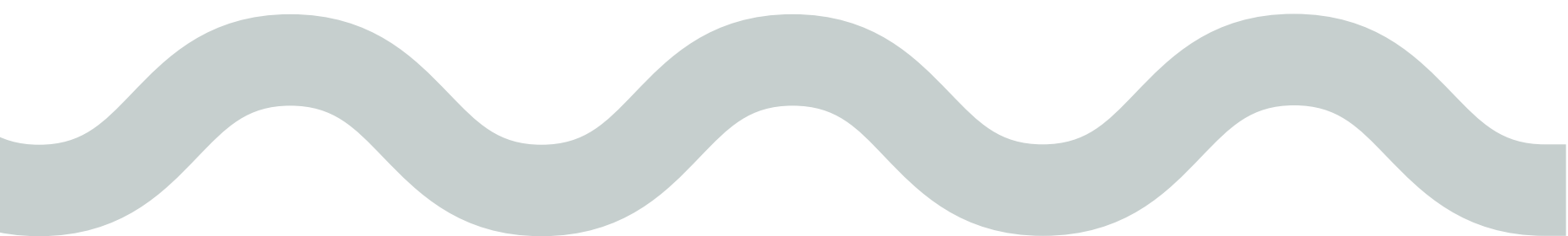


PENNSYLVANIA ALL-GRANTEE MEETING



PENNSYLVANIA BROWNFIELDS CONFERENCE
MARCH 25, 2024

MEET YOUR TEAM

EPA REGION 3 AND WVU TAB



SUSAN SPEILBERGER
EPA REGION 3



BRETT GILMARTIN
EPA REGION 3



JOE NOWAK
EPA REGION 3



CRAIG ANDERMAN
EPA REGION 3



CARRIE STATON
WVU TAB



KATIE SEE
WVU TAB



WHO'S WHO?

- Find and sit with your EPA Project Officer
- Introduce yourself to the room
 - Name
 - Type of Grant
 - Most memorable experience on a brownfield

NEW GRANTEE ORIENTATION

Craig Anderman
EPA Region 3





2. GENERAL TERMS & CONDITIONS

1. Grant Regulations
2. Terms and Conditions
3. General Reporting Requirements



GRANT REGULATIONS

Code of Federal Regulations (CFR)

1. Title 40 (CFR) houses EPA regulations
2. Title 2 (CFR) houses grants and agreements

Regulation & Policy

UNIFORM GRANTS GUIDANCE

- 2 CFR Part 200 serves as a government-wide framework for grants management.
 - Provides a set of rules and requirements for federal grant awards.
- 2 CFR 1500 is made up of additional regulations that are specific to EPA.

Together, these create The Uniform Grant Guidance



GENERAL TERMS & CONDITIONS

- Notice of Awards are legally binding
- Who does the T&Cs pertain to?
 - Grant management is the responsibility of the grantee (not the contractor)
- Refer to the T&Cs early and often

Read Your Terms & Conditions!!

GENERAL TERMS & CONDITIONS

General Reporting Requirements

- Substantial Involvement
- Sufficient Progress
- Eligible and Allowable Costs
- Federal Cross-Cutting Requirements
 - Davis Bacon Act
 - National Historic Preservation Act



GENERAL TERMS & CONDITIONS

Substantial Involvement and Sufficient Progress

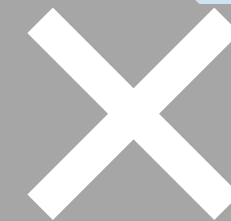
- “The EPA may be substantially involved in monitoring and overseeing this cooperative agreement.”
- What are the responsibility of POs?
- Sufficient Progress
 - Assessment = 25% draw down at 18 months and 45% draw down at 30 months
 - Cleanup = an appropriate remediation plan is in place, initial community engagement have taken place at 18 months and 50% of site activities completed at 30 months

GENERAL TERMS & CONDITIONS

Eligible and Allowable Costs



- Program Costs
- State Cleanup Program Fees
- Eligible Loans and Subgrants
- Community Outreach
- Travel and Training
- Financial Reporting
- Administrative Costs (up to 5%)



- Penalties or Fines
- Cost-Share Requirements
- Administrative Costs above 5%

If you are unsure

Check with your PO or refer to work plan

FEDERAL CROSS-CUTTING REQUIREMENTS

- MBE/WBE
- OSHA Worker Health & Safety
- Endangered Species Act
- Davis-Bacon Act
- National Historical Preservation Act



General Terms & Requirements

Davis-Bacon Act Requirements

General Terms & Conditions

- Applies to Contractors
 - Federally Funded
 - Construction/Cleanup
- MUST pay laborers local prevailing wages
- MUST pay bonus for overtime
- Excavations, UST removal, pipe installation, paving or concrete work may trigger DBA



The Davis-Bacon Act and Brownfields

Introduction

By their design, EPA Brownfield Grants depend upon the efforts of a wide range of participants, including public- and private-sector entities who finance the transformation of brownfield sites as well as the individual workers and laborers on the front lines of cleanup and redevelopment. The U.S. government has laws in place to ensure that any worker involved in a federally funded public works project is compensated in a fair and timely manner. This legislation, known as the Davis-Bacon Act, applies to EPA-funded brownfields cleanup activities and projects funded under EPA Brownfield Cleanup and Revolving Loan Fund (RLF) Grants.

Background on the Davis-Bacon Act

The Davis-Bacon Act was enacted in 1931 in response to the rampant unemployment of the Depression era. At the time, the primary intent of the Act was to promote the hiring of skilled local workers by discouraging the import of laborers from other regions who would work for lower wages.

Since its enactment, Davis-Bacon has been amended several times. The Act was briefly suspended twice—in 1992 and 2005—to facilitate emergency response activities following Hurricanes Andrew and Katrina. The Act is administered and enforced by the U.S. Department of Labor's Wage and Hour Division (WHD).

Overview of the Act

The Davis-Bacon Act applies to EPA Brownfield Grants by way of section 104(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), under which:

"...all laborers and mechanics employed by contractors or subcontractors employed in the performance of construction, alteration, or repair work funded in whole or in part [by Brownfield Grants] shall be paid locally prevailing wages."

These locally prevailing wage rates are determined by the U.S. Department of Labor and can be accessed in a searchable database at the following address: <https://sam.gov/content/wage-determinations>.

The Act covers all contractors and subcontractors performing work on federally funded or assisted construction contracts in excess of \$2,000. While apprentices and trainees may be employed at less than predetermined rates, apprentices must be employed pursuant to an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department.

How Does the Act Apply to Brownfields Projects?

The Davis-Bacon Act applies to all construction, alteration, and repair (including painting and decorating) contracts and subcontracts for work funded in whole or in part with EPA CERCLA 104(k) grant funds as provided in CERCLA 104(g). For cleanup activities funded through EPA Brownfield Cleanup and RLF Grants, recent and applicable wage rates from the U.S. Department of Labor must be incorporated into construction, alteration, and repair (including painting and decorating) bid solicitation documents and contracts.

Note: If a Brownfield Grant recipient is uncertain about whether a cleanup activity falls under Davis-Bacon Act requirements, the recipient should discuss the situation with EPA before authorizing work on the site.

How Davis-Bacon Applies to Cleanup of Petroleum-Contaminated Brownfields

Some cleanup activities at sites contaminated by petroleum are not subject to Davis-Bacon Act requirements. Such activities include site remediation through drilling temporary recovery wells, drawing out contaminated soil or water, treating the contaminated soil/water on site, removing the treatment technology and closing recovery wells, and restoring the area surrounding tank removal by filling and compacting the soil. However, the Davis-Bacon Act does apply to the following petroleum-related cleanup activities:

- Installing piping to connect households or businesses to public water systems or replacing public water system supply well(s) and associated piping due to groundwater contamination.
- Soil excavation/replacement when undertaken in conjunction with the installation of public water lines/wells described above.
- Soil excavation/replacement, tank removal, and restoration of the area by paving or pouring concrete when the soil excavation/replacement occurs in conjunction with both tank removal and paving or concrete replacement.



An old underground storage tank being pulled from the ground.

General Terms & Conditions

NATIONAL HISTORIC PRESERVATION ACT

- Preserve Historical and Archaeological Sites
 - National Register of Historic Places
 - National Landmark
- Impact of Assessment/Cleanup Activities
 - Structures
 - View
 - Archaeological Resources
- Comply with Historic Preservation Offices



General Reporting Requirements

PROGRESS REPORTS

- Quarterly Reports
- ACRES Reporting
- MBE/WBE
- Financial Reports
- Final Reports

General Reporting Requirements

ACRES Reporting

Due Quarterly

- January, April, July, October
- Submitted to your project officer or via ACRES

Include

- Activities
- Problems
- Schedule and Milestones
- Outputs/Outcomes
- Budget Summary

- Grantee inputs all appropriate data into ACRES
 - Completing Action
 - Final Accomplishment
 - Reporting Quarters
- Property Profile Submission
- Training Required
- Grantee **MUST** use the ACRES system

A stylized illustration of a bridge with multiple arches spanning across a body of water. The sun is rising behind the bridge, partially obscured by the arches. The sky is a light yellow, and the water is a teal color. The bridge structure is depicted in shades of orange and brown.

General Reporting Requirements

Administrative Reports

- MBE/WBE Reporting
 - Annual - October 30th
 - Funds budgeted for procurement
 - Exceed \$250,000
 - Submit to r3_mbe-wbe_reports@epa.gov
- Federal Financial Report Reporting
 - Annual - October 30th or 90 days after the project period
 - Submit to rtpfc-grants@epa.gov

General Reporting Requirements

Documents Required for Closeout

- Final Technical Report
 - Documents project activities over the entire project period
- Federal Financial Report (SF-425)
 - This should be marked as final and submitted to the Research Triangle Park
- MBE/WBE Forms (EPA form 5700-52A)
 - Ensure that all annual forms from the grant period have been submitted



Parting Thoughts for Success

- Talk to your Project officer and inform them of issues
 - There are no bad questions.
- Reach out to your TAB provider
- Find a mentor, either a current or former grantee recipient
 - Your state contacts or project officer can help you find one

PROCUREMENT OVERVIEW

Mind Your Ps and Q(EP)s

Carrie Staton
WVU TAB



Why do I need a Contractor?

Grantees typically procure contractors for one or more of the following:

- Conduct environmental assessments
- Complete planning activities or evaluations
- Manage the implementation of your grant
- Oversee remediation
- Implement cleanup plan

PROCURING A CONTRACTOR

- All grantees are required to follow the Procurement Standards of the Uniform Grant Guidance (UGG) included in 2 CFR Part 200
- It is critical that you procure your contract following these guidelines from the beginning, to ensure that you are in compliance with all grant requirements and federal regulations
- Be sure to follow any state or organizational requirements or guidelines as well.

THE BASICS

1

Have a clear understanding of your needs and expectations

2

Get to know the rules and regulations

3

Understand the process and your timeline.

4

Pull together a team – you're not alone!

- Review team (internal)
- Project officer
- TAB provider
- Peers

RFP VS. RFQ

Request for Proposals (RFP)

Used to select a single firm or team to implement a Scope of Work (SOW)

Requires submission of proposals

Single contract awarded at time of selection

Request for Qualifications (RFQ)

Used to select multiple (e.g., 3-5) qualified consultants to choose from as tasks are identified

Requires submission of Statements of Qualifications (SOQ)

No matter the route, you must...

- Have a clear and open competition
- Share the opportunity widely, through multiple channels where possible
- Not consult with or receive guidance from any contractor who may bid on the RFP/RFQ
- Not use any language that may give an advantage to a particular contractor



CONSIDERING THE COST

- Qualification-based procurement does not apply to assessment activities under either Assessment or Multipurpose grants
- Price must be a selection factor in the evaluation of submissions.
- This helps to ensure your funds are being used effectively. EPA recommends that cost/price reasonableness criterion is weighted at least 25%
- You do not have to select the lowest cost, but if you choose a contractor who is not the lowest price, you must document the rationale and basis for the contract price.

- You must include weighted factors or a similar evaluation framework to establish a rationale for selecting the contractor.
- You can use percentages or points
- Sample factors:
 - Demonstrated experience in addressing contaminated properties
 - Demonstrated experience in successfully completing tasks/projects
 - Demonstrated experience in effectively engaging with community members and state/federal agencies
 - Experience and capacity of project team/personnel
 - Reasonableness of cost/price proposal
 - References

Other Considerations in Evaluations



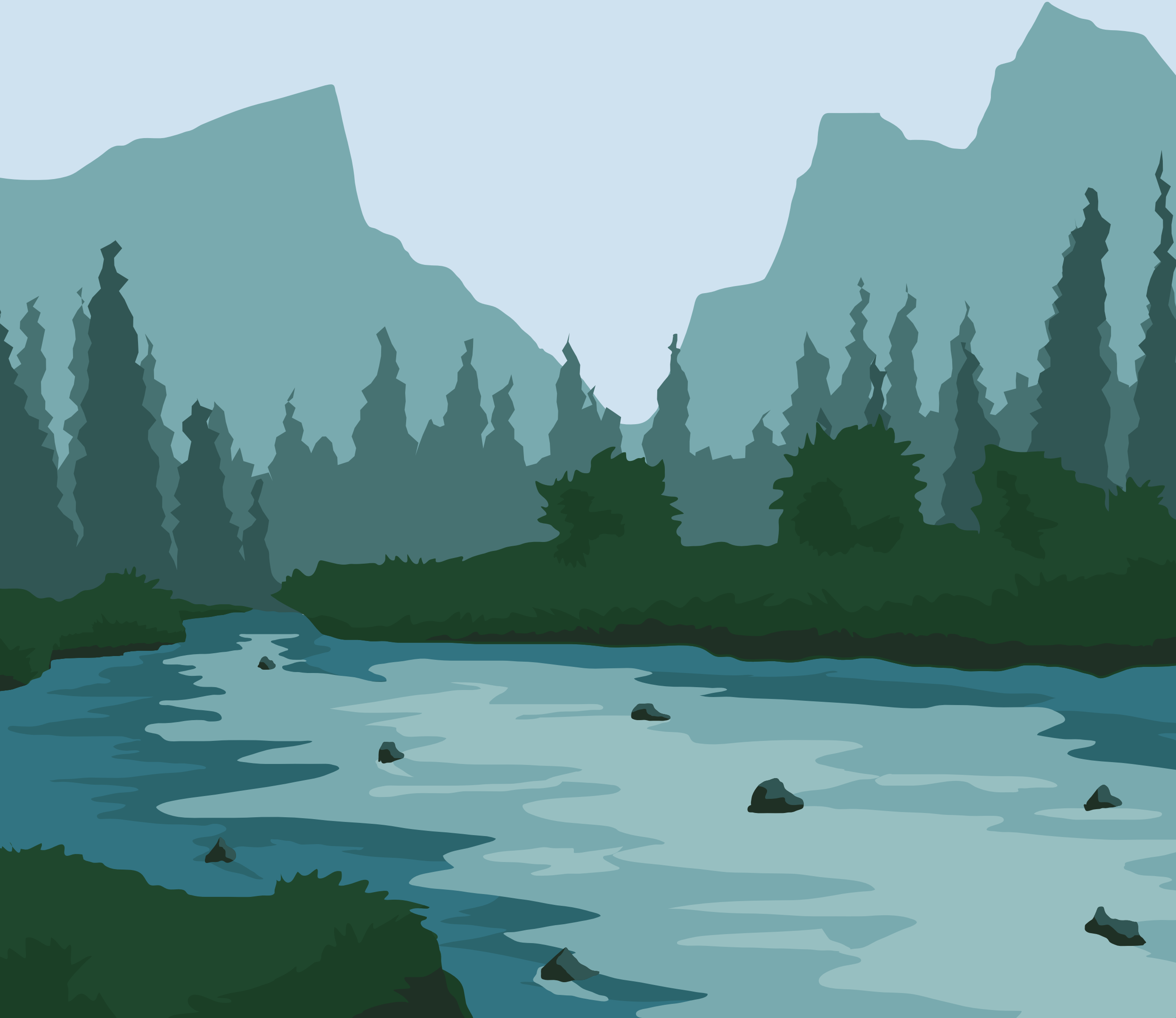


Sharing Your RFP/RFO

- You must publicly advertise your RFP/RFO through a website or other means.
 - Newspaper
 - TAB website
 - Public newsletter
- EPA recommends an open bidding period of at least 30 days
- Make a good faith effort to solicit responses from Disadvantaged Business Enterprises

WHAT NOT TO DO

- DON'T accept help drafting an RFP/RFQ from a contractor who expects to respond with a bid.
- Ask TAB, your Project Officer, or a peer instead!
- DON'T include language that restricts or limits competition, such as only firms with experience with EPA Brownfields grants
- Use more general qualification factors, such as experience with similar projects
- DON'T include details from a workplan that a contractor helped you to draft, if that contractor expects to respond with a bid
- Instead, include summary information but no specific details from the workplan.



Clear as Mud!

Questions?

TECHNICAL ASSISTANCE RESOURCES

Brett Gilmartin
US EPA





FEDERAL GRANT REQUIREMENTS



\$? \$? \$?



BROWNFIELDS TECHNICAL ASSISTANCE

- DEALS DEALS DEALS!

- FREE!

- \$0 DOLLARS!

- NO COST!

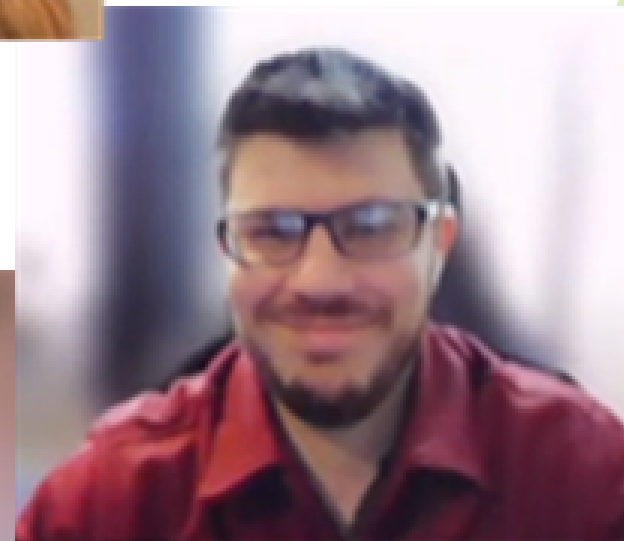
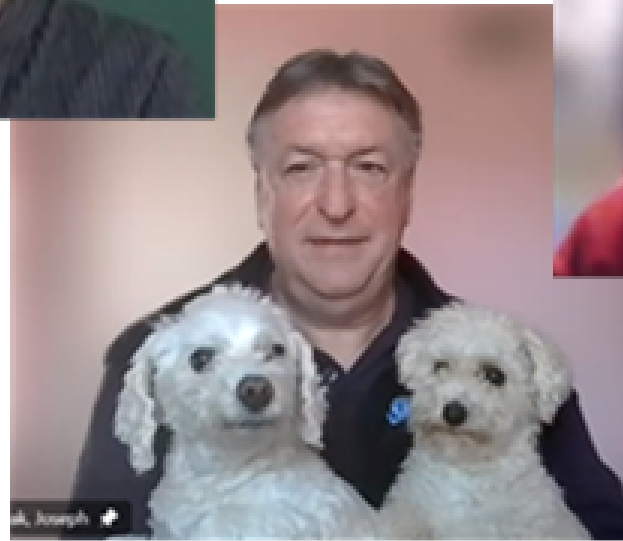
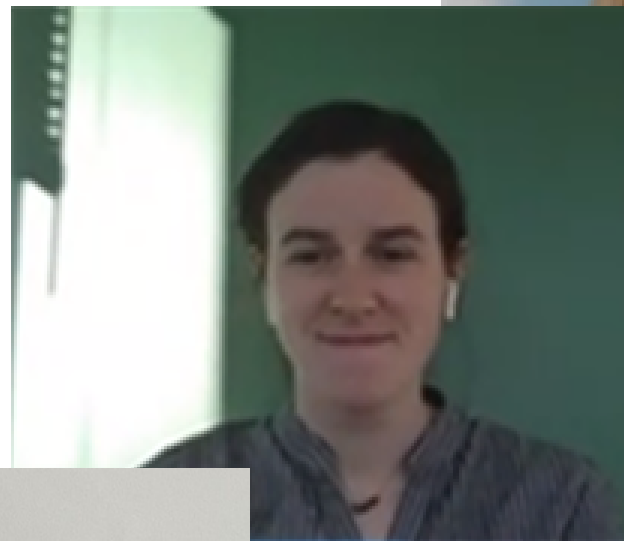
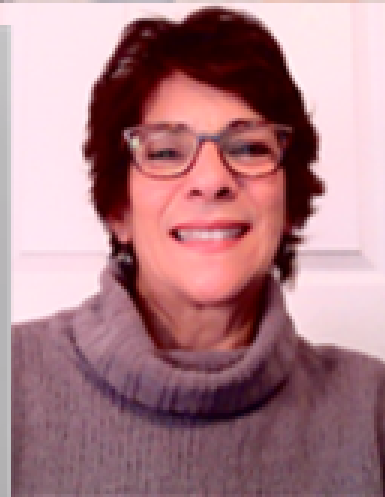
- SAVINGS!



- LIMITED TIME ONLY!

- BARGAIN DISCOUNTS!

Contact your EPA Project Officer
(or managers, but preferably PO)!



Trust the Process

1

Talk to your project officer

2

Become informed of the options

3

Prepare your documents

4

Propose your TA project to your PO (they will prioritize requests)

5

EPA will select projects to work on

Land Revitalization Technical Assistance



1. Reuse, Design, and Planning



Reuse assessment of assets and barriers to revitalization



Conceptual designs



Infrastructure and transportation analysis



Sustainable and climate resilient practices



Renewable energy redevelopment



Site prioritization



Community engagement and visioning



Feasibility studies

2. Funding, Financing, and Market Analysis

Market analysis and economic research

Labor market and workforce assessment

Stakeholder engagement

Redevelopment strategies based on funding

Financial feasibility analysis

Modeling tools for budget tracking

Redevelopment cost estimate evaluation

Funding gap analysis

Document Requests

Parcel Data
(address, zoning,
current/former uses,
etc..)

EPA Brownfield grant
history

Past environmental
site assessments

Site photographs

Existing reuse plans

Additional
documents request
for site design or
market analysis
projects

But that's not all!

- There are **MORE** technical assistance opportunities!
- Order now and you can be the recipient of brand new assistance in....



Revolving Loan Fund Technical Assistance!



- For both potential and existing RLF grantees
 - Potential: Help gain an understanding of how to manage an RLF grant
 - Existing: Build capacity to better manage an RLF grant
- Build partnerships and cultivate expertise
- Connect with experienced RLF grantees
- Facilitate meetings
- Aid grantees with creating template documents
 - E.g. loan/subgrant agreements

Community Change Grants Technical Assistance

Community Change Grants

- Support Environmental Justice and Climate Justice activities
- Benefit Disadvantaged Communities through pollution reduction, climate resiliency, and community capacity

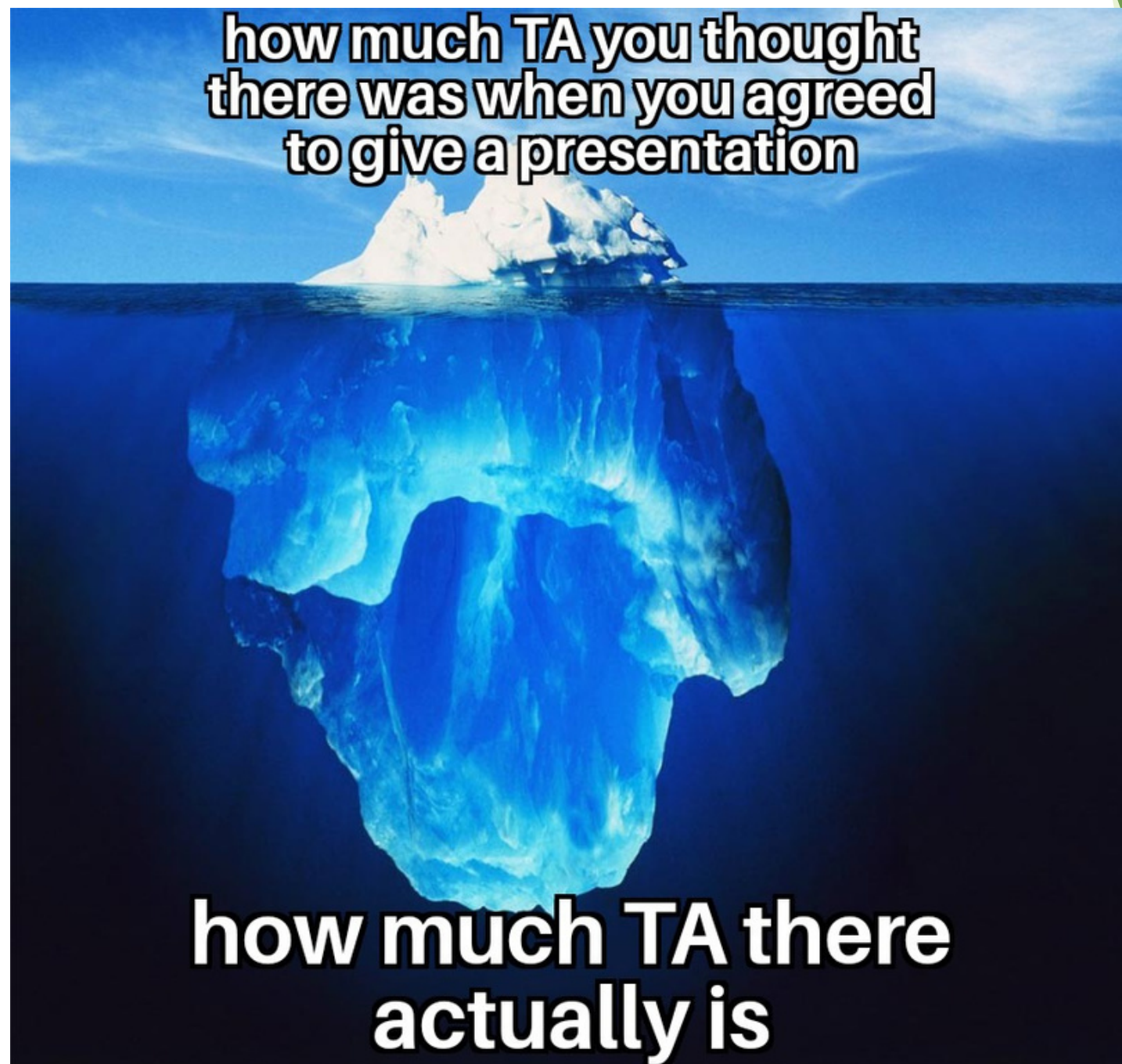
EPA has \$200 million to provide technical assistance

- Grant Application Support
- Project Planning and Development
- Outreach and Engagement
- General Capacity Building
- Post Award Grant Management

Community Change Equitable Resilience

- Focus on disaster prone communities (extreme heat, floods, wildfire, etc..)

Additional Opportunities



- Targeted Brownfields Assessments
- Building Blocks for Sustainable Communities
- Small Town Coaching for Brownfields

TECHNICAL ASSISTANCE WE CAN PROVIDE OR FACILITATE

Mobile/Transportation

- Electric vehicles and charging infrastructure
- Smartway / clean fleets / goods movement
- Innovative transportation programs
- Bike/pedestrian/Complete Streets

Energy Efficiency/Renewable Energy/Climate

- Coordination with climate and sustainability programs
- Tools for estimating cost savings, emission reductions, and health benefits from renewable energy/energy efficiency
- Building energy management
- Energy Star industrial partnerships
- Energy efficient building codes

Overall Planning/Green Infrastructure/Heat Island

- Expanding Ozone Advance to include PM programs
- Community revitalization / smart growth / urban planning
- Urban forestry; Cool Roof rebate program

Education/Outreach/Grants/Program Mgmt.

- Air quality Action Day programs
- Environmental education curricula
- Social media and outreach
- Air quality FLAG program
- Grant opportunities / innovative program financing
- Metrics for tracking progress

Stationary and Area Sources

- Burnwise wood smoke reduction
- Multi-pollutant analysis/toxics reduction in disadvantaged communities

Apply for some technical assistance today and this can be you!



Thank you!

TAB RESOURCES

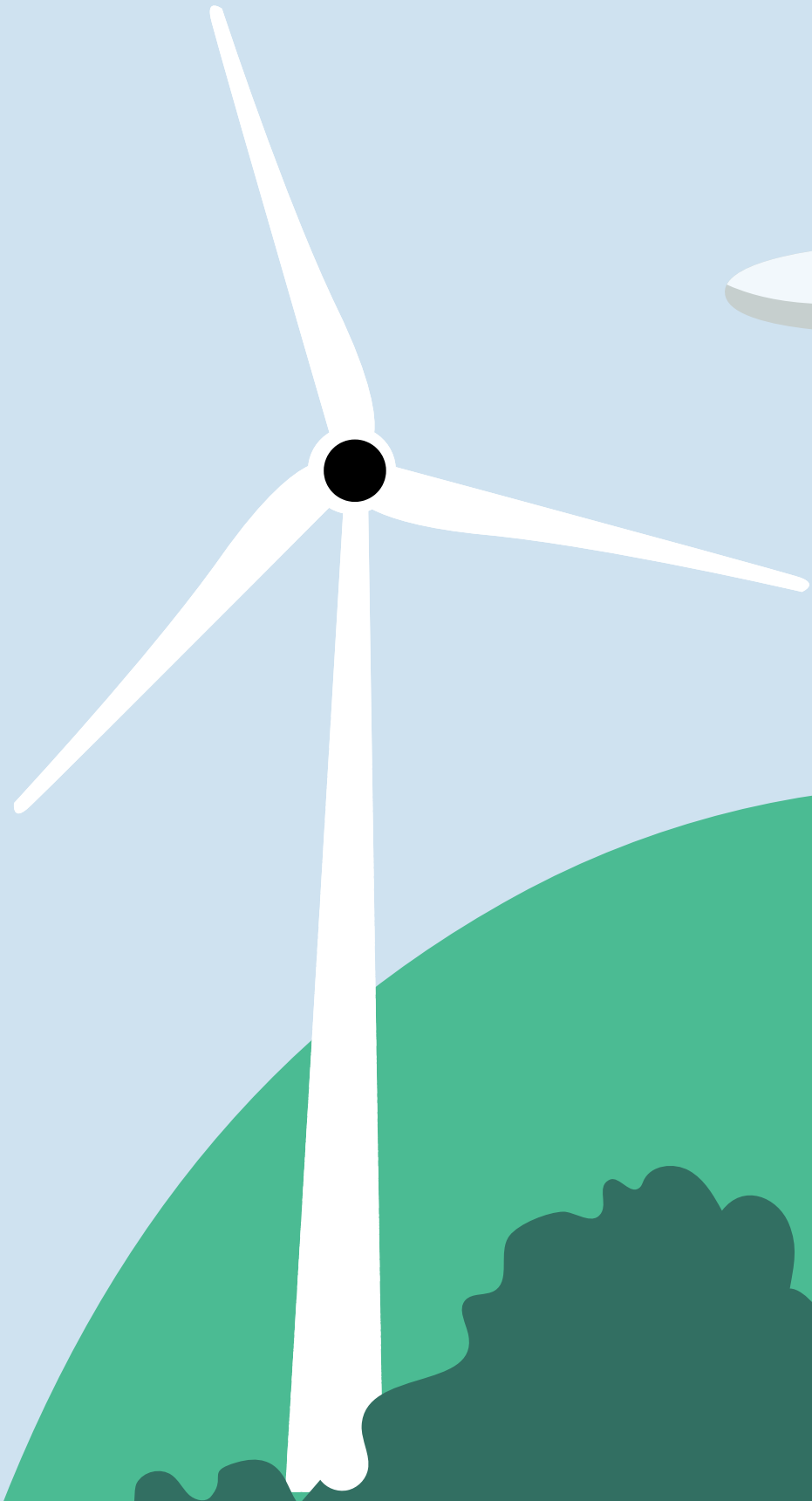
Katie See
WVU TAB



TECHNICAL ASSISTANCE TO BROWNFIELDS (TAB) PROVIDER

The Technical Assistance to Brownfields (TAB) Program provides technical assistance to communities and stakeholders to help address their brownfield sites and to increase their understanding and involvement in brownfields cleanup, revitalization and reuse.

The TAB Program is funded by EPA and available to all stakeholders.



MID-ATLANTIC TAB

Independent resource providing support and guidance to help communities understand:

- Acquiring, assessing, cleaning up and redeveloping brownfield properties;
- The health impacts of brownfield sites;
- How science and technology are used for site assessment, remediation, redevelopment and reuse; and
- How to comply with voluntary cleanup requirements.



COLLEGE OF ARCHITECTURE, ARTS, AND DESIGN
**COMMUNITY DESIGN
ASSISTANCE CENTER**
VIRGINIA TECH.



UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

MID-ATLANTIC TAB TEAM

Mid-Atlantic TAB is a collaboration among leading programs across the region:

- West Virginia University
- Virginia Tech
- Marshall University
- University of Delaware



OUR PURPOSE

Mid-Atlantic TAB provides technical assistance on brownfield redevelopment to stakeholders in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and Washington, DC.

Our services are funded by US EPA and free to stakeholders. We provide broad educational resources as well as project and community support that is tailored to meet the needs and priorities of each community or project stakeholder.

WVU TAB SERVICES

HOW WE CAN HELP



Education & Outreach

- Webinars
- Fact Sheets
- Brownfield Bootcamp
- Community Trainings
- Conference Presentations
- General Resources



EPA Grantee Support

- State Cohort Facilitation
- Cooperative Agreement Support
- Grant Kickoff
- RFP Support
- Community Involvement
- Grant Debriefs



EPA Applicant Support

- Workshops & Webinars
- Grant Planning Consultations
- SAM.gov/grants.gov support
- Grant Review
- Grant Debrief



Site Specific Tech Assistance

- Design Assistance
- Community involvement & facilitation
- Resource Roadmaps
- Ownership & property transfer consultation
- VRP/VCP Support
- Redevelopment Roundtables



Area-Wide Tech Assistance

- Inventory support
- Business & Brownfields Walkabout
- State program support

HOW TO CONNECT WITH MID-ATLANTIC TAB

Reach out with questions not addressed online or within outlined TAB services

- Sign up for individual consultation
 - The more information provided about questions in advance, the better we can assist you
- Web: <https://brownfields.wvu.edu>
- Direct Email: wvutab@mail.wvu.edu
- Publications: Sign up for our mailing list
- Phone: 304-293-7071

STRAIGHT FROM THE EXPERTS IN THE FIELD

Tips & Tricks from Veteran Grantees





QUESTIONS?

CONTACT INFORMATION

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