



Contracting for Green and Sustainable Remediation - Opportunities and Challenges

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DoD Green Remediation and Sustainability Overview

- 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



Setting the Stage for Sustainability through Contracting

- 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



Sustainability Provisions in Contracts (cont.)

- 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



Challenges

- 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