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-percent-age-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</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) purchase is $1,000 or less ........................</td>
<td>may 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) proposed contract is over $1,000 but less than $25,000.</td>
<td>must obtain and document oral or written bids from two or more qualified sources.</td>
</tr>
<tr>
<td>(3) proposed contract is $25,000 to $100,000 ......</td>
<td>must:</td>
</tr>
</tbody>
</table>

(i) Solicit written bids from three or more sources who are willing and able to do the work;
(ii) Provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids;
(iii) Objectively evaluate all bids; and
(iv) Notify all unsuccessful bidders.