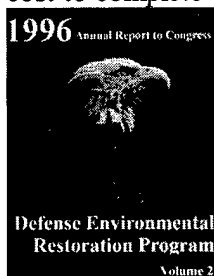
Can a RAB/TRC member that is working in a company that does restoration work at the installation be an assistance provider?

No, unless they wish to permanently withdraw from RAB/TRC membership. The rule (Section 203.19) states:

(d) Contractors and subcontractors may not be technical assistance providers to community members of RABs/TRCs at an installation where they are performing cleanup activities for the Federal or State government or any other entity.

Tools

DERP Environmental Restoration Program Report to Congress (to find cost to complete data)



<http://www.dtic.mil/envirodod/derpreport96/vol2/>

Section 7 After the Project

Addressing the results

DoD should make every effort to make the results of TAPP projects available to the public at large, and should incorporate the results into the restoration program as appropriate.

Don't bury bad news.

Information developed during the TAPP program can have a positive contribution to the restoration program, beyond merely confirming DoD's position and encouraging the public's acceptance. DoD should be prepared to incorporate the findings of the TAPP project into the restoration program and, if warranted, redirect projects to address the new findings.

Occasionally, the DoD Co-Chair or the Installation Commander will have to deal with the results of a TAPP project that conflict with previously held views on a remedy, for example. As the recipient of "bad news," the installation will have to find a way to integrate this information into the IRP and communicate the findings to both the public and the regulatory community. Generally, the more open and forthright DoD can be about new information, the sooner this information will be accepted and integrated. Bear in mind, the information developed from TAPP deserves the same critical review that any other information would receive—it does not have to be accepted at face value.

It is critical to find the right approach for incorporating the results of the TAPP project into the restoration program. Regardless of the outcome of the TAPP project, whether it is neutral, strongly in support of DoD's position, or antagonistic towards DoD's position, DoD is obligated to make the information available to the community at large. While the information repository is a natural place to put this material, it shouldn't be buried there, particularly if the information is likely to be somewhat controversial.

Installations will be required to report on the results of the TAPP project.

Reporting on the results

DoD is required by Congress to report on the results of the TAPP program. This means each installation will need to provide some information back to DoD that discusses the funding of RABs/TRCs, including TAPP funding, with an indication of the scope of work involved and the impact the project had on the installation's restoration program. The scope of the project can be simply a copy of the statement of work.

The RAB Community Co-Chair (or equivalent person from the community membership of the TRC) will be responsible for communicating to DoD an assessment of the success of the assistance provider in meeting the scope of work and the degree to which the community benefited from the project. This project close-out report can be relatively informally written and is submitted to the DoD Co-Chair. The community close-out report should contain the following elements:

- Description of scope of project
- Project as completed
- Deliverables produced (with copies)
- A statement as to whether or not the expectations of the community were met.
- An indication of the usefulness of this project to the community's understanding of, or involvement in, the cleanup process

When the installation receives this close-out report (in accordance with the individual Component guidance) the information will be forwarded to DoD and will ultimately be used to prepare DoD's annual report to Congress.

In summary, upon completion of a TAPP project, RABs and TRCs should:

- Make TAPP project results available to the community at large. This can be done by publishing a fact sheet, putting the TAPP reports in the information repository, holding a public meeting, or some other appropriate means for disseminating information.
- Incorporate the TAPP project results into the restoration program as appropriate and, if warranted, redirect ongoing projects to address the results.
- Report TAPP project results in accordance with Component guidance back to DoD.

Questions and Answers

Are there numerical goals for number of TAPP projects or dollar amounts expended within the TAPP program to show compliance

with the wishes of Congress?

DoD has not established any numerical goals for the TAPP program. The use and success of the program will be dependent upon the efficiency with which it is implemented and its usefulness to community members of RABs and TRCs.

What are the reporting requirements for the RAB Community Co-Chair at the conclusion of a TAPP project?

The RAB Community Co-Chair (or designated person within the community membership of a TRC) should be prepared to provide to the DoD Co-Chair a brief statement at the conclusion of a TAPP project indicating whether or not the expectations of the community membership were met.

Does the DoD Co-Chair have any reporting requirements?

The DoD Co-Chair does have reporting requirements. Each RAB/TRC that receives TAPP must submit a report to the DoD Co-Chair or TRC Chair, which is then forwarded to the Component Headquarters. This report will indicate:

- (1) the amount of TAPP funds obligated by fiscal year, and
- (2) an evaluation for each project concerning whether the TAPP assisted the community in participating in the restoration program.

See Component guidance for details on reporting requirements.

How will DoD determine the success of the TAPP program?

The success of the TAPP program is in large part dependent upon the community members of RABs and TRCs, who are responsible for defining their needs and initiating a request for support. Success of the program will be evident from the summary reports submitted by RAB/TRC community members regarding their experiences with the TAPP program and the TAPP providers that have been procured. Success will also be manifested by improvements in the restoration program at an installation through the informed participation of the public. DoD's commitment to the success of this program is evident in the implementation of procedures for obtaining TAPP support for community members with a minimum of administrative burden.

How do we handle TAPP project results?

It is very important to acknowledge the results of the TAPP project, by such actions as devoting a RAB/TRC meeting to the results or issuing fact sheets to the community. The TAPP project should be evaluated as would any other piece of information--if evidence indicates that cleanup decisions should be reassessed, the installation should respond appropriately.

Section 8

Roles and Responsibilities

The successful implementation of this program will require DoD and community participants to know and understand their roles and responsibilities. The following section details the functions of the primary stakeholders in the process.

Community Co-Chair

TRC community members should appoint someone to function as the community Co-Chair for the TRC. This person will have the same role and responsibility as the RAB Co-Chair with respect to initiating a TAPP project.

The Community Co-Chair leads the RAB/TRC community membership in determining whether or not to pursue a TAPP project. The Community Co-Chairs duties include:

- ♦ *Serving as point of contact*
- ♦ *Documenting RAB/TRC decisions*
- ♦ *Considering other sources of support*

The TAPP process begins with the community members of the RAB or TRC. The Community Co-chair is responsible for directing the effort to define the needs of the community members, ensuring that the needs represent the majority interests of the community members, and preparing the application. Thereafter, the Community Co-chair will most likely be the principal point of contact for DoD as it proceeds with a procurement to obtain the desired product or service (although the Community Co-chair can designate an alternate point of contact if necessary).

Upon completion of the TAPP application, the Community Co-Chair should submit the application to the DoD Co-Chair, who reviews the application for completeness and forwards it to the installation commander or other designated authority for that installation. However, the responsibilities for the Community Co-Chair do not end here. There are three other duties which the Co-Chair, or a designated alternate, must perform.

First, the Community Co-Chair may be asked to comment on the selection of an assistance provider if the community's proposed provider is found by the government to be ineligible, for whatever reason, or is not cost-competitive. In that event, DoD will go to the Community Co-Chair to determine if DoD's proposed TAPP procurement recipient is acceptable to the community or if the project should be revised and re-bid. It will be the Community Co-Chair's responsibility to determine which action the community wishes to take.

Secondly, the Community Co-Chair will determine whether the contractor has met the requirements of the community. As the liaison between the community and the government regarding the technical performance of the assistance provider, the Community Co-Chair should be aware of the scope of intended work and the degree to which the assistance provider meets that scope.

The DoD Co-Chair is the main conduit through which information flows from DoD to the RAB/TRC community membership.

The Installation Commander has ultimate responsibility for cleanup activities and the budget at an installation.

The Installation Commander makes the initial recommendation whether or not to proceed with funding waivers. The final decision rests with the Service Secretary.

Finally, the Community Co-Chair will be responsible for communicating to DoD an assessment of the success of the assistance provider in meeting the scope of work and the degree to which the community benefited from the project. This project close-out report can be relatively informal and is submitted to the DoD Co-Chair.

DoD RAB Co-Chair (or TRC Chair)

The DoD RAB Co-Chair or TRC Chair is the first source of information for the community members of the RAB or TRC regarding the TAPP program. Because the TAPP program is directed towards the community members, the DoD RAB Co-Chair or TRC Chair will only have a few limited responsibilities, although in many cases the DoD Co-Chair may serve as the DoD Contracting Officer's Technical Representative. Principal among these is seeing that the TAPP application produced by the community is complete and that it gets to the right person for processing. At most installations, this will be the installation commander, although an alternate authority may be designated at installations without a federal commanding presence (such as at closed installations or formerly used defense sites).

Installation Commander (or other designated authority)

The installation commander is ultimately responsible for cleanup activities at his/her installation. As with any other federally funded program, he/she must ensure that DoD funds are being applied in an appropriate manner and in support of the restoration program. It will be the Commander's responsibility to determine whether the proposed TAPP project meets the eligibility requirements outlined in §203.11 and §203.12 of the rule. The installation commander will also decide whether or not to forward TAPP requests that exceed the funding limitations on to the Service Secretary for a waiver.

If the installation commander or other designated authority is satisfied that the proposed project meets the eligibility requirements, he/she should sign the application in the appropriate location (Section III, items 11, 12, and 13) and forward it to the contracting office for action on the procurement. If instead he/she finds the project to be ineligible for TAPP funding, he should note his disapproval on the application and sign in the same section, forwarding the rejected application and his/her rationale for disapproval to the community members of the RAB/TRC for reconsideration.

Contracting Officers will generally use the Simplified Acquisition Process to obtain contracts with technical service providers.

Contracting Officer

It is the responsibility of the Contracting Officer to procure the services of environmental consultants for the RAB/TRC and to direct the contract and assess performance over the project period. The Contracting Officer for a TAPP procurement request will be required to know the fundamentals of the TAPP program and be familiar with the Simplified Acquisition Procedures for processing purchase orders. While a TAPP request is being processed, the Contracting Officer will interact with the RABs/TRCs, the DoD Co-Chair or the DoD COTR to ensure the selection of an acceptable contractor for the RAB/TRC. The Contracting Officer will evaluate the contractor to ensure the contractor meets certain minimum requirements necessary to perform the duties expected by the TAPP program.

The Contracting Officer will ensure that the statement of work is contractually correct and inform the installation commander of the government cost estimate of the proposed project. The installation commander can determine whether sufficient funds exist to support the TAPP project and whether a waiver situation applies.

DoD Contracting Officer's Technical Representative

The DoD Contracting Officer's Technical Representative can be the same person as the DoD Co-Chair, although this is not required. He/she will serve as the DoD COTR for the TAPP project, and act as liaison between the contract officer, the assistance provider, and the community.

Even though the TAPP project originates with the community members of the RAB or TRC, it is conducted as a government purchase order and requires a government Contracting Officer and DoD Contracting Officer's Technical Representative (COTR). The Contracting Officer is the only entity that can assign responsibilities to the DoD COTR. The COTR most likely will be the DoD RAB Co-Chair or the TRC Chair, although an alternate person with proper qualifications can be selected by the Contracting Officer. The DoD COTR will be the liaison between the Contracting Officer, the assistance provider, and the community members of the RAB/TRC. Usually, the DoD COTR translates the project description outlined in the TAPP application into a scope of work and develops the independent government cost estimate. The DoD COTR also ensures that information required by the TAPP contractor, such as sampling data, drawings, maps, etc., is provided.

Technical Assistance Provider

The Technical Assistance Provider will usually be an individual or small business. Because government purchase orders are reserved for small businesses, it can be difficult to obtain the services of larger

The Technical Assistance provider provides services to the RAB/TRC, but is contractually obligated to the installation.

organizations unless they possess unique qualifications that cannot be obtained through the selection of a small business. The government will make an effort to solicit bids from several qualified providers, and will rely upon the community members of the RAB or TRC to specify qualifying criteria and, where possible, nominate potential providers.

The specific requirements imposed on the Technical Assistance Provider will be spelled out in the contract authorizing the work. These will include such items as deliverables, schedules, and reporting requirements. Details of the technical work to be performed will be covered in a scope of work. The assistance provider will work with the DoD COTR in case there are any questions regarding either level of effort or scope.