



## PURPOSE

This document provides information and suggests strategies for hiring an environmental consultant to conduct response actions under the oversight of the Department of Toxic Substances Controls (DTSC) Statewide Cleanup Operations Division. The selection of an environmental consultant to perform a preliminary endangerment assessment, conduct a soil and groundwater investigation, or prepare and carry out a cleanup plan is an important step for project proponents. The skills, experience level, and track record of environmental consulting firms vary widely. Therefore, it pays to choose a consulting firm carefully, based on the best possible information.

If you select a qualified and experienced consultant, it is much more likely that:

- C you will save time and money;
- C projects will have to be done only once, because they will be done correctly the first time;
- C relationships with regulatory agencies will be beneficial and cooperative;
- C essential reporting to agencies will be completed in a timely manner;
- C the client, the consultant, the regulatory staff and other stakeholders will be satisfied with the final outcome; and
- C projects will be completed safely, and unexpected contingencies will be minimized.

## HIRING A CONSULTANT

### *Who Should Hire the Consultant?*

Administrators, department heads, city managers, company environmental officers, property owners, sellers, management companies, lending institutions or others may be charged with hiring the consultant. However, some organizations, particularly public governmental agencies and others concerned with openness in the selection process, may prefer using a selection committee to hire a consultant.

DTSC recommends that the selection committee include at least one person who is trained in environmental sciences, geology, hydrogeology or engineering and with some practical experience performing or managing the type of work being requested. Other participants may be drawn from groups important to or affected by the project under consideration.

### *Factors to Consider When Selecting a Consultant*

- **Define the Nature of the Work**

The first task for the proponent is to describe the phases of the environmental work needed, and, to the extent feasible, to decide on the scope of the proposed project. A number of questions regarding the project scope should be considered before a consultant is selected. Will the consultant be needed to conduct a removal action, a field investigation or simply a records search? Will the consultant's activities expand to fit the needs of the whole project or be strictly limited to a small part of the process?

Another consideration is whether a consultant's track record suggests that they will work effectively with governmental agencies. Most workplans and reports submitted for review by DTSC are revised in the normal course of an

investigation or cleanup. However, long comment letters from DTSC and situations involving reports and workplans repeatedly rejected because of inadequate or poor preparation may be indicative of the quality of a consultant. Finally, the consultant must be a licensed environmental contractor in accordance with Section 7058.7 of the Business and Professions Code. All engineering and geological work shall be conducted in conformance with applicable state law, including but not limited to, the Business and Professions Code sections 6735 and 7835.

- **Finding a Consultant**

DTSC recommends that the proponent develop a list of prospective consultants by contacting other companies or organizations who have used consultants for a similar type situation. Commonly, consulting firms can provide a generic Statement of Qualifications containing basic information on the company, staff and types of projects with which the company has experience. If sufficient time is available, the proponent may want to “prequalify” consultants by sending out a standardized form asking basic questions such as:

- firm name, address and telephone number(s);
- number and technical expertise of staff;
- years in business;
- number of projects completed in California;
- largest project in the last five years;
- types of services offered;
- typical response time in the event of an emergency;
- equipment available for an emergency response;
- estimated annual income;
- banking references; and,
- indemnities and available insurance (e.g., errors and omissions, sudden accidental, workman’s compensation, etc.).

Selecting an appropriate consulting firm is critical to the success of a project. However, the proponent should attempt to hire an individual within the firm. Individual consultants, like other professionals, vary within a particular organization. A referral from a business associate is helpful only to the extent that a specific individual at the consulting firm is identified. If an individual is specifically recommended, insist that he or she personally take the lead in conducting the work. If the proponent has prequalified consultants on file, it will speed the selection for future or emergency environmental projects.

- **Requests for Proposal**

DTSC recommends that the proponent send a letter to or call selected consulting firms to determine whether they would be interested in receiving a Request for Proposal (RFP). The letter or call would typically include general information regarding project background and scope, including size, location, waste characteristics and special handling.



The RFP is usually prepared by the proponent and sent to interested consulting firms. It is recommended that the RFP include background information which describes the project location; any unusual challenges anticipated and the objectives of a project; a detailed scope of work; a request for an itemized cost estimate for the scope of services and the unit prices for any

potential additional services not specifically scoped; and references. The RFP should request resumes of the key staff to be assigned to the project, a schedule of fees and estimated work schedules; it should specify the method of charging for the services. At a minimum, it is recommended that the RFP ask for a list of references which can be contacted by the proponent to confirm the technical and administrative qualifications of the firm; other information pertinent to evaluating the firm's qualifications might also be requested. Prior to submittal of their response, the consultant should be encouraged to visit the site and spend time considering its potential problems. The RFP should specify a contact for the proponent, a response deadline and the address to which the submittal should be sent.



- **Proposal Evaluation**

It is recommended that the responses to the RFP be carefully evaluated by the proponent. Eliminate those which do not fully address the specified project scope, or those from firms which do not meet minimum qualifications. There are several concerns in the evaluation of proposals. A few examples include:

- bids that are significantly lower than those of competing firms;
- “hard-sell” approaches;
- minimizing or maximizing potential technical or legal problems;

- strong biases against certain investigation techniques or cleanup alternatives;
- conflicts of interest; and
- overly optimistic timelines.

- **Consultant Interviews**

After the references have been contacted and the responses to the RFPs have been evaluated, it is recommended that the proponent prepare a short list of qualified consultants to be interviewed. Among other things, the interview should clarify any unclear aspects of the consultant's proposal and provide a more indepth evaluation of their qualifications.

The information below may be considered when structuring the interview or making the final choice of consulting firm. The final selection of the firm usually coincides with the signing of a contract between the proponent and the consulting firm including an agreement on the start and anticipated completion dates for the project.

- **Questions for Consultant Interviews**

Here is a partial list of possible questions:

- Does the consultant have experience with the kind of project you are proposing?
- Is the consultant's staff trained in the use of field instruments and procedures?
- Does the consultant own testing or monitoring equipment, such as vapor monitors, and do they have the staff to properly maintain and calibrate it?
- Does the consultant have experience in groundwater monitoring well design and installation?
- What procedures does the consultant conduct and which do they subcontract?

- Ask for names of subcontractors and check on their experience.
- Are subcontractor activities competitively bid?
- How will the consultant charge for subcontractor management costs? (It should be by hourly rate or percentage of fees, not both).
- What projects has the firm completed in California?
- Is the consultant familiar with pertinent state and federal environmental laws?
- Does the consultant have an established field protocol and chain-of-custody for sampling?
- Has the consultant completed any groundwater or soil cleanups?
- What cleanup treatment methods or technologies has the consultant used or recommended?
- Has the consultant installed any groundwater recovery systems?
- Is the consulting firm a sideline to another business?
- Has the consultant worked with DTSC or U.S. Environmental Protection Agency Superfund staff?
- Do the consultant and subcontractors have professional and environmental liability insurance?
- What is the consultant's current workload? Are current projects on schedule?
- Is the consultant's field staff trained in safety procedures as required by Occupational Safety and Health Administration and California Code Regulations (CCR), Title 8, General Industry Safety Orders, Section 5192?
- Who are the key employees who will work on your project and do they have relevant experience?
- Does the consultant have references?

## • Follow-up on Consultant's References

DTSC recommends that the proponent request lists of the consultant's clients. It is recommended that the proponent call some or all of those clients and ask questions such as:

- Was your project similar in size and nature to mine?
- Did the consultant meet the stated work and project deadlines?
- Did the consultant keep you informed of project developments and aware of all available cleanup options?
- Did any problems arise during your work with the consultant, and were they satisfactorily resolved?
- Did the consultant work effectively with DTSC staff, local officials, your attorney and other stakeholders?
- Were you satisfied with the work performed by the consultant?
- Did the final costs seem in line with the original estimate?

DTSC also recommends that the person considering selection of a particular consultant make contact with other parties that hired the firm to determine their satisfaction level with the work performed.



## PROJECT COSTS

There are several ways in which consultants can charge for work performed. Each has advantages and disadvantages.

*Per diem.* The proponent is charged a fixed fee which covers lodging and food, travel time to and from the job, and incidental expenses. Per diem is generally included within each of the following cost arrangement options.

*Direct personnel costs (time and materials).* The proponent is charged salaries times a multiplier plus non-salary expenses. This may be appropriate for sites requiring investigation and data analysis.

*Cost plus fixed payment.* The proponent is charged for salary costs plus a fixed sum to be determined by the proponent and the consultant. This may be an option for sites where the scope of the project is unclear, investigation is needed, or experimental processes are used. It should be noted that this option is not often used.

*Fixed lump sum.* The proponent is charged one sum for the entire job. It is important that the scope be clearly defined for the project. Generally this option is used when the investigation is complete and the scope of remedial work is well defined.



*Percent of construction costs.* The proponent is charged for a percentage of the entire cost of a project completed by the consultant. Again, it is important to clearly define the scope of the project. Generally billings are submitted every 30 days.

## CONSULTANT MANAGEMENT

The proponent oversees the consultant. Businesses or individuals volunteering to investigate and cleanup property can request that DTSC staff in the Voluntary Cleanup Program provide review, approval and oversight of work plans, cleanup recommendations and confer with consultants. Ultimately, the proponent is responsible for the decisions made regarding actions taken and investigations and cleanup approaches implemented at a site. The actions and investigations must be conducted within the limits of applicable statutes and regulations.

**The proper selection of a consultant is critical to the success of your cleanup project. Using DTSC's Voluntary Cleanup Program with carefully selected environmental consultants provides even greater assurance of its success.**

**The Voluntary Cleanup Program was established in 1993. It allows DTSC to provide oversight to motivated parties to assess and/or cleanup (and subsequently redevelop) properties. Teamwork is a key component to this streamlined program.**

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:



**DTSC office locations**

**North Coast California**

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**Central California –  
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**Southern California  
(Glendale and Cypress)**

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Additional information on the Voluntary Cleanup Program and other DTSC Brownfields initiatives is available on DTSC's internet web page:

<http://www.dtsc.ca.gov>

