



CORAS Bulletin

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We would like to thank the Conflict of Interest Unit, Quality Assurance Staff, Procurement and Contracts Management Division for the following article on Conflict of Interest.

Conflict of Interest in The SUPERFUND Program

During the past year, conflict of interest (COI) in the Superfund Program has been a subject of increasing concern. EPA has historically relied heavily upon contractors to accomplish its mission. However, as the Superfund Program and the hazardous waste industry as a whole continue to grow, the need to develop more comprehensive procedures for detecting and avoiding conflicts has become increasingly more important.

The Agency recognizes that some Superfund contractors working for EPA on sites sometimes also work for firms that may have liability for the pollution of these sites and this could present those contractors with a COI that could: (1) impair or appear to impair their objectivity when performing work for EPA; or (2) hamper EPA's efforts to succeed in getting polluters to clean up these sites by jeopardizing the ability to successfully litigate enforcement cases or reducing the clean up costs EPA may be able to recover. For example, the Superfund contractor may be called upon to testify in court to support prior actions taken by the potentially liable parties, as well as testifying to support actions by EPA. The court, might then, question the contractor's objectivity. Due to the special nature of the Superfund program, EPA must be concerned with not only reviewing the COI prior to award, but also with ongoing and future COI.

Last year, both the General Accounting Office (GAO) in its report entitled, "Superfund Contracts: EPA's Procedures for Preventing Conflicts of Interest Need Strengthening" and the Agency in the Administrator's "Management Review of the Superfund Program" addressed the special vulnerability of the Superfund program to COI and strongly recommended that EPA take action to strengthen its ability to detect and avoid COI and that it issue formal guidance on the subject. Concerns were raised about the lack of consistency in contract clauses dealing with COI, the need for

monitoring of contractor compliance with EPA's requirement for detecting and avoiding COI, the need for requiring contractor certification concerning COI disclosure, as well as the need for better documentation of COI determinations.

As a result of the recommendations of the GAO Report and the Superfund Management Review, a major effort has been underway to develop clear and comprehensive guidance for handling COI in the Agency's Superfund contracts. This effort is being headed up by the COI unit established within Procurement and Contracts Management Division's Quality Assurance Staff Office headed by Katherine Seikel (475-7000). The COI unit, which was established to develop and implement COI guidance and to serve in an advisory capacity concerning COI in the Agency's programs, is staffed with three procurement analysts, Ann Carey (382-3152), Cal McWhirter (382-3185), and Stuart Toleman (475-8218).

The COI staff have been working closely with CORAS, the Program Offices, the Contract Offices, the Office of General Counsel and others to develop a proposed COI rule. This proposed rule was published in the Federal Register on April 26, 1990, for public comments. When the rule is finalized in the Fall of this year, it should provide the Agency with comprehensive and consistent guidelines to monitor actual, apparent and potential conflicts of interest.

The proposed rule includes changes to the EPA Acquisition Regulations (EPAAR) clause on Organizational Conflict of Interest, which will affect all contracts, and adds several COI clauses for Superfund contracts. The rule includes: (1) notification to the Contracting Officer of actual, apparent or potential organizational or personal COI prior to beginning work on work assignments; (2) limitation of future contracting COI clauses, specifically tailored to the various programs, when future work may conflict with work performed for EPA; (3) a requirement for contractor

certification of COI disclosure on both an annual and work assignment basis; and (4) a requirement for contractors to retain employee's confidentiality agreements and ensure their employees report COI.

In addition to the proposed COI rule, the COI unit is working on the development of a data base system "COINS" (Conflict of Interest National System) which will track COI actions and serve as a master data base from which COI actions can be coordinated and COI information can be researched.

Although additional procedures will be implemented when the rule is finalized, the procedures that should currently be followed for identifying, reporting and resolving COI situations are briefly summarized as follows. Contractors are required to identify and report all actual, apparent or potential COI to their EPA Contracting Officer, who has the responsibility to make COI determinations. A copy of all notifications and Contracting Officer determinations must be provided to the COI unit c/o Katherine Seikel, PM-214F.

In addition, contractor COI notifications to more than one Contracting Officer, in situations when a COI may impact multiple contracts, should be flagged so that determinations can be coordinated to ensure consistency in EPA's decisions. Contracting Officers will make the COI determinations based on a review and analysis of the facts and a consideration of any recommendations requested from the Project Officer, Program Office, the COI unit and/or legal counsel.

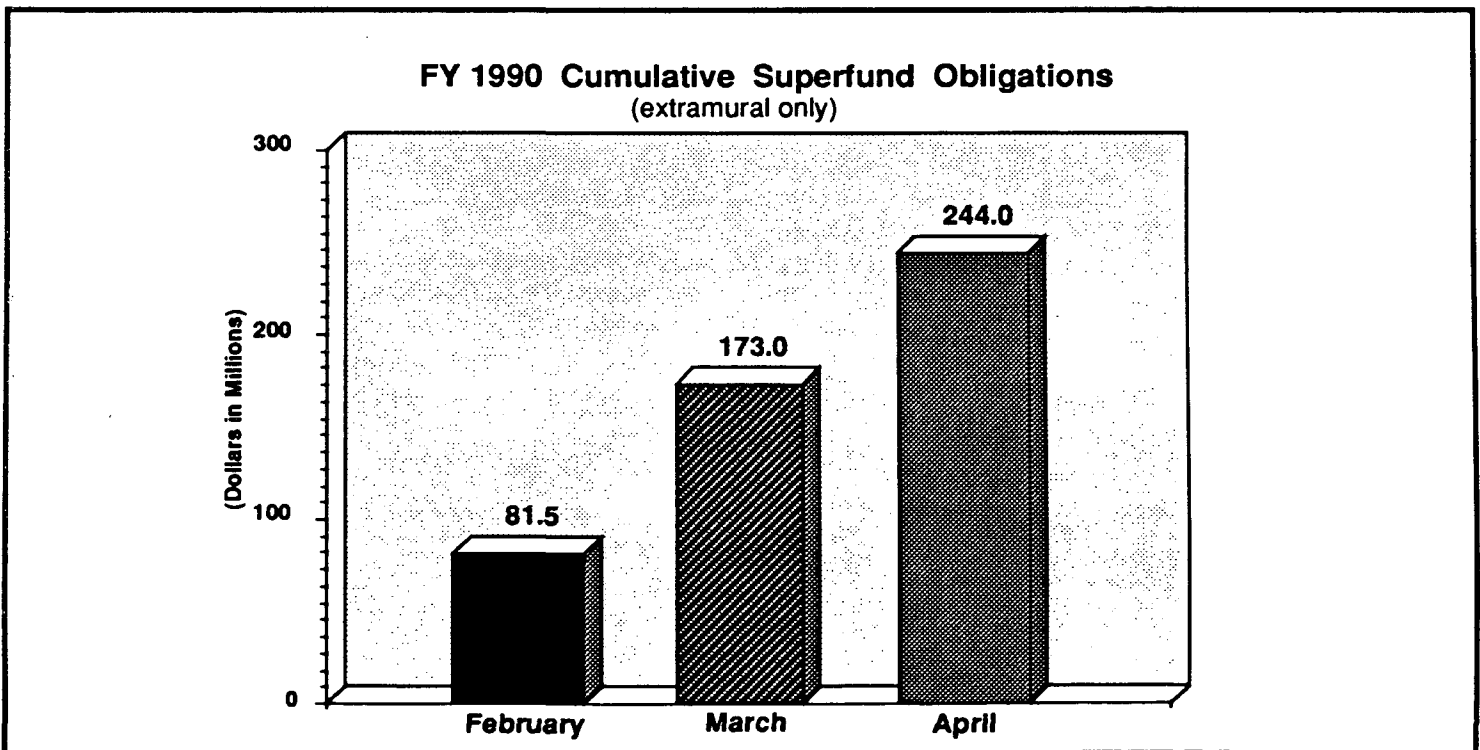
Clearly, the resolution of COI matters is often very difficult because the issues are complex and frequently there is insufficient information initially provided from which to make a decision. The COI staff have been working closely with Contracting Officers and Project Officers advising them on problems associated with COI. They are available to answer any questions you may have or assist you in resolving COI issues. In addition, please contact them if you have any comments on the proposed COI rule or recommendations on how EPA's procedures to identify and avoid COI can be improved.

New additions to the CORAS Family

Please join us in welcoming two new members to the CORAS staff:

Kerry Kelly most recently worked for Roy F. Weston, Inc., serving as Deputy Regional Manager of the Headquarters Technical Assistance Team. Prior to that she worked for the Florida Legislature's Oversight and Investigations Staff and for Velsicol Chemical Corporation. She has a masters degree from the Lyndon B. Johnson School of Public Affairs. She will be working on the Long-Term Contracting Strategy and other Superfund contracting issues.

Juanita Wilkinson, is CORAS' new secretary. She has worked in EPA for 3 years and comes to us from the Office of Policy, Planning and Evaluation; Office of Regulatory Management and Evaluation; Science, Economics and Statistical Division; Statistical Policy Branch.



**Congratulations to the following recipients of the
1990 CONTRACTS MANAGEMENT AWARD
for work related to Superfund contracts:**

OUTSTANDING

MOHAMMAD SHAHEER ALVI (Region II, ERRD) - for his initiatives in the Superfund program that resulted in efficiencies and cost savings. Also, as a result of Mr. Alvi's recommendations, a number of changes in the third cycle ARCS RFP provided distinct advantages to the Government during the negotiation process. These changes were also adopted by Regions IV, VI, VII, VIII, and IX in their round of ARCS contract negotiations.

SUPERIOR

JAN ROGERS (Region IV, WMD) - for his initiation and consistent support of new and innovative contracting methods in the Superfund program resulting in improved contractor performance and substantial cost savings. Mr. Rogers has also been responsible for the development of a prequalification contracting strategy and for the development of a delivery order expenditure tracking system.

EDDIA. SIERRA (Region VI, ESD) - for his leadership and technical skill as FIT Regional Project Officer during management and support of the Region 6 Pre-Remedial Site Assessment Program. Mr. Sierra also effectively used computer resources to develop databases which improved the quality of contractor work and reduced the amount of time needed for oversight of FIT contractors.

BRONZE MEDAL AWARD

ANNE M. MANGIAFICO (OIRM) - for her achievement in the development, writing, and production of the OIRM Administrative Procedures for ADP approvals under ARCS contracts. Ms Mangiafico's activities were not in the area of direct contract management; however, they indirectly contributed greatly to the effectiveness of ARCS contract managers.

CORAS BULLETIN BOARD

Hazardous Site Control Division

Remedial Design Schedule Management

HSCD has completed a "Remedial Design Schedule Management" project which addresses both schedules and resources for remedial design. The remedy specific schedules are generic in nature and have been developed with the objective of demonstrating management approaches to reducing the overall remedial design duration. They present reasonable approximations of the interrelationships of those activities required to successfully complete a remedial design.

The schedules and LOE estimates are intended for training purposes only and should not be used to develop site-specific schedules. The schedules and LOE estimates used by the party contracting for design to prepare an independent cost estimate must reflect their own experience with similar projects. OSWER will schedule a training course covering this material in each region. The first will be scheduled at the beginning of FY91. For additional information, contact Thomas A. Whalen, P.E. of HSCD at (202 or FTS) 475-9755.

Estimating Costs of Remedial Actions

HSCD, in conjunction with ORD's Risk Reduction Engineering Lab (RREL) and the U.S. Army Corps of Engineers (USACE), has initiated an 18 month effort to develop systems to estimate the cost of Remedial Action (RA) during design (RD). The systems will account for the RA procurement method, contract type, and specifications.

The PRACES system, developed by ORD's RREL, can be used by the designer to estimate the cost of the technology component of the RA. The HTRW database of the USACE Microcomputer Aided Cost Estimating System (M-CACES) can be used by the designer to estimate the more detailed, traditional items to be constructed during the RA. The expected degree of accuracy of the pre-final design estimate, using the integrated PRACES/HTRW M-CACES system should be +25/-25 percent. For additional information call Thomas A. Whalen, P.E. at (202 or FTS) 475-9755.

Independent Government Cost Estimates

Development of independent government cost estimates for RI/FS work assignments have been simplified through the use of software developed in Region II.

Region II ARCS Project Officer, John McGarhen has developed software to simplify development of independent government cost estimates for ARCS RI/FS work assignments. This software assists Regional Project Officers by incorporating contract specific cost information such as overhead and labor rates to the independent cost estimate. Project specific tasks and subtasks along with the requisite labor mix and any necessary subcontract support are also incorporated. Final output is in the form of a presentable government OP Form 60. This software was presented by Mr. McGarhen at the Superfund CO/PO Quarterly Meeting on June 11, 1990. Should you have any questions regarding this product, contact John McGarhen in Region II at FTS 264-9212.

Emergency Response Division

PCMD recently prepared a report assessing the administration of the TAT contracts. The report recommendations point out that we need to:

- Improve the quality of specific elements on Technical Director Documents (TDDs).
- Ensure that verbal TDDs are followed up in writing within 5 days.
- Provide written support for each contractor invoice.
- Ensure that Performance Evaluation Board reports are submitted to PCMD in a timely manner.
- Ensure that contractor technical reports include information on problems that arise and resolution of the problems.

ERD has commented on each recommendation and has forwarded the comments to PCMD.

Update on Long-Term Contracting Strategy for Superfund

The full Task Force met in Kansas City on April 3-4, 1990 and Headquarters and the Regions were well represented. At the meeting the proposed options were discussed, comments provided, and one new definition and presentation of options was distributed to the Regional Division Directors of the Waste Management and Environmental Services Divisions, as well as key Headquarters management, for comment on April 23. In addition, the key subgroups convened in Kansas City to develop workplans for deliverables on: structure, competition, roles and responsibilities, institutional barriers and legislative issues.

Since the Kansas City meeting, each subgroup has convened meetings via conference calls and face-to-face meetings in Washington. Comments on the options have been received and are currently being summarized. A meeting of the full Task Force will be held in Washington, D.C. to discuss these comments and to review the outputs of the analyses of each subgroup on June 14 and 15. At that time, plans will also be made for the approach to be used in developing the final product. The Assistant Administrator for Solid Waste and Emergency Response was briefed on June 1, regarding the basic issues and options under consideration by the Task Force.

If you are interested in receiving back issues of the CORAS Bulletin, please contact Jalaria Ellis, FTS 475-8533.

For any changes to the "Key Regional Personnel in Superfund Contract Management" chart, please notify Jalaria Ellis, FTS 475-8533.

Key Regional Personnel in Superfund Contract Management

| Contract | Headquarters (PO, DPO if possible) | Region 1 | Region 2 | Region 3 | Region 4 | Region 5 |
|-------------|--|--|--|--|--|---|
| REM | REM II - Benjamin Hamm REM III - Rob Heffernan REM IV - Tracy Loy REM V - Chris Watling REM VI - Chris Watling | Nancy Barmakian U.S. EPA - HCP - CAN7 JFK Federal Building Boston, MA 02203 8-833-5797 | Shaheer Alvi U.S. EPA 26 Federal Plaza New York, NY 10278 8-264-2221 | James McKenzie U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597-3229 | Ken Myer U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 (404) 347-2930 | Gail Nabasny U.S. EPA 230 South Dearborn St. Chicago, IL 60604 353-1056 |
| ARCS | Scott Fredericks | Nancy Barmakian U.S. EPA - HCP - CAN7 JFK Federal Building Boston, MA 02203 833-1797 | Shaheer Alvi U.S. EPA 26 Federal Plaza New York, NY 10278 264-2221 | Jerome Curtin U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597-4779 | Doug Thompson U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 (404) 347-2930 | Steven Nathan U.S. EPA 230 South Dearborn St. Chicago, IL 60604 886-5496 |
| ERCS | Zone 1 - Joan Henry Zone 2 - Reg. 4 is PO Zone 3 - Reg. 5 is PO Zone 4 - Lisa Guarneiri | John Carlson U.S. EPA 60 Westview Street Lexington, MA 02173 (617) 860-4513 | Norm Vogelsang U.S. EPA Woodbridge Avenue Edison, NJ 08837 340- | Rich Fetzer U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597- | Carol Monell U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 (404) 347-2930 | Charles Brasher U.S. EPA 230 South Dearborn St. Chicago, IL 60604 353- |
| TAT | Zone 1 - Pat Hawkins Zone 2 - Susan Janowiak | John Carlson U.S. EPA 60 Westview Street Lexington, MA 02173 (617) 860-4613 | Norm Vogelsang U.S. EPA Woodbridge Avenue Edison, NJ 08837 340- | Rich Fetzer U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597- | Carol Monell U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 (404) 347-2930 | Duane Heaton U.S. EPA 230 South Dearborn St. Chicago, IL 60604 353-1788 |
| FIT | Zone 1 - John Hollister Zone 2 - Dave Cook | Don Smith U.S. EPA - HSS - CAN7 JFK Federal Building Boston, MA 02203 833-1648 | Amy Brochu U.S. EPA Woodbridge Avenue Edison, NJ 08837 340-6802 | Greg Hamm U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597-8229 | Al Hanke U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 257-5065 | Gail Nabasny U.S. EPA 230 South Dearborn St. Chicago, IL 60604 353-1056 |
| TES | Zone 1 - Jack Jojokian Zone 2 - Jean Wright Zone 3 - Billy Perry Zone 4 - Nancy Deck | Rick Leighton U.S. EPA - CAN7 JFK Federal Building Boston, MA 02203 833-1654 | Cathy Moyik U.S. EPA 26 Federal Plaza New York, NY 10278 264-8123 | Elaine Spiewak / Nancy Cippola U.S. EPA 841 Chestnut Street Philadelphia, PA 19107 597-8183 | Ken Myer U.S. EPA 345 Courtland Street, NE Atlanta, GA 30365 (404) 347-2930 | Lorraine Kosik U.S. EPA 230 South Dearborn St. Chicago, IL 60604 353-6431 |
| ESAT | Lynn Beasley | Scott Clifford U.S. EPA 60 Westview Street Lexington, Ma 02173 (617) 860- 4631 | Joseph Hudek U.S. EPA Woodbridge Avenue Edison, NJ 08837 340-6713 | Terry Simpson U.S. EPA 839 Bestgate Road Annapolis, MD 21401 (301) 266-9180 | Bobby Carroll U.S. EPA, College Station Road, ASB Athens, GA 30613 250-3309 | Jay Thakkar U.S. EPA 536 S.Clark St. Chicago, IL 60605 886-1972 |

Key Regional Personnel in Superfund Contract Management

| Contract | Region 6 | Region 7 | Region 8 | Region 9 | Region 10 |
|-------------|--|---|---|--|--|
| REM | Helen Newman U.S. EPA 1445 Ross Avenue Dallas, TX 75270 8-255-6720 | Karen Flournoy U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-7782 | Lisa Beasley U.S. EPA 999 18th Street Denver, CO 80202 8-330-1282 | Rob Stern U.S. EPA 215 Fremont Street San Francisco 94105 454-7406 | Joanne LaBaw U.S. EPA 1200 6th Street Seattle, WA 98101 8-399-2594 |
| ARCS | Carlene Chambers U.S. EPA 1445 Ross Avenue Dallas, TX 75270 255-6720 | Rebecca Thomas U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-7593 | Jeff Mashburn U.S. EPA 999 18th Street Denver, CO 80202 330- | Matt Mitgaard U.S. EPA 215 Fremont Street San Francisco 94105 454-0307 | Joanne LaBaw U.S. EPA 1200 6th Street Seattle, WA 98101 399-2594 |
| ERCS | Chris Peterson U.S. EPA 1445 Ross Avenue Dallas, TX 75270 255-2270 | Ron McCutcheon U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-3881 | Mike Zimmerman U.S. EPA 999 18th Street Denver, CO 80202 330-7134 | Chris Weden U.S. EPA - (T-4-9) 215 Fremont Street San Francisco 94105 454-8132 | William Longston U.S. EPA 1200 6th Street Seattle, WA 98101 399-1196 |
| TAT | Chris Peterson U.S. EPA 1445 Ross Avenue Dallas, TX 75270 255-6720 | Paul Doherty U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-3881 | Jim Knoy U.S. EPA 999 18th Street Denver, CO 80202 330-7162 | William Lewis U.S. EPA - (T-4-8) 215 Fremont Street San Francisco 94105 454-7464 | Carl Kitz U.S. EPA 1200 6th Street Seattle, WA 98101 399-1263 |
| FIT | Ed Sierra U.S. EPA 1445 Ross Avenue Dallas, TX 75270 255-6491 | Peter Culver U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-7707 | Gerry Snyder U.S. EPA 999 18th Street Denver, CO 80202 330-7505 | Doug Frazer U.S. EPA - (T-4-8) 215 Fremont Street San Francisco 94105 454-7305 | John Osborn U.S. EPA 1200 6th Street Seattle, WA 98101 399-0837 |
| TES | Karen Witten U.S. EPA 1445 Ross Avenue Dallas, TX 75270 255-6720 | Maureen Hunt U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-7722 | Sam Marquez U.S. EPA 999 18th Street Denver, CO 80202 330-7151 | Judy Walker U.S. EPA - (T-4-8) 215 Fremont Street San Francisco 94105 454-8550 | Mike Slater U.S. EPA 1200 6th Street Seattle, WA 98101 399-0455 |
| ESAT | Michael Daggett U.S. EPA 6608 Houston, TX 77074 526-9430 | Harold Brown U.S. EPA 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-3881 | Steve Callio U.S. EPA 999 18th Street Denver, CO 80202 330- | Terry Stumph U.S. EPA - (P-3) 215 Fremont Street San Francisco 94105 454-7483 | Gerald Muth U.S. EPA P.O. Box 549 Manchester, WA 09353 399-0370 |