(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-percent-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

§ 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:

<table>
<thead>
<tr>
<th>If the aggregate amount of the proposed contract is:</th>
<th>Then your group must:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) $1,000 or less</td>
<td>make the purchase as long as you make sure the price is reasonable; no oral or written bids are necessary.</td>
</tr>
<tr>
<td>(2) $1,000 but less than $25,000</td>
<td>obtain and document oral or written bids from two or more qualified sources.</td>
</tr>
<tr>
<td>(3) $25,000 to $100,000</td>
<td>solicited bids from three or more sources who are willing and able to do the work; provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids; objectively evaluate all bids; and notify all unsuccessful bidders.</td>
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