

Type of report	Required information	Timing and frequency
(d) Financial Status Report ...	Status of project's funds through identification of project transactions and within 90 days after the end of your TAG's funding period.	Annually, within 90 days after the anniversary date of the start of your TAG project.
(e) Final Report .....	Description of project goals and objectives, activities undertaken to achieve goals and objectives, difficulties encountered, technical advisors' work products and funds spent.	Within 90 days after the end of your project.

[65 FR 58858, Oct. 2, 2000, as amended at 73 FR 15922, Mar. 26, 2008]

**§ 35.4175 What other reporting and record keeping requirements are there?**

In addition to the report requirements § 35.4170 describes, EPA requires your group to:

- (a) Comply with any reporting requirements in the terms and conditions of the “grant agreement”;
- (b) Keep complete financial records accurately showing how you used the Federal funds and the match, whether it is in the form of cash or in-kind assistance; and
- (c) Comply with any reporting and record keeping requirements in OMB Circular A–122 and 40 CFR part 30.

**§ 35.4180 Must my group keep financial records after we finish our TAG?**

- (a) You must keep TAG financial records for ten years from the date of the final Financial Status Report, or until any audit, litigation, cost recovery, and/or disputes initiated before the end of the ten-year retention period are settled, whichever, is longer.
- (b) At the ten-year mark, you may dispose of your TAG financial records if you first get written approval from EPA.
- (c) If you prefer, you may submit the financial records to EPA for safe-keeping when you give us the final Financial Status Report.

**§ 35.4185 What does my group do with reports our technical advisor prepares for us?**

You must send to EPA a copy of each final written product your advisor prepares for you as part of your TAG. We will send them to the local Superfund site information repository(ies) where all site-related documents are available to the public.

PROCURING A TECHNICAL ADVISOR OR OTHER CONTRACTOR WITH TAG FUNDS

**§ 35.4190 How does my group identify a qualified technical advisor?**

- (a) Your group must select a technical advisor who possesses the following credentials:
  - (1) Demonstrated knowledge of hazardous or toxic waste issues, relocation issues, redevelopment issues or public health issues as those issues relate to hazardous substance/toxic waste issues, as appropriate;
  - (2) Academic training in a relevant discipline (for example, biochemistry, toxicology, public health, environmental sciences, engineering, environmental law and planning); and
  - (3) Ability to translate technical information into terms your community can understand.
- (b) Your technical advisor for public health issues must have received his or her public health or related training at accredited schools of medicine, public health or accredited academic institutions of other allied disciplines (for example, toxicology).

**Environmental Protection Agency**

**§ 35.4210**

(c) Your group should select a technical advisor who has experience working on hazardous or toxic waste problems, relocation, redevelopment or public health issues, and communicating those problems and issues to the public.

**§ 35.4195 Are there certain people my group cannot select to be our technical advisor, grant administrator, or other contractor under the grant?**

Your group may not hire the following:

- (a) The person(s) who wrote the specifications for the “contract” and/or who helped screen or select the contractor;
- (b) In the case of a technical advisor, a person or entity doing work for the Federal or State government or any other entity at the same NPL site for which your group is seeking a technical advisor; and
- (c) Any person who is on the List of Parties Excluded from Federal Procurement or NonProcurement Programs.

**§ 35.4200 What restrictions apply to contractors my group procures for our TAG?**

When procuring contractors your group:

- (a) Cannot award cost-plus-percentage-of-cost contracts; and

(b) Must award only to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed contract.

**§ 35.4205 How does my group procure a technical advisor or any other contractor?**

When procuring contractors your group must also:

- (a) Provide opportunity for all qualified contractors to compete for your work (see § 35.4210);
- (b) Keep written records of the reasons for all your contracting decisions;
- (c) Make sure that all costs are reasonable in a proposed contract;
- (d) Inform EPA of any proposed contract over \$1,000.00;
- (e) Provide EPA the opportunity to review a contract before your group awards or amends it;
- (f) Perform a “cost analysis” to evaluate each element of a contractor’s cost to determine if it is reasonable, allocable and allowable for all contracts over \$25,000; and

[65 FR 58858, Oct. 2, 2000, as amended at 73 FR 15922, Mar. 26, 2008]

**§ 35.4210 Must my group solicit and document bids for our procurements?**

(a) The steps needed to be taken to procure goods and/or services depends on the amount of the proposed procurement:

If the aggregate amount of the	Then your group
(1) purchase is \$1,000 or less .....	may make the purchase as long as you make sure the price is reasonable; no oral or written bids are necessary.
(2) proposed contract is over \$1,000 but less than \$25,000.	must obtain and document oral or written bids from two or more qualified sources.
(3) proposed contract is \$25,000 to \$100,000 .....	must: <ul style="list-style-type: none"> <li>(i) Solicit written bids from three or more sources who are willing and able to do the work;</li> <li>(ii) Provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids;</li> <li>(iii) Objectively evaluate all bids; and</li> <li>(iv) Notify all unsuccessful bidders.</li> </ul>