CONTRACT # EP-W19-
Task Order #

TITLE: Quarterly Public Meeting Facilitation at the VB I-70 Superfund Site

ABSTRACT: The contractor will provide facilitation support for EPA Region 8 led community meetings on a quarterly basis at the Vasquez Boulevard and Interstate 70 Superfund site in Denver, Colorado. The goal of this project is to provide community members an opportunity to hear from Agency personnel regarding what is happening at this site where deletion of OU1 is about to take place, OU2 is in the Remedial Investigation phase and planning for a Feasibility Study at OU3 will begin soon. These meetings will also be used to maintain awareness of community interests and concerns as cleanup progresses at the site. This project will be funded by Region 8's Superfund and Emergency Management Division under the CERCLA statute.

I. BACKGROUND

The Vasquez Boulevard & Interstate 70 (VB/I-70) Superfund site is located in northeast Denver, Colorado. The site includes two commercial/industrial areas as well as residential properties in all or part of the following neighborhoods: Cole, Clayton, Swansea/Elyria, southwest Globeville and northern Curtis Park.

[HYPERLINK "https://semspub.epa.gov/src/document/08/1769492"] (1 pg, 3.1 MB, [HYPERLINK "http://www.epa.gov/home/pdf-files"])

Historically, the area was a major smelting center for the Rocky Mountain West. Two smelting plants—Omaha & Grant and Argo—operated at the site for varying lengths of time, beginning as early as the 1870s, refining gold, silver, copper, lead and zinc. As a result, heavy metals were deposited in area soils at levels that, in some cases, posed a health risk to people living there. Groundwater was also impacted at the former smelter locations.

The EPA is seeking a neutral third party to facilitate and take notes during up to four community meetings (generally held once a quarter) at the VB I-70 Superfund site.

II. SCOPE OF WORK

Assumptions:

The EPA envisions needing facilitation services for up to four periodic two to three-hour meetings. These meetings will be scheduled between September 1, 2019 and September 30, 2020. Each of these periodic meetings will be held in Denver, Colorado at a location

selected by the Agency with input from the community. The EPA anticipates that between 15 and 30 people may attend each meeting.

A. Preliminary Work

1. The Contractor shall select a senior dispute resolution professional(s) to act as facilitator for this project in consultation with the Project Officer (PO) and Task Order Contracting Officer Representative (TOCOR). The dispute resolution professional selected for work under this Task Order will have at least ten years of experience in the field of environmental alternative dispute resolution and direct experience facilitating at least one Superfund site where there are high levels of community engagement around cleanup process.

2. The Contractor shall submit a work plan in accordance with the requirements of this contract. The workplan shall include:
   - Procedures for substitution of labor categories in the event of temporary or permanent personnel changes.
   - Outline of quality assurance/quality control procedures for deliverables.
   - Information on Conflict of Interest checks for the proposed provider.

4. The Contractor shall be responsible for oversight of deliverables on this Task Order and shall be responsible for transmission of monthly reports and invoices as required by the contract. No monthly report will be required in months with no substantive work.

B. Facilitation Support Services

1. The contractor shall facilitate up to four periodic community meetings as directed by the TOCOR and/or the technical contact for the VB I-70 Superfund site. The contractor will assist participants in articulating their interests and concerns regarding the status of the cleanup at the VB I70 Superfund site. The facilitator shall work to keep the parties talking, listening, and moving toward mutual understanding and agreement as much as possible. The facilitator shall assist in overcoming impasse situations as they arise. **THE FACILITATOR WILL NOT TAKE POSITIONS ON THE MERITS NOR RECOMMEND TO THE GROUP WHAT THE SUBSTANTIVE RESOLUTION OF AN ISSUE SHOULD BE.**

2. The contractor shall develop and provide draft and final agendas for each facilitated meeting to the TOCOR, the EPA technical contact and each of the primary point(s) of contact for the governmental agencies involved in this project. The contractor will consult with members of the community and the EPA in drafting all meeting agendas.

4. The contractor shall communicate in person, by phone, or in writing, with the EPA staff involved in this project between meetings to ensure adequate preparation takes place prior to meetings.

5. The contractor shall provide general meeting summaries to the EPA TOCOR and the technical point of contact for the site team within ten day after each periodic meeting.

7. The contractor shall arrange for meeting facilities, equipment, supplies and support for all meetings. The contractor should assume that meetings will be held in publicly accessible sites in Denver, Colorado.

9. The contractor shall furnish a short process evaluation at the end of this contract summarizing procedural lessons learned and recommendations for future improvements of similar projects.

III. WORK APPROACH

[The following are standard provisions of our Task Orders and Contract and should not be edited without consultation with the Project Officer in CPRC.]

A. ADR and Public Participation Best Practices:

The Contractor shall approach this task in accordance with terms of the basic contract and according to the established norms and ethical standards of ADR professionals.
Based on EPA's evaluation of a large number of ADR cases, the Agency has determined that the following practices are significantly related to positive substantive, relational, and procedural outcomes from ADR cases. The contractor shall ensure that this direction is provided to ADR professionals providing services under this task order:

- Prior to the mediation or facilitation and throughout the process, the ADR professional shall inquire about whether individual participants have the time, financial, and logistical resources necessary to participate effectively in the process and -- where resources are inadequate -- assist them in identifying appropriate resources or in making necessary adjustments to the process to accommodate resource constraints.
- The ADR professional shall assist the participants in identifying the issues that are important to resolving any controversy and solutions that will address the needs shared by the participants.
- The ADR professional shall conduct the process to promote active engagement from all participants.
- The ADR professional shall explore with the participants appropriate ways to incorporate high quality and relevant information resources necessary to resolve the issues.
- To support productive dialogue and effective implementation of any agreements reached by the participants, the ADR professional shall ensure that participants have appropriate authority to make commitments on behalf of their organizations.

B. Ethical Codes of Conduct:

The Contractor shall ensure that ADR professionals serving as neutral third parties under this contract receive information about and perform in accordance with ethical codes applicable to the practice of dispute resolution professionals. Relevant examples of ethical codes include those adopted by:

- the American Arbitration Association, American Bar Association, Association for Conflict Resolution: ([HYPERLINK "http://www.acrnet.org/uploadedFiles/Practitioner/ModelStandardsofConductforMediatorsfinal05(1)(1).pdf)"]
- the International Association of Facilitators: ([HYPERLINK "http://www.iaf-world.org/aboutiaf/CodeofEthics.aspx"])
- the International Association for Public Participation: ([HYPERLINK "http://iap2.affiniscape.com/displaycommon.cfm?an=1&subarticlenbr=8"])

C. Confidentiality

All parties to this task order acknowledge that the confidentiality provisions of the Administrative Dispute Resolution Act, 5 U.S.C. Section 574 shall govern the contractor's alternative dispute resolution activities (if any) under this task order.

D. Contractor Representation

In gathering information or performing tasks with parties outside the EPA, the contractor will identify him/herself as a contractor to EPA, not an EPA employee.

The Contractor shall provide input or make recommendations based on the information gathered, however, decisions on all substantive issues will be made by EPA. THE CONTRACTOR SHALL NOT INTERPRET EPA POLICY ON BEHALF OF EPA NOR MAKE DECISIONS ON ITEMS OF POLICY, REGULATION OR STATUTE. THE CONTRACTOR SHALL NOT TAKE A STAND ON THE MERITS OF SUBSTANTIVE ITEMS UNDER DISCUSSION.

E. Status Notifications:

THE CONTRACTOR SHALL NOTIFY THE EPA PROJECT OFFICER AND PROGRAM OFFICE CONTACT WHEN 75% OF THE FUNDS PROVIDED HAVE BEEN EXPENDED OR WHEN FUNDING FOR LESS THAN 6 WEEKS WORK REMAINS. The Contractor shall also notify the TOCOR when 75% of the funds have been used on any single case assignment. Notifications shall be in writing and cc to the Project Officer.

F. Task Order Procedures, Constraints and Disclaimers

If out of town travel is required to accomplish the tasks under this task order, the contractor shall obtain advance approval for that trip and its costs in writing from the

TOCOR or the PO. To the extent possible, the contractor's per diem costs shall be within allowable limits set by GSA.

This task order is not funded by multiple appropriations. This task order does not provide for training of contractor personnel, provision of Government Furnished Property or Accountable Personal Property, leased items or property or IT products or services. The SOW does not include any tasks that are inherently governmental in nature or provide personal services. The SOW does not anticipate transferring or developing Confidential Business Information or Personally Identifiable Information to the contractor. This project will not involve collection of environmental data and so is not subject to needing an EPA Quality Assurance Plan. Printing shall be in accordance with limitations of the contract. This project does not involve the service provider conducting surveys, data collection or questionnaires. Development of communications products as a result of activities on this task order will be in compliance with EPA's Policy and Implementation Guide for Communications Product Development and Approval found at [HYPERLINK "HTTP://www.epa.gov/productreview/guide/index.html"].

The Contractor is directed to conduct Conflict of Interest checks and provide this information as a part of the Work Plan for TOCOR review and CO approval.

IV. REPORTS AND DELIVERABLES

The contractor shall provide EPA all reports in accordance with the contract.

The contractor shall provide a work plan within the schedule provided in the contract and set out below.

Schedule

Item:	**Due No Later Than:**	**Type**
Work Plan	10 business days from TO issuance	Deliverable
Draft Meeting Agenda	2 Weeks before meeting	Transmittal
Final Meeting Agenda	1 Week before meeting	Transmittal
Meeting Summaries	2 Weeks after meeting	Transmittal
Draft Project Final Report	2 Weeks after the last meeting	Deliverable
Final Project Final Report	2 Weeks after comment by EPA	Deliverable

V. EPA CONTACTS

Task Order Contracting Officer Representative (TOCOR):
Name: Maureen O'Reilly
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VI. PERIOD OF PERFORMANCE

The period of performance for this task order shall be until October 31, 2020 unless modified.

VII. ATTACHMENTS

Here is a link to the VB I-70 Superfund Site webpage: [HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0801646"]