

OFFICE OF BROWNFIELDS

Department of Toxic Substances Control · Cleanup In Vulnerable Communities Initiative

ECRG Responsible Procurement

Equitable Community Revitalization Grant

ECRGenius – Grantee Series

Version 1 – September 1st, 2022



Center for Creative Land Recycling (CCLR or “see clear”)

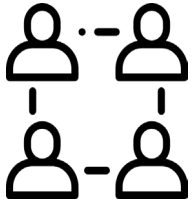
- Our mission is to promote the sustainable, equitable and responsible reuse of underutilized and environmentally impacted properties.
- We educate, advocate, assist and convene stakeholders to revitalize communities through land recycling.
- CCLR is DTSC’s Brownfields Technical Assistance Provider (B-TAP) for the Equitable Community Revitalization Grant as well as U.S. EPA’s Technical Assistance to Brownfields (TAB) Provider for 8 U.S. states and numerous territories



Center for Creative Land Recycling (CCLR or “see clear”)

What we do

- Ongoing assistance
- Webinars
- Workshops and conferences
- Newsletters and online resources



How we can help you

CCLR works with communities in response to their identified needs. We are the ECRG B-TAP and we are here to assist your project. Start with us, stay with us.

Getting you started

Giving you the tools and connections to plan a redevelopment roadmap and champion the pathway.

Helping you stay on track

Offering current information and expert advice on regulations, funding, remediation and community engagement to meet your milestones.

Getting the job done

Sharing common documents (RFPs and marketing sheets) and introducing you to peers, industry experts, and developers.

The BTAP Team is Here to Support you

Ignacio Dayrit
David Harnish
Janet Naito
Sebastian Harrison



Devyn Rainwater
Tony Torres
Natalie Nava



ECRG Responsible Procurement

Today's Speakers:

Sebastian Harrison, CCLR, Brownfield Revitalization Specialist

Rana Georges, DTSC, Senior Project Manager & ECRG Small Business and Contracts Coordinator

Poll Questions

1. Do you have experience selecting an environmental consultant or contractor for environmental investigation or cleanup?

1. Have you received any invoices from contractors associated with your ECRG grant?

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Definitions

Responsible Procurement - act of procuring goods and services in compliance with internal and external regulations and in consideration of short term and long term performance

Competitive Pricing (Fair Market) - An action to provide an open and equal opportunity to parties on a market

Prevailing Wage- The general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate.

RFP - Request for Proposal (requesting detailed information)

RFQ - Request for Quote (requesting a cost)

ROS - Receipt of Service

Bid Form - a form furnished by the grantee with the proposed Contract Documents that is to be completed, signed, and submitted containing the Bidder's Bid.

Schedule of Values - breakdown of each billable item of work on the project, along with the subsequent dollar-value of that particular work task

SBE & DVEs - [Small Business enterprises](#), Disabled Veteran Enterprises

ECRG Basics

Conditions and terms of payment provided in ECRG Agreement

- 2 year time frame
- Budget limit
- Invoicing basics

Existing contracts may be continued (not required to rebid contracts unless otherwise directed)

-Process for ECRG contracts must be included in the Grantee Quarterly Report

ECRG Agreement Language

2.1 If GRANTEE contracts for services to be reimbursed by the ECRG, those contracts shall generally be procured through a competitive process. GRANTEE shall make available to DTSC, upon request, records of procurement to demonstrate that contract pricing represents reasonable market rates. (\$10k threshold from application)

2.2 GRANTEE will undertake good faith efforts to contract for services and supplies with qualified Small Business Enterprises (SBEs), Disabled Veteran Enterprises (DVEs), and other disadvantaged and underrepresented group owned business enterprises.

9.1 GRANTEE must carry out the ECRG Activities in accordance with State prevailing wages for all contracts and subcontracts and costs that will be reimbursed by ECRG Grant funds pursuant to California Labor Code Section 1720 et seq

Contracting Basics

- Work should not be directed or commenced without a clear agreement with understanding between the parties.
 - Setting expectations for performance and safety prior to work execution!
- Clear roles and responsibilities (Contract lead? Receipt of Service? Site representative?)
- Important to have written standards of conduct covering conflicts of interest or gift giving concerning employees engaged in contract award/administration.
- Documentation in case of dispute (maintain accurate records of procurement discussions and project status)
- Competition in contracting (equity, fairness, performance)
- Understand payment terms and conditions to facilitate reimbursement

Procurement to Payment Cycle

General Structure

- Need identified
- Requisition Created (RFP/RFQ/MSA)
- Purchase Order/Contract Executed
- Goods/Services Received
- Invoice Received (What are payment terms?)
- Invoice Processed
- Accounts Payable

Map out the process for your organization!

Selecting an Environmental Consultant

A competent consultant will help you define the problem and develop solutions that comply with environmental laws and regulations.

- Help manage overall schedule and budget of project
- Manage regulatory requirements and reporting

Define nature of work

-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? (Fixed price vs Time and Materials?)

Track Record of success

-Review Statement of Qualifications, request references and safety metrics,
-Ask questions before awarding work! Ask how many projects the consultant has with DTSC, Water Board and/or Local Agencies. Ask how many projects the consultant is doing or has done that are in your geographic area, or dealing with the type of contamination that your site has.

Environmental consultant should have experience organizing bid events for remediation projects if this is the scope!

More in-depth guide coming!

Solicitation Process

- Defining the Project and Determining role of Consultant
- Planning a bid event
- Building a bidders list
- Create bid form and bid documents
- Hosting a bid walk/site visit
 - Sharing questions and answers for equal information
- Receiving/Reviewing proposals
 - Award need not be made to lowest price, other criteria count too!
- Contract Negotiation/Award

Common Contract Structures

Lump Sum-Total \$ amount provided, useful when scope is well defined as it gives cost certainty to grantee.

Unit Rate- \$/unit, Common in dig and haul or treatment projects where costs are volume dependent.

Time and Materials-Contractor is paid a direct markup on costs incurred allowing for work to be executed even when scope is not well defined.

Bid form should be designed such that contractors can propose alternative pricing or project savings as part of original proposal.

Example Bid Form and Comparison

Work Item - Louviers SWMU 13 Closure	Units	Qty	Contractor 1		Contractor 2		Contractor 3		
			\$/unit	Total	\$/unit	Total	\$/unit	Total	
Section 1 - Lump Sum Items									
Item 1: General Requirements	LS	1	\$ 128,130.00	\$ 128,130.00	\$ 306,155.00	\$ 306,155.00	\$ 32,500.00	\$ 32,500.00	
Item 2: Temporary Stormwater, ESC Measures	LS	1	\$ 44,600.00	\$ 44,600.00	\$ 96,980.00	\$ 96,980.00	\$ 120,000.00	\$ 120,000.00	
Item 3: Site Clearing	LS	1	\$ 3,910.00	\$ 3,910.00	\$ 17,465.00	\$ 17,465.00	\$ 12,400.00	\$ 12,400.00	
Item 4: Earthwork and Drainage Structures	LS	1	\$ 270,885.00	\$ 270,885.00	\$ 148,225.00	\$ 148,225.00	\$ 450,000.00	\$ 450,000.00	
Item 5: Site Restoration	LS	1	\$ 280,435.00	\$ 280,435.00	\$ 184,150.00	\$ 184,150.00	\$ 55,750.00	\$ 55,750.00	
Section 2 - Unit Price Items									
Item 1: Organic Material	tons	70	\$ 445.00	\$ 31,150.00	\$ 343.00	\$ 24,010.00	\$ 378.00	\$ 26,460.00	
Item 2a: Impacted Material Excavation and Backfill	CY	18,500	\$ 9.88	\$ 182,780.00	\$ 6.40	\$ 118,400.00	\$ 17.87	\$ 330,595.00	
Item 2b: Impacted Mat'l Exc, Trans and Backfill SWMU 36	CY	500	\$ 30.00	\$ 15,000.00	\$ 30.25	\$ 15,125.00	\$ 65.00	\$ 32,500.00	
Item 3: Extra Work - Authorized Vegetative Restoration	SY	1,200	\$ 6.90	\$ 8,280.00	\$ 4.25	\$ 5,100.00	\$ 1.35	\$ 1,620.00	
Item 4a: 8 inch culvert	LF	20	\$ 41.00	\$ 820.00	\$ 68.00	\$ 1,360.00	\$ 190.00	\$ 3,800.00	
Item 4b: 12 inch culvert	LF	40	\$ 43.00	\$ 1,720.00	\$ 53.00	\$ 2,120.00	\$ 250.00	\$ 10,000.00	
Item 5: Road Restoration	CCY	200	\$ 35.20	\$ 7,040.00	\$ 43.00	\$ 8,600.00	\$ 27.40	\$ 5,480.00	
				\$ 974,750.00			\$ 927,690.00	\$ 1,081,105.00	

Schedule of Values example

	A	B	C	D	E	F	G	H
Item Description	Item Value	Amount Prev. Billed	Amount Billed This Period	Amount Of Stored Materials	Completed & Stored To Date (B + C + D)	% Complete (E / A)	Amount Remaining (A - E)	Retention (Col. E x 10%)
Mobilization	\$ 50,000.00	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	100.0%	\$ -	\$ 5,000.00
Engineering & Design	\$ 100,000.00	\$ 50,000.00	\$ 25,000.00	\$ -	\$ 75,000.00	75.0%	\$ 25,000.00	\$ 7,500.00
CMU Wall - Materials	\$ 250,000.00	\$ 200,000.00	\$ 25,000.00	\$ 25,000.00	\$ 250,000.00	100.0%	\$ -	\$ 25,000.00
CMU Wall - Labor & Equipment	\$ 400,000.00	\$ 200,000.00	\$ 150,000.00	\$ -	\$ 350,000.00	87.5%	\$ 50,000.00	\$ 35,000.00
Waterproofing & Caulking - Material	\$ 100,000.00	\$ 60,000.00	\$ 20,000.00	\$ 20,000.00	\$ 100,000.00	100.0%	\$ -	\$ 10,000.00
Waterproofing & Caulking - Labor & Equipment	\$ 300,000.00	\$ 180,000.00	\$ 40,000.00	\$ -	\$ 220,000.00	73.3%	\$ 80,000.00	\$ 22,000.00
Bricks - Materials	\$ 350,000.00	\$ 100,000.00	\$ 100,000.00	\$ 50,000.00	\$ 250,000.00	71.4%	\$ 100,000.00	\$ 25,000.00
Bricks - Labor & Equipment	\$ 575,000.00	\$ 175,000.00	\$ 150,000.00	\$ -	\$ 325,000.00	56.5%	\$ 250,000.00	\$ 32,500.00
Metal Panels - Materials	\$ 325,000.00	\$ 100,000.00	\$ 50,000.00	\$ 100,000.00	\$ 250,000.00	76.9%	\$ 75,000.00	\$ 25,000.00
Metal Panels - Labor & Equipment	\$ 600,000.00	\$ 50,000.00	\$ 100,000.00	\$ -	\$ 150,000.00	25.0%	\$ 450,000.00	\$ 15,000.00
Windows - Materials	\$ 175,000.00	\$ 50,000.00	\$ 25,000.00	\$ -	\$ 75,000.00	42.9%	\$ 100,000.00	\$ 7,500.00
Windows - Labor & Equipment	\$ 375,000.00	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	26.7%	\$ 275,000.00	\$ 10,000.00
Metal Flashing/Trim - Material	\$ 75,000.00	\$ 15,000.00	\$ 25,000.00	\$ 15,000.00	\$ 55,000.00	73.3%	\$ 20,000.00	\$ 5,500.00
Metal Flashing/Trim - Labor & Equipment	\$ 175,000.00	\$ -	\$ 50,000.00	\$ -	\$ 50,000.00	28.6%	\$ 125,000.00	\$ 5,000.00
GRAND TOTAL	\$ 3,850,000.00	\$ 1,230,000.00	\$ 860,000.00	\$ 210,000.00	\$2,300,000.00	59.7%	\$ 1,550,000.00	\$ 230,000.00

ECRG Reimbursement Check-in

dtsc.fluxx.io

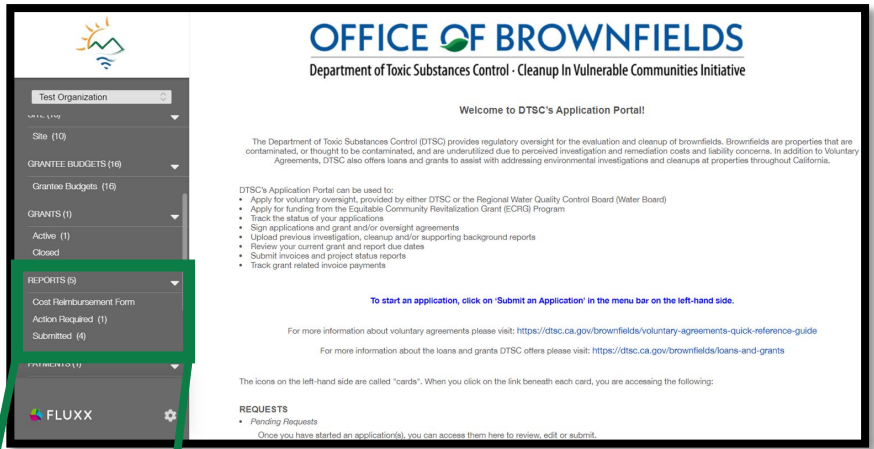
2. HOW TO COMPLETE AND SUBMIT A REIMBURSEMENT REQUEST

2A. Navigate the Portal using the menu bar on the left-hand side

2B. Under **Reports**, select **Cost Reimbursement Form** and click to display the request form

Reminder: If you are associated with multiple grants, ensure you are submitting against the correct grant by verifying the correct grant organization and grant agreement number.

2C. To start a reimbursement request, enter **Edit** mode at the top right-hand side



3. REQUIREMENTS FOR INVOICES SUBMITTED WITH REIMBURSEMENT REQUESTS

Reminder: DTSC does not require Grantees to pay invoices prior to requesting cost reimbursements; however, **DTSC will not reimburse interest, penalties, nor fines.**

If you have any questions, please email EGRGinfo@dtsc.ca.gov

Request ECRG reimbursement, as follows:

3A. Gather \$15,000 or higher in invoices to create a Reimbursement Request.

3B. Include Reimbursement Request date and number

3C. Include Reimbursement Request total amount

3D. Ask your contractors/vendors to provide invoices on company letterhead and instruct them to include:

- The STD Form 204 Grantee Organization name and address
- Site name
- Sufficient details to allow DTSC Project Manager to determine:
 - ✓Costs are reasonable under the Agreement Terms and Conditions
 - ✓Costs are eligible
- For contractor labor costs, include the following:
 1. Performed project work timeframe (date range)
 2. Staff classification/labor category
 3. Work activity performed
 4. Number of hours worked
 5. Associated hourly rates

For example: April - June 2022, ACME Corp./Sr. Geologist, 60 hours @ \$X per hour for site observation/evaluation.

3. REQUIREMENTS FOR INVOICES SUBMITTED WITH REIMBURSEMENT REQUESTS



If you have any questions, please email ECRGinfo@dtsc.ca.gov

3E. For Grantee Project Manager labor costs Reimbursement Request, provide labor costs on Grantee Organization letterhead and include:

- Performed project work timeframe (date range)
- Staff classification/labor category
- Work activity performed
- Number of hours worked
- Associated hourly rates charged (base labor rate not the fully loaded rate; DTSC cannot pay for Grantee admin or overhead costs)
- Copies of associated approved timecards

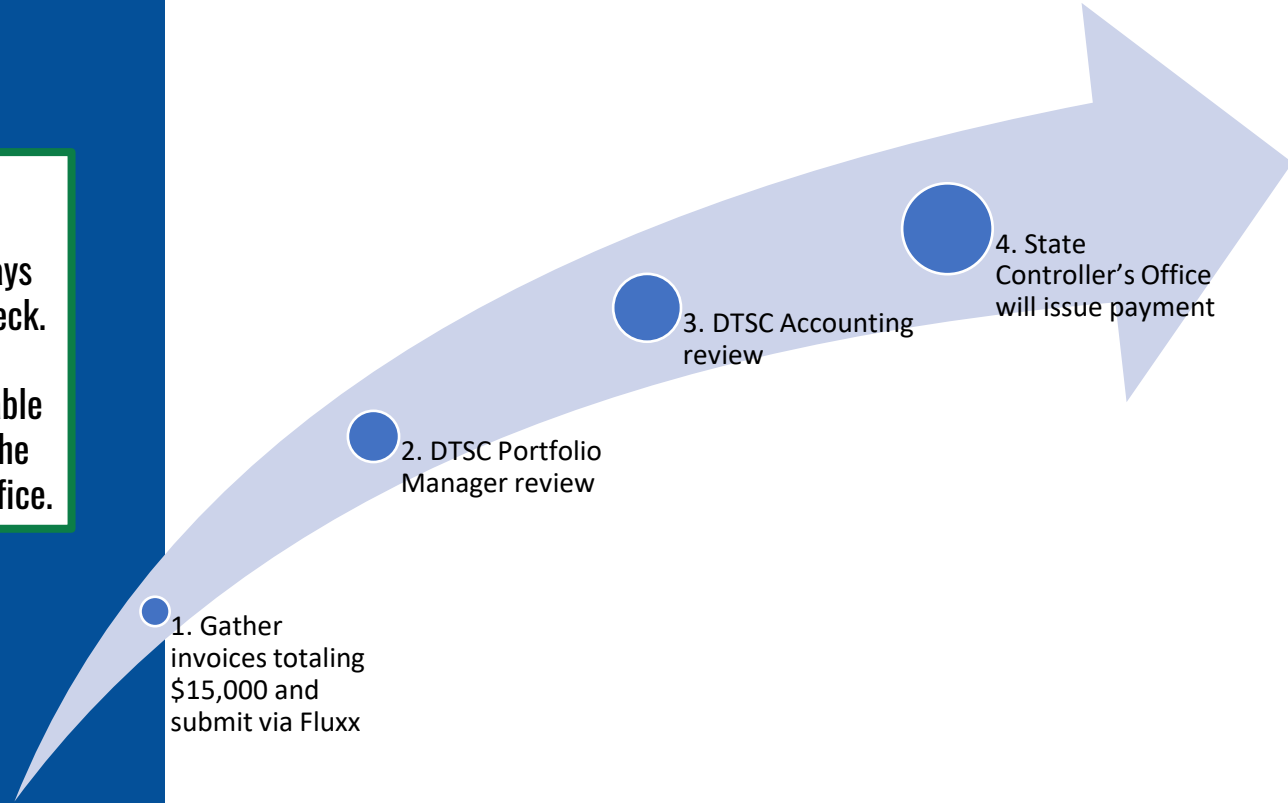
For example: April - June 2022, Grantee Organization/Project Manager, 20 hours @ \$X per hour (base labor rate only) for reimbursement request submittal along with associated approved timecard.

Grantee Project Manager labor costs may not exceed 5% of the grant award amount. The 5% cap applies only to Grantee Organization staff.

4. ECRG REIMBURSEMENT PROCESS

From the time the DTSC receives your invoices and the necessary support documentation, it will take up to 90 days for you to receive a reimbursement check.

All disbursement warrants will be payable to the Grantee and mailed directly to the Grantee from the State Controller's Office.



Summary of Costs

Exhibit I: Summary of Costs

Grantee Name
Street Address
City, ST ZIP Code

Date: Month DD, YYYY

Agreement Number: ECRG-2021-XXXX
Grant Period: MM/DD/YYYY to MM/DD/YYYY

Site Name
Site Address
City, ST Zip Code

Billing Period: MM/DD/YYYY to MM/DD/YYYY

Budget Item	Budgeted Amount	Current Billing Amount	Expended To Date
TOTAL	\$ -	\$ -	\$ -

Direct questions regarding billing to: Name
XXX-XXX-XXXX Ext. XXXX
Email address

Question and Answer