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17 December 2019

Portia Perry  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW - Mail Code: 5104A  
Washington, DC 20460

**Subject: US Environmental Protection Agency Emergency and Rapid Response Services (ERRS) contract**

Dear Ms. Perry,

Thank you in advance for review of this letter. I am writing to you on behalf of the members of the Small Environmental Business Action Coalition, Inc. (SEBAC), [www.sebac.org](http://www.sebac.org). SEBAC serves as a voice for the small businesses community providing environmental engineering, remediation and related support to the U.S. Environmental Protection Agency (EPA) and other Federal agencies throughout the country. A key part of our mission is to support and protect small businesses by monitoring the federal government's goals, policies, and regulations regarding small business participation.

The purpose of this letter is to briefly introduce SEBAC and request that the EPA review and revise the process employed during the solicitation of the Emergency and Rapid Response Services (ERRS) contracts being procured on a regional basis. The current practice is to evaluate proposals on the basis of cost, and only review the technical proposals for the lowest cost proposal(s). This technical review is a "pass/fail" review and any technical proposal meeting a minimum standard remains eligible for award. (Cost equal to Technical)

SEBAC believes this approach has created an environment of dangerously low cost models with significant risk to EPA relative to the technical capability of the selected firms. The result has been performance issues and resource limitations as firms struggle to remain equipped to respond within the cost constraints of the contract. This of course creates both a business sustainability concern and also a preparedness concern, especially in the event of a significant Stafford Act response action. SEBAC requests that EPA consider a more practical trade-off selection process (FAR Part 15.101-1) giving more weight to past performance and technical expertise over the current practice of low price selection as long as the low cost firm(s) meet a minimum technical acceptability criteria. (i.e., Technical 60% vs Cost 40%)

SEBAC believes that, given the current state of ERRS market conditions, the dwindling number of firms willing to pursue these contracts, and the concern that contract resources will be inadequate in a major incident, or inadequate if major incidents happen simultaneously in multiple regions with the same contractor, our recommendation is both timely and prudent.



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We look forward to engaging you in a dialogue.

Respectfully,

A handwritten signature in dark ink that reads 'Susan Brock'.

Small Environmental Business Action Coalition  
Susan Brock  
Secretary

CC: Brendan Roache  
Denise Benjamin-Sirmons