National
Environmental
Policy
Act

N
E
P
A

National Environmental
Policy Act
Contracting Reform
Guidance:
Phase I

RECEIVED
SEP 13 1995
OSTI

Office of NEPA Policy and Assistance
U.S. Department of Energy

August 1995

This report has been reproduced directly from the best available copy.

Available to DOE and DOE contractors from the Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831; prices available from (615) 576-8401.

**Available to the public from the U.S. Department of Commerce, Technology Administration, National Technical Information Service, Springfield, VA 22161.
(703) 487-4650.**

NEPA CONTRACTING REFORM GUIDANCE

PHASE I

DISCLAIMER

This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.

**U.S. Department of Energy
Environment, Safety and Health
Office of NEPA Policy and Assistance
August 1995**

printed on recycled paper

MASTER

DISTRIBUTION OF THIS DOCUMENT IS UNLIMITED *in 10*

DISCLAIMER

Portions of this document may be illegible in electronic image products. Images are produced from the best available original document.

NEPA Contracting Reform Guidance: Phase I

Table of Contents

Introduction	1
1. Model Statements of Work for NEPA Support and Sample Deliverable Schedule for an Environmental Impact Statement	2
Exhibit 1.A: Model Statement of Work for Support of Public Scoping for an Environmental Impact Statement	4
Exhibit 1.B: Model Statement of Work for Support in Preparing an Environmental Impact Statement	7
Exhibit 1.C: Sample EIS Deliverable Timetable	14
2. Pilot Program for Contractor Performance Evaluation	15
Exhibit 2: Performance Evaluation: NEPA Support Activities and Instructions	16
3. DOE NEPA Web and Related Information Resources	22
Major Contents of the DOE NEPA Web	22
Accessing the DOE NEPA Web	23
Submitting Information for Inclusion in the DOE NEPA Web	23
DOE NEPA Web Contacts	24

NEPA Contracting Reform Guidance Phase I

Introduction

Strategic Alignment Initiative 29 for National Environmental Policy Act (NEPA) Cost Savings (SAI-29) identified NEPA contracting reform guidance as a major milestone. The NEPA Contracting Quality Improvement Team (the Team)¹ identified several contracting improvements to reduce the cost and time for the NEPA process. Chief among these are: applying project management techniques to NEPA document preparation, clarifying roles and responsibilities of DOE and contractor personnel, developing separate detailed statements of work for scoping and document preparation, identifying existing documents and data systems that are useful as models, and incorporating performance incentives into contracts. The February 1995 Report of the NEPA Contracting Quality Improvement Team (the Report)² recommended a series of steps to achieve these improvements, including issuance of contracting guidance.

The guidance will be issued in three phases. This Phase I guidance implements the Team's short-term recommendations. Phase I guidance provides model statements of work and a sample schedule of contractor deliverables, establishes a pilot program for evaluating performance of NEPA support contractors, and describes information resources available on the DOE NEPA Web.

This Contracting Reform Guidance is not intended to express a preference for using contractors to prepare NEPA documents when Federal personnel are available to perform these tasks.

¹The NEPA Contracting Quality Improvement Team was established by the Secretary in June 1994 to develop recommendations on innovative contracting mechanisms and incentives for NEPA applications.

²The Secretary distributed the Report of the NEPA Contracting Quality Improvement Team to Secretarial Officers and Heads of Field Organizations on March 20, 1995. Copies of the Report are available from the Office of NEPA Policy and Assistance.

1. Model Statements of Work for NEPA Support and Sample Deliverable Schedule for an Environmental Impact Statement

The adequacy, in particular the specificity, of the statement of work in contract procurement is critical to reducing costs while increasing the timeliness and quality of NEPA support (Section 3.3 of the Report). The Report recommended writing statements of work for the public scoping process for an environmental impact statement separately from the statement of work for document preparation. This practice could convey several benefits:

- DOE could provide contracting opportunities for diverse contractors, including small and disadvantaged businesses, which may be qualified to support scoping activities but not the technical analysis required for document preparation. This type of contract can often be established on a short timeframe and on a local basis.
- Because the scope of work for scoping support can usually be quite specifically defined, performance incentives (to be discussed in Phase II guidance) could readily be incorporated in scoping contracts.
- Phased contracting could support the development of a more specific statement of work for environmental impact statement preparation, based in part on information developed during planning for the public scoping process.

To facilitate such phased contracting, as an alternative to the Department's usual NEPA procurement practice, the Team developed two model statements of work, one for the public scoping process for an environmental impact statement and another for preparing a draft and final statement.³ The model statements of work can be adapted in several ways to obtain the benefits of a well-defined statement of work in a range of contracting situations. For example, an organization that has established a single contract to prepare multiple NEPA documents as a series of tasks could adapt the models as appropriate for each such task. If one contract is awarded for scoping and environmental impact statement preparation, the statements of work could be combined to cover both phases. The model statement of work for environmental impact statement preparation could be modified for environmental assessment preparation.

The models provided herein (Exhibits 1.A and 1.B below, respectively) represent an appropriate level of detail for statements of work. (Electronic files of these documents are available on request from the Office of NEPA Policy and Assistance.) The model statements of work provide a list of typical contract deliverables. A sample timetable (Exhibit 1.C) fits these contract deliverables into a 15-month schedule for issuing an environmental impact statement.

While the models provide generic language, users should add project- and site-specific information. Of particular importance is project- or site-specific discussion on the purpose and need for agency action, alternatives to be analyzed, the nature and extent of required interagency consultation, the depth and breadth of impact analysis to be provided, and analytical models to be used.

³ The Office of NEPA Policy and Assistance has modified the Contracting Report model statements of work for clarity and consistency, and to respond to comments on the Report models.

The Contracting Team recommended that the notice of intent to prepare an environmental impact statement, implementation plan, and statement of purpose and need for agency action be prepared by DOE personnel as these items identify policy positions. Therefore, the model statement of work does not cover the notice of intent and the implementation plan, and refers to DOE providing the statement of purpose and need. These items are not included in the schedule of contractor deliverables. However, the compilation of scoping comments, the last deliverable under the scoping support contractor, is intended to support efficient DOE preparation of the implementation plan.

Exhibit 1.A
**MODEL STATEMENT OF WORK⁴ FOR SUPPORT OF PUBLIC SCOPING
FOR AN ENVIRONMENTAL IMPACT STATEMENT**

SECTION 1. OBJECTIVE

The objective of this contract is to provide the Department of Energy (DOE) [Operations Office/Area Office/Program Office] with technical support services for public scoping for an environmental impact statement (EIS) to assess the environmental impacts associated with the [proposed action (e.g., siting, construction, operation, and closure of X; continued operation of X; research on X; X waste management; X remediation) or program (in the case of a programmatic EIS)].

SECTION 2. BACKGROUND

[Provide *relevant* information on DOE's mission and the proposed site(s) of the proposed action.]

EIS scoping meetings will be held in [X: provide scoping locations, if known]. DOE has scheduled publication of the notice of intent to prepare the EIS on [date], and public scoping meetings within [X] weeks thereafter. DOE will establish an EIS Management Team under direction of a NEPA Document Manager with representatives from DOE Headquarters and Field Offices, as appropriate.

SECTION 3. SCOPE OF WORK

The Contractor will arrange for and provide all logistical services necessary for public scoping meetings and receipt of public comments. The Contractor will catalog, collate, characterize, and summarize all comments received. Public scoping for the EIS will be conducted in accordance with all applicable requirements, including the requirements of the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and DOE NEPA regulations (10 CFR Part 1021). Public scoping for the EIS also will meet applicable DOE NEPA policy and guidance, including "Effective Public Participation under the National Environmental Policy Act," issued December 1994. DOE will provide the Contractor with a full list of applicable requirements and guidance at the start of the contract. [The Site Advisory Board and other stakeholders] will help determine the scope of the EIS. The Contractor will provide all support services necessary for a maximum of [X] scoping meetings and all records from the meetings, including transcripts and written comments and documents submitted.

⁴ Generic language is provided to the extent possible. Placeholders for project- or site-specific discussions are indicated by brackets.

SECTION 4. REQUIREMENTS^{5, 6}

The Contractor shall perform the following at the direction of the DOE NEPA Document Manager:⁷

1. The Contractor shall comply with all DOE safeguards and security requirements to obtain entry to DOE and Site facilities.
2. The Contractor shall prepare a Public Participation Plan⁸ that describes the interactions DOE will have with potentially affected communities; other Federal, State, Tribe, and local government agencies; private organizations; and the public at large. The Plan shall include methods to facilitate the involvement of minority and low-income communities. The Plan will address methods, public hearings, tours, maintenance of correspondence and document distribution lists, use of DOE public reading rooms, and any public interactions that the DOE NEPA Document Manager may prescribe or the Contractor proposes and the DOE NEPA Document Manager accepts for inclusion. The Contractor will revise the Public Participation Plan as directed by the DOE NEPA Document Manager and submit it to DOE for approval.
3. The Contractor shall support DOE in interactions with other government agencies at the Federal, State, Tribe, or local level, as directed by the NEPA Document Manager. The Contractor shall also support DOE in interactions with stakeholders [specify as much as possible the assistance needed].
4. The Contractor shall use [specify hardware/software, if there is a DOE preference].⁹
5. The Contractor shall establish electronic data (computer) systems to ensure tracking and retrieving of public comments and their responses, and shall generate a comprehensive mailing list (electronic) of interested and affected parties.
6. The Contractor shall participate in regular meetings and special progress review meetings as directed by the DOE NEPA Document Manager.

⁵ If appropriate, the requirements statements may be written to allow DOE the option of making an assignment to a contractor by writing "If directed by DOE" before "the Contractor shall" or by indicating that DOE "may direct the Contractor to... or itself may..."

⁶ This section assumes that DOE internal scoping is occurring or has already occurred and that DOE will prepare the Notice of Intent.

⁷ The NEPA Document Manager either will be or will work closely with the Contracting Officer's Technical Representative.

⁸ Each Program and Field Office has developed a NEPA Public Participation Plan. If the Organization's Public Participation Plan requires the preparation of an EIS-specific plan, it should be tiered from the Office plan.

⁹ It is generally preferable that computer support be compatible with and accessible by DOE, not based on the contractor's proprietary software, etc.

7. The Contractor shall provide planning, coordination, and logistic support for [X] [a minimum of X] [a maximum of X] public scoping meetings to be held in response to a Notice of Intent to prepare the EIS. DOE anticipates that scoping meetings will be held in [location(s)]. The Contractor shall, at the direction of the DOE NEPA Document Manager, establish the facility, date, and time (and reservations for same) for each scoping meeting - provide publicity, incoming toll-free phone line, setup, registration, security, handout copying and distribution, audio visual and computer support, moderator, court reporter, language translator as necessary, and takedown support for the meetings; assist in preparing written instructions for all key meeting personnel, including opening and closing statements; and, if necessary, assist with preparing presentation materials.
8. The Contractor shall provide DOE with transcripts of the public scoping meetings and copies of written comments. The Contractor shall assist DOE in distributing transcripts and comments as directed by the DOE NEPA Document Manager.
9. The Contractor shall provide a scoping results document that catalogs, collates, categorizes [specify how, for example, by geographic location and by subject areas], and summarizes all comments received during the scoping meeting process.

SECTION 5. DELIVERABLES

1. Contract Deliverables, including progress and management reports showing both dollars and labor hours, shall be in accordance with the attached Reporting Requirements Checklist.¹⁰
2. The Contractor shall provide a draft Public Participation Plan for DOE review.
3. The Contractor shall provide a Public Participation Plan for DOE approval.
4. The Contractor shall provide an electronic file and [X] copies of transcripts of the public scoping meetings.
5. The Contractor shall provide [X] copies of written public comments.
6. The Contractor shall provide an electronic file and [X] copies of a public scoping results document and a distribution list.

SECTION 6. TIMEFRAMES FOR COMPLETION OF DELIVERABLES

Expected timeframes for completion of deliverables under this contract are as follows:

Ongoing	Deliverable 5.1
Within [X] weeks of contract award	Deliverable 5.2
Within [X] weeks of contract award	Deliverable 5.3
Within [X] weeks of last public scoping meeting	Deliverable 5.4
Within [X] weeks of close of public scoping	Deliverable 5.5
Within [X] weeks of close of public scoping	Deliverable 5.6

¹⁰ DOE form F 1332.1, Reporting Requirements Checklist, is under Field Management review. As of 7/95, it is scheduled to be cancelled and replaced by guidance, and is not provided in this model statement of work.

Exhibit 1.B
MODEL STATEMENT OF WORK FOR SUPPORT IN PREPARING
AN ENVIRONMENTAL IMPACT STATEMENT ¹¹

SECTION 1. OBJECTIVE

The objective of this contract is to provide the Department of Energy (DOE) [Operations Office/Area Office/Program Office] with technical support services for preparing and issuing an environmental impact statement (EIS) and related documents to assess the environmental impacts associated with the [proposed action (e.g., siting, construction, operation, and closure of X; continued operation of X; research on X; X waste management; X remediation) or program (in the case of a programmatic EIS)].

SECTION 2. BACKGROUND

[Provide *relevant* information on DOE's mission and the proposed site(s) of the proposed action.]

EIS scoping meetings [will be/have been] held in [location] [and at other nearby communities potentially affected by the proposed action]. A Final EIS is scheduled for [early/mid/late] 19XX and a Record of Decision for the EIS is scheduled to be issued by [early/mid/late] 19XX.

DOE will establish an EIS Management Team under the direction of the NEPA Document Manager with representatives from DOE Headquarters and Field offices, as appropriate.

SECTION 3. SCOPE OF WORK

The Contractor shall support the preparation of the EIS in accordance with all applicable requirements, including the requirements of the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and DOE NEPA regulations (10 CFR Part 1021). The EIS also will meet applicable DOE NEPA policy and guidance, including the "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," issued May 1993. DOE will provide the Contractor with a full list of applicable requirements and guidance at the start of the contract. The Draft EIS will be prepared in accordance with the results of the public scoping process.¹²

[Include statement of purpose and need for DOE action.]

The EIS will analyze the environmental impacts of the [proposed action (e.g., siting, construction, operation, and closure of X; continued operation of X; research on X; X waste

¹¹ Generic language is provided to the extent possible. Placeholders for project- or site-specific discussions are indicated in brackets.

¹² This presumes that DOE will provide the contractor with the results of the scoping process; i.e., an implementation plan.

management; **X** remediation) or program (in the case of a programmatic EIS)] for the preferred alternative (if one exists), a no action alternative, and other reasonable alternatives. The analysis shall address direct, indirect, and cumulative effects on public and worker health and safety, air quality, water resources, biotic resources, ecosystem functioning, cultural resources, socioeconomics, land use, and environmental justice. The analysis shall include potential effects from [specify, as appropriate, construction, operation, and closure of facilities and on-site and offsite transportation of radioactive, hazardous, and mixed materials and shall include effects from radiological and nonradiological releases under both routine and accident conditions, etc.].

[To the maximum extent possible, the EIS will take into account any decisions that result from the Record(s) of Decision based on the **X** EIS(s).]¹³

SECTION 4. REQUIREMENTS¹⁴

The Contractor shall perform the following at the direction of the DOE NEPA Document Manager:¹⁵

1. The Contractor shall comply with all DOE safeguards and security requirements to obtain entry to DOE [and Site] facilities. The Contractor shall comply with all DOE [and Site] security requirements regarding handling of classified information. [The Contractor shall provide sufficient personnel (at least **X**) who hold DOE "Q" clearances or who have held DOE "Q" clearances within the past four years and for whom not more than four years have passed since the last security clearance investigation.] [In the event that a classified appendix to the EIS is required, the Contractor shall prepare this classified appendix and will do so in either a DOE-approved security facility or in DOE-secured space.]
2. The Contractor shall support DOE in interactions with other government agencies at the Federal, State, Tribe, or local level, as directed by the NEPA Document Manager. [This support shall be limited to document preparation and logistic support.] [This support shall include technical consultations with other Federal agencies, such as the Fish and Wildlife Service of the Department of the Interior, to address compliance with laws and regulations regarding other environmental review requirements, such as those regarding endangered species and cultural resources]. The Contractor shall also support DOE in interactions with stakeholders [specify as much as possible the assistance needed].

¹³ DOE will specify past, present or reasonably foreseeable actions that should be included in the analysis of cumulative impacts.

¹⁴ If appropriate, the requirements statements may be written to allow DOE the option of making an assignment to a contractor by writing "if directed by DOE" before "the Contractor shall" or by indicating that DOE "may direct the Contractor to... or may itself...."

¹⁵ The NEPA Document Manager either will be or will work closely with the Contracting Officer's Technical Representative.

3. The Contractor shall use [hardware/software, if there is a DOE preference].¹⁶
4. The Contractor shall establish electronic data (computer) systems capable of tracking and retrieving public comments and their responses; comparing and highlighting iterations of text; and generating a comprehensive mailing list of interested and affected parties.
5. The Contractor shall participate in regular meetings and special progress review meetings as directed by the DOE NEPA Document Manager. The Contractor shall participate in DOE review sessions of draft documents.
6. DOE shall not provide office space; the Contractor shall maintain offices in [location of Site or Area Office]. The Contractor shall operate the office with work space, support space, and conference space sufficient for a minimum of [X] employees on a full-time basis. The office should also include sufficient work space for [X] visiting DOE or other agency staff. The office should have conference space available for a meeting of [X] people.
7. DOE will provide the Contractor with an implementation plan for preparation of the EIS that will contain information on the planned scope and content of the EIS, including purpose and need for agency action, alternatives to be analyzed, and a summary of public scoping comments received and their dispositions. DOE also will provide the Contractor public scoping comments that have been cataloged, collated, characterized, and summarized, and a mailing list (electronic) of interested and affected parties identified during the public scoping process.
8. DOE will provide available environmental and safety baseline documents, information, and computer files as necessary to support preparation of the EIS. The Contractor shall independently assess the adequacy and completeness of this baseline information, bring data gaps, omissions, or inconsistencies to the attention of DOE, and request additional information or data needed to prepare the EIS. If directed to do so by the DOE NEPA Document Manager, the Contractor shall conduct additional data collection and field studies under a data collection plan approved by DOE. The Contractor shall maximize the use of existing programmatic, environmental, and safety information documents to prepare the EIS.
9. DOE will determine and direct the Contractor on acceptable levels of data analysis and on assumptions and analytical models, or the Contractor will present an analysis plan to be approved by DOE. [To the extent known, DOE should specify in the statement of work what analytical models (e.g., RADTRAN, CAP88-PC and AIRDOS) and assumptions to use and how to present results.]
10. The Contractor shall coordinate and integrate the data and analysis inputs of supporting DOE, State, Tribe, and other Federal or Contractor personnel who may be tasked by the NEPA Document Manager to provide information in specialized areas of expertise.

¹⁶ It is generally preferable that computer support be compatible with and accessible by DOE, not based on the contractor's proprietary software, etc.

11. If so directed by the DOE NEPA Document Manager, the Contractor shall revise the Public Participation Plan¹⁷ that describes the interactions DOE will have with potentially affected communities; other Federal, State, Tribe, and local government agencies; private organizations; and the public at large.
12. The Contractor shall provide support to DOE in implementing the Public Participation Plan in the manner and at the level required by the DOE NEPA Document Manager. This support will include routine and special mailings, preparing presentation materials, establishing and staffing a toll-free (800) telephone line, and other forms of communication.
13. The Contractor shall prepare a preliminary Draft EIS. The Contractor shall submit preliminary Draft EIS text, figures, and tables to DOE for review and shall participate in internal factual accuracy reviews as required. The Contractor shall support the compiling, tracking, and answering of DOE-provided comments and recommended changes to the preliminary Draft EIS. The Contractor shall perform revisions as the DOE NEPA Document Manager directs.
14. The Contractor shall support the presentation of the preliminary Draft EIS to DOE [Area Office/Operations Office/Program Office/Office of Environment, Safety and Health/Office of General Counsel]. This support includes, but is not limited to, printing multiple copies of the preliminary Draft EIS and distributing them for review, gathering and collating comments, and revising the preliminary Draft EIS as required.
15. The Contractor shall coordinate printing the approved Draft EIS with [the Government Printing Office/other printer]. The Contractor shall provide clerical support for DOE's distribution letters and support the distribution of the Draft EIS to appropriate government agencies and elected officials, and to all other interested or affected parties. The Contractor shall provide sufficient printed copies of the Draft EIS to meet distribution needs.
16. The Contractor shall provide administrative support to organize and coordinate the public hearing(s) on the Draft EIS. DOE anticipates holding public hearing(s) in [location(s)]. The Contractor shall, at the direction of the DOE NEPA Document Manager, establish the facility, date, and time (and reservations for same) for each public hearing; provide publicity, setup, registration, security, handout copying and distribution, audio visual and computer support, moderator, court reporter, language translator as necessary, and takedown support for the hearings; assist in preparing written instructions for all key hearing personnel, including opening and closing statements, if necessary; assist with preparing presentation materials; and provide timely distribution of hearing transcripts and written comments to public reading rooms and other interested and affected parties.
17. The Contractor shall, under the direction of the DOE NEPA Document Manager, categorize, collate, and assist in analyzing the comments received on the Draft EIS during the public comment period. The Contractor shall assist in preparing draft

¹⁷ Each Program and Field Office has developed a NEPA Public Participation Plan. If the Organization's Public Participation Plan requires the preparation of a tiered, EIS-specific plan, it should have been developed during the scoping phase and may require revision during the document preparation phase.

responses based on DOE direction to all public comments for use in preparing the Final EIS, shall identify revisions needed in the Final EIS, and shall prepare a preliminary Final EIS that incorporates those revisions. Following review by the DOE EIS Management Team, the Contractor shall revise the draft responses under the direction of the DOE NEPA Document Manager.

18. The Contractor shall support additional review by [Area Office/Operations Office/Program Office/Office of Environment, Safety and Health/Office of General Counsel] of the preliminary Final EIS including responses to comments, and revise the document as required.
19. The Contractor shall assist in preparation of the Final EIS. The Final EIS shall include corrections, revisions, additions, and deletions to the Draft EIS based on review comments by the public; State, Tribe, and local governments; other Federal agency review; or other information. The Contractor shall provide a means to identify and track review comments and text changes. Upon receiving approval from the DOE NEPA Document Manager, the Contractor shall provide [X] copies of the Final EIS, including all public comments and responses, for submittal to [Area Office/Operations Office/Program Office/Office of Environment, Safety and Health/Office of General Counsel] for final review and approval.
20. The Contractor shall coordinate printing the Final EIS with [the Government Printing Office/other printer]. The Contractor shall provide clerical support for DOE's distribution letters and support the distribution of the Final EIS to appropriate government agencies and elected officials, and to all other interested or affected parties. The Contractor shall provide sufficient printed copies of the Final EIS to meet distribution needs.
21. The Contractor shall categorize, collate, and assist in analyzing public comments received, if any, in response to the Final EIS. The Contractor shall assist in preparation of recommendations on disposition of any comments received.
22. The Contractor shall prepare a preliminary Record of Decision based upon the Final EIS and, if required under the DOE NEPA regulations, a Mitigation Action Plan. DOE will prepare the final Record of Decision.
23. The Contractor shall provide [X] copies of both DOE's draft Record of Decision and the Mitigation Action Plan for submittal to [Area Office/Operations Office/Program Office/Office of Environment, Safety and Health] for DOE review and approval. The Contractor shall support the distribution of the approved Record of Decision to appropriate government agencies and elected officials, and to all other interested or affected parties, including all who provided comments on the Draft EIS.
24. The Contractor shall assist in the development and maintenance of the Administrative Record.

SECTION 5. DELIVERABLES

1. Contract Deliverables, including progress and management reports showing both dollars and labor hours, shall be in accordance with the attached Reporting Requirements Checklist.¹⁸
2. The Contractor shall prepare a detailed list of information needs and data requirements that have not been provided by DOE.
3. The Contractor shall provide a revised Public Participation Plan for DOE approval.
4. The Contractor shall provide the preliminary Draft EIS for DOE review.
5. The Contractor shall provide the Draft EIS for DOE approval.
6. The Contractor shall provide a camera-ready approved Draft EIS.
7. The Contractor shall provide [X] copies of the approved Draft EIS for distribution within DOE, to public reading rooms, and to other interested or affected parties.
8. The Contractor shall provide [X] transcripts of the public hearings on the Draft EIS for distribution within DOE and to public reading rooms.
9. The Contractor shall prepare draft responses to public comments on the Draft EIS for DOE review.
10. The Contractor shall prepare the draft Mitigation Action Plan for DOE review.
11. The Contractor shall prepare final responses to public comments on the Draft EIS for DOE review (to be included in the Final EIS).
12. The Contractor shall prepare the preliminary Final EIS for DOE review.
13. The Contractor shall prepare the Final EIS for DOE approval.
14. The Contractor shall provide a camera-ready approved Final EIS.
15. The Contractor shall provide [X] copies of the approved Final EIS for distribution within DOE, to public reading rooms, and to other interested or affected parties.
16. The Contractor shall prepare a preliminary draft Record of Decision.
17. The Contractor shall prepare the final Mitigation Action Plan for DOE approval.
18. The Contractor shall prepare draft responses to public comments (if received) on the Final EIS for DOE review and, if directed to do so by the NEPA Document Manager, revise responses.

¹⁸ DOE form F 1332.1, Reporting Requirements Checklist, is under Field Management review. As of 7/95, it is scheduled to be cancelled and replaced by guidance and is not provided in this model statement of work.

19. The Contractor shall develop and catalog the EIS Administrative Record.
20. The Contractor shall catalog and package original copies of field notes, reference documents, photographs, graphics, and maps used in preparation of the EIS and supporting analyses for delivery to DOE upon completion of this contract.
21. The Contractor will provide an electronic copy of the Final EIS in a format specified by DOE.

SECTION 6. TIMEFRAMES FOR COMPLETION OF DELIVERABLES

Scheduled timeframes for completion of deliverables under this contract are as follows:

Ongoing	Deliverable 5.1
[1st Quarter] ¹⁹	Deliverables 5.2 through 5.3
[2nd Quarter]	Deliverable 5.4
[3rd Quarter]	Deliverables 5.5 through 5.7
[4th Quarter]	Deliverables 5.8 through 5.10
[5th Quarter]	Deliverables 5.11 through 5.17
[6th Quarter]	Deliverables 5.18 through 5.21

¹⁹ The deliverable schedule and accompanying timetable in Exhibit 1.C correspond to a 15-month schedule from notice of intent to final EIS.

SAMPLE 15-MONTH EIS DELIVERABLE TIMETABLE

NOI = Notice of Intent EIS = Environmental Impact Statement
IP = Implementation Plan ROD = Record of Decision

* From model statement of work; does not include administrative record and contract close-out.

Exhibit 1.C

2. Pilot Program for Contractor Performance Evaluation

Contractor performance appraisal creates an incentive for superior performance when past evaluations are a factor in assigning future work. The Office of Management and Budget, Office of Federal Procurement Policy, in its 1993 Policy Letter on Past Performance Information (58 Federal Register 3573, January 11, 1993), established a policy that requires Federal agencies to prepare evaluations of contractor performance on all contracts over \$100,000. It also requires agencies to use past performance as an evaluation factor in solicitations of offers for all competitively negotiated contracts expected to exceed \$100,000 and addresses issues of confidentiality and fairness (for example to new firms without past performance evaluations). The Federal Acquisition Regulation (FAR) was amended (60 Federal Register 16718, March 31, 1995) to reflect this policy, which will be phased in by contract amount. The DOE Procurement Executive is now developing DOE policy and procedures consistent with the Federal requirements. The Office of Federal Procurement Policy's "Guide to Best Practices for Past Performance" (Interim Edition, May 1995) contains additional recommendations and examples to assist in implementing past performance evaluation.

This Phase I NEPA Contracting Reform Guidance establishes a nine-month pilot program, from September 1995 through May 1996, for evaluating NEPA support contractor performance. The pilot program is intended to provide DOE NEPA Document Managers with experience in evaluating performance of NEPA support contractors and in using the proposed evaluation form. It will also provide information about DOE NEPA contracting practices, and evaluations of specific contractors that the Office of NEPA Policy and Assistance intends to make available to DOE NEPA staff for use in future source selection. Planned future guidance on using past performance indicators as an evaluation factor for NEPA contracting will accord with Department-wide procurement procedures as they evolve.

The Secretary's 1994 NEPA Policy states that a NEPA Document Manager is to evaluate contractor performance -- elements such as timeliness, quality, cost-effectiveness, responsiveness, and application of guidance -- upon completion of each environmental assessment and environmental impact statement. To support an evaluation system, the NEPA Contracting Quality Improvement Team developed a general contractor evaluation form (Section 3.4 of the Report), which has now been revised specifically for this NEPA guidance. The form (Exhibit 2, below) records contract data, performance evaluation, and contractor comments on the evaluation. This form should be provided to NEPA support contractors promptly for their information. Contractor performance should be evaluated upon completion of each environmental assessment and final environmental impact statement during the trial period. When possible and appropriate, contractor performance should also be evaluated at the completion of a draft environmental impact statement. NEPA Document Managers should solicit advice from the appropriate DOE staff when filling out the contractor performance evaluation. Note also that the contractor should be provided a copy of the completed evaluation and should be given 30 days to provide comments, rebutting statements, or additional information.

Completed evaluation forms and any comments on the form or evaluation process should be provided to the Office of NEPA Policy and Assistance, which will evaluate experience during the trial period to provide the basis for future NEPA contracting guidance efforts and will make completed evaluations available to appropriate DOE personnel for use in future procurements. Paper copies will be used initially, but future improvements may include automated data entry and retrieval.

Exhibit 2

DOE NEPA Contract Performance Evaluation Form, (Test) 07/95 Page 1 of 4

PERFORMANCE EVALUATION: NEPA SUPPORT ACTIVITIES

Period Evaluated ____ To ____
Mo. Yr. Mo. Yr.

1. CONTRACT NUMBER

IMPORTANT: Be sure to complete Item 11 on Evaluation of Services. If additional space is necessary for any item, use Remarks section in Item 12.

2. NEPA DOCUMENT NUMBER AND TITLE

3. NAME AND ADDRESS OF CONTRACTOR

4a. CONTRACTOR PROJECT MANAGER NAME AND PHONE NUMBER

4b. CONTRACTOR/PROJECT MANAGER ADDRESS, IF DIFFERENT FROM ITEM 3

5. NAME, ADDRESS AND PHONE NUMBER OF DOE INDIVIDUALS/OFFICE RESPONSIBLE FOR:

5a. NEPA DOCUMENT MANAGER

5b. TECHNICAL ADMINISTRATION OF CONTRACT, IF DIFFERENT FROM ITEM 5a

6. NEPA SUPPORT CONTRACT DATA

6a. TYPE OF WORK PERFORMED (SCOPING, EA PREPARATION, EIS PREPARATION, etc.)

6b. TYPE OF CONTRACT

☐ Firm Fixed Price

☐ Fixed Price-Incentive Fee

☐ Cost Plus Award Fee

☐ Cost Plus Incentive Fee

☐ Cost Plus Fixed Fee

☐ Indefinite Delivery/Indefinite Quantity

☐ Other (Specify)

6c. PROFESSIONAL SERVICES CONTRACT

INITIAL COST

CONTRACT MODIFICATIONS

TOTAL COST

\$ _____

NUMBER AND DATE

1. _____

2. _____

3. _____

AMOUNT

1. \$ _____

2. \$ _____

3. \$ _____

\$ _____

6d. CONTRACT
AWARD DATE

6e. PLANNED CONTRACT WORK COMPLETION DATE
(OR NUMBER OF DAYS) (Including extensions)

6f. ACTUAL WORK COMPLETION DATE
(OR NUMBER OF DAYS)

6e1. COMPLETION DATE

6e2. NUMBER OF DAYS

6f1. COMPLETION DATE

6f2. NUMBER OF DAYS

7. OVERALL RATING (Explain in Item 12, Remarks)

☐ Excellent ☐ Good ☐ Fair ☐ Poor ☐ Unsatisfactory

8. RECOMMENDED FOR FUTURE CONTRACTS

☐ YES ☐ NO ☐ YES, CONDITIONALLY

(Explain No or Yes, Conditionally in Item 12, REMARKS)

9a. NAME, TITLE, AND OFFICE OF RATING OFFICIAL

10a. NAME, TITLE AND OFFICE OF REVIEWING OFFICIAL

9b. SIGNATURE

9c. DATE

10b. SIGNATURE

10c. DATE

11. EVALUATION OF NEPA SUPPORT SERVICES (Explain Overall Rating in Item 12, Remarks)

11a. QUALITY	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Technical Accuracy							
Appropriateness of Analysis							
Thoroughness of Analysis							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11b. TIMELINESS	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Providing input to initial schedule							
Adherence to established schedule							
On-time submittal of deliverables							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11c. COST-EFFECTIVENESS	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Adherence to established budget							
Assignment of personnel of appropriate technical expertise							
Appropriate and efficient use of resources							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11d. RESPONSIVENESS	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Willingness to listen to Contract/Document Manager and respond to his/her requirements							
Establishment and maintenance of communication links at project and technical levels							
Ability to initiate timely project startup							
Ability to respond in timely manner to scope of work changes							
Ability to respond in timely manner to special requests							
Ability to address and resolve problems							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11e. APPLICATION OF REQUIREMENTS AND GUIDANCE	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Knowledge of requirements and guidance							
Understanding of how the requirements and guidance are applied							
Ability to meet requirements and apply guidance							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11f. INNOVATION	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
Ability to develop new strategies or approaches to project implementation							
Ability to develop original analytical techniques							
Ability to initiate cost and schedule reduction ideas							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

11. EVALUATION OF NEPA SUPPORT SERVICES (Explain Overall Rating in Item 12, Remarks)

(Continued)

	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
11g. PLANNING							
Ability to put together a comprehensive project plan							
Ability to adjust plan to project needs once underway							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
11h. STAFFING							
Adequate staff to meet project needs							
Experience and ability of project management team							
Experience and ability of technical staff							
Assigning properly qualified staff to management and technical roles							
Ability to provide surge capacity during peak activity periods or unplanned circumstances							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
11i. COMMUNICATIONS							
Ability to routinely communicate with Contract/Document Manager on schedule and cost issues - How clear is the communication?							
Ability to routinely communicate with Contract/Document Manager on technical issues - How clear is the communication?							
Ability to communicate with other contractors, subcontractors, or others involved in the project							
Ability to communicate problems (e.g., schedule, cost, or technical)							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
11j. DELIVERABLES							
Clarity of written deliverables							
Clarity of figures (e.g., flow charts, diagrams)							
Editorial quality of written deliverables (e.g., well written, correct usage, punctuation)							
Quality of figures							
Appropriate use of graphics and illustrations							
Appropriate layout and design							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

	Check if Not Applicable	Check if comment written in Item 12	EVALUATION SCALE				
			Excellent	Good	Fair	Poor	Unsatisfactory
11k. TEAMWORK/COOPERATION							
Ability to cooperate and coordinate with Contract/Document Manager							
Ability to cooperate and coordinate with other contractors, subcontractors, review team, and others							
Willingness to put in extra effort to get tasks completed							
Other (Specify)							
OVERALL ATTRIBUTE RATING							

12. REMARKS (attach additional sheet(s) or documentation if necessary)

ITEM NUMBER	REMARKS

13. CONTRACTOR COMMENTS (and signature) (attach additional sheet(s) or documentation if necessary)

	Printed Name	Signature	Date
ITEM NUMBER	COMMENTS		

**INSTRUCTIONS FOR COMPLETING
PERFORMANCE EVALUATION FORM
NEPA SUPPORT ACTIVITIES**

- Item 1. CONTRACT NUMBER: Enter the full Contract number.
- Item 2. NEPA DOCUMENT NUMBER AND TITLE: Enter the NEPA Document Number and title.
- Item 3. NAME AND ADDRESS OF CONTRACTOR: Record the full name and address of the contractor; if address has changed from contract initiation, provide the new information in Item 4b.
- Item 4a. CONTRACTOR PROJECT MANAGER NAME AND PHONE NUMBER: Enter the name and phone number of the contractor project manager.
- Item 4b. CONTRACTOR PROJECT MANAGER ADDRESS IF DIFFERENT FROM ITEM 3: Provide the address of the contractor if the address is different than the one entered in Item 3.
- Item 5a. NEPA DOCUMENT MANAGER: Enter the name, address and phone number of the NEPA Document Manager.
- Item 5b. TECHNICAL ADMINISTRATION OF CONTRACT: Enter the name, address, and phone number of the office responsible for technically administering the contract, if different from Item 5a.
- Item 6a. TYPE OF WORK PERFORMED: Briefly describe the work performed.
- Item 6b. TYPE OF CONTRACT: Check the appropriate box for the type of contract; if "other," specify the type.
- Item 6c. PROFESSIONAL SERVICES CONTRACT: The initial cost should include the basic contract cost as indicated in the contract. Contract modifications should include all additional work not negotiated at the time of contract or delivery order award, placed in sequential order (use Item 12 if additional space is needed). The total cost is the sum of the initial cost and all modifications through the time of the contractor evaluation.
- Item 6d. CONTRACT AWARD DATE: Enter the date that DOE awarded the contract.
- Item 6e,f. PLANNED/ACTUAL CONTRACT WORK COMPLETION DATE (OR NUMBER OF DAYS): Report either completion date or number of days for planned (6e1 or 6e2) and actual (6f1 or 6f2) completion, not both. Include any extensions to the initial schedule.

- Item 7. OVERALL RATING: The overall rating shall be consistent with ratings of performance attributes in Items 11a through 11k. There is no formula to relate the ratings of performance attributes to the overall rating, but there should be consistency. Any apparent inconsistencies between the overall rating and the individual performance attributes should be explained in greater detail in the remarks section. Brief meaningful explanations are encouraged for all ratings, especially for excellent and unsatisfactory ratings.
- Item 8. RECOMMENDED FOR FUTURE CONTRACTS: Check the appropriate box; if No or Yes, Conditionally is marked, additional detail should be provided in Item 12, Remarks.
- Item 9a. NAME, TITLE, AND OFFICE OF RATING OFFICIAL: Provide a complete name, title, and office location (address) of the rating official, normally the NEPA Document Manager.
- Item 9b,c. SIGNATURE AND DATE: The rating official signs and dates after completing the performance evaluation.
- Item 10a. NAME, TITLE, AND OFFICE OF REVIEWING OFFICIAL: Provide a complete name, title, and office location (address) of the reviewing official, normally the Contracting Officer's Technical Representative (COTR). If the COTR is the NEPA Document Manager, then the Document Manager's supervisor would normally be the reviewing official.
- Item 10b,c. SIGNATURE AND DATE: The reviewing official signs and dates after the rating official has signed; this date is then the official date of the completed performance evaluation.
- Item 11. EVALUATION OF NEPA SUPPORT SERVICES: Rate all applicable performance attributes according to the scale provided. If other attributes are needed, list them beside "Other," or if more than one, list in Item 12, Remarks. Instructions provided in Item 7, Overall Rating, apply to the specific overall attribute ratings.
- Item 12. REMARKS: Provide in this space additional information focusing on or expanding upon any particular aspect of the performance of the contractor's services. The comments should be tailored to be useful to selection boards considering this contractor for future work, and to future administrators of contracts with this firm.
- Item 13. CONTRACTOR COMMENTS: The contractor should be provided a copy of the completed evaluation and should be given 30 days to provide comments, rebutting statements, or additional information. Provide in this space specific comments the contractor may have regarding the performance evaluation. The contractor should provide the name of the person providing the comments and the dates the comments were made. Each comment should reference specific items in the performance evaluation.

3. DOE NEPA Web and Related Information Resources

Consistent with the recommendations of the Contracting Team, DOE has established the DOE NEPA Web (formerly Home Page) to promote effective use of the experience gained and information generated in the DOE NEPA process, as well as to enhance public involvement. The DOE NEPA Web is a computer-accessible medium that contains news and information of interest to the NEPA practitioner and the public. The Table of Contents lists the categories of information currently on the DOE NEPA Web. Some of the categories are developed and maintained by DOE, others by entities outside of DOE. Each category is described briefly in the following sections. Webs are updated frequently.

Major Contents of the DOE NEPA Web

DOE is continuing to build the DOE NEPA Web by improving its structure and contents. Some of the contents and titles are being installed, expanded or changed. Inquiries on content or technical matters should be directed to the DOE NEPA Web contacts (below).

- **DOE NEPA Announcements**

This category provides news regarding public involvement opportunities and other DOE NEPA activities. A public section contains listings of notices of intent to prepare NEPA documents, scoping meetings and hearings, draft documents available for comment, and notices of availability. A section accessible only by DOE staff and contractors has been established but contains no listings at this time.

- **DOE NEPA Analyses**

This category provides the user with the ability to search the text of completed NEPA documents, looking for specific words or phrases. The user specifies the word(s) conditions for the search, and the system lists the titles and section numbers of documents in which the word(s) appears. When the user "clicks" on the title, the text of the document and identifying information will appear. As of July 1995, four environmental impact statements and approximately 70 environmental assessments have been loaded into this system. Additional NEPA-related documents are being loaded.

- **NEPA Tools**

This category contains NEPA reference material, including DOE Guidance (Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, DOE NEPA Web overview), Orders (DOE 5440.1E, to be replaced by DOE 451 when issued), Regulations (DOE and Council on Environmental Quality), international and environmental law documents from Indiana University Law Library, other references (in the future, DOE NEPA Stakeholders Directory).

- **DOE NEPA Process Information**

This category is a compendium of information on DOE NEPA reviews in process. It contains the DOE Environmental Impact Statement and Environmental Assessment Status Chart. Users may download and print this table from their own computers. Process information also includes the NEPA Lessons Learned Questionnaire and Quarterly Reports, and in the future, DOE Annual Planning Summaries.

- **Council on Environmental Quality (CEQ) Web**

CEQ developed this Web to bring together information on NEPA activities, plans and programs across the Federal government. The information selections in this category are NEPA Analyses (General information such as CEQ Regulations, Agency NEPA Liaisons, Titles of EISs filed with the Environmental Protection Agency (EPA), EPA Regional Review Coordinators, Explanation of EPA Ratings, Office of Federal Activities Data Management Manual); Bibliography (Justice Department summaries of 1993 and 1994 NEPA litigation decisions, Indiana Law Library international and environmental law documents); and Administration Achievements. Future contents will include Conditions and Trends, Annual Reports, and International information. For further information on the CEQ Web, contact Wendell Stills at 202-395-5750, facsimile 202-456-0753, or Internet stills_w@a1.eop.gov

- **NEPA Links**

This category allows the user to examine NEPA, environmental, and geographical information in other agencies' Web sites. Listings in this category currently include the Departments of Agriculture and the Interior, National Aeronautics and Space Administration, and U.S. Global Change Research Information Office.

Accessing the DOE NEPA Web

Minimum requirements for accessing the World Wide Web are:

- A 386 personal computer with a 33 megahertz (Mhz) microprocessor and 8 megabytes (Mb) random access memory (RAM)
- Direct access to Internet or a dial-up point-to-point (PPP) account via a modem
- Web browser (e.g., Mosaic, Netscape, or Spry)

Requirements may vary for Macintosh and UNIX based systems. DOE employees should contact their systems administrator for assistance with Internet connections.

To access the DOE NEPA Web from a Web browser, type the Uniform Resource Locator address in the "URL field": <http://www.eh.doe.gov/nepa>

Submitting Information for Inclusion in the DOE NEPA Web

The DOE NEPA Web is the official repository of the Department's online NEPA information.

To add a DOE NEPA-related document, send an electronic file along with the standard five copies of the approved document to the Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585. Please refer to the inclusion of electronic files in transmittal memoranda. Disks should be labeled with title and DOE NEPA document number, and should indicate all software used for word processing and graphics. Any part of the document that is not available electronically should be identified; these will be optically scanned from the paper copy.

DOE NEPA Web Contacts

Please direct questions or comments on the DOE NEPA Web to:

Lee Jessee
Office of NEPA Policy and Assistance (EH-42)
Phone: 202-586-7600
Fax: 202-586-3915
Internet: lee.jessee@hq.doe.gov

For technical assistance, contact:

Charley Jacob
Office of Information Resources Management (EH-72)
Phone: 301-903-1654
Fax: 301-903-2239
Internet: charley.jacob@hq.doe.gov