



# **U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 6**

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## **RESPONSE SUPPORT CORPS CONTRACT TRAINING**

May, 2018



# PURPOSE OF TRAINING



*To prepare you for appropriate interactions with EPA contractors*



# INTRODUCTION

This training is provided by the Contracting Officers and Project Officers with responsibility for the emergency response contracts.



# TOPICS OF DISCUSSION

- Primary Emergency Response Contracts
- Incident Action Plan
- OSC's Contractual Authority
- RSC Members Contractual Authority
- Interactions With Contractors
- 1900-55 Form/RCMS
- Ethics in Contracting
- Review





# PRIMARY EMERGENCY RESPONSE CONTRACTS

- Superfund Technical Assistance and Response Team (START)- technical assistance, sampling and monitoring
- Emergency and Rapid Response Services (ERRS)- cleanup services



# INCIDENT ACTION PLAN

An IAP contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. The Plan may be oral or written. When written, the plan may have a number of forms as attachments (e.g. traffic plan, safety plan, communications plan, map, etc.)



# CONTRACTUAL AUTHORITIES

- Warranted OSC's
    - Limited Contracting Officer's Warrant
    - Legally Able to Obligate Government
- Scope of Warrant



# CONTRACTUAL AUTHORITIES CONT'

- Warrants are issued to individuals who meet certain contracting qualifications and maintain on-going training requirements.
- Warrant authority cannot be delegated by anyone



# OSCs CONTRACTING OFFICER REPRESENTATIVE (COR) AUTHORITIES

An OSC designated as a COR provides technical direction to the contractor

- to further define the Statement of Work requirements
- to ensure proper understanding of the stated requirements
- follows up verbal technical direction in writing



# OSCs CONTRACTING OFFICER REPRESENTATIVE (COR) AUTHORITIES

- An OSC cannot delegate his/her COR responsibilities to anyone.
- Only a trained COR delegated by the Contracting Officer of the specific contract can provide any technical direction to the contractor.



# RSC CONTRACTUAL AUTHORITY

- **NONE**
- The RSC member **does not have** authority to obligate the government's resources or provide instruction to the contractor.
- The RSC member must be careful not to give the **IMPRESSION** they have this authority – Apparent authority is not **REAL** authority == **DO NOT** get into an unauthorized commitment situation



# INTERACTION WITH CONTRACTORS

- **Overseeing Contractor's Work**  
Are they following the OSC's instructions and the IAP?
- **Relaying Contractor Questions to the OSC**
- **Reviewing Contractor Work Product**
- **Reviewing Submitted Costs/Invoices/1900-55 Daily Reports**
- **Provide contractor performance feedback to OSC**



# INTERACTION WITH CONTRACTORS CONT'

## What To Do if the Contractor...

- ... is not following the IAP and OSC instructions?
  - The RSC member should contact the responsible OSC with the issue ASAP
- ... has a question about operations, process, next steps, etc?
  - The RSC member should answer the question to the best of their knowledge according to the IAP and previous discussions with the OSC in charge of this portion of the work.
  - If needed- get additional information from the OSC.
  - **DO NOT**- Direct the contractor – The OSC will provide technical direction



# INTERACTION WITH CONTRACTORS CONT'

What To Do if the Contractor...

- ... provides an unacceptable work product or the work product is not meeting the needs of the mission?
  - Discuss the issue with the OSC, provide input and recommendations to the OSC
  - DO NOT direct the contractor's work

The OSC has authority to provide technical direction --- the CO has authority to modify the SOW.



# INTERACTION WITH CONTRACTORS CONT'

## What To Do if the Contractor...

- ... submits costs/invoices/1900-55s for OSC approval?
  - The RSC member may be assigned a review function for the 1900-55 (a Daily Work Report)
  - The RSC member reviews the report to match costs with receipts, numbers of personnel provided, equipment being used
  - The RSC member CANNOT sign as OSC representative-
  - The OSC still needs to review for contractual adherence – the OSC will sign the 1900-55 and the contractor's invoice.



# INTERACTION WITH CONTRACTORS CONT'

The Contractor DOES NOT.....

- ...provide materials, supplies, or equipment for EPA personnel or other entities
- ...provide services outside the scope of the SOW
- ...provide personal services



# INTERACTION WITH CONTRACTORS CONT'

Options to Obtain material, supplies or equipment

- Bring items from the office
- Utilize a government purchase card – with authorization
- Procurement officials may purchase needed items
- Other Agencies may have a supply function

**Find out what the proper supply procedures are for the incident**



# 1900-55 FORM/RCMS

- Removal Cost Management System (RCMS) is a cost tracking database and the 1900-55 is the cost reporting form (Daily Work Report) produced
- The ERRS contractor is required to produce the 1900-55 daily – with a great deal of detail as to expenditures
- The START contractor may be required to use RCMS
- Other Agencies as well as EPA may also track costs using RCMS



# ETHICS IN CONTRACTING

- The proper government/contractual relationship – is “arm’s length”
- It is the responsibility of both EPA and contractor staff to maintain a professional work environment – where both sides act appropriately and within the terms of the contract.



# REVIEW

- Be careful not to give the appearance of directing the contractor's work.
- Keeping the proper contractual relationship can be difficult while under stressful conditions

## **Be Careful – Be Professional**

- If you have questions regarding the contractors – go to the OSC



# REVIEW CONT'

- Overseeing Contractor's Work – Are they following the OSC's instructions and the IAP?
- Relaying Contractor Questions to the OSC
- Reviewing Contractor Work Product
- Reviewing Submitted Costs/Invoices/1900-55 Daily Reports
- Provide contractor performance feedback to OSC



# REGULATIONS



- Federal Acquisition Regulation
- EPA Contracts Management Manual
- EPA Acquisition Handbook



# QUESTIONS

