**PROJECT STATEMENT OF WORK**

**Version 5 Updated 8/28/2020 - changes highlighted in yellow**

***\*Note that this sample has been revised from the source document on the Government Point of Entry as necessary to align formatting and applicable FAR procedures.\****

**1.0 CONTRACT PROJECT:**

**1.1** Project Title: **NEPA Environmental Assessment and Environmental Site Assessments for Big Spring and Lubbock, TX Land Exchange**

**1.2** Project Location: **USDA-ARS, Lubbock, TX**

**2.0 PROJECT CONTACT PERSONS:**

**[insert POCs]**

**3.0 SCOPE OF CONTRACTOR SERVICES:**

The Contractor shall provide all professional services necessary for the accomplishment of the contract project and such required services shall be in accordance with the requirements described herein.

**3.1** The Contractor shall provide professional services for the following tasks:

• Environmental Assessment of land transfer and associated documents, along with documented findings within a professional report as described in further detail below.

• Draft Finding of No Significant Impact (FONSI), with or without mitigating factors,

• Phase I Environmental Site Assessment of both properties

• Indexed Administrative Record

**3.2** The Contractor shall provide following as part of proposal:

• Name and Qualifications of EA technical preparers and Project Manager.

• USDA recommends that EA technical preparers have a minimum of 5 years of experience conducting NEPA analysis, and that the Project Manager have a minimum of 10 years of experience conducting and managing NEPA projects.

• USDA requires that EA technical preparers have a minimum of 2 years of experience conducting NEPA analysis, and that the Project Manager have a minimum of 5 years of experience conducting and managing NEPA projects.

**4.0 RELEVANT DOCUMENTS:**

**4.1** Attached Documents: The Contractor shall use all documents marked by an “X” in preparing the required contract documents.

[X] Statement of Work (this document)

**4.2** Criteria Governing EA:

Services to be performed by the contractor under this contract shall conform to all applicable requirements and criteria including but not limited to those indicated in the following handbooks and publications, and their latest issues and changes to date:

1. National Environmental Policy Act, 40 CFR 1500-1508
2. USDA NEPA regulations at 7 CFR 1b, and ARS NEPA regulations at 7 CFR 520
3. ARS P&P 242.1, Chapter 1.3
4. All applicable national and local codes and regulations

**4.3** Criteria Governing ESA:

Services to be performed by the contractor under this contract shall conform to all applicable requirements and criteria including but not limited to those indicated in the following handbooks and publications, and their latest issues and changes to date:

1. ASTM Standard E1527-13 for Phase I ESAs
2. 40 CFR 312 – Innocent Landowners, Standards for conducting All Appropriate Inquiries
3. Departmental Regulation DR 5600-005 Environmental Management
4. ARS Manual 160.0, Chapter 61: Reporting Hazardous Substance Activity When Selling or Transferring Real Property 5. ARS Manual 245.1, Chapter 8, Disposal of Real Property and Related Personal Property
5. All applicable national and local codes and regulations

**5.0 PROJECT REQUIREMENTS:**

**5.1 NEPA Environmental Assessment**

The United States Department of Agriculture (USDA), Agriculture Research Service (ARS), Plains Area, (PA), requires assessment services for the exchange of ARS land in Big Spring, TX with privately-owned land in or near Lubbock, TX. The ARS land in Big Spring, TX is 103.38 acres associated with the Cropping Systems Research Laboratory in Lubbock, TX. The NEPA Environmental Assessment (EA) will consider ARS giving up their current property and its subsequent use by a third party oil and gas company, and the acquisition of new land in or near Lubbock, TX.

The Contractor will coordinate with Federal, State and Local authorities knowledgeable about possible historical or archaeological resources to determine the exact number, nature, and extent of any resources that could be impacted by the project’s development. The EA should describe any specific conditions to be included in the FONSI to comply with any historic and tribal preservation ordinances and any actions to be taken should any archaeological artifacts be discovered.

**Work Plan**

The contractor will submit a work plan and schedule to USDA for concurrence prior to proceeding. The EA section of the work plan should include the following along with time-frames:

• summary of the purpose and need for the action;

• proposed alternatives to study;

• non-significant issues and a brief description why they require minimal analysis;

• potentially significant issues and a brief description of why they require in-depth analysis;

• other reports, studies, or analysis that need to be developed;

• involvement from other Agencies (i.e., a list of agencies and persons the Contractor intends to contact and the anticipated information, analysis and/or studies they shall provide);

• determination of whether a public communication plan is needed and development of that plan, if applicable; and

• Gantt chart of significant milestones.

Additionally, the Contractor should include a list of the proposed preparers along with their qualifications. The contractor should include a disclosure statement for each preparer indicating that “They have no financial or other interest in the outcome of the project.” All preparers will be subject to USDA approval.

USDA recommends that EA technical preparers have a minimum of 5 years of experience conducting NEPA analysis, and that the Project Manager have a minimum of 10 years of experience conducting and managing NEPA projects.

USDA requires that EA technical preparers have a minimum of 2 years of experience conducting NEPA analysis, and that the Project Manager have a minimum of 5 years of experience conducting and managing NEPA projects.

**Environmental Assessment**

The Contractor will be responsible for preparing the EA. If at any point in the process, the Contractor determines that it may be prudent to instead move directly to an EIS due to anticipated significant environmental impacts, they will coordinate a teleconference/meeting with USDA to discuss this and obtain USDA concurrence.

If an EIS is developed, the Contractor will prepare a draft Notice of Intent to Prepare an EIS for review and publication by ARS in the Federal Register and local newspaper(s).

At a minimum, the EA must consider two alternatives, the “Proposed Action” alternative and the “No Action” alternative.

**Proposed Action Alternative**

The Contractor will describe the properties involved in the exchange and all immediately proposed actions and Reasonably Foreseeable Future Actions (RFFA) that USDA and the private party will take upon exchange of the properties. RFFA are actions that the government and private party plan to take at the property during the next 25 years. These may be documented in a master plan, budgetary document(s), and/or other long term planning document(s).

**No Action Alternative**

This alternative describes the property and all actions USDA and the third party will take should the property exchange not occur.

**Alternatives Not Considered**

Details of other alternatives that were not considered will be obtained by the Contractor from the Lubbock, TX ARS Location management.

**NEPA Considerations**

At a minimum, the EA shall consider the following NEPA factors. Will the proposed project:

• Cause or contribute to soil erosion?

• Affect soil surface stability?

• Degrade water quality?

• Decrease aquifer yield or affect water rights?

• Affect aquatic life?

• Cause or contribute to flow variation in a stream or spring?

• Degrade the aesthetic properties and/or potential uses of either ground or surface waters?

• Affect chemical quality of ground or surface waters (pH, dissolved oxygen, nutrients, dissolved solids, pesticides, etc.)?

• Affect physical quality of ground or surface waters (suspended solids, turbidity, color, oil, temperature, etc.)?

• Cause odors or release odoriferous substances?

• Release toxic substances to the air in quantities that could affect human health or environmental quality?

• Release particulate matter to the air?

• Change local meteorological conditions or air movement patterns?

• Release substances for which there is a National Ambient Air Quality Standard (i.e., sulfur oxides, nitrogen oxides, carbon monoxide, lead, particulate matter, etc.)?

• Affect undisturbed natural areas or a wild and scenic river?

• Affect a known or potential cultural, historical or archeological site, district, or area? (A consultation with the State Historic Preservation Officer is required.)

• Affect game animals or fish or their taking?

• Affect rare, threatened, or endangered species, or a critical habitat?

• Affect species balance, especially among predators?

• Involve special hazards, such as radioactivity or electromagnetic radiation?

• Affect a wetland, flood plain, or the coastal zone?

• Affect local or regional systems related to:

Transportation? Water supply? Power and heating? Solid waste management? Sewer or storm drainage?

• Affect local land use through effects on:

Flood plains or wetlands? Location land use? Aesthetics? Access to minerals?

• Affect socioeconomic aspects of an area including:

Population?

Housing supply or demand? Employment? Commercial activities? Industrial activities? Cultural patterns? Environmental justice?

• Cause or contribute to unacceptable noise level?

• Affect public health or safety?

• Involve incomplete or unavailable information related to reasonably foreseeable significant environmental effects.

• Affect the human environment in a manner that is likely to be controversial?

• Cause climate change?

• Cause impacts from energy usage or alternative energy?

**Public Comment Period**

Once the NEPA documentation has been accepted by USDA, but prior to final approval, the public shall be afforded a comment period. The Contractor will prepare a notice for review and publication by USDA in the Federal Register and/or notices for local newspaper(s). Copies for review shall be made available to the public at the local public library(ies) for a 30-day comment period.

The Contractor shall then develop preliminary responses to the public comments for USDA review and approval, making changes to the NEPA documentation if required.

**Finding of No Significant Impact**

Concurrent with the first submittal of the revised EA, the Contractor shall prepare and submit a draft FONSI for consideration by USDA. The FONSI should incorporate the information obtained during the analysis into a summary and document USDA’s rationale for the decision. The document must clearly identify mitigation measures, if any, and address how mitigation will be conducted, enforced and measured.

**Signature**

Upon final USDA approval, the ARS Area Director will sign the FONSI. The Contractor will prepare a notice for review and publication by USDA in the Federal Register. The Contractor will also prepare and publish notices for local newspaper(s) with copies of the final documents (i.e., EA, FONSI and responses to public comments) made available to the public at the local public library(ies) for 30 days.

**Teleconferences and/or Meetings**

The Contractor shall establish, prepare for and participate in teleconferences and/or meetings as may be necessary during the course of the project and provide meeting minutes of such. At a minimum, monthly teleconferences will be anticipated, including the following: 1) an initial “kickoff” teleconference to discuss the process; 2) a teleconference to discuss preparer qualifications and the draft work plan; 3) a teleconference to discuss the draft EA and the decision information to include in the draft FONSI; 4) a teleconference to discuss the revised EA and draft FONSI; and, 5) a teleconference to discuss public comments.

Additional teleconferences and/or meetings, including a public meeting, may be necessary depending on complexity of the project and/or circumstances that arise.

**Minutes**

The Contractor shall prepare and promptly submit minutes of teleconferences/meetings in which they participate at USDA’s request or when a USDA representative is not present. The minutes shall include the location, time, date, attendees and affiliation, agenda, and a detailed summary of the discussion and outcome(s).

**5.2 Phase I Environmental Site Assessment**

The purpose of this project is to:

(a) conduct a Phase I Environmental Site Assessment (ESA) in accordance with

the most recent version of the American Society for Testing and Materials (ASTM) Standard E-1527, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, 40 CFR 312, and 33 CFR 137;

(b) complete the attached Appendix A, Excess Real Property Checklist, Select Questions and document with sufficient detailed information explaining responses to the checklist;

(c) document the findings in a professional report; and

(d) within the report, make recommendations, if necessary, of any further actions required under a phase II ESA including costs, expected benefits, and how the additional work will define or refine potential liabilities.

For the purposes of this statement of work, the full range of environmental issues and liabilities associated with the parcel(s) will be assessed, including those associated with the Comprehensive Environmental Response, Compensation and Liability Act liabilities and petroleum products. These environmental issues and liabilities include, but are not limited to, those under the Resource Conservation and Recovery Act, Safe Drinking Water Act, Clean Air Act, Clean Water Act, Toxic Substance Control Act, and Federal Insecticide, Fungicide, and Rodenticide Act.

Additionally, if the location utilized radiological and/or biological materials, the contractor shall verify that appropriate closure documentation exists

In doing so, the contractor shall document in the report, the rationale for each determination referencing previous surveys, inventories, and other documents utilized to make the determination.

Information obtained shall be used to evaluate and make a recommendation on whether or not Phase II ESA is required. If recommended, including costs, expected benefits, and how the additional work will define or refine potential liabilities. If the additional work is sampling, identify the rationale and methodology for selecting the types, numbers and locations of samples to be collected and analyzed as well as a list of pollutants to be analyzed and analytical methods.

The contractor shall identify and furnish all personnel, materials, equipment, safety gear, and services necessary to achieve this project. The ESA shall be conducted in strict compliance with Federal, State, and/or local requirements for this type of work.

**Physical Location and Description of Properties**

Environmental site assessments will be performed by the Contractor on both properties involved in the land exchange.

1. The current ARS land in Big Spring, TX is 103.38 acres of vacant land associated with the Cropping Systems Research Laboratory in Lubbock, TX. Access to the property is along IH-20 and US Highway 87. There is approximately 10.0 acres of wooded land that was a former USDA test orchard. Approximately 12.7 acres are in the Big Spring City Limits.

 

2. Privately-owned land that ARS would receive in exchange is in or near Lubbock, TX. Specific details on this property will be provided upon award of the contract.

**Conducting the ESA.**

Successful completion of Phase I ESA of this project includes Government acceptance/approval of the ESA Report.

**Work Plan**.

The contractor shall develop and strictly adhere to a comprehensive work plan and schedule to be approved by the Contracting Officer (CO) before proceeding. This work plan shall describe and discuss in detail how the contractor will safely carry out the project activities in the required time-frames. The plan shall describe and discuss, at a minimum, how the contractor will manage and carry out the following activities:

• records review, site reconnaissance, and interviews;

• documentation and presentation of the report (i.e., outline, photos, references, notes, etc.)

• project milestones and schedules;

• resumes of person(s) conducting the ESA; and

• site and project management procedures.

**Records Review**

In addition to those records identified in the ASTM standard, the contractor shall review any additional pertinent records necessary to conduct the ESA.

**Site Reconnaissance**

The contractor shall coordinate with local personnel to ensure access/escort during the site reconnaissance. All surface and subsurface structures, including soil test bunkers, should be accessed and fully inspected.

**Interviews**

The contractor shall conduct interviews with key location personnel both past and present. The contractor will submit a list of personnel for approval by the CO prior to commencing interviews.

**ESA Report**

Prior to beginning preparation of the ESA report, the contractor will discuss with appropriate Agency representatives the findings and recommendations of the report.

**Site Security**

The contractor shall identify and provide an adequate level of site security during all phases of the project. This applies to maintaining the operational security and integrity of any equipment that may be needed and brought on site, as well as minimizing the likelihood of personal injury or environmental damage.

**Notification of Accidents and Releases**

The contractor shall notify the CO at the time of occurrence or discovery of any accident, injury, unauthorized access, vandalism, release or imminent threat of release of hazardous substances, or other unusual events or circumstances, or as soon afterward as possible.

**Spills and Environmental Contamination**

Affirmative measures shall be adopted and implemented as necessary to prevent, minimize, contain, control, and/or clean up any spill or other discharge of hazardous substance, hazardous waste, or contaminated material during or as a result of work under these specifications.

**Environmental Monitoring**

The contractor shall identify and execute environmental monitoring during project activities as may be necessary to ensure employee and public safety.

**Coordination with Regulatory Agencies**

If the CO or representative notifies the contractor that EPA, State, local authorities, or their designees wish to monitor or observe specific portions of the project performance, the contractor shall notify the CO a minimum of 72 hours in advance of the time these operations are planned to commence. The CO or representative will notify the agency or its designee as soon as possible thereafter. The contractor shall not commence the activities to be monitored until the required observers are present or the CO or representative allows work to proceed.

**Work Plan.**

Within 14 calendar days after contract award, the contractor shall submit a draft work plan. The final plan shall be submitted within seven (7) working days after receiving all comments.

**5.3 Other Requirements**

**Contact with Others**

The contractor shall not release, provide, or discuss any information concerning this project without the written consent of the CO.

**Intellectual Property**

All information shared with the Contractor and all work products created to support the NEPA documentation, including but not limited to all data and analysis, shall be the property of USDA.

**Administrative Record**

The Contractor will provide two (2) indexed hardcopies of the Administrative Record to USDA as well as an electronic copy. The Contractor will document all work, including any sampling, testing, field observations, literature searches, analyses, recommendations, letters, e-mails and other work that supports the NEPA process. The Contractor will maintain a master index of all documents it receives or generates that are directly or indirectly considered in the decision making process or that demonstrate compliance with laws, regulations or policies. The index will show at a minimum the date, author, addressee, source document, document number and page number, and subject matter of the document. The Contractor will also document all USDA records in a similar and compatible manner. The indexes shall each be an appendix to the NEPA and ESA documentation and used to incorporate by reference the items listed in the index to the NEPA and ESA documentation. The index shall be updated throughout the NEPA and ESA process. These documents and indexes will form the basis of the Administrative Record. The term “document” as used in this paragraph includes data of any sort, including but not limited to electronic media; planning data; maps; files; reports; e-mails; computer, audio or video tapes and disks; and other records.

**Communication**

The Contractor and USDA shall communicate throughout the process via phone, email, teleconference and/or meetings, minutes, weekly reports, etc.

**Coordination with Other Agencies and Entities**

The Contractor, on occasion, may have a need for special expertise that requires the assistance of outside agencies and entities. The Contractor shall obtain approval from USDA prior to contacting outside agencies and entities. Additionally, the Contractor shall provide USDA an opportunity to review and

comment on any correspondence being transmitted and copy USDA on all correspondence.

**Weekly Progress Report**

Each Friday, the Contractor shall submit a written progress report via email detailing the status of work completed and in progress as well as any outstanding issues and next steps.

**Review and Comment Process**

USDA will review and comment on each successive submission of a document as a “draft” until it is approved “final.” Reviewers will provide comments utilizing the “track changes” Microsoft Word feature to designate such changes. When responding to comments made on draft documents, the Contractor shall provide a written explanation and annotate a “C” - Concur, “N” - Non-concur, or “E” – Exception. Additionally, the Contractor shall make any revisions within the NEPA documents utilizing the “track changes” Microsoft Word feature.

**Freedom of Information Act**

Regarding responses to Freedom of Information Act (FOIA), 5 U.S.C. 552 and Privacy Act, 5 U.S.C. 552a requests regarding the NEPA analysis, if the Contractor provides USDA with information that would be applicable to a FOIA or Privacy Act request, USDA will notify the Contractor of any request for such information under FOIA. The Contractor will be given reasonable time in which to assert privilege over information or records considered proprietary under FOIA. The Contractor will be notified of USDA’s determination regarding disclosure of such records prior to the disclosure date. USDA retains the right and authority to determine what is releasable in accordance with FOIA. The Contractor will be promptly notified of all instances in which FOIA requesters bring suit seeking to compel disclosure of submitted information.

**Payment Schedule**

Payment for successful completion of this project shall be as follows:

Approved Work Plan – 20% Draft ESA Report – 30% Final ESA Report – 50%

**6.0 CONTRACTOR SUBMITTALS SCHEDULE AND GOVERNMENT COMMENTS:**

EA: Schedule shall be as follows, starting from Task Order effective date: Draft EA shall be submitted by day 21; Government Comments to contractor within 1 week; and Final EA Report to USDA by day 35.

ESA: Within 45 calendar days after approval of the work plan, the contractor shall submit a draft ESA report for both properties. ARS will review the draft and provide written comments. The final ESA report will be submitted within 14 calendar days after receiving all comments.

USDA will adhere to the listed review times. If conflicts prevent USDA from meeting these time frames, the Contractor will be notified.

Copies of required submittal documents shall be sent directly to the following individuals in the quantity shown. A copy of the contractor’s transmittal letter shall be provided to the CO.

EPM, CO, and SHEM: 1 hard copy, 1 electronic copy RPR: 1 hard copy, 1 electronic copy