

# FREE TECHNICAL ASSISTANCE

Cailyn Bruno  
Director, Environmental Services  
**NJIT TAB**



In Partnership with

**NJIT**

**TAB** TECHNICAL  
ASSISTANCE TO  
BROWNFIELD  
COMMUNITIES

Made possible with funding from the EPA



# NJIT TAB EPA REGION 4

**NJIT has served as an EPA designated technical assistance provider since 2008**

**NJIT TAB serves as an independent resources to state, territory, regional, county, tribal, and local government entities, and nonprofits attempting to learn about, identify, assess, cleanup and redevelop brownfields.**

**Assistance is *free!***

# The NJIT TAB Team

We are planners, engineers,  
environmental scientists, hydrogeologists, geologists, and social scientists  
who have engaged with thousands of communities  
throughout the country

## We provide assistance through our:

- ▶ Brownfields Academy
- ▶ Brownfield Community Engagement and Educational Forums
- ▶ One-on-one Technical Assistance



# NJIT TAB Brownfields Academy

[www.njit.edu/tab](http://www.njit.edu/tab)

- How-To Videos
- Infographics
- Success Stories
- News and Upcoming Events
- Federal and State Funding Sources
- EPA And State Contacts
- Previously Recorded Webinars
- Downloads of Workshop and Seminar Presentations
- Successful Grant Applications



**Scan the QR Code to  
access our website**



[tab@njit.edu](mailto:tab@njit.edu)



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# NJIT TAB Brownfield Community Engagement and Educational Forums

- **Brownfield Basics Workshops:** brownfield redevelopment process.
- **Grant Writing Workshops:** getting started on your MAC grant applications; tips and tricks for preparing an EPA brownfields grant application.
- **Community Workshops:** on brownfield-specific topics.
- **Webinars:** on brownfield-specific topics.
- **Breaking Brownfields:** an event where a government entity or nonprofit presents their specific brownfields redevelopment challenge to an audience of private sector representatives and obtains feedback on how to overcome those challenges.
- **IAWG:** an event where a government entity or nonprofit presents their specific brownfields redevelopment challenge to an audience of state and federal government representatives and obtains feedback on how to overcome those challenges.
- **Brownfield Summits:** Full day event that may include an IAWG segment, peer-to-peer sessions, success stories, and sessions on brownfield-related topics relevant to the specific locations, their needs, and their challenges.
- **Conferences:** pre-conference workshops, learning labs, panel sessions, office hours



# Community Brownfield Inventory Workshop



EPA's definition of a brownfield: "Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."

- Which of these properties meet this definition?
- What other information do you need to make the determination?
- Where can you obtain that information?

Legend

- State Regulated Freshwater Wetlands
- SDA Designations
- City-owned Vacant Parcels
- Vacant Parcels
- Parcels
- Downtown Revitalization Initiative Areas
- NY State Remediation site borders









# **NJIT TAB One-on-One Technical Assistance**

*Examples of one-on-one Technical Assistance  
tailored to fit specific community's needs*

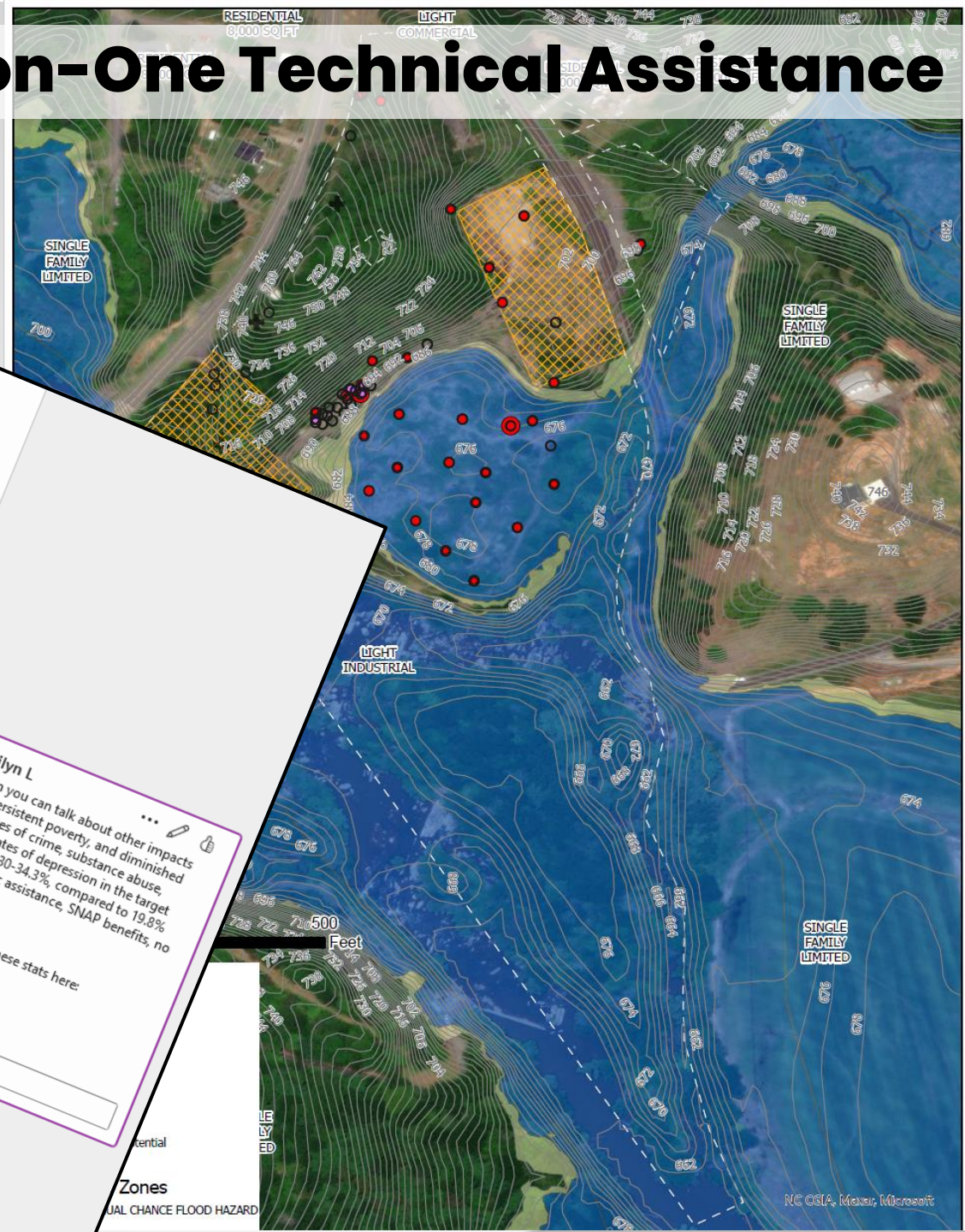
- Answer your brownfield questions
- Develop redevelopment strategy
- Review draft EPA grant applications
- Explain the regulatory programs
- Develop your redevelopment roadmap
- Identify funding sources
- Explain clean-up technologies
- Guidance on developing brownfield inventories
- Create site prioritization processes
- Develop strategies on marketing brownfield sites
- Develop Assets and Needs Studies
- Design and conduct community redevelopment vision workshops

**And Much More!**



- Remediated Brownfields - Needs ...
- Individual styles
- HUB BEER DISTRIBUTORS INC
  - MIGALI INDUSTRIES
  - PULINI INC
  - LANGSTON DIVISION MOLIN...
  - SWISCO
  - KAPLAN & ZUBRIN
  - ESTATE OF SEYMOUR GERB...
  - GENERAL IRON WORKS CORP
  - MOLINS MACHINE COMPAN...
  - EVERETT STREET & 9TH ST...
  - TIMOTHY REALTY CO
  - FILLMORE ST
  - MARTIN MARIETTA COMMU...
  - RECORDED PUBLICATIONS ...
  - VIDEO & INDUSTRIAL PACKA...
  - JERROTHIA RIGGS ADULT E...
  - WIGGINS ELEMENTARY SCH...
  - ARLO THEATER (FORMER)
  - ABRAHAM DUNOFF
  - B&H TRUCKING
  - 1240 WALNUT STREET SITE
  - MARCHESELLO BROS INC
  - GRAFCO PRINTED CIRCUITS
  - DECORATED PAPER
  - DECORATED PAPER
  - GARLOCK INC VALVES & IND...
  - JOSEPH GARTLAND INC
  - JULIANI CLEANERS
  - 1274 LIBERTY STREET

# NJIT TAB One-on-One Technical Assistance



## 2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

### a. The Community Need

Environmental assessments, ABCAs and other reuse planning provided through this grant will furnish the local governments and non-profit organizations with information needed to pursue grant funding and enable developers to confidently invest in the priority sites. This grant will meet the needs of communities with the geographic boundary, all of which are located in Persistent Poverty Counties and lack the funds to independently undertake the local governments to operate on minimal budgets to provide essential services. KRADD is funded by grants with specific scopes of work and lacks significant discretionary funds. Specifically the target area towns with specific scopes of work and lacks low-income and elderly population. The median household incomes of the target areas are less than half that of the nation medium-median. The median household income (MHI), while their poverty rates are more than double. Their unemployment rates rank among the highest in the state. The table below illustrates the economic challenges faced by the target area residents as compared to their state and national counterparts:

**Economic Indicators of Need**

|                               | Beattyville | Jackson  | Whitesburg | Kentucky  | U. S.       |
|-------------------------------|-------------|----------|------------|-----------|-------------|
| Population                    | 1,824       | 2,127    | 2,222      | 4,512,310 | 333,287,557 |
| 2022 Annual Unemployment Rate | 5.4%        | 7.3%     | 6.1%       | 3.9%      | 3.6%        |
| Poverty Rate                  | 42.4%       | 26.3%    | 47.6%      | 16.5%     | 11.5%       |
| Per capita Rate               | \$11,035    | \$22,745 | \$24,525   | \$30,634  | \$37,638    |
| Median Household Income       | \$21,891    | \$29,654 | \$25,433   | \$55,573  | \$69,021    |

Sources: *kystats.ky.gov/KYZLMI*, *censusreporter.org*, and *U. S. Census Bureau Quickfacts*

### ii. Threats to Sensitive Populations

#### (1) Health or Welfare of Sensitive Populations

The primary sensitive populations in the target areas are low income, older adults, young children in Whitesburg, and minorities in Beattyville, as shown in the following table:

|                      | Beattyville | Jackson | Whitesburg | Kentucky |
|----------------------|-------------|---------|------------|----------|
| Sensitive Population | 42.4%       | 26.3%   | 47.6%      | 16.5%    |
| Poverty Rate         | 11.3%       | 20.1%   | 21.7%      | 17.0%    |

Age 65 or older

**BC Bruno, Cailyn L**

In this section you can talk about other impacts of flooding, persistent poverty, and diminished industry like rates of crime, substance abuse, mental health (rates of depression in the target areas range from 30-34.3%, compared to 19.8% nationwide), public assistance, SNAP benefits, no health insurance

You can find some of these stats here:  
[https://places.cdc.gov/?view=place@location&id=2104546\\_2139952\\_2182776](https://places.cdc.gov/?view=place@location&id=2104546_2139952_2182776)  
 November 08, 2023, 10:34 AM

Reply



# What is



NJIT provides free technical assistance to state, regional, county, tribal, and local government entities and nonprofit organizations interested in learning about, identifying, assessing, cleaning up, and redeveloping brownfield sites in EPA Regions 2 & 4.

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# The Brownfield Redevelopment Process and EPA Brownfield Grants

Elise Molleur  
*Brownfield Redevelopment Specialist*  
NJIT TAB



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# What is a Brownfield?

“Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”

EPA's Brownfield Program  
Public Law 107-118 (H.R. 2869)



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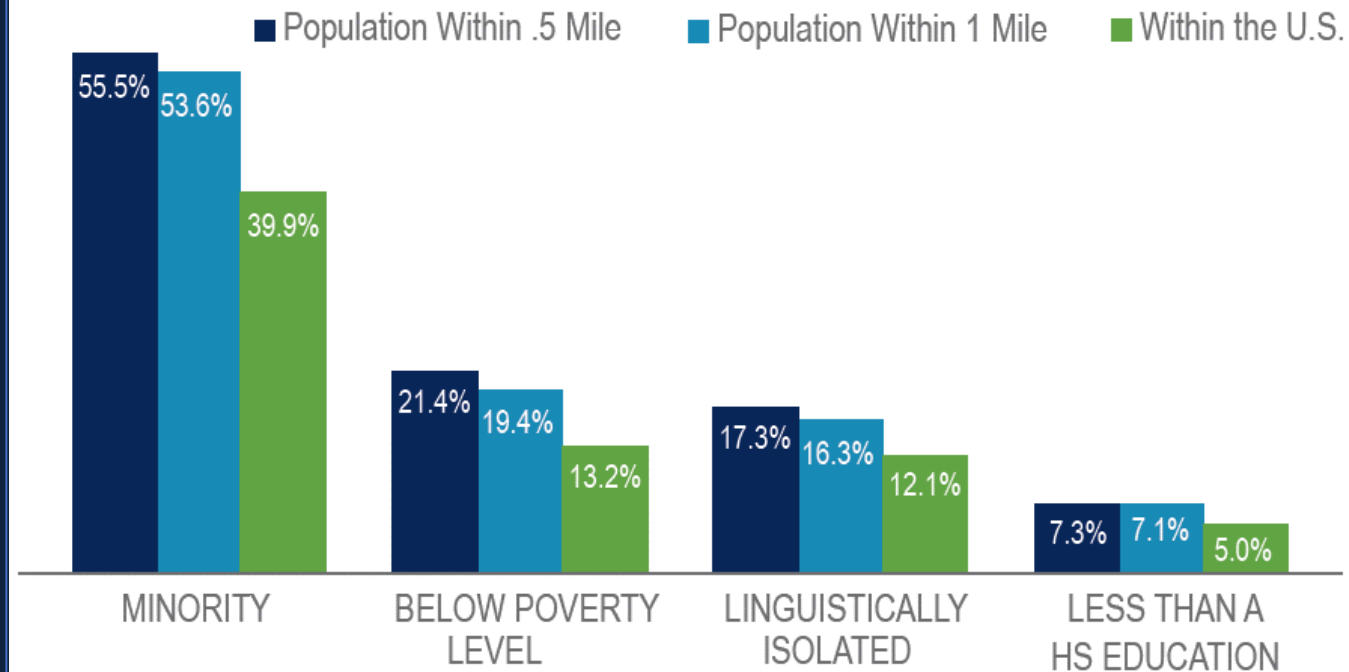


# Negative Impacts

Brownfield sites from Assessment, Cleanup and Redevelopment Exchange System (ACRES) as of FY20  
 Population Data from 2016-2019 American Community Survey

The population living within .5- and 1-mile of a Brownfield site is:

- ▶ more minority,
- ▶ more low income,
- ▶ more linguistically isolated, and
- ▶ less likely to have a high school education than the U.S. population as a whole.





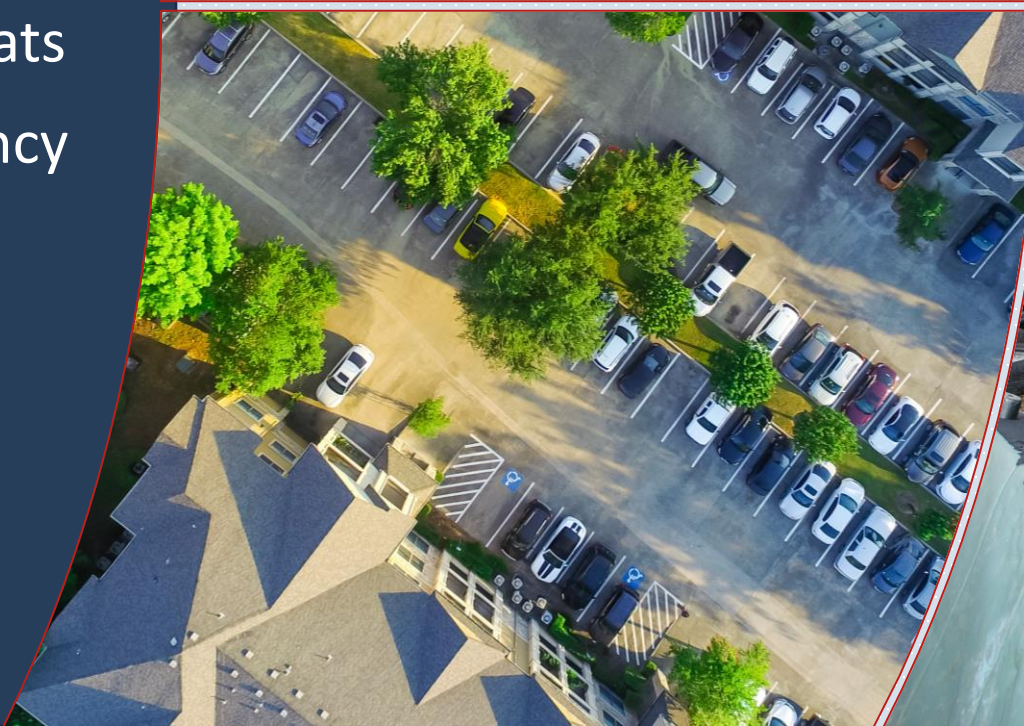
# Advantages





# ENVIRONMENT

- Removes contaminants & pollutants
- Improved air & water quality, natural habitats
- Climate/flood resiliency





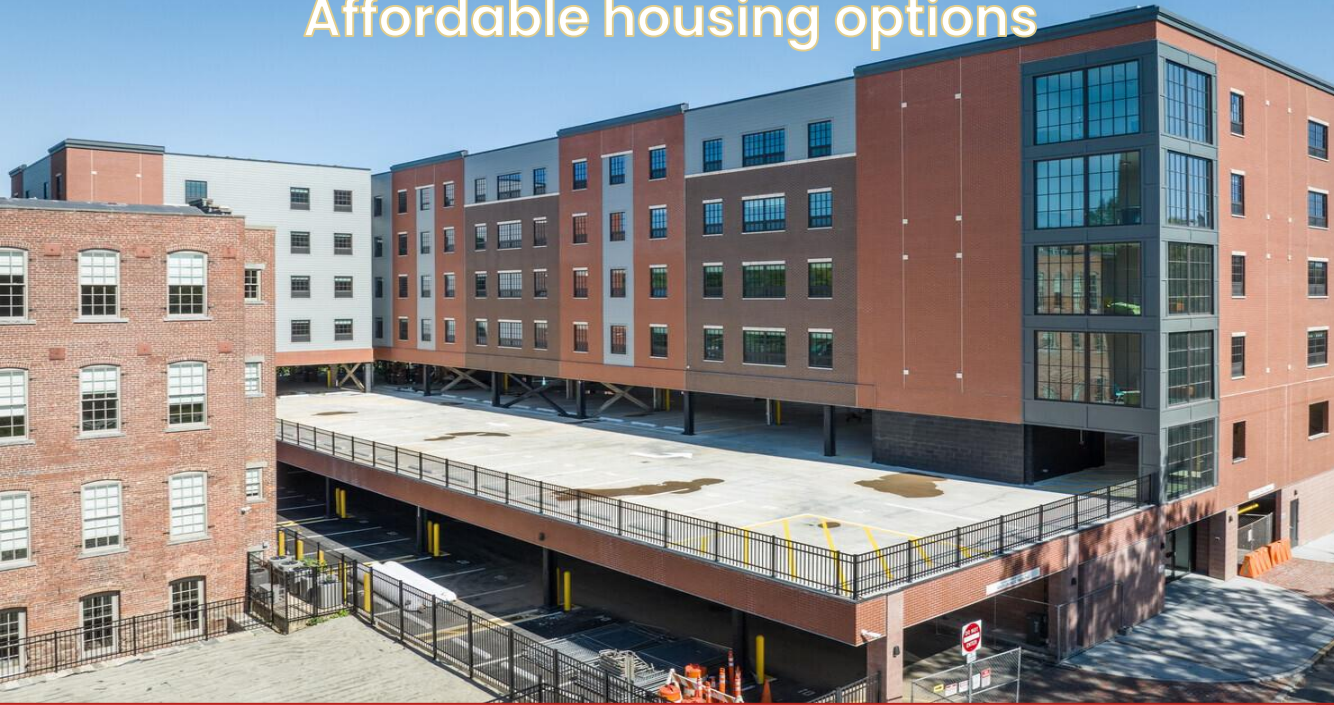
# ECONOMY

- Spurs economic development
- Creates jobs
- Increases tax revenues
- Diversifies economic base





Affordable housing options



## SOCIAL EQUITY

- Improves public health, individual wealth, community fiscal stability
- Removes eye sores; improves community aesthetic
- Alleviates fear & worry

Recreation & open space



Commercial & retail space



# Cleanup and Redevelopment of Brownfields

Key ingredients to creating economically, environmentally, and socially equitable communities





**Build Partnerships**

**Engage the Community**

**Funding Sources**

**Fertilizer**



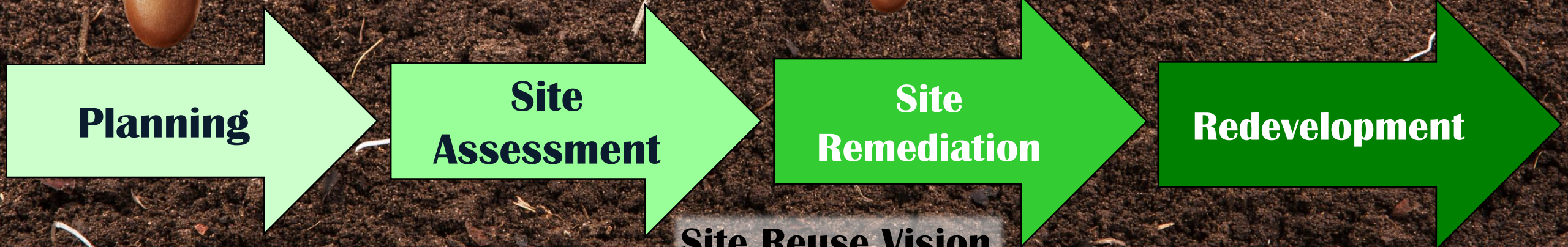
**Planning**

**Site Assessment**

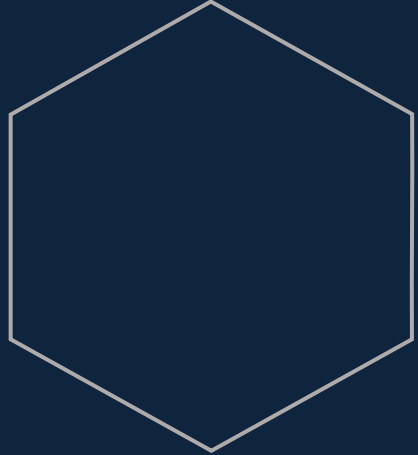
**Site Remediation**

**Redevelopment**

**Site Reuse Vision**







# EPA MARC Grants



# EPA MARC Grants

**Multipurpose Grant** – provide funding to conduct a range of eligible planning, assessment, and cleanup activities at one or more brownfield sites in target area(s)

**Assessment Grants** – provide funding for brownfield inventories, planning, environmental assessments, and community outreach

**Revolving Loan Fund (RLF) Grants** – provide funding to capitalize loans that are used to cleanup brownfields

**Cleanup Grants** – provide funding to carry out cleanup activities at brownfield sites by the applicant





EPA Multipurpose Grant

EPA Assessment Grant

EPA Cleanup Grant

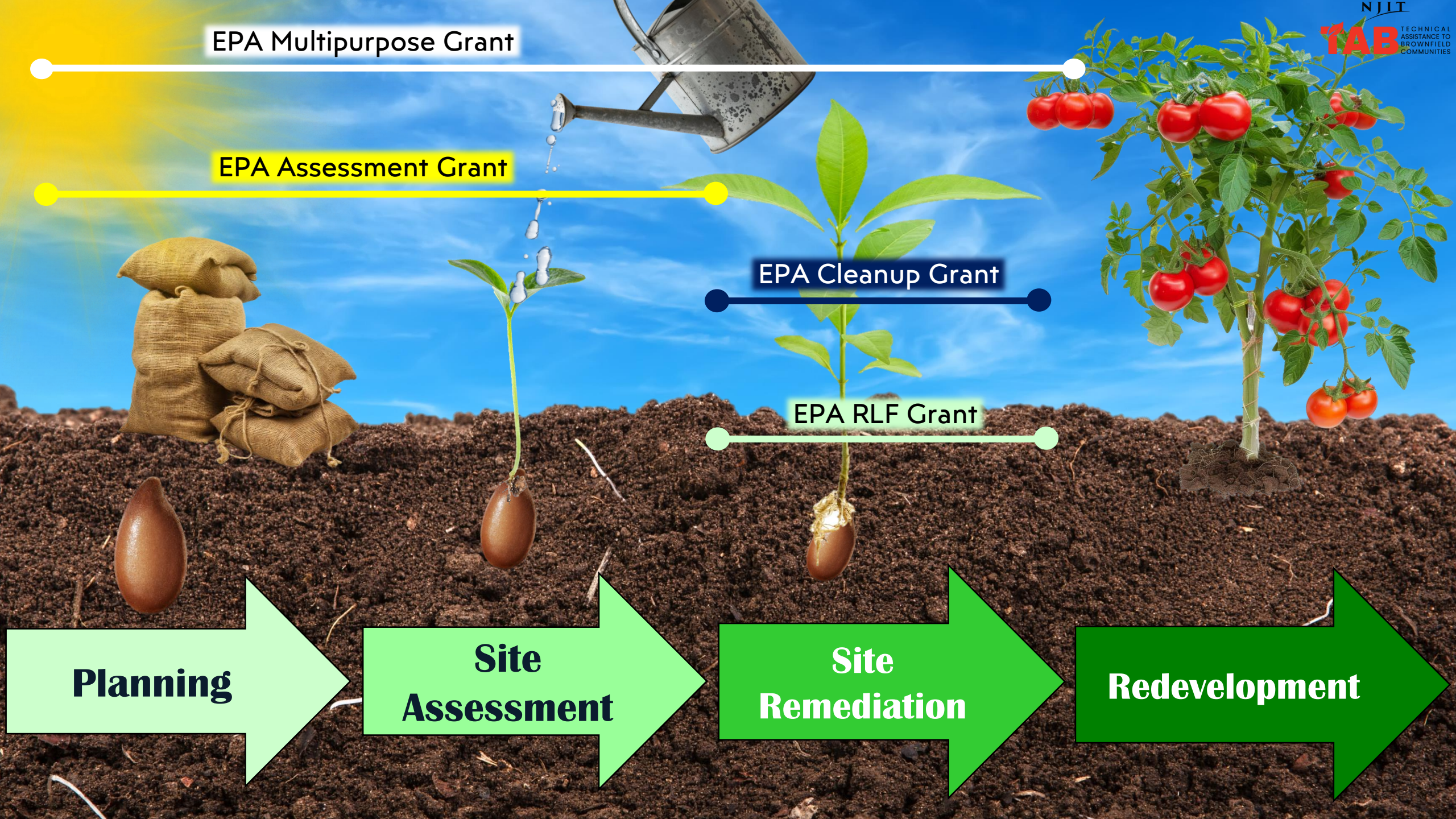
EPA RLF Grant

**Planning**

**Site Assessment**

**Site Remediation**

**Redevelopment**







# Who is eligible for EPA Brownfield grants?

- ✓ State
- ✓ County
- ✓ Local
- ✓ Tribal
- ✓ Non-profits

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# EPA Brownfields Grant Solicitation Cycle



**Request For Applications (RFA)**

Fall



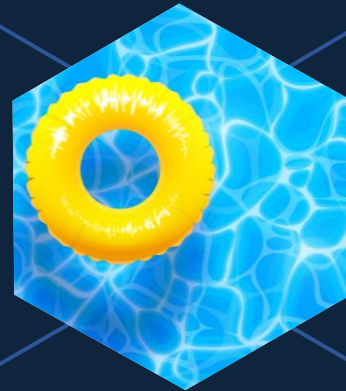
**Grant Application Submissions Are Due**

Six weeks after the RFA (Winter)



**Successful Grant Applicants Are Announced**

Spring



**Funding Becomes Available**

Late Summer



**Ready, Set, Redevelop!**

# Why is Starting Early Important?

- Only six weeks from RFA to submission date
- Builds a solid planning foundation or continues existing planning efforts
- Provides time to address EPA application emphasis areas
- Allows for more involved technical assistance

A visual representation of all my deadlines coming at me



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# Narrative Ranking Criteria

| Section I   | Section II                              | Section III   | Section IV                                   |
|---|---|---|--|
| Project Area Description and Plans for Revitalization | Community Need and Community Engagement | Task Descriptions, Cost Estimates, and Measuring Progress | Programmatic Capability and Past Performance |

# What to Get Started on Now



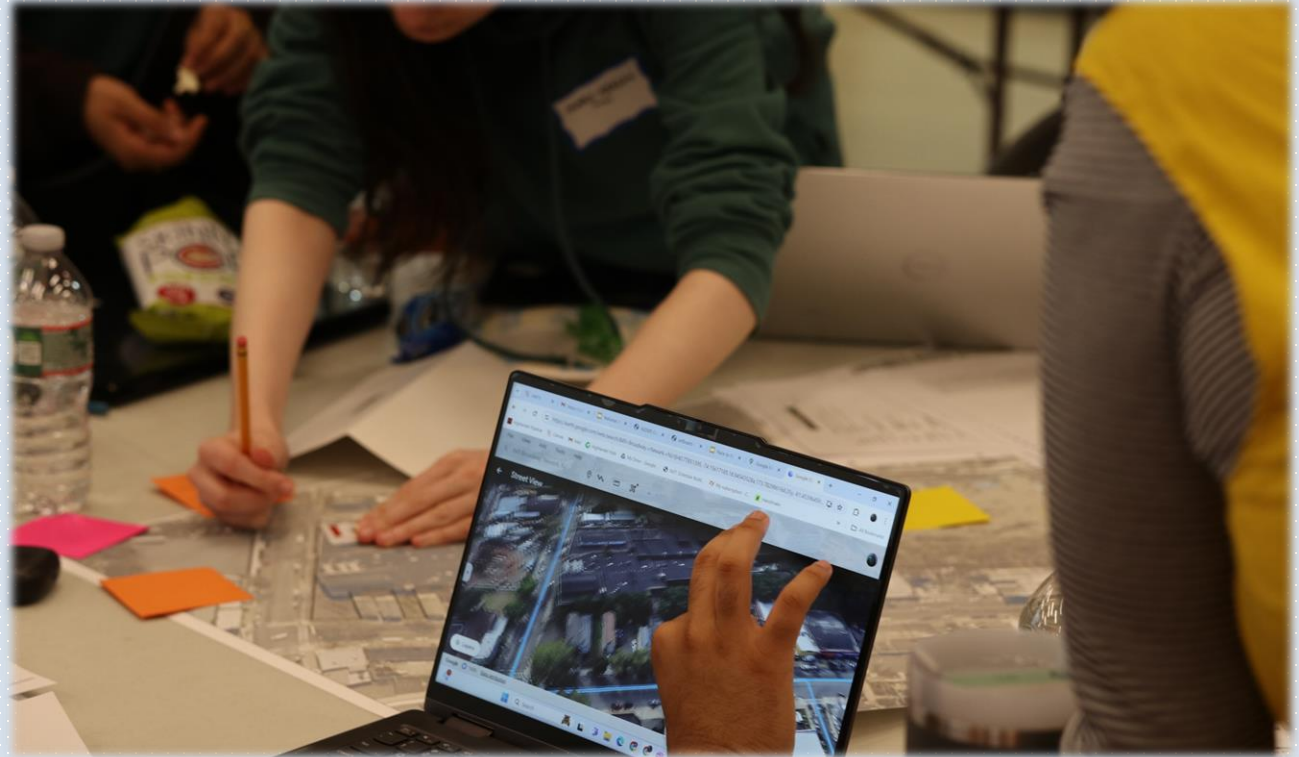
Ready

- Community Engagement
- Partnerships
- Demographic and Health Data Collection
- Identification of Relevant Planning Efforts and Documentation
- Geographic and Target Area Identification
- Brownfields Identification and Prioritization
- Priority Brownfields Site Information





# Community Engagement



- Begin community/stakeholder outreach
- Identify project goals
- Identify completed outreach activities

# Partnerships

## Typical Partners:

- Federal, state, tribal and local agencies
- Local elected officials
- Local and regional community development agencies
- Developers
- Community members
- Tribes
- Property owners
- Academia
- Potentially responsible parties (PRPs)
- Private business and industry
- Non-profit organizations

***Go beyond the 'usual suspects'***





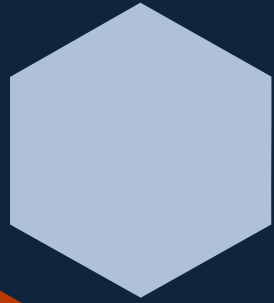
# Demographic & Health Data Collection

Why is data critical for a competitive application?

1. Quantifies Community Needs and Challenges
2. Supports Community Story
3. Helps Identify Project Goals



# Identification of Relevant Planning Efforts and Documentation



## Plans to Consider:

- Target Area Specific Redevelopment Plans
- Master Plans
- Zoning
- Transportation Plans
- Stakeholder/Community Engagement Findings





# Common Data Sources

## Sources for Information:

- Census Data
- Health Department Data
- Center for Disease Control
- Territory records
- Census tract data
- Community Health Needs Assessments
- EPA EJSCREEN
- EPA Envirofacts
- CEJST
- Recent local Comprehensive or Revitalization Plans
- Comprehensive Economic Development Strategy or other Regional Plans
- Local Hospitals or Urgent Care Centers





State  
Region  
Tribal Lands  
County  
Municipality  
Neighborhood



## What is a Geographic Area?

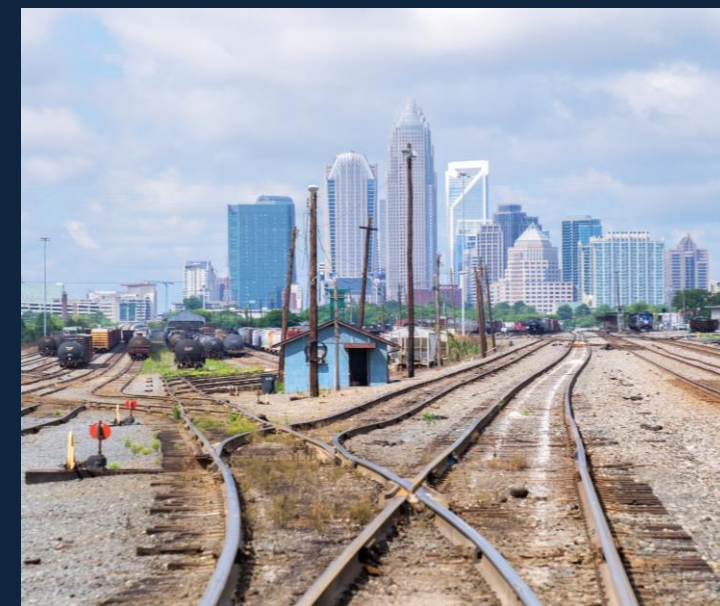
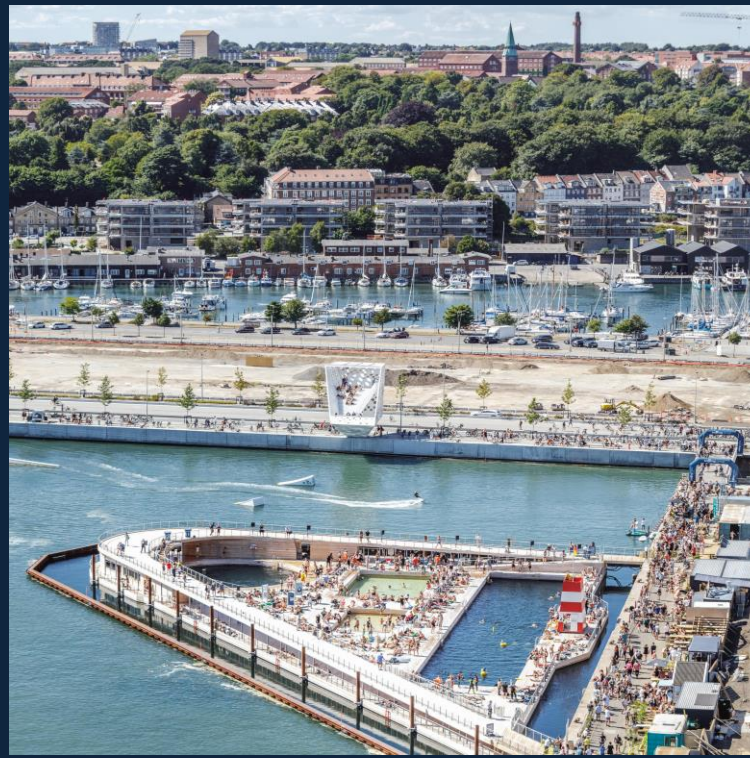
- The area you are going to conduct eligible activities with your grant funds.
- Area suffers from brownfield challenges & impacts.
- Can include your entities jurisdictional or service area boundaries or a sub area of those boundaries.





# What is a Target Area?

- Downtown District
- Community Gateway
- Waterfront Area
- Industrial District
- Corridors



# Brownfield Identification and Prioritization

## Why is site identification & prioritization important for a competitive application?

- ✓ Shows a Comprehensive Approach
- ✓ Makes the Best Case for Application Story
- ✓ Focuses Project Goals

## Things to consider:

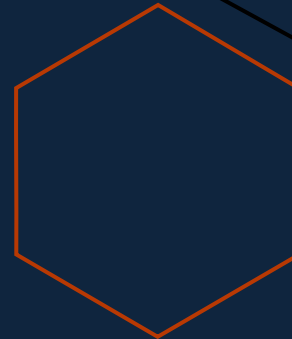
- Existing Brownfield Inventory
- Site(s) Location
- Meets Brownfield Definition
- EPA Eligibility
- Associated Compelling Data
- Site(s) Potential to Meet Project Goals





# Priority Brownfield Site Information

- Meets the definition of a brownfield
- Ownership
- Past site uses
- Contamination
- Structures
- Wetlands
- Floodplain
- Secured site
- Available infrastructure



# Requirements to Submit an Application

| Requirement   | Accept ✓  | Reject ✗   |
|---|---|--|
| Active <a href="http://www.sam.gov">www.sam.gov</a> account through deadline                      | <ul style="list-style-type: none"><li>The account is active and matches the applying entity's information</li></ul>   | <ul style="list-style-type: none"><li>Inactive/expired account</li><li>Account is being updated, but is in "processing" status</li></ul>                   |
| Obtain a Unique Entity Identifier (UEI) generated in <a href="http://www.sam.gov">www.sam.gov</a> | <ul style="list-style-type: none"><li>The same UEI must be used on future applications</li></ul>  | <ul style="list-style-type: none"><li>Another organization's/ department's UEI is listed on the Standard Form 424</li></ul>                                |
| Active <a href="http://www.grants.gov">www.grants.gov</a> account                                 | <ul style="list-style-type: none"><li>Associated with same, correct UEI number</li></ul>  | <ul style="list-style-type: none"><li>Application is not submitted through grants.gov solely due to an incomplete registration/ inactive account</li></ul> |
| Submission by the Authorized Organization Representative (AOR)                                    | <ul style="list-style-type: none"><li>Designed in grants.gov by the E-business POC (listed in sam.gov)</li><li>Has a grants.gov account</li><li>Submits the application in grants.gov</li></ul> | <ul style="list-style-type: none"><li>Someone other than the designated AOR submits the application</li></ul>  |





# SAM.gov Entity Registration Checklist

Stuff like:

- ✓ Legal business name
- ✓ Organization start date
- ✓ Website
- ✓ Address (need proof)
- ✓ Criminal/  
civil proceedings
- ✓ NAICS code
- ✓ Point of Contact info



Sign In

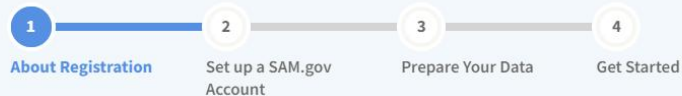
Home Search Data Bank Data Services Help

## Get Started with Registration and the Unique Entity ID

Submitting a registration and getting a Unique Entity ID are FREE.

### Before You Get Started

Review these steps to choose which option is right for you. You can register to bid and apply for federal awards or you can request a Unique Entity ID only without having to complete a registration.



#### 1 About Registration

If you want to apply for federal awards as a prime awardee, you need a **registration**.

A registration allows you to bid on government contracts and apply for federal assistance. As part of registration, we will assign you a Unique Entity ID.

To see comprehensive instructions and checklist for entity registration, download our [Entity Registration Checklist](#).

If you do not want to apply directly for awards, then you do not need a registration. If you only conduct certain types of transactions, such as reporting as a sub-awardee, you may not need to complete a registration. You may only need a **Unique Entity ID**.

[What does it mean to get only a Unique Entity ID and not register?](#)

Entity Information Home

### Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

Get Started

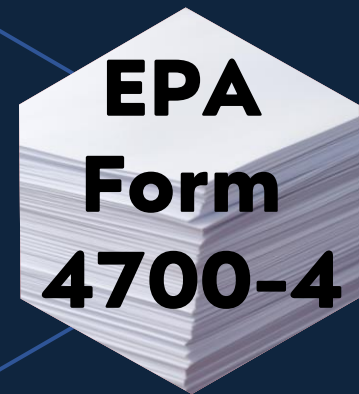
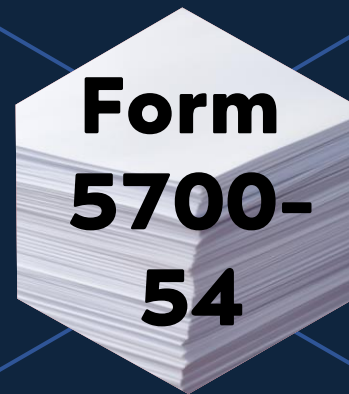
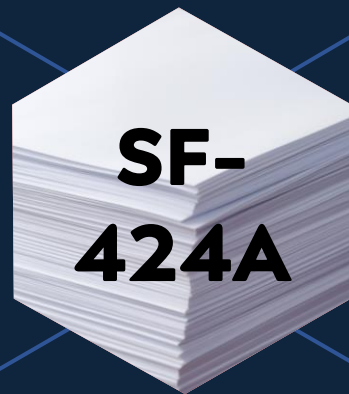
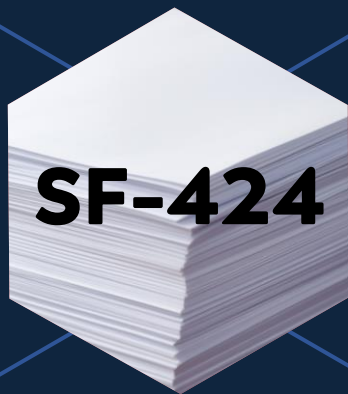
Renew Entity

Check Entity Status

### Already Registered?

You must renew your registration every 365 days to keep it active. You can make updates to your registration anytime or during renewal. If you're already registered, you already have a Unique Entity ID.

- ➔ [Go to your Entity Management Workspace to update or renew your registration](#)
- ➔ [Check the status of your registration.](#)
- ❓ [How do you know if you are already registered?](#)



# Required Forms



# Required Attachments

## State/Territory Letter

- Usually from state/territory environmental regulatory entity

- For all grant types

- Cleanup

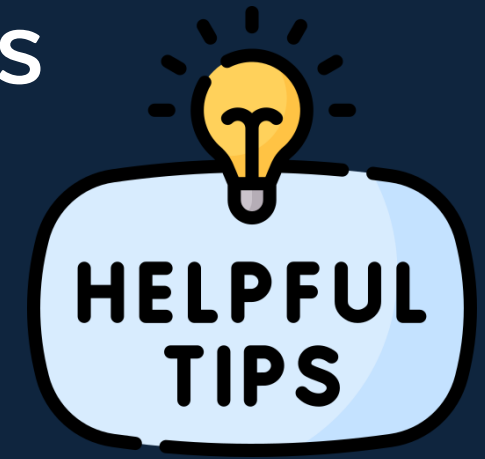
## Cleanup

- Community Notice



# Tips and Tricks for EPA Brownfield Grant Applications

- Read the guidelines and resource materials thoroughly.
- Follow the guidelines outline, don't get creative.
- Use tables when appropriate.
- Do not include maps or photos in the application.
- Don't skip questions because you don't have information or data.
- Do not add hyperlinks to data or other information.
- Get one person to edit the application.
- Get someone who knows nothing about the project to review your application.
- If you hire a consultant, make sure they tell the story you want told.





# All Appropriate Inquiry

## And the Brownfields Redevelopment Process

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Director, Environmental Services  
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Engage the community

Funding sources



Planning

- Assemble a task force
- Create a Brownfield Inventory and prioritize sites

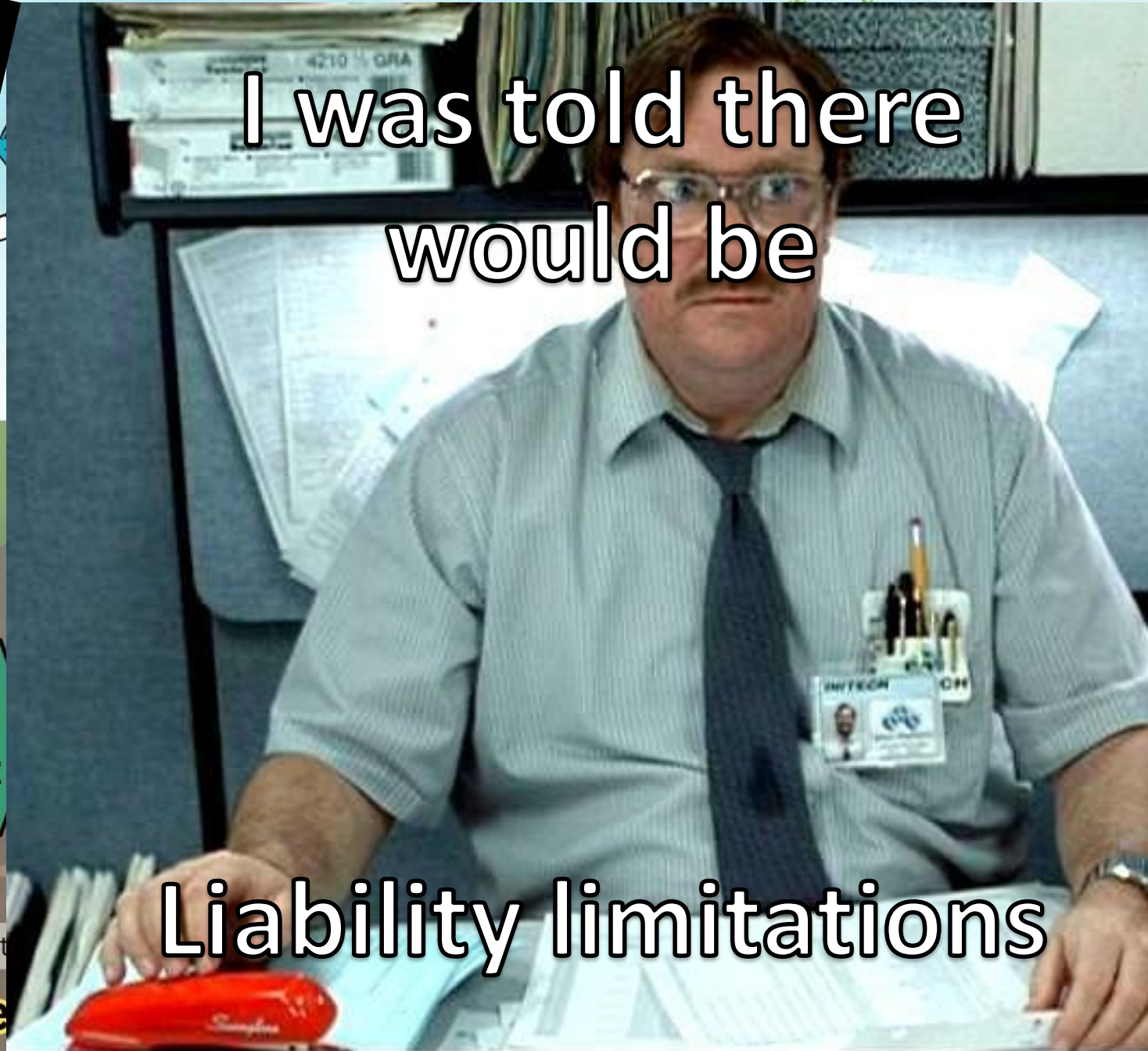
Site Assessment

- Phase I ESA
- Phase II ESA
- Remedial Investigation

Site

I was told there would be

Liability limitations





**AND FOR THAT REASON**

**I'M OUT**







# Thresholds for obtaining CERCLA liability limitation

- ✓ Perform All Appropriate Inquiry
- ✓ Demonstrate “no affiliation” with responsible party
- ✓ **Comply with continuing obligations**

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# Continuing Obligation

- Demonstrating that no disposal of hazardous substances occurred at the facility after acquisition by the landowner (for BFPPs and ILOs);
- Complying with land use restrictions and not impeding the effectiveness or integrity of institutional controls (ICs);
- **Taking “reasonable steps” with respect to hazardous substance releases affecting a landowner's property;**
- Providing cooperation, assistance, and access to persons authorized to conduct response actions or natural resource restoration;
- Complying with information requests and administrative subpoenas (for BFPPs and CPOs); and
- Providing legally required notices (for BFPPs and CPOs).



# Thresholds for obtaining CERCLA liability limitation – and to be eligible for EPA Grants

- ✓ **Perform All Appropriate Inquiry**
- ✓ Demonstrate “no affiliation” with responsible party
- ✓ Comply with continuing obligations

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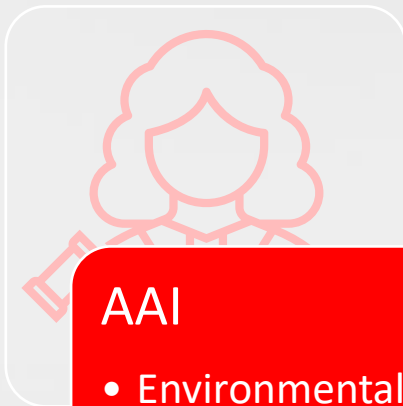
# All Appropriate Inquiry

The **process** of evaluating a property's environmental conditions and assessing the likelihood of any contamination

Must follow ASTM E1527-21

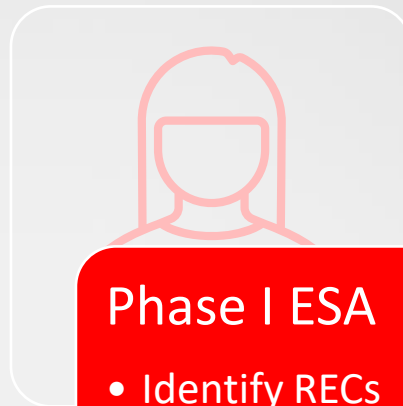


# All Appropriate Inquiry



## AAI

- Environmental conditions
- Likelihood of contamination



## Phase I ESA

- Identify RECs



## Final Report

- Opinion on RECs
- Identification of significant data gaps
- Qualification and **signature!!!!**
- Opinion on additional investigation

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# Recognized Environmental Conditions

- (1) the **presence** of hazardous substances or petroleum products in, on, or at the subject property **due to a release** to the environment;
- (2) the **likely presence** of hazardous substances or petroleum products in, on, or at the subject property **due to a release or likely release** to the environment; or
- (3) the **presence** of hazardous substances or petroleum products in, on, or at the subject property under conditions that **pose a material threat of a future release** to the environment.

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# REC Identification

# Recognized Environmental Conditions





# ASTM 1527-21: Recommended Format

## **Executive Summary**

Findings, opinions, and conclusions

## **Introduction**

Subject property & purpose of Phase I  
Contractual details, limiting conditions,  
deviations, exceptions, assumptions, etc.

## **User-Provided Information**

### **Site Reconnaissance**

Site setting, interior/exterior observations  
Uses and conditions of current & adjoining  
property

### **Records Review**

Review of physical setting sources and other  
records  
Historical use information

## **Interviews**

Past and present owners and occupants  
State and local government officials

## **Non-Scope Services**

Additional services

## **Findings and Opinions**

Including any significant data gaps and deletions

## **Conclusions**

Including recommendations

## **Environmental Professional Statement**

## **References**

## **Appendices**

Supporting documentation  
Figures, Photographs  
Qualifications of EP

# Phase I Possible Outcomes

No Recognized Environmental Conditions (RECs) identified and data are complete and timely

- No further assessment or study needed

Significant data gaps exist, additional information needed to determine if RECs are present

- Conduct additional Phase I activities
- Conduct Phase II

RECs are present and require investigation to determine potential risks and if remedial actions are necessary

- Proceed to Phase II ESA



# Per- and Polyfluoroalkyl Substances (PFAS)

As of April, 2 PFAS compounds are considered hazardous substances by the EPA and are now therefore under the purview of ASTM 1527-21

## Where can PFAS be found?

- **Drinking water** – in public drinking water systems and private drinking water wells.
- **Soil and water at or near waste sites** – at landfills, disposal sites, and hazardous waste sites such as those that fall under the federal Superfund and Resource Conservation and Recovery Act programs.
- **Fire extinguishing foam** – in aqueous film-forming foams (or AFFFs) used to extinguish flammable liquid-based fires. Such foams are used in training and emergency response events at airports, shipyards, military bases, firefighting training facilities, chemical plants, and refineries.
- **Manufacturing or chemical production facilities that produce or use PFAS** – for example at chrome plating, electronics, and certain textile and paper manufacturers.
- **Food** – for example in fish caught from water contaminated by PFAS and dairy products from livestock exposed to PFAS.
- **Food packaging** – for example in grease-resistant paper, fast food containers/wrappers, microwave popcorn bags, pizza boxes, and candy wrappers.
- **Household products and dust** – for example in stain and water-repellent used on carpets, upholstery, clothing, and other fabrics; cleaning products; non-stick cookware; paints, varnishes, and sealants.
- **Personal care products** – for example in certain shampoo, dental floss, and cosmetics.
- **Biosolids** – for example fertilizer from wastewater treatment plants that is used on agricultural lands can affect ground and surface water and animals that graze on the land.





If you have any questions about this presentation, please reach out.

# Thank you for joining!

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**TAB** TECHNICAL ASSISTANCE TO BROWNFIELD COMMUNITIES



# What is



NJIT provides free technical assistance to state, regional, county, tribal, and local government entities and nonprofit organizations interested in learning about, identifying, assessing, cleaning up, and redeveloping brownfield sites in EPA Regions 2 & 4.

## Contact Us:



[tab@njit.edu](mailto:tab@njit.edu)



(973) 642-4165



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[company/njit-tab](https://www.linkedin.com/company/njit-tab)

# Competitively Procuring a Contractor



**Carrie Martin, AICP**

Environmental Sustainability Planner  
NJIT TAB



Made possible with funding from the EPA



# Procurement

“As a recipient of EPA financial assistance agreement (grants and cooperative agreements), you will likely find it necessary to purchase or “procure” professional services, supplies or equipment, in order to complete the work under your EPA awards.”

A procurement contract is **NOT**:

- Personnel or current employees who are on your organization’s payroll
- A subaward of financial assistance to an eligible organization
- Transfers of funds between agencies of the same unit of government (e.g., state, tribal and local governments)
- Support for the participation of an individual

# What is a Procurement Contractor?

Transactions with for profit companies and individual consultants are procurement contracts (with very, very few exceptions).

Procurement contractors (including individual consultants) typically:

- Provide goods and services on commercial terms;
- Provide similar goods and services to many different purchasers;
- Operate in a competitive environment; and
- A reasonable profit is allowable.



# Competition Threshold

- Any contract associated with an EPA Brownfield Grant that will exceed \$10,000 (micro-purchase)

## Why?

- To ensure fair and open competition for goods and services
- It is required of grant recipients of federal funds



### It's the Law!

Uniform Grant Guidance  
(UGG) 2 CFR Part 200  
2 CFR Part 200.317 – 200.327  
(UGG Procurement  
Standards)  
2 CFR Part 1500  
(Full and Open Competitive  
Requirements)

40 CFR Part 33 EPA Regs:  
Disadvantaged Business  
Enterprises (DBE)

# Principles of Procurement

- Have a clear understanding of what you need and want
- Know the procurement rules & regulations
- Understand the timeline and process
- Create a procurement team – reviewers, evaluators, lead
  - Procurement team should be unbiased and knowledgeable
- Document the process
- You must conduct your procurement in accordance with 2 CFR 200, even if your own procurement system has less stringent standards



# Procurement Options

**Request for Proposals  
(RFP)**

OR

**Request for  
Qualifications (RFQ)**

Process used to select a single firm to conduct professional services as outlined in the scope of work (SOW)





Process used to select a stable of qualified consultants to choose from for various work order tasks when required

**Proposals**

**Statement of  
Qualifications**

**Note: Cost must be a consideration regardless of which method you choose**

# What **NOT** To Do

-  Do **not** seek or accept any assistance from a contractor in preparing an RFP/RFQ if that same contractor plans to submit an offer in response to that RFP/RFQ.
-  Do **not** use sample language or templates from contractors planning to bid on the RFP/RFQ.
-  Do **not** include language that restricts/limits competition or gives a particular contractor an advantage.
-  Do **not** include the workplan in the RFP/RFQ if you received assistance from a contractor in developing the workplan and that contractor plans to submit a bid.



# What You **MUST** Do



Make good faith efforts to solicit proposals or quotes from Disadvantaged Business Enterprises (DBE) as required by 40 CFR Part 33.



Publicly advertise the RFP/RFQ on a website or through other means designed to promote full and open competition. EPA recommends an open period of at least 30 days on a website or other means designed to promote full and open competition.



If only one bid is received, you must negotiate profit as a separate element of the contract.



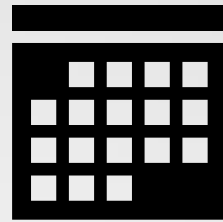
If you select a contractor that is not offering the lowest price, you must document the rationale and basis for the contract price as required by 2 CFR 200.318(h) and (i).

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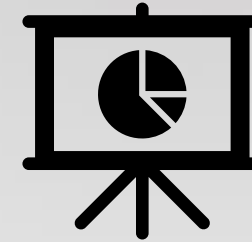
# Scope Of Work (SOW) Elements



Project  
Goals



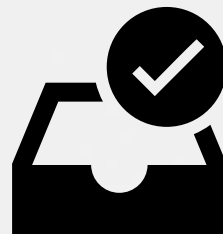
Timeline



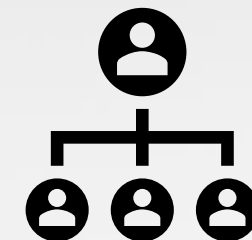
Expected  
Results



Conditions



Deliverables



Management



# SOW Development

## Ask Yourself:

- Does SOW align with overall goals?
- Does SOW align with Work Plan?
- Do tasks and resulting outcomes meet your needs?

**Be clear and concise regarding expectations.  
This is your contract!**

# Cost Price Reasonableness

The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.



## Supporting Resources

### U.S. EPA

[Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements \(November 2022\)](#)

[Appendix A: Conducting a price and/or cost analysis](#)

### Community Lattice

[Analysis of Brownfields Cost \(ABC\) Tool](#)

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# Disadvantaged Business Enterprise (DBE) Opportunity

Each procurement contract signed by an EPA financial assistance agreement recipient must include the following term and condition:

*The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.*

- Under 40 CFR 33.301, a federal assistance recipient must make good faith efforts to contract with DBEs whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement.
- Good faith efforts must be documented, and that documentation retained. Failure to do so may constitute non-compliance (40 CFR 33.105).
- Examples of proper documentation include, but are not limited to:
  - email logs,
  - phone logs,
  - electronic searches and communication,
  - handouts at conferences,
  - flyers sent to DBEs or similar records.



# Building Your Solicitation

- Introduction/Background
- SOW
- Terms, Conditions, Expectations
- Budget
- Experience/Qualifications
- Submission Requirements
- Evaluation Criteria
- Project Timetable
- Attachments

# Evaluation Criteria

- Evaluation Criteria must be in solicitation
- Weighted
- Possible Categories
  - Experience & Capacity of Team
  - Experience w/Community Engagement
  - Reasonableness of Cost/Price Proposal
  - References
  - Experience in Successfully Completing Tasks/Projects
  - Experience in Addressing Contaminated Properties

# Bid Process

- Open and free competition
- Publish according to procurement guidelines
- Minimum of thirty (30) days on a website or other means designed to promote full and open competition
- Point of Contact
- Instructions & Questions (Must Share Q&A's!!)
- Timeframe & Deadlines
- Interviews (If necessary)



# Contractors and Named Subrecipients

In Your EPA Brownfields Application...

## Contractors

EPA does not require or encourage applicants to procure contractors (including consultants) before the EPA cooperative agreement is awarded, but applicants may choose to do so.

If you choose to do so...

- You must disclose that you have done so in the application Threshold Criteria.

# Contractors and Named Subrecipients (cont.)

In the **Threshold Criteria** applicants must describe:

- the procurement procedures that were followed to hire the contractor(s) and include information on **where and when** the Request for Proposals/Request for Qualifications was posted;
- the length of time the RFP/RFQ was advertised;
- the number of firms solicited and the number of offers received and considered; and
- the name(s) of the firm(s) the applicant entered into contract with.

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# Most Asked Question

“Can I do a single RFP for grant writing as well as implementation services?”

You can but...

- It must be a free and open competition
- The RFP CANNOT be written by, taken from, given by, etc. a consultant who may be bidding
- The evaluation must have a cost criteria
- It must adhere to ALL of the procurement guidelines & regulations
- Cost/price reasonableness must be a factor on EVERYTHING being solicited



# Resources

EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements

Brownfields Grants: Guidance on Competitively Procuring a Contractor

PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Analysis of Brownfields Cost (ABC) Tool

**Questions**