Contracting for Green and Sustainable Remediation - Opportunities and Challenges

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## Contracting for Green and Sustainable Remediation - Opportunities and Challenges

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<table>
<thead>
<tr>
<th>a. REPORT</th>
<th>b. ABSTRACT</th>
<th>c. THIS PAGE</th>
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DoD can make tremendous impact in the field by integrating sustainable remediation practices into the program

The Military Services are looking at ways to include sustainability requirements in current optimization contract language

Tie requirements to EO 13423, EO 13514, and DUSD(I&E) Green Remediation Policy, Aug 10, 2009
Integrate green remediation concepts into contracting to promote the use of low-energy and low-carbon footprint technologies

Use contracting mechanisms to ensure sustainable provisions are incorporated throughout the remediation process

- Remedy Selection
- Investigation and Studies
- Design and Construction
- Remedy Operations
- Site Closeout and Reuse
Contract Types

- Sustainability requirements can be incorporated into all contract types
  - Performance-Based
  - Fixed Price
  - Cost Plus Fee
  - Time and Materials

- DoD, EPA and other Federal Agencies are evaluating ways to develop goals, objectives, and awards around use of green technologies and practices
Sustainability Provisions in Contracts

Provisions should focus on sustainability considerations as a framework, NOT prescriptive mandates.

Sustainability provisions should be:

- Achievable, i.e. contractors, suppliers can actually meet them
- Measurable in terms of providing environmental benefits (e.g., energy or water saved, emissions reduced, waste avoided)
- Not so specific as to prevent innovative solutions that are effective, sustainable, and meet criteria
DoD is considering how to write sustainability provisions into the selection and evaluation criteria

- Upfront planning to determine what provisions make sense,
- Technical Approach – demonstrate management approach, understanding of requirements, solutions, tools, and materials
- Past Performance – demonstrate experience with implementing green remedies
- Staffing – technical expertise among staff
- Monthly reporting
- Incentives tied to results
Solutions need to be technically effective and cost effective

Still new territory for DoD, contractors, regulators

- Sustainability criteria not explicitly included in remedial process (can make inferences)
- Want to move forward, not backwards. Will not reopen records of decision or other decision documents, agreements
- No standard contracts and evaluation tools

Need personnel to evaluate technical merits of sustainability in proposals and evaluate performance

How to address sustainability criteria in current contracts?
Next Steps

- DoD leadership is encouraging the Military Services to share ideas and lessons learned.

- Share information so that contracting officers and technical representatives can corroborate to sensibly integrate sustainability concepts into contracts.