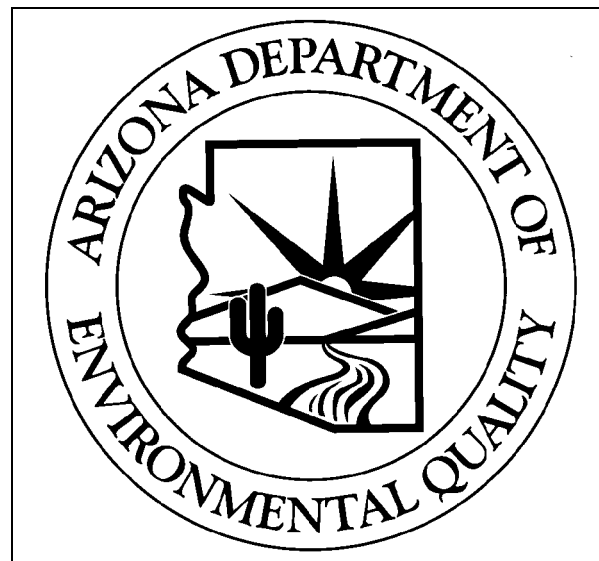


Arizona Department
of
Environmental Quality



How to Hire An
Environmental Consultant

How to Hire and Environmental Consultant

This document is intended to assist in hiring an environmental consultant to perform investigation and cleanup activities for all types of remedial projects, including leaking underground storage tanks, solid waste, and hazardous waste, as well as state and federal Superfund program sites in Arizona.

You may find that cleaning up a contaminated site can be not only complex but expensive. You may also be surprised to learn that your case can be relatively simple and well within your budget. When you encounter a situation that calls for making critical and environmentally sensitive choices, you need to find a source of expertise to obtain detailed and accurate information from which to base your decisions. The selection of the right consultant may be one of your most crucial decisions. Choosing an unqualified or inexperienced environmental consultant may cost even more if the investigation/remediation is not properly completed.

Presented below are basic guidelines to help in the selection of an environmental consultant. These are only guidelines to help in the selection process.

Exercise Care in Hiring A Consultant. Potential customers of environmental services should exercise care in selecting consultants and contractors, because responsibility for cleanups remains with the responsible party - owners and/or operators - even where the actual work was done by a consulting firm. You should take the same care in hiring an environmental consultant that you take in hiring any contractor or employee you use.

What kind of consultants are there? Usually, consultants fall into one of two categories: full-service and specialty. Full-service consultants can perform site characterization and all cleanup work without obtaining another contractor. Specialty consultants usually perform only certain aspects of a site characterization or cleanup. A specialty consultant generally works on limited activities, such as installing wells or designing a cleanup plan. One type is not necessarily better than the other.

Scope of Services. Before hiring a consultant, decide the degree of technical assistance that you need. Detailed soil/groundwater investigations require the skills of a geologist/hydrologist. Design of treatment systems sometimes require a chemical, civil, control systems, environmental or sanitary engineer. Many firms have these professionals on staff. If your investigation and remediation project includes construction drawings, calculations and design specifications, determine whether the ADEQ program that you interface with will require these to be sealed by a professional engineer or geologist registered with the State Board of Technical Registration.

When you talk to a potential consultant:

Require at least three references from previous clients for which similar services were provided in the last year and CHECK THEM!

Ask the consultant about their prior experience interacting with ADEQ.

Is the consultant familiar with the regulations that govern the remediation of contaminated sites in Arizona? At a minimum, a consultant performing site remediation work must be familiar with the Interim Soil Remediation Standards (A.A.C. R18-7-201 et seq.), Water Quality Assurance Revolving Fund remedial action rules (A.A.C. R18-7-101 et seq.), Narrative and Numeric Aquifer Water Quality Standards (A.A.C. R18-11-405 and 406), or UST Qualification Standards for Performing Corrective Action Services (A.A.C. R18-12-601), as applicable.

Ask about their experience in the type of work you need.

Ask how soon they can begin work at your site.

Ask what approach they will take at your site, and look for options rather than set procedures. Ask that they explain technical jargon in plain language.

Before hiring any consultant, check their reputation and longevity. How long has the consultant been in business, performing the same service they will provide for you? Are they generally respected by competitors and regulators? Do they have a sound financial record? Do the consulting firms' principals possess suitable credentials? Consider contacting the following, where appropriate:

Better Business Bureau	(602) 264-1721
Board of Technical Registration	(602) 255-4053 (to determine whether an individual is registered) (602) 255-3737 (to determine whether the firm is registered or there is any pending enforcement activity)
Registrar of Contractors	(602) 542-1502 (Licensing Department) (602) 542-1525 (Compliance Division)
Dun & Bradstreet Information Services	(602) 956-9200 or (800) 234-3867 (for a financial report)
Arizona Consulting Engineers Association	(602) 264-4871

How do I assess potential consultants? Whether you have the same consultant do site characterization and cleanup or hire separate contractors, you want to be sure that you are paying appropriate fees for services performed. Make sure the firm has access to the type of equipment needed to clean up your site and has adequate insurance coverage. The client should be able to receive acceptable responses from qualified consultants, based on the following questions:

What individuals will be assigned to your project and what qualifications, training or experience do they hold? Ask for resumes.

Does the firm have experience in contaminant-related field investigations and cleanups in Arizona? What was the outcome of these investigations?

Do they follow accepted industry practices for site safety? At a minimum, any person performing remediation work should be trained in health and safety protection in accordance with federal requirement 29 C.F.R. 1910.

Do they have staff with experience in monitoring well design, installation and sampling, if applicable?

Are they familiar with current federal, state and local regulations on environmental investigations, release reporting and cleanups?

Do they follow industry standards for field investigation protocols and maintain proper chain-of-custody for soil and groundwater sampling?

Are they familiar with contaminated soil treatment and lawful disposal practices?

Have they installed groundwater recovery systems? Were these systems effective?

Is the consultant familiar with current remediation methods? What types of remediation has the consultant performed?

What types of liability insurance (e.g., pollution liability or errors and omissions) does the consultant (or any

subcontractors it plans to use) have? What does the policy cover and what are the limits?

You should review the consultants insurance coverage in detail. Your careful consideration will help you make an informed business decision regarding the risks your company is willing to take. For example, the consultant could cause new contamination, worsen the existing contamination, or damage a third partys personal or real property. The absence of the right type of insurance may subject you to liability for accidents caused by the consultant.

Contact the consultants previous clients. Compare their project with your pending project. Ask for their assessment of the consultants competency, honesty, overall value, and whether or not they were satisfied with the quality of the consultants work. Some quality indicator questions might include:

Did the consultant submit documents which met ADEQ approval or were repeated efforts needed to meet regulations?

Did the consultant work effectively with the ADEQ case manager and local officials?

Did the consultant meet the proposed goals and deadlines?

Did they keep you informed of site development and all cleanup options?

Did any problems arise during their work? Were the problems resolved in a satisfactory and timely manner?

Was the work performed in a manner consistent with current pre-approved reimbursement or direct pay programs in place, if applicable?

Was the final cost reasonably close to the initial estimate?

The Selection Process. Choose several companies (at least three) and request a project proposal bid. The proposal should include a start date in addition to the expected duration for the project. Request the same information from all consultants, based on the same scope of work, so you can compare the various companies and understand exactly what type of equipment and work you will be receiving for that price.

Each project proposal should include: a list of tasks each consultant will perform, fees for each task, estimated work schedule or project timetable, estimate of total project fees, itemized fee schedule, and terms and conditions of payment.

Understand the payment terms, including interest charges on outstanding bills. Ask questions, because clear understanding is crucial for contract negotiations. Understanding and evaluating the bids are your responsibility.

Get an explanation from each consultant of the rates charged and how you will be billed. Know what you are paying for.

Get a list of junior-, mid- and senior-level staff, their qualifications and experience and what tasks each will perform. Make sure that expensive senior staff are not doing the work that less expensive staff could perform, such as soil sampling. Do their qualifications match your needs? Have they done this type of work before?

Does the consultant have adequate staff to complete the project within your specified time? If the consultant will not be able to complete your project within the time you require, it may be advisable to select another consultant. Ask for a schedule for your project.

Ask if they intend to use subcontractors. If so, make sure the proposal includes all subcontractor fees.

Selection based upon a lowest bid will result in bidders concentrating on cost rather than on service, and can result in adding change orders to complete the project.

If you select on a lowest bid basis rather than a qualification basis, you may not obtain the best services needed for your project.

Negotiating the Contract. After you receive the proposals, interview the firms that have provided high quality, competitively priced proposals and have presented a clear understanding of your goals and service requirements. The contract serves as a blueprint for the site characterization and cleanup. It also spells out what you and the consultant have agreed to in terms of costs.

What are the expected results of each stage of the cleanup and when should these results be realized?

Require the consultant to provide periodic progress reports.

Discuss their change order policy.

Stipulate a payment policy (which is a function of cause or responsibility) for down or idle time and sheer inconvenience.

Pay only for completed work, not projected work.

How accountable is the consultant for errors, omissions or illegal acts by their subcontractors, as well as their own employees? Make it clear up front that you will not pay for substandard work.

Request the consultant to identify any potential conflicts of interest and the controls which protect your interest.

Ask for a copy of the Certificate of Insurance.

Controlling the Project. Work with the consultant to assure success of the project.

A meeting with ADEQ is recommended before the work commences. Such a meeting should be sought to have your plan reviewed, particularly if there is a question as to what is needed.

Monitor your consultants progress by being (or having a trusted associate) on site, so you can verify work completed. It is important that reasonable controls and supervision be maintained.

Although your consultant should understand the state requirements for cleanup, you should also have an understanding; by doing so, you can better ensure that your cleanup will meet state standards. Understand what needs to occur and the consequences of what is being undertaken.

Take an active role in the project. If a planned action does not seem to be necessary, **raise the issue**. The action may be entirely appropriate and essential to the remediation process, but you will not know until you discuss the action completely with your consultant and ADEQ.

Be aware of the issues and perils associated with unnecessary work. Be especially alert for items that are being installed "just in case" and may not be necessary, or additional remedial actions which are suggested but only vaguely attached to the rest of the project. Examples include excavating and hauling soil where on-site treatment may be more appropriate; collecting too many soil and water samples for testing; installing too many monitor wells; conducting more lab analyses than necessary, and proposing unnecessary cleanup.

Ask the consultant to keep a daily log of activities that can be inspected upon request. This protects you from being overcharged.

Unacceptable field procedures, poorly designed recovery systems and a lack of familiarity with state and federal regulations, can all lead to inadequate investigations. They may cost you more and still not complete proper site investigations or cleanups.

These criteria will allow you to obtain first-hand knowledge of what is transpiring and gain insight, should you encounter this situation in the future.

Understanding the Consultant's Invoice. Understanding your bill is essential to keeping costs down.

When you get your first bill, you should sit down with the consultant to verify that charges are legitimate, correct and timely.

Ask questions about charges that you think are too high.

Remember...

ADEQ seeks to work with the responsible parties, owners and operators in remediation of contaminated sites.

Selecting a qualified consultant to handle the investigation and cleanup of a contaminant release is in your best interest, both legally and financially.

Remember that you are responsible for everything your consultant does or fails to do! Consultants assist you; they do not reduce your personal responsibility.

You will be well rewarded for the footwork you do in advance.

Stay Informed...

Don't assume the consultant is taking care of everything.

If you have a good dialogue with your consultant and a basic understanding of the remedial process that is being applied to your site, you will be able to identify if more technology or work is being implemented than is necessary or appropriate.

If you are unsure that work at your site is meeting your regulatory obligations, call your case manager, project officer, permit writer or compliance officer at ADEQ and **ask!**

For questions concerning this publication, or for more information, please contact Al Roesler, Waste Programs Division of ADEQ, at (602) 207-4421 [(800) 234-5677, extension 4421, tollfree within Arizona].