

Community Advisory Group (CAG)

for the

Omaha Lead Site

Contracting Subcommittee
Summary Notes from February 9, 2005 Meeting

Cheryl Weston (LSOC/CAG Contracting Subcommittee Interim Chair), Brenda Council (CAG Facilitator), Bob Feild (EPA), Steven Sanders (EPA), and Stacy Meacham (MFG, Inc.) were in attendance.

Contract Strategy for Future Site Work

Mr. Feild indicated that EPA is currently developing contracting strategies for the next phase of the project. He stated that EPA has not yet decided if future contracts will go through the US Army Corps of Engineers (USACE).

Mr. Feild continued stating that if EPA is in the lead for the next phase of work (as opposed to one or more of the potential responsible parties (PRPs)), EPA will be limited in the number of contracts they can administer. Mr. Feild stated that one possible scenario would be for EPA to use one large excavation contract and one small excavation contract, and to then breakout tasks such as exterior painting and interior cleanings into separate contracts.

Ms. Weston asked if the contracts would be awarded for all 5,600 properties at once or if the contracts would be spilt over a three-year period with approximately 1,800 properties per year.

Mr. Feild stated that there will not be a single contract for all 5,600 properties since EPA cannot award a contract without the full amount of money. As such, Mr. Feild explained, the contracts will either be awarded annually or options for continuance of work will be written into the contracts so that contractors that are performing well could be given more work as more money becomes available.

Ms. Weston asked if the current USACE contracts with ECC and HGL allow for the possibility of either of these firms being awarded additional work non-competitively if they are performing well.

Mr. Feild responded that although it is possible that additional money could be directed to the USACE through the current inter-agency agreement, this is not a likely scenario. He stated that he expects all future work at the site to be awarded competitively, unless qualifying sole source opportunities are identified.

Timing for Future Site Action

Ms. Weston asked, assuming EPA will take the lead, when will action be taken?

Mr. Feild responded that EPA is preparing for the possibility that they will be in the lead. He stated that good faith offers are due from PRPs by February 22nd but if PRPs do not respond/negotiate favorably, EPA will assume the lead. Mr. Feild stated that EPA's design contractor, Black & Veatch, is currently developing a bid solicitation package in preparation for the possibility that EPA will be in the lead. He stated that during the PRP negotiation process, there is a spending moratorium and EPA will not solicit bids until this moratorium has passed and it is known that EPA will have the money needed to award the contracts.

Mr. Feild noted that the moratorium ends in April and because there is not a lot of time between the end of April and the end of the fiscal year (Sept 30th), EPA must be prepared to move forward with bid solicitations quickly if they do in fact end up in the lead.

Mr. Feild stated that under their emergency removal authority, EPA will continue excavations at yards with lead concentrations greater than 1,200 ppm as these yards qualify for time critical removals. He noted that time critical removals should continue through next spring, at which time they will probably be phased out once the remediation contracts are in place.

Break Out Opportunities

Mr. Feild stated that EPA would like to determine other opportunities (besides exterior painting and interior cleaning) for portions of work to be broken out of the contracts.

Ms. Weston asked about funding education and outreach activities and questioned if cooperative agreements could be awarded to agencies or eligible groups.

Mr. Feild stated that cooperative agreements would probably not be made with for-profit organizations and that such agreements are typically made with state/local agencies and nonprofits.

Ms. Weston asked about the possibility of using a marketing or consulting firm for an educational/awareness media blitz. Mr. Feild indicated that EPA could contract with a local agency for the work and then that agency could contract with a for-profit firm to get the task completed.

Ms. Weston stated that all future contracts should include requirements that the contractors complete an awareness campaign. She noted that there should be something in these contracts that makes the firms accountable to the community and deals with access. She noted that getting access agreements could be a task broken out of the excavation contracts.

EPA's Sampling Efforts

Ms. Weston questioned how much more sampling would be completed. Mr. Feild stated that Black and Veatch will continue sampling until all yards are completed and that EPA anticipates that all sampling will be completed by the end of 2005. Mr. Feild stated that to date, 25, 805 properties have been sampled and there are approximately 6,000 properties remaining to be sampled. Of these 6,000, approximately 2,000 have denied sampling access.

Mr. Feild indicated that EPA would like to develop a strategy to reach these 2,000 property owners and intends to go back again to these properties to try and gain access.

Ms. Weston asked if there is a plan in place in the event that EPA is denied again after the second request. Mr. Feild stated that EPA plans to keep trying to get access and that EPA does not intend to give up on any properties.

The following suggestions for gaining accessing were discussed:

- Talking to neighborhood associations and association presidents. Such individuals may be able to get their neighbor's approval but because of the time involved in getting out and reaching people, a stipend should be given for their efforts.
- Using word of mouth – as neighbors see other neighbors having work done, they become interested and want to have work done on their properties as well.
- Involving the City of Omaha's Neighborhood Center – this is a group funded by tax dollars and a role of this group to coordinate such activities (It was noted that although the group is currently in a bit of disarray and without a director, the group has been invited to attend the CAG and get involved.)
- Trying to get on the agenda of an upcoming meeting of the Neighborhood Center or the Council of Neighborhood Association Presidents and having EPA and one or more CAG members attend the meetings to get the word out.

Anticipated Completion of Work under Current USACE Contracts

Ms. Council asked for an update on the status of removals under the USACE contracts.

Mr. Feild noted that the USACE pilot project is scheduled for completion this summer. He stated that it was his understanding based on comments made by Mr. Kevin Howe of USACE at the last CAG meeting that each contractor (ECC and HGL) is responsible for completing 120 properties by June 2005. ECC has been assigned an additional 43 properties that must then be completed by August 2005. Mr. Howe will be contacted to confirm these anticipated completion dates.

Mr. Feild stated that ECC has gotten access to twelve of their 163 properties and has excavated six of these. Mr. Feild stated that HGL has gotten access to 83 of their 120 properties but has not yet completed any of them. Both firms are expected to resume excavations in mid-March.

Ms. Council asked about the pace of excavations. Mr. Feild stated that both contractors would need to complete approximately 10 excavations per week (which he noted is comparable to the pace EPA has been at for the last year) for the period between mid-March and June to complete the assigned 120 properties within the allowable time frame. In July and August, ECC would need to continue excavating at a pace of approximately five properties per week to complete the additional 43 properties within the allowable time frame. In addition, EPA will continue excavating at qualifying yards greater than 1,200 ppm.

HazWoper Training

Ms. Council asked EPA if the names of individuals that attended the EPA-sponsored Hazardous Waste Operations and Emergency Response (HazWoper) training conducted at LSOC last fall could be provided to interested contractors.

Ms. Weston noted that for confidentiality reasons, LSOC does not give out lists of attendees but has and will continue to contact attendees regarding any interest or opportunities. She stated that 23 individuals attended the training and all have been contacted regarding potential available positions and job openings of which she has been made aware.

Ms. Council noted that since the training was paid for with federal dollars, the information should be publicly available from EPA.

Mr. Feild stated that he would check to see if the list could be made available. Ms. Council asked that if the list could not be made available, if at least contractors could be referred to EPA for contact information for trainees since one objective of the training was to get a pool of locally trained individuals for contractors to readily access. Mr. Feild agreed to check on this.

Mr. Feild mentioned that Brownfields Job Training grants are another option for workforce development training. He stated that although the deadline has past for 2005 grants, applications can be made for grants for 2006.

Ms. Council asked if ECC and HGL have been approached regarding the possible need to conduct another class to prepare their workforces before they resume site activities in March.

Mr. Feild stated that providing training for new hires is the responsibility of the contractors and is considered part of what they are being paid to do under their contracts. Ms. Weston stated that both ECC and HGL have indicated that they will provide trainings before starting back up in the spring.

Ms. Council asked if it was known how many additional people may need to be trained. Ms. Weston stated that she believed both firms are looking to hire approximately 16 local individuals and based on what she has seen advertised, the openings will be paid Davis-Bacon wages, between \$19 and \$25 per hour, depending on the position.

Ms. Council asked if such information had been provided to the Urban League or to Workforce Development. Ms. Weston indicated that yes, it had.

Ms. Council asked if there was a way to track the number of individuals that received the HazWoper training that have gotten hired (whether by an EPA contractor or by some other employer requiring the training). Ms. Weston stated that she has asked both contractors to let LSOC know of any individuals hired. She stated that to date, four of the 23 training attendees have been hired for the lead site and three others have taken jobs in fields unrelated to hazardous wastes.

Involving the Urban League in Identifying and Filling Job Opportunities

Ms. Council noted the need to involve the Urban League so that they could assist their client base in finding jobs. Suggestions regarding the Urban League's involvement included the following:

- Including copies of contractor employment notices on the Urban League website (CAG could determine how contractors advertise positions and volunteer assistance in preparing notices/ads)
- Interfacing training information with employment opportunities in the Urban League's employment database (if Urban League has names of trainees, they can possibly help to identify other opportunities that may be available to these individuals that require such training)

Finding a Permanent Chair for the Contracting Subcommittee

Ms. Weston asked whether or not the Mayor's assistant had been approached regarding becoming the chair of the contracting subcommittee. Ms. Council stated that Steve Scarpello, the Mayor's former assistant, was on a leave of absence but that Joe Gudenrath from the Mayor's office would be attending the CAG meetings and once Mr. Gudenrath is up to speed, he would be asked to serve as chair of the contracting subcommittee.