



USACE Preplaced and Rapid Response Contracts

Office of Emergency and Remedial Response
Hazardous Site Control Division

Quick Reference Fact Sheet

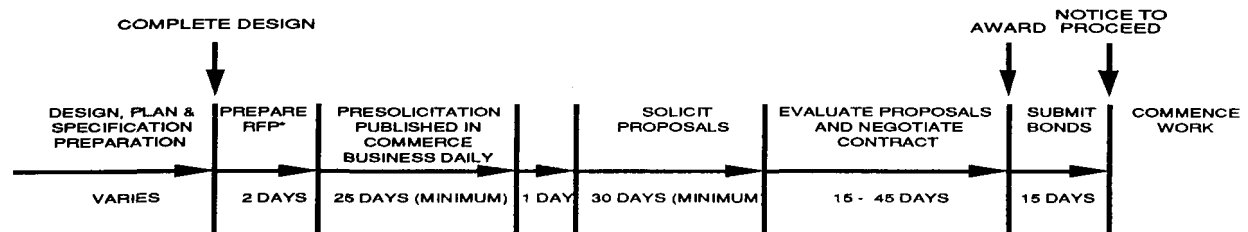
The U.S. Army Corps of Engineers (USACE), with EPA, has been exploring methods to expedite the initiation of remedial action at Superfund sites. To meet this objective, the Kansas City District (CEMRK) and Omaha District (CEMRO) have implemented two innovative contracting strategies: Preplaced Remedial Action (PRA) and Rapid Response (RR) contracts. Both are cost-reimbursable, indefinite delivery contracts with maximum amounts of \$50 million per contract. Each contract has the flexibility to accept either fixed-price or cost reimbursement delivery orders. The period of performance for both contracts is one year with four one-year options. There is no annual ceiling other than the total \$50 million contract limit.

To award a site-specific contract under normal procurement procedures, an announcement must be published in the Commerce Business Daily, contract proposals evaluated, and an audit must be performed. Indefinite delivery contracts require that the solicitation criteria be performed only for the basic contract, not for each site-specific action. Once the basic contract is in place, the time required to initiate construction is greatly reduced, since individual delivery orders are subsequently made against this contract. Because the delivery orders are not subject to bid protests, additional delays may also be avoided. As the time lines for site-specific and indefinite delivery contracts show, a minimum of approximately two months can be saved in procuring a contractor. (Additional delays of four to six months for bid protests may be avoided.)

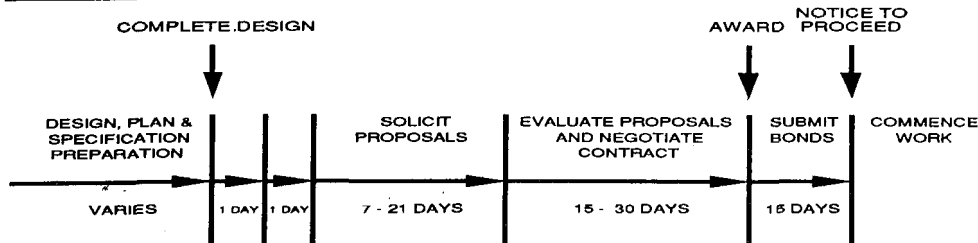
The purpose of this document is to describe the PRA and RR programs and contracts. Included is an overview of the program, the roles and responsibilities of USACE and EPA, program execution, resource management, contract management, and program policies.

APPROXIMATE TIME REQUIRED TO NEGOTIATE PROCUREMENT ACTIONS SITE - SPECIFIC VERSUS INDEFINITE DELIVERY

SITE - SPECIFIC



INDEFINITE DELIVERY



* Requests for Proposals

PREPLACED REMEDIAL ACTION CONTRACTS

Description

The Preplaced Remedial Action (PRA) contracts are cost-plus-fixed-fee with a total value of fifty (50) million dollars per contract with no delivery order dollar maximum. PRA contracts are structured for use in full scale remedial actions and can be used to implement a wide range of source control and ground water remedies. The Omaha District has four PRA contracts in place and the Kansas City District has three.

USACE EXPEDITED CONTRACTING STRATEGIES			
	USACE DISTRICT		CONTRACT AMOUNT
	OMAHA	KANSAS CITY	
Preplaced Remedial Action Program	4	3	\$50 Million per Contract
Rapid Response	2		\$50 Million per Contract, \$2 Million per Delivery Order

Requirements

If the site is well defined and detailed plans and specifications are available or can be developed for the proposed action, a fixed price delivery order will normally be issued. However, if the site is less well defined, a cost-reimbursable delivery order may be issued. (The use of cost reimbursable delivery orders also allows the design time to be shortened since quantities do not have to be as accurately described.) Because of the expedited nature of the contract, it is desirable to have the USACE perform the design work or at least to provide technical oversight if the design is completed by others.

Use

PRA contracts may be used for projects when delaying the remedial action for normal procurement actions results in possible detrimental effects on human health and/or the environment. The decision to use the PRA contracts can be reached in two ways:

- EPA Regions can request the USACE to use the contracting vehicles if they believe the situation warrants expedited action; or
- The USACE, during their evaluation of contracting and scheduling alternatives, can determine that use of the PRA contracts is the most effective approach to the remedial action.

EPA Regions 1, 3, 5, 8 and 9 should make their requests to the Omaha Design District and Regions 2, 4, 6, 7 and 10 to the Kansas City District. When EPA desires the USACE to employ a PRA contract, the request should include a brief statement (a short paragraph) describing the need for the expedited action. This explanation should indicate that the work is time critical and must commence within the next six months (this includes design time).

RAPID RESPONSE PROGRAM

Description

The rapid response (RR) program contracts are cost-plus-award-fee with a total value of fifty (50) million dollars per contract. There is a two (2) million dollar limit per delivery order. RR contracts are for removal actions, closures, point source contamination control and site stabilization. They are available for use anywhere in the United States and its Territories. The Omaha District has two RR program contracts in place. The Kansas City District does not administer any RR contracts. All EPA Regions will be served by the Omaha District contracts.

Use

RR contracts may be used for projects where it is necessary to abate, stabilize, mitigate, or eliminate a hazardous substance release or the threat of a release; to remove point sources of contamination; to implement time-critical removal actions as defined in the NCP (proposed); and to implement small scale remedial actions.

COSTS

Under normal circumstances, EPA must request the use of RR contracts since the primary intent of the contracts is site stabilization not remedial implementation. To use the RR contracts, EPA must complete a Rapid Response Project Request Form which may be obtained from the Missouri River Division of the USACE. As with the PRA contracts, the request should include a short statement describing the need for expedited actions.

Requirements

When using the RR contracts, site information such as a Remedial Investigation/Feasibility Study, Closure Plans, Corrective Action Plans, and any other pertinent site information should be provided to USACE with the Rapid Response Project Proposal Form. If the RR contract is to implement a small scale remedial action, the plans and specifications should be furnished to the USACE.

TIME FRAME

USACE anticipates a time frame of approximately 30-60 days from decision to use PRA and RR contracts to delivery order award. The delivery order initiation procedures are:

- EPA/USACE decides to use PRA or RR contracts.
- USACE prepares a Scope of Work and Government Estimate.
- USACE sends a Request For Proposal (RFP) to one of the PRA or RR contractors.
- The contractor reviews the RFP and submits a proposal.
- The final scope and cost of the proposal is then negotiated between the government and the contractor.
- With a price agreed upon, the government issues a Notice to Proceed to the contractor and the work begins.

While the PRA and RR basic contracts were competitively bid, the individual delivery orders are not. For this reason, a remedial action initiated under a PRA or RR contract may cost slightly more than an individually procured, competitively bid, site-specific contract. USACE administration and management of these contracts is more labor intensive, thereby raising the contract administration costs. To recover these costs, a small contract utilization fee shall be applied to delivery orders, and shall be in addition to and included in the USACE contract management support costs for the specific IAG. This fee will apply to the initial delivery order and any modification exceeding \$250,000 and will amount to less than one half of one percent of the delivery order or change order cost.

ADMINISTRATIVE PROCESS

When EPA decides to request the USACE to use either the PRA or RR contracts, the Regional Project Manager (RPM) should contact the respective USACE District to discuss the feasibility of using either contract. If these initial discussions are positive, the RPM should proceed with the formal request.

The administrative process is identical to the existing process for assigning work to the USACE. An Interagency Agreement (IAG) for the remedial action must be executed. The request and supporting documentation to use either PRA or RR contracts should accompany the IAG. In addition, to ensure that the USACE has a thorough knowledge of the project, it is preferable that the USACE either perform the design or provide technical assistance to EPA during design.

CONCLUSIONS

These contract strategies are one method available to Regional personnel to expedite the initiation of remedial activities. They can be used when it is necessary to begin site activities quickly due to the possible detrimental effects to human health and/or the environment if action is delayed. The EPA point-of-contact for more information is William Zobel (202/382-2347). The USACE point-of-contact for more information is Sandi Zebrowski (402/691-4524).