

Definitions

- **Contract** – legally enforceable agreement specific to the hiring out of environmental services.
- **Contracting** –the practice of hiring/working within an outside entity.
- **Contractor** –the entity hired to perform the requested environmental services.
- **Subcontractor** – works under the Contractor, serves as extension of Contractor’s team.

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Definitions

- **Assistance Agreement** – used to provide public support, rather than to acquire services
- **Externally generated** –actions generated by entities *other than* BLM
- **Proponent or Applicant** – the entity requesting BLM authorization of a proposed action
- **Internally generated** –actions generated by BLM

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Definitions

- **Direct contract or Competitive procurement** – used when the BLM contracts directly with a contractor/firm.
- **Third-party contract** – where the Proponent pays for the contractor’s services, and the BLM (“third party”) independently reviews and analyzes all information.

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WHY Contract?

- Expertise, resources, time
- Process/project management
- Supplement scarce skills
- Public involvement/analyze comments
- Expertise/economy of scale

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WHEN to Contract?

- Staff capacity / diversity
- Competing workloads
- Staff availability
- Budget availability/ flexibility
- Pieces of a project

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WHAT to Contract?

- Scarce skills
- Resource specialties in high demand
- Complex or demanding process elements

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BLM's Role in Review/Evaluation

Critical areas for BLM involvement:

- Developing alternatives
- Determining scope of analysis
- Final document edit

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Recap

- Contracting can be used effectively to supplement BLM's expertise and staff resources.
- The BLM is ultimately responsible for the NEPA document—including all content—prepared by the contractor.

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Definition

- The FAR defines a contract as a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.
- It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing.

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Contracts Are:

- Awards and notices of awards
- Job orders or task letters issued under basic ordering agreements
- Letter contracts or orders (e.g. purchase orders)
- Bilateral contract modifications

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Contracts Are Not:

- Grants
- Cooperative agreements
- Assistance agreements

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Acquisition Packages Consist of:

1. Purchase Request (PR)
2. Statement of Work (SOW) or Performance Work Statement (PWS)
3. Independent Government Cost Estimate (IGCE)
4. Applicable Program-Specific Reviews

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Procurement Acquisition Lead Times (PALTs)

<u>Type of Acquisition</u>	<u>Average PALT</u>
• New, negotiated competitive contract	• 22 weeks
• Interagency agreement	• 10 weeks
• Commercial item <\$5m	• 10 weeks

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Methods to Solicit for Services

- Full and Open Competition
- Indefinite Delivery, Indefinite Quantity (IDIQ)
- GSA Schedule

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Statement of Work: Project Sideboards

Consider including these in your SOW:

- Introduction and project description
- Authority under which we are acting
- Purpose and Need, if it is established
- Project goals and objectives
- Relevant project background or history

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Statement of Work: Project Sideboards

Consider presenting these in your SOW:

- Information re: geographic and temporal scope
- Applicable statutory regulations and guidance
- Guiding principles for analysis
- List of government furnished materials, information, data
- Assumptions re: contractor-furnished materials
- System/technical requirements

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Example EIS Statement of Work

I. PHASE

1.0 Task

1.1 Sub-task

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Example EIS Statement of Work

I. PROJECT INITIATION + SCOPING
II. PUBLIC DRAFT EIS
III. FINAL EIS / ROD

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Example EIS Statement of Work

- I. PROJECT INITIATION + SCOPING
 - 1.0 Project Management Plan
 - 2.0 Public Involvement Plan
 - 3.0 Scoping
 - 4.0 Issue Identification
 - 5.0 Internal Draft EIS Chapter 1

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Example EIS Statement of Work

- II. PUBLIC DRAFT EIS
 - 6.0 Data Collection + Data Gap Analysis
 - 7.0 Draft Affected Environment
 - 8.0 Draft Environmental Consequences
 - 9.0 Internal DEIS
 - 10.0 DEIS for Public Review

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Example EIS Statement of Work

- III. FINAL EIS / ROD
 - 11.0 Analyze Public Comments
 - 12.0 Revise FEIS based on Public Comments
 - 13.0 FEIS for Public Review
 - 14.0 Record of Decision
 - 15.0 Administrative Record

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Example EIS Statement of Work

- I. PROJECT INITIATION + SCOPING
 - 1.0 Project Management Plan
 - 2.0 Public Involvement Plan
 - 3.0 Scoping
 - 3.1 *Conduct Internal Scoping*
 - 3.2 *Draft Scoping Letter*
 - 3.3 *Public Meetings – logistics and facilitation*
 - 3.4 *Scoping Report – analysis of comments received*
 - 4.0 Issue Identification
 - 5.0 Internal Draft EIS Chapter 1

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Example EIS Statement of Work

- II. PUBLIC DRAFT EIS
 - 6.0 Data Collection + Data Gap Analysis
 - 7.0 Internal Draft EIS Chapter 3
 - 8.0 Conduct Analyses, Modeling, etc.
 - 9.0 Internal DEIS Chapter 4
 - 10.0 DEIS for Public Review
 - 10.1 *DEIS for agency review*
 - 10.2 *Prepare a Notice of Availability*
 - 10.3 *Camera-ready DEIS*
 - 10.4 *Release DEIS for Public Review*

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Example EIS Statement of Work

- III. FINAL EIS / ROD
 - 11.0 **Analyze Public Comments**
 - 12.0 **Revise FEIS based on Public Comments**
 - 13.0 **FEIS for Public Review**
 - 14.0 **Record of Decision**
 - 15.0 **Administrative Record**
 - 15.1 *Draft Index Schema*
 - 15.2 *Monthly Updates*
 - 15.3 *Final Compilation*
 - 15.4 *Delivery of hardcopy + DVDs*

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Requests for Proposals

Four Primary Evaluation Criteria

- Technical Approach
- Organization + Personnel Experience
- Past Performance
- Fee (for direct contracts only)

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Requests for Proposals

Technical Approach

- How do they address each task/subtask?
- Do they offer an innovative approach?
- Do they demonstrate an organized approach?
- Does their proposed schedule match your needs?

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Requests for Proposals

Technical Approach

- Demonstrate an ability to manage the Admin Record? Do they offer any unique tools?
- Demonstrate proven expertise in particular subject matter areas – for example, visual resource inventories? Travel management analysis?

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Requests for Proposals

Technical Approach

- Demonstrate a solid grasp of your project, the body of work to be completed, and likely issues?
- Other ways they demonstrate technical expertise or special competence?

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Requests for Proposals

Organization / Personnel Experience

- Demonstrate an ability to mobilize and organize a project team?
- Do the resumes of key personnel support their ability to perform the work and their stated expertise?
- Has this team worked together on similar projects?

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Requests for Proposals

Organization / Personnel Experience

- Do resource specialists have the necessary qualifications to perform the work?
- Who is the proposed Project Manager, has he/she performed in this role on similar efforts?

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Requests for Proposals

Organization / Personnel Experience

- Where is the Project Manager/team physically located?
- What is their capacity to perform the work?
- What other qualifications or proven expertise does the proposed team bring to the table?

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Requests for Proposals

Past Experience

- Have they provided recent client references?
- What is their performance history on similar projects? On BLM projects, specifically?
- Demonstrate an ability to be flexible to meet schedules, control costs, and balance workloads?

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Requests for Proposals

Fee

- In direct contract situations, what is the best value to the government?
- In third-party situations, the fee estimate or fee proposal is typically submitted under separate cover to the proponent only.

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Selection Process Rules of Thumb

- Convene a 3, 5, or 7-member selection panel
- Establish 3 or more weighted selection criteria
- Be able to defend selecting a higher-priced proposal
- Be able to defend the findings

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Example Evaluation Criteria

- Understanding key requirements by demonstrating technical approach = 20%
- Travel management inventory = 10%
- Socioeconomic analysis = 10%
- Ability to conduct alternatives development, public comment analysis, and coordinate and communicate with the public = 10%
- Price = 10%

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Memoranda of Understanding

- Spells out responsibilities of all parties
- Provides tool to resolve disputes
- Defines roles of all parties

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Essential Components of MOU

- Introduction, project description
- Description of Partners
- Purpose of MOU
- Authority for MOU
- Roles and responsibilities
- How to address conflicts of interest
- How to resolve disputes

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