

## MT2 SOLE SOURCE JUSTIFICATION FIRING RANGE LEAD MAINTENANCE

This letter provides a sole source justification for contracting Metals Treatment Technologies, LLC (MT2) to perform firing range lead maintenance services. MT2's project objectives are to provide the range with firing range lead maintenance services that will support mitigating potential physical, occupational, and environmental hazards associated with high concentrations of lead in the backstop berms at the range. MT2 will accomplish the required tasks in compliance with OSHA, USEPA, state, and NRA recommended environmental Best Management Practices (BMPs).

- ✓ **MT2 is the #1 Largest Nationwide Professional Firing Range Lead Reclamation, Maintenance, Cleaning & Construction Contractor Specializing In:**
  - **Lead:** Treatment, Screening & Reclamation to MAXIMIZE Your Lead Value
  - **Environmental:** EPA & OSHA Consulting, Remediation, Soil/Waste Treatment, and Closure
  - **Maintenance:** Soil and Rubber Berms, Traps, Lead Remediation, and Range Improvements
  - **Construction:** Renovation, Design/Build, Improvements, Dismantling/Demolition

MT2's proven record of performance has demonstrated our expertise implementing environmental firing range services nationwide including over 400 law enforcement ranges such as NYPD Rodman's Neck, Orange County Sheriff's Department (FL), and Richmond Police Department (VA).

Pathways to sole sourcing MT2:

- GSA Schedule Holder
- Member of Purchasing Cooperative of America (PCA): Click [here](#) to learn more
- Patented and proprietary ECOBOND® technology (see more information below)

The following section highlights why MT2 is uniquely qualified to perform this work:

- MT2 operates a fleet of unique proprietary equipment designed to not only recover lead from firing ranges at the highest quality value, but to also maintain a high level of protection to MT2 personnel, our clients, the public, and the surrounding environment during onsite services.
- MT2 maintains a nationwide recycling program that ensures recycled products are properly recycled at MT2-vetted recyclers. Proper recycling of lead and lead-containing materials (such as metal from previous range traps) is important in minimizing our client's potential liability to improper recycling by less knowledgeable service providers.
- MT2's patented and proprietary ECOBOND® technologies are specifically intended to provide successful stabilization of soils to meet USEPA Best Management Practices (BMP's) for Outdoor Firing Ranges (<https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges-0>). Unlike other products available on the market, MT2's ECOBOND® technologies are backed by **MT2's Guarantee** of successful stabilization, custom-tailored to each range's specific conditions. (See below for further benefits regarding MT2's ECOBOND® Technologies).

- MT2's expertise regarding regulatory compliance for permitting and disposal of various types of waste. MT2 manages various types of firing range-related waste disposal services nationwide, working diligently with regulatory agencies, landfills, and other vested parties to understand the nature of the waste and ensure proper disposal and documentation of that disposal is managed from cradle to grave.
- MT2 maintains a licensed in-house laboratory to provide analysis of our clients sites at a custom-tailored level of expertise unparalleled in the firing range industry.
- While MT2's primary focus is on firing ranges services, it does not focus solely on one aspect of ranges, whether that be trap manufacturing, targetry systems, or lead recycling. Instead, MT2 offers a unique "turn-key" approach developed from over 20 years of working hand-in-hand with our clients' needs and key partnerships within the industry to offer a variety of services custom tailored to the many needs of a safely operating range. While other contractors may offer to compete with different aspects of a job, only MT2 can offer a one-stop-shop.
- MT2's personnel are uniquely experienced in managing the scope of work being implemented for this project. Applicable, specific project experience includes:
  - Over 20 years' experience of successful dismantlement/removal of bullet traps/berms from both indoor and outdoor environments. MT2's unique expertise is especially desirable when protection of onsite personnel, the public and the surrounding environment are of high importance, and/or when there is particular public interest in ensuring the work is completed to the highest standard. One key example is the successful dismantlement/removal and subsequent remediation of a dozen high-profile facilities for the Oregon Military Department (OMD) from 2017 to 2020.
  - MT2's proven record of performance has demonstrated our expertise implementing environmental firing range services nationwide including over 400 law enforcement ranges such as NYPD Rodman's Neck, Orange County Sheriff's Department (FL), multiple FBI, DOE, and DOD facilities.

Additional information on MT2's patented and proprietary ECOBOND® technologies:

MT2 utilizes **patented and proprietary ECOBOND® technologies** to treat lead-impacted soils. ECOBOND® has been previously approved by both the US EPA and state regulatory agencies nationwide. **MT2 is the exclusive provider of ECOBOND® lead and metals stabilization reagent.** ECOBOND® is proven to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals-contaminated soils and other materials. MT2 has effectively treated over 10,000,000 tons of lead/metals contaminated soils at over 1,300 sites nationwide. At each, lead/metals leachability was dramatically reduced and treated soils were rendered "non-hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels. Additionally, ECOBOND® also meets and exceeds all regulatory requirements for Synthetic Precipitation Leaching Procedure (SPLP) and USEPA Multiple Extraction Procedure (MEP) Method 1320.

ECOBOND® chemically converts the lead in soils and has been shown to be highly durable at police training ranges such as NYPD Rodman's Neck, North Las Vegas Police Department, and Seattle Police Department, among many others. ECOBOND®'s demonstrated success includes:

- ECOBOND® treated soil remains soil-like, in original condition; other additives such as Portland Cement create cement-like soils that can cause drainage and other issues

- ECOBOND® has a low add rate (typically 0.5% - 2%) that will not significantly change the range soil-like characteristics for re-use of processed soils in maintaining proper berm configuration and grade
- ECOBOND® treated soils contain extremely stable compounds that virtually eliminate the leaching of lead to the environment

**ECOBOND® Waste Treatment:** MT2 has utilized our patented and proprietary ECOBOND® technologies to treat over 10 million tons of lead waste. ECOBOND® Waste Treatment chemically stabilizes lead-impacted range waste to ensure that items are considered EPA Resource Conservation and Recovery Act (RCRA) non-hazardous for purposes of disposal. Successfully meeting this criterion means range waste, once considered potentially hazardous, can now be disposed of as non-hazardous waste at a nearby, and less expensive, subtitle D landfill. This often results in **direct cost savings** to our clients versus more traditional methods.

MT2's ECOBOND® Waste Treatment product is specifically designed to stabilize waste generated from firing ranges. Application methods are similar to paint; ECOBOND® Waste Treatment can be sprayed, rolled, or brushed onto lead-contaminated surfaces, penetrating to the lead and stabilizing the waste in preparation for appropriate transportation and disposal to an approved Non-Hazardous waste disposal facility.

MT2's ECOBOND® Waste Treatment provides the following benefits:

- Chemically converts Hazardous Waste to Non-Hazardous Waste
- Reduction/removal of Hazardous Waste Generator requirements
- Less cost vs. Haz-Waste disposal option

Sincerely,



Ty Hendrickson, President  
Metals Treatment Technologies, LLC

## OVERVIEW OF ECOBOND® TECHNOLOGIES

MT2 maintains a broad portfolio of patented and proprietary chemical metals stabilization processes; known as ECOBOND® that provide virtually permanent stabilization of all heavy metals. The MT2 processes are previously approved by the US EPA and are non-hazardous. The resulting treated soils contain extremely stable metal compounds that virtually eliminate the leaching of metals to the environment. The strength and effectiveness of the stabilization has been verified using the EPA's TCLP test parameters and Multiple Extraction Procedure (MEP) tests.

Advantages of ECOBOND® chemical stabilization also include its robust capability and ease of application. The technology can be applied in a wet or dry form and can be used to stabilize metals in- situ or ex-situ. These varied applications make it ideal for use at a wide range of metals contaminated sites. At some sites the technology can be surface applied and mixed into soil in its dry form. At other sites the technology can be sprayed in its wet form onto the contaminated material in a topical fashion. In addition to the technical and application advantages, the cost of utilizing chemical stabilization to treat heavy metals contamination is attractive. By being able to treat metals contamination to EPA RCRA or Universal Treatment Standards (UTS), stabilized waste can often be left on-site rather than transported offsite to a hazardous landfill. The disposal cost savings for stabilized metals can often be measured in the hundreds of dollars per ton.

### MT2 ECOBOND® ADVANTAGE

- **Lower Cost:** Typically 30%-50% lower cost
- **Reduction of Environmental Liability:** Significantly reduces potential of long-term liabilities
- **Proven Technology:** Technology previously approved by EPA and state regulators with guaranteed, field validated reliability
- **Best Available Technology:** Virtually permanent chemical process, strength and durability to 1,000 years verified by EPA approved testing

**Table 1 MT2 Metals Treatment Results (TCLP)**

Waste Stream	Metals	Pre-Treatment	Post-Treatment	Regulatory Standards	
		TCLP (ppm)	TCLP (ppm)	RCRA (ppm)	UTS (ppm)
Mill Tailing	As	2,200.0	1.030	5.0	5.000
Sludge	Cd	160.0	0.100	1.0	0.110
Mill Tailing	Cr	14.0	<0.050	5.0	0.650
Industrial Site	Ba	249.0	0.030	100.0	210.0
Industrial Site	Pb	980.0	0.250	5.0	0.750
Firing Range	Pb	977.0	0.180	5.0	0.750
Mine Tailing	Zn	108.0	2.000	NA	4.300
Mill Tailing	Se	190.0	0.890	1.0	5.700
Chemical Waste	Hg	500.0	0.070	0.2	0.025

TCLP = Toxicity Characteristic Leaching Procedure

**JUSTIFICATION FOR OTHER THAN  
FULL AND OPEN COMPETITION**

**I. CONTRACTING ACTIVITY**

Contracting Activity: 10 CONS/LGCA

Purchase Request/Local Identification Number: Work Order Request #59463

Project/Program Name: N/A – This was an unknown, unbudgeted requirement resulting from a safety inspection.

Estimated Contract Cost (including options): Estimated \$750,000

Type Program: Other Contracting

Authority: 10 U.S.C. 2304(c), as implemented by FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)

Type J&A: Justification for Other Than Full and Open Competition

Contracting Officer: Linda A. Wennerberg, 10 CONS/LGCA,

Signature: *Linda A. Wennerberg* Date Signed: *10 September 2009*

**II. NATURE AND/OR DESCRIPTION OF THE ACTION BEING PROCESSED**

The action will be a new Firm Fixed Price Construction Contract; FA7000-09-C-XXX awarded in accordance with Federal Acquisition Regulation (FAR) 6.302-2 to a sole source based on an unusual and compelling urgency due to mission requirements and safety issues.

**III. DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS**

The action required is a one-time remediation of two firing range berms closed to military personnel due to safety issues. In accordance with AFI 36-2226, Combat Arms Program, representatives from Combat Arms Training and Maintenance (CATM), Base Safety, Environmental, CE Maintenance, and Bioenvironmental will inspect the range annually. As a result of the inspection conducted on 18 August 2009, the following conditions were discovered: "Due to the unusually large amount of rain throughout the spring and summer, the runoff has eroded the backstops exposing thousands of lead rounds. This exposure now poses a serious ricochet hazard. This hazard in-turn causes violation of both the surface and vertical danger zones. The large number of lead rounds exposed combined with excessive erosion resulting in the ricochet hazard, USAFA Safety's assessment is that both ranges be closed until the backstops are mined and repairs completed to bring both ranges back in-compliance of the standards."

Under the contemplated contract, MT2 will provide a remediation plan that includes the excavation and screening of an anticipated 13,400 cubic yards of soil, recycling of recovered bullets and bullet fragments, stabilization treatment for lead contamination, confirmation sampling, and replacement of the processed soil as well as Geo Fabric for slope stabilization and installation of seed mix, and straw mulch.

The period of performance of this effort will be from September 2009 through December 2009 and 3400 appropriations will fund this effort.

#### **IV. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION**

10 USC 2304(c), as implemented by FAR 6.302 (FAR 6.303-2(a)(4)) identifies the statutory authority permitting other than full and open competition. FAR 6.302-2(b)(1), *Unusual and Compelling Urgency* applies.

The urgency of this requirement was not based on lack of advance planning by the requiring activity (FAR 6.301(c)). The necessity of a speedy acquisition is the consequence of a safety inspection conducted on 18 August 2009 which resulted in the closure of the M16 and 9MM firing ranges. Immediate action was taken by the Combat Arms Section to remedy the problem. Inspection of the berms by a remediation expert was conducted. A report provided on 1 September 2009 revealed a course of action that could be taken to allow the ranges to be reopened for use.

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission.

Immediate remediation and reopening of the affected firing range berms is necessary to preclude adverse impact to military readiness, and total mission failure for Security Forces and Chenega in the region, as well as deployment personnel.

Contracting personnel requested detailed information from the Combat Arms Section in order to more clearly identify the impact of not being able to use the firing ranges closed due to safety issues.

The following information was provided:

The urgency of this requirement was not based on lack of advance planning by the requiring activity (FAR 6.301(c)). The necessity of a speedy acquisition is the consequence of a safety inspection conducted on 18 August 2009 which resulted in the closure of the M16 and 9MM firing ranges. Immediate action was taken by the Combat Arms Section to remedy the problem. Inspection of the berms by a remediation expert was conducted. A report provided on 1 September 2009 revealed a course of action that could be taken to allow the ranges to be reopened for use.

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being

deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission.

Immediate remediation and reopening of the affected firing range berms is necessary to preclude adverse impact to military readiness, and total mission failure for Security Forces and Chenega in the region, as well as deployment personnel.

Contracting personnel requested detailed information from the Combat Arms Section in order to more clearly identify the impact of not being able to use the firing ranges closed due to safety issues.

The following information was provided:

**RANGE REQUIREMENT:** Utilization of Fort Carson ranges requires an Officer-in-Charge (must be E-6 or above), Range Safety Officer (must be an E-5 or above), Medic or Combat Lifesaver, Munitions Custodian, Radio Telephone Operator and two (2) aircraft observers, in addition to the line officials (One (1) instructor to seven (7) students) and a Tower Operator (total of 11 personnel for a normal class load of 21 personnel). Each position must be a separate individual (a single individual cannot perform more than one of these tasks).

**IMPACT:** Our Combat Arms Section is currently limited to four (4) personnel and would have to solicit other agencies to meet these requirements. 10 SFS is currently at 50% manning due to deployment overlap and would not be able to provide adequate personnel to meet this requirement.

**TRANSPORTATION:** Personal vehicles cannot be driven on Fort Carson ranges; therefore, government transportation would be required to transport the students to and from the ranges. While there is no cost associated with this for the 10 SFS, 10 LGR would have to provide the driver and vehicle; this means they would have to absorb the associated costs, which were not included in their budget.

**IMPACT:** Fort Carson is approximately 1 hour travel time from USAFA; with additional time added depending on the location of the range we were provided. This additional time would change an 8-hour day into a possible 12-hour or longer day. Safety is a major concern because the students are handling loaded weapons and the longer the day, the more careless they will become.

**WEAPONS/AMMUNITION TRANSPORTATION:** Weapons and ammunition cannot be transported in the same vehicle; therefore, transport of these items requires at least two (2) personnel certified to transport weapons and ammunition to the Fort Carson ranges.

**IMPACT:** Combat Arms currently has only four (4) personnel. Two (2) instructors are required for classroom instruction, and the other two (2) personnel would be dedicated solely to transporting the weapons and ammunition. Which means the Combat Arms personnel would have to be at work at least two (2) hours prior to the students for classroom and range preparation and stay at least two (2) hours later for the cleanup on top of the 12 hour or longer firing day. Safety is a major concern due to sleep deprivation of the instructors, which could

result in a weapon safety mishap. Instructors must have extreme attention to detail to prevent such incidents.

**RANGE AVAILABILITY:** Unfortunately, Fort Carson ranges are extremely busy and Army agencies request them at least 3 years out. While they have agreed to allow us to utilize the ranges, the Army takes priority and can bump us off the range, even if we have already begun firing. They cannot provide available dates for planning; we are to provide a list of dates we would like. They check the availability and let us know what dates we can have.

**IMPACT:** We may not be able to meet firing requirements due to range availability and Army priority requirements, which results in total mission failure for Security Forces and Chenega in the region, as well as, deployment personnel.

#### **V. DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY CITED ABOVE (APPLICABILITY OF AUTHORITY)**

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission. In researching qualifications of several companies, MT2, LLC came highly qualified based on experience and price.

#### **VI. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS DEEMED PRACTICABLE**

In accordance with FAR 5.202 *Exceptions*, this acquisition is being solicited due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)). It has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy.

Therefore, due to the urgency for the completion of this project, it was not in the best interest of the Government to compete this project based unforeseen conditions that affected the safety of personnel utilizing the firing range. Since posting a synopsis would negate the immediate correction of the safety issue, market research completed with several agencies revealed that a synopsis had been posted recently.

#### **VII. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE**



MT2 has recent and relevant past performance documented. Based on the market research and information from other organizations/companies requiring remediation, the Contracting Officer has determined MT2's anticipated cost will be considered fair and reasonable. Pricing received will be reviewed based on recycling considerations, area to be remediated (quantities), and manpower utilized. Cost and pricing data will be required, and a technical evaluation will be conducted to determine if the offeror meets the requirements. Cost or price analysis will be conducted as needed to determine fair and reasonable pricing.

#### **VIII. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS, OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED**

Market research as discussed in Paragraphs VII and VIII above is in addition to the information provided below. This information was gathered in order to determine if MT2 is capable of satisfying the USAFA's requirement. Due to the urgency of this acquisition, there is high confidence that MT2 is very capable of providing the manpower and equipment to complete the remediation at the firing range in a timely manner.

Other market research conducted for firing range remediation (mitigation) is provided as follows:

Note: Market research revealed ten other remediation projects completed within the past three years. Information for the past performance of these companies included in this Justification and Authorization (J&A) is considered source selection sensitive and cannot be released to the public. The information is on file and the J&A was determined to be Legally Sufficient based on the results of the Legal Review prior to award.

#### **IX. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION**

Per the request of the Combat Arms Section at the USAFA, MT2 provided a detailed report on the conditions at the firing range's conditions and solutions to the problem. The company has already conducted a site visit and knows what needs to be remediated. Restoring safety of the firing range expeditiously would lessen the impact in the military mission and safety of military personnel.

#### **X. LIST OF SOURCES, IF ANY, THAT EXPRESSED INTEREST IN THE ACQUISITION**

No other sources have shown an interest in this acquisition.

#### **XI. CONTRACTING OFFICER'S CERTIFICATION**

In accordance with FAR 6.303-2(a)(12) the contracting officer's signature on the Coordination and Approval Document evidences that she has determined this document to be both accurate and complete to the best of her knowledge and belief.



City of Seattle  
Department of Executive Administration

Fred Podesta, Director  
Gregory J. Nickels, Mayor

**Sole Source Request**  
**CITY PURCHASING**

**Attach your Requisition or Blanket Contract Request and send to SMT-41-12  
Call 206-684-0444 for assistance**

**This form is for products, equipment, supplies or routine services.**

For Consultant Services see, <http://inweb/contracting/consultant.htm>

For Public Works, see <http://inweb/contracting/construction.htm>

This Request requires detailed information to justify the waiver of legal bid requirements. Fill this out completely with detailed information. City Purchasing will return those requests that do not provide sufficient information.

A sole source is a rare and unique exception to City purchasing regulations. Various Supreme Court decisions, regulations and statutes require competitive bidding unless that is not possible or the requirement is so unique, no other bidder could possibly fulfill the City requirements. The Department and Project Manager should submit all acquisitions for a competitive bid, unless a specific sole source situation exists.

- If there is any doubt, request a competitive bid.
- Specifications must be as expansive as possible to allow the greatest possible pool of bidders to compete. Specifications that narrow the field, especially to a sole source condition, must have a strong business purpose.
- A late start to the project does not justify a sole source.
- Prior work on a project is not necessarily an appropriate reason for a sole source.

If you have used expansive specifications and still find circumstances that establish a Sole Source, complete this Sole Source Request, route through your Department Procurement authority, and send to City Purchasing. These requests are usually attached to a Blanket Contract Request or a Purchase Order request. City Purchasing reviews sole source requests and makes the final determination.

Date of this Request: 02-07-2011  
Your Name: Sergeant Duane H. Hendrix  
Your Phone: 206-684-7470  
Your Department: Police  
Your Mail Stop:

Requested Vendor: Metals Treatment Technologies  
Vendor Representative: Mr. James Uhlinger  
Vendor Phone Number: 1-888-435-6645  
Vendor E-mail: [juhlinger@mt2.com](mailto:juhlinger@mt2.com)

Contract Cost Estimate:\$60,000.00  
Desired Contract Start Date: 11/01/2011

---

Purchasing Services Division  
700 Fifth Ave., Suite 4112, Post Office Box 94687, Seattle, Washington 98124-4687  
Purchasing: Tel: (206) 684-0444 TDD: (206) 615-0476 Fax: (206) 233-5155  
Contracting: Tel: (206) 684-0430 TDD: (206) 615-0476 Fax: (206) 684-8286

Website: [www.seattle.gov/purchasing](http://www.seattle.gov/purchasing)

1. Describe the product, service or system.

Metals Treatment Technologies, LLC (MT2) is a company that specializes in the lead treatment and removal from firearms ranges nationally. There is no local vendor that has performed this type of work locally as far as the firearms staff is aware. MT2 is the only company that can provide a solution to the departments need to remove and treat soil contaminated with lead fines. Lead fines are a by product of firearms range activity that cannot be separated from soil in an efficient manner with todays machinery. MT2 has patented and proprietary technology that offers a solution that both complies with US Environmental Protection Agency Best Management Practices for outdoor shooting ranges and provided the department with a cost effective method to remediate the situation at the outdoor range. MT2 is the worlds exclusive provider of ECOBOND® metals stabilization reagent, which is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals contaminated soils and other materials. After application of ECOBOND®, metals leachability is dramatically reduced and treated soils are rendered "non-hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels. As a result, MT2 is the only company that can provide this service. Thus the Seattle Police Department deems MT2 a sole source provider.

MT2 will provide lead management services including:

1. Assessing the potential lead contamination at the firing line (where shooters stand)
2. In-situ stabilization of lead contaminated soil to a depth of 4-6 inches using their patented and proprietary ECOBOND® technology.
3. Mining and cleaning of lead in all soil berms and improvement of berms in compliance with best management practices as outlined by NSSF. (National Shooting Sports Foundation) & EPA (United States Environmental Protection Agency)
4. Environmental Stewardship Plan

2. The following section is to explain why only this particular brand, product or service is suitable.

Check the boxes and attach detail to make the business case for the product and services you consider to be sole source. Document a convincing case based on one or more of the following reasons, to clearly explain why it is not possible to use an alternate. This should not rely upon arguments about the time or expense of preparing and conducting a bid. This should also not rely upon the time and expense of training a new vendor to take over the contract duties, because the bid selection process will have proper ways of factoring that element into the award decision.

- Compatibility to existing City standard or to existing equipment, inventory, systems, data, programs or service. Provide the business case for the standard and attach a copy of the standard if it is written.
- Licensed or patented product with only one dealer. Why is this particular licensed or patented product the only one suitable for your purpose?

MT2 has patented and proprietary technology that offers a solution that both complies with US Environmental Protection Agency Best Management Practices for outdoor shooting ranges and provided the department with a cost effective method to remediate the situation at the outdoor range. MT2 is the worlds exclusive provider of ECOBOND® metals stabilization reagent, which is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals contaminated soils and other materials.

- Authorized Service Provider, Repair and/or Warranty Services. The City requires service or repair support for products or equipment owned by the City, and the Vendor is either a factory authorized warranty service provider or else that particular Vendor is required for warranty services according to the conditions of a current City Contract.

- Unique design: Requires unique features that are essential aesthetic requirements, or not practical to match to existing design or equipment, such as artwork. Describe.
  - Special bargain. This might include a surplus item, an auction sale, used equipment, returned "open box" purchase, or other similar one-time bargains. Describe.
  - Delivery Date: Only one supplier can meet required delivery date. Explain why this delivery date is essential. This can only be used in limited circumstances, for delivery deadlines that are the result of an unanticipated situation, and not a circumstance that could have been reasonably anticipated or averted by advance City planning.
  - Project or Research Continuity: Product, systems, services or data must comply with an ongoing project, research, data, testing or analysis without a compromise in the integrity of the project. Also, this should be a situation that can not be replicated by another company because there is a legal or physical obstruction to disclosing the project information to allow another company the opportunity to replicate. Examples include situations where a company has legal and/or proprietary rights to customization such as software code, or to data; or testing or data is collected through a unique measuring instrument that can not be accurately duplicated and offered by another vendor.
  - Requirement by Funding Source: Lender, grantor (such as Federal government) or other provider of funds requires the specific product, service or system. Attach a copy of the document that clearly shows such a requirement is imposed by the funding source.
  - Legal Monopoly: Only one supplier, such as electricity, water, or sewage.
  - Trial and Evaluation projects: A limited duration, limited scope pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a City Department, or to pilot a particular product or services for a City need. Describe the pilot, specify the scope of the pilot, and attach information to confirm that the pilot is part of a purposeful Department pilot initiative.
  - Other. Describe.  
Why is this the only company that can provide the sole source product or service? The previous section explains why a particular product, manufacturer or service is necessary. The section below discusses why the company you request is the only available company.
3. Explain why only this one company can provide the products or services. Identify any unique specification, qualifications, experience or products which make this the only available company.
- MT2 from the standpoint of lead mining and berm replacement as well as their patented ECOBOND formulation is the only agent that bonds lead fragments and dust into a mineralized form to inhibit leaching into the soil and eventually into storm water runoff. This formula will ensure that our lead waste remains on site in a stabilized form. This will also prevent the contamination of wildlife and people using the facilities of the range.
4. Describe the steps taken by the department to identify any other qualified companies to perform the work. This may include a website search or a verification from the manufacturer of a sole dealer.
- The range staff has conducted a web search for companies with extensive experience in remediation of police and law enforcement firearms ranges. MT2 has extensive experience in lead remediation with federal, state and local agencies. Alternate contractor had no experience with outdoor firearms ranges as far as mining earthen bullet impact berms or site lead remediation.
5. If this is a service, confirm that you assessed in-house capability and availability to perform the work.

There exists no city owned lead waste and firearms range design and construction expertise. This

will eventually lead to a re-service of the range property for lead waste remediation and disposal in the earthen impact berms on an ongoing basis as determined by the usage load. At this time no specific schedule has been set for the remaining of the earthen berms. It is estimated that the berms will need servicing every 4<sup>th</sup> year but may be shorter or longer based on usage.

6. If this is a service, is this work typically performed by civil service workers? If yes, attach a copy of a statement by a Labor Union representative that authorizes contracting out of this work.

N/A

7. To approve and negotiate a sole source contract, the Buyer will need to investigate pricing to ensure it is reasonable. If you have proposed pricing, please attach and provide any analysis you have completed to confirm the pricing is reasonable. If not, the Buyer will seek this information separately.

Again there no other known contractors that perform this specialized form of service known to range staff.

8. Specify whether the department anticipates any future budget that could expand the scope of this project request, or any other future phase or expansion that could occur once the work is underway. Identify the potential scope and estimated dollar value of such additional work.

Other than having this contractor return to mine the berms and maintain them based on future use at some point in the future as a maintenance function, there is no immediate intention by the department to expand the scope of their work on other than the active firearms ranges. In anticipation of any expansion of the scope of work listed within this sole source request

City Purchasing seeks signature from your Department Procurement Coordinator, your Fiscal Director, or other Department agent with assigned responsibility for procurement approval, that indicates the Department has reviewed and agrees with the sole source request.

Department Procurement Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_



August 19, 2011

Mr. Maurice Winter  
59-17 Junction Blvd  
Flushing, NY 11373

[mauricew@dep.nyc.gov](mailto:mauricew@dep.nyc.gov)

Dear Mr. Winter:

This letter provides a sole source justification for contracting the MT2, LLC and Divirka & Bartalucci (D&B) Team to continue supporting the New York City Department of Environmental Protection (NYCDEP) by performing ongoing firing range operations and maintenance (O&M) services at NYPD Rodman's Neck Firearms Training Facility (Rodman's Neck). The overall objective is to address the potential human health and environmental risks associated with the presence of residual lead and other metals within the facility. The O&M effort has been implemented to satisfy these objectives, and provide a comprehensive environmental management plan consistent with the United States Environmental Protection Agency (USEPA) guidance and requirements.

MT2's proven record of performance has demonstrated our expertise implementing environmental firing range services at Rodman's Neck under the current contract to provide environmental monitoring, soil sampling, lead particle groundwater monitoring, and environmental remediation of metals contamination in soils and sediments. The team of NYCDEP, NYPD, MT2, and D&B has successfully worked together having implemented a five-year program since April 2006. This team has met and exceeded all project requirements. This team will provide the City unique, one of a kind additional value as a Sole Source contractor based on the following exclusive factors:

1. ***MT2 is the exclusive provider of ECOBOND® lead and metals stabilization reagent.*** ECOBOND® is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals-contaminated soils and other materials. MT2 has effectively treated over 10,000,000 tons of lead/metals contaminated soils at over 700 sites nationwide. At each, lead/metals leachability was dramatically reduced and treated soils were rendered "non-hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels. ECOBOND® unique characteristics include:
  - *Specifically at the NYPD site, ECOBOND® has met and exceeded all regulatory requirements for TCLP, SPLP, and especially MEP.* Please see the following results of actual data showing results well within project requirements.

Table 2-1 NYPD Rodman's Neck Soil Stabilization Summary Report – Frank Range

Location	Sample ID	Sample Location	TCLP Lead (mg/l)	SPLP Lead (mg/l)	MEP Lead (mg/l)
Frank Range	FRPTLB	Lower berm soil	0.0390	0.0490	0.0036
	FRPTS	Side berm soil	0.0202	0.0254	0.0365
	FRPTG	Flat area soil	0.0040	<0.0021	<0.0021
<b>Project Action Levels</b>			<b>5.0</b>	<b>0.172</b>	<b>5.0</b>

HazWaste\2525 (Rodman's Neck)\Soil Stabilization\Rodman Soil Data-Frank2010.xls

6/2/2010



***ECOBOND® has long-term durability*** as indicated in the following table; treated soils are well below project action levels even 5 years **after** treatment. ***ECOBOND® chemically converts the lead and has shown to be highly durable during police training,*** as demonstrated in the NYPD Firing Range at Rodman's Neck 2010 Environmental Sampling Summary Report Table 3-1 Annual/Biannual Soil Sampling Event. Range soils were initially treated with ECOBOND® in 2006, 2010 sample results average less than 1.0 mg/l TCLP lead (TCLP USEPA Method 1311 to < 5.0 mg/l) and less than 0.024 ppm SPLP (SPLP USEPA Method 1312/6010 to < 0.172 ppm)

**Table 3-1 NYPD Rodman's Neck 2010 Environmental Sampling Summary Report**

Range	Sample ID	% Pb by Wt	TCLP Lead (mg/l)	SPLP Lead (mg/l)	Avg TCLP Lead (mg/l)	Avg SPLP Lead (mg/l)	
Adam	Flat	AR-01	4.5	0.238	0.0422	0.113	0.023
		AR-02	2.3	0.0970	0.0064		
		AR-03	0.75	0.195	0.0246		
		AR-04	ND	0.0787	0.0124		
		AR-05	0.32	0.122	0.0584		
		AR-06	0.83	0.112	0.0674		
		AR-07	3.8	0.0607	0.0068		
		AR-08	2.0	0.115	0.0133		
		AR-09	8.1	0.0698	0.0045		
		AR-10	1.5	0.0777	0.0061		
		AR-11	4.3	0.143	0.0289		
		AR-12	4.8	0.0485	0.0083		
	Upper Berm	AR-13	2.8	0.0782	0.0931	0.0511	0.042
		AR-14	0.92	0.0264	0.0307		
		AR-15	1.6	0.0487	<0.0042		
Lower Berm	RNSS-A1	18	0.0895	<0.0042	0.365	0.0054	
	RNSS-A2	12	0.0547	<0.0042			
	RNSS-A3	22	0.952	<0.0042			

\\INT3\Jobs\\_HazWaste\2525 (Rodman's Neck)\2010 Annual-biannual sampling\Oct Ann-biann Data.xls

1/18/2011

***ECOBOND® has met physical requirements at the Training Facility:*** Utilizing ECOBOND® lead treatment technology and associated processes, MT2 has successfully treated over 15,000 tons of soils at the Rodman's Neck Training Facility. ECOBOND® provides a tremendous advantage over alternative treatment options; for example: The ***previous technology used at the site in the late 1990's caused soil to become "cement-like."*** Residual cement-like soil continues to cause delays in training time and incurs additional costs due to resulting water issues (e.g. flooding) caused by the previous treatment option. ***In comparison, ECOBOND® technology causes the water to percolate back into soil which allows the facility to meet training requirements.*** MT2's demonstrated success at the Rodman's Neck Training Facility includes:

- ECOBOND® treated soil remains soil-like, in original condition
- ECOBOND®'s low add rate (0.5% to 2%) does not significantly increase soil quantities therefore maintaining current range configuration/grade and preventing flooding at range
- Rain water can percolate into soils treated with ECOBOND® - ECOBOND® treated soils contain extremely stable compounds that virtually eliminate the leaching of lead/metals to the environment.



***ECOBOND® has protected the groundwater and Long Island Sound waters*** as verified in the Rodman’s Neck 2010 Environmental Sampling Summary Report, Table 3-2 Biannual Groundwater Sampling Analytical Results.

**Table 3-2 NYPD Rodman’s Neck 2010 Biannual Groundwater Sampling Analytical Results**

Well Number	MW-25	MW-28	MW-29	MW31	MW-32	MW-33	MW-34	MW-35
Total Lead (Unfiltered)	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2	13.7
Dissolved Lead (Filtered)	<4.2	<4.2	<4.2	<4.7	<4.2	<4.2	<4.2	5.2
Well Number	MW-36	MW-37	MW-38	MW-39	MW-40	MW-41	MW-42	Mw-43
Total Lead (Unfiltered)	24.0	<4.2	<4.2	<4.2	53.8	<4.2	<4.2	5.3
Dissolved Lead (Filtered)	4.4	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2
Well Number	MW-44	MW-45	MW-46	MW-47	MW-48	MW-50	MW-51	MW-52
Total Lead (Unfiltered)	<4.2	21.0	<4.2	<4.2	7.8	8.6	<4.2	<4.2
Dissolved Lead (Filtered)	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2	<4.2
Well Number	MW-53	MW-54						
Total Lead (Unfiltered)	<4.2	<4.2						
Dissolved Lead (Filtered)	<4.2	<4.2						

\\NT4\Jobs\\_HazWaste\2525\2010 Annual-biannual Sampling\Oct Biann GW Data.xls

1/18/2011

***ECOBOND® treatment and lead maintenance at the facility has supported the City in remaining in compliance*** with all court orders in protecting the sensitive environment and waterways

- MT2 and D&B are world class organizations and have met all project requirements.*** Both NYC DEP and NYPD have recommended that MT2 and D&B continue providing environmental firing range services at the Rodman’s Neck Facility. By retaining this Team, the City and NYPD can be confident in the knowledge that the range will continue to meet and exceed environmental and training requirements.
- Competitive Rates:*** MT2 and D&B will hold contract rates within our control. Only outside laboratory costs will increase. This will provide the City the lowest rates available and, through sole sourcing, the City will not incur costs associated with re-bidding this project.

***In addition, MT2 is recognized as the nation’s leading provider of firing range lead recovery/recycling services MT2 has performed lead removal and recycling at over 600 law enforcement and other ranges nationwide using a variety of unique and MT2 proprietary lead separation technologies to remove and recycle over 10,000,000 lbs. of lead. MT2 maintains exclusive contracts with lead recyclers nationwide to ensure top dollar is returned for recycled lead.***



Mr. Maurice Winter, NYCDEP

August 19, 2011

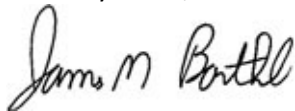
Page 4



MT2 has been contracted under sole source contracting vehicles by numerous Federal, State and Municipal Government Agencies. Most recently, MT2 can demonstrate a sole-source contract with the USAF Academy: Linda Wenneberg, Contracting Officer 719-333-4705. By contracting MT2 sole source, the City maintains continuity with the proven, experienced MT2 team and the exclusive technology provider of ECOBOND®.

MT2 hopes you will consider this justification statement in contracting for continued O&M firing range lead remediation tasks at the Rodman's Neck Firearms Training Facility. Please contact me at 303-456-6977 or E-mail: [jbarthel@mt2.com](mailto:jbarthel@mt2.com) if additional information regarding MT2, our services, and/or our products will help in this matter.

Sincerely Yours,



James M Barthel; President and CEO



12441 W. 49<sup>th</sup> Ave, Suite 3  
Wheat Ridge, CO 80033  
Phone: 303-456-6977/888-435-6645  
Fax: 303-456-6998  
Website: [www.metalstt.com](http://www.metalstt.com)

with Offices in:  
Chicago, IL  
New York, NY  
Washington, DC

December 7, 2006

Anna Weaver, Purchasing Manager  
Austin Police Department  
P.O. Box 1629  
Austin, TX 78767-1629

[Anna.Weaver@ci.austin.tx.us](mailto:Anna.Weaver@ci.austin.tx.us)

**RE: SOLE SOURCE JUSTIFICATION FOR MT2/ECOBOND – AUSTIN POLICE  
DEPARTMENT FIRING RANGE, AUSTIN, TEXAS.**

Dear Ms Weaver:

This letter provides sole source justification for using MT2, LLC (Metals Treatment Technologies) to provide lead removal and stabilization of lead in firing range berms at the Austin Police Department SWAT Team Firing Range in Austin, Texas.

MT2 is the world's exclusive provider of ECOBOND<sup>®</sup> metals stabilization reagent. ECOBOND<sup>®</sup> is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs associated with metals-contaminated soils and other materials.

MT2 has applied ECOBOND<sup>®</sup> effectively at over 100 firing ranges and metals-contaminated sites in 45 states, including Texas. At each, metals leachability has been dramatically reduced and treated soils were cost-effectively rendered "non hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels.

During our history, MT2 has been contracted under sole source contracting vehicles by numerous Federal, State and Municipal Government Agencies. Most recently, MT2 can demonstrate a sole-source contract with the Pennsylvania Game Commission, Mr. Gary Camus, phone: (717) 787 – 6400.

We hope you will consider this justification statement in contracting to support lead removal and lead stabilization for firing range berms for the City of Austin, Texas. Please call me or Mr. Jim Uhlinger at 303-456-6977 or 888-435-6645 if additional information regarding MT2, our services, and/or our products will help in this matter.

Sincerely Yours,

A handwritten signature in black ink that reads "James M Barthel".

James M Barthel  
President & CEO

**JUSTIFICATION FOR OTHER THAN  
FULL AND OPEN COMPETITION**

**I. CONTRACTING ACTIVITY**

Contracting Activity: 10 CONS/LGCA

Purchase Request/Local Identification Number: Work Order Request #59463

Project/Program Name: N/A – This was an unknown, unbudgeted requirement resulting from a safety inspection.

Estimated Contract Cost (including options): Estimated \$750,000

Type Program: Other Contracting

Authority: 10 U.S.C. 2304(c), as implemented by FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)

Type J&A: Justification for Other Than Full and Open Competition

Contracting Officer: Linda A. Weirnerberg, 10 CONS/LGCA,

Signature: *Linda A. Weirnerberg* Date Signed: *10 September 2009*

**II. NATURE AND/OR DESCRIPTION OF THE ACTION BEING PROCESSED**

The action will be a new Firm Fixed Price Construction Contract; FA7000-09-C-XXX awarded in accordance with Federal Acquisition Regulation (FAR) 6.302-2 to a sole source based on an unusual and compelling urgency due to mission requirements and safety issues.

**III. DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS**

The action required is a one-time remediation of two firing range berms closed to military personnel due to safety issues. In accordance with AFI 36-2226, Combat Arms Program, representatives from Combat Arms Training and Maintenance (CATM), Base Safety, Environmental, CE Maintenance, and Bioenvironmental will inspect the range annually. As a result of the inspection conducted on 18 August 2009, the following conditions were discovered: "Due to the unusually large amount of rain throughout the spring and summer, the runoff has eroded the backstops exposing thousands of lead rounds. This exposure now poses a serious ricochet hazard. This hazard in-turn causes violation of both the surface and vertical danger zones. The large number of lead rounds exposed combined with excessive erosion resulting in the ricochet hazard, USAFA Safety's assessment is that both ranges be closed until the backstops are mined and repairs completed to bring both ranges back in-compliance of the standards."

Under the contemplated contract, MT2 will provide a remediation plan that includes the excavation and screening of an anticipated 13,400 cubic yards of soil, recycling of recovered bullets and bullet fragments, stabilization treatment for lead contamination, confirmation sampling, and replacement of the processed soil as well as Geo Fabric for slope stabilization and installation of seed mix, and straw mulch.

The period of performance of this effort will be from September 2009 through December 2009 and 3400 appropriations will fund this effort.

#### **IV. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION**

10 USC 2304(c), as implemented by FAR 6.302 (FAR 6.303-2(a)(4)) identifies the statutory authority permitting other than full and open competition. FAR 6.302-2(b)(1), *Unusual and Compelling Urgency* applies.

The urgency of this requirement was not based on lack of advance planning by the requiring activity (FAR 6.301(c)). The necessity of a speedy acquisition is the consequence of a safety inspection conducted on 18 August 2009 which resulted in the closure of the M16 and 9MM firing ranges. Immediate action was taken by the Combat Arms Section to remedy the problem. Inspection of the berms by a remediation expert was conducted. A report provided on 1 September 2009 revealed a course of action that could be taken to allow the ranges to be reopened for use.

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission.

Immediate remediation and reopening of the affected firing range berms is necessary to preclude adverse impact to military readiness, and total mission failure for Security Forces and Chenega in the region, as well as deployment personnel.

Contracting personnel requested detailed information from the Combat Arms Section in order to more clearly identify the impact of not being able to use the firing ranges closed due to safety issues.

The following information was provided:

The urgency of this requirement was not based on lack of advance planning by the requiring activity (FAR 6.301(c)). The necessity of a speedy acquisition is the consequence of a safety inspection conducted on 18 August 2009 which resulted in the closure of the M16 and 9MM firing ranges. Immediate action was taken by the Combat Arms Section to remedy the problem. Inspection of the berms by a remediation expert was conducted. A report provided on 1 September 2009 revealed a course of action that could be taken to allow the ranges to be reopened for use.

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being

deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission.

Immediate remediation and reopening of the affected firing range berms is necessary to preclude adverse impact to military readiness, and total mission failure for Security Forces and Chenega in the region, as well as deployment personnel.

Contracting personnel requested detailed information from the Combat Arms Section in order to more clearly identify the impact of not being able to use the firing ranges closed due to safety issues.

The following information was provided:

**RANGE REQUIREMENT:** Utilization of Fort Carson ranges requires an Officer-in-Charge (must be E-6 or above), Range Safety Officer (must be an E-5 or above), Medic or Combat Lifesaver, Munitions Custodian, Radio Telephone Operator and two (2) aircraft observers, in addition to the line officials (One (1) instructor to seven (7) students) and a Tower Operator (total of 11 personnel for a normal class load of 21 personnel). Each position must be a separate individual (a single individual cannot perform more than one of these tasks).

**IMPACT:** Our Combat Arms Section is currently limited to four (4) personnel and would have to solicit other agencies to meet these requirements. 10 SFS is currently at 50% manning due to deployment overlap and would not be able to provide adequate personnel to meet this requirement.

**TRANSPORTATION:** Personal vehicles cannot be driven on Fort Carson ranges; therefore, government transportation would be required to transport the students to and from the ranges. While there is no cost associated with this for the 10 SFS, 10 LGR would have to provide the driver and vehicle; this means they would have to absorb the associated costs, which were not included in their budget.

**IMPACT:** Fort Carson is approximately 1 hour travel time from USAFA; with additional time added depending on the location of the range we were provided. This additional time would change an 8-hour day into a possible 12-hour or longer day. Safety is a major concern because the students are handling loaded weapons and the longer the day, the more careless they will become.

**WEAPONS/AMMUNITION TRANSPORTATION:** Weapons and ammunition cannot be transported in the same vehicle; therefore, transport of these items requires at least two (2) personnel certified to transport weapons and ammunition to the Fort Carson ranges.

**IMPACT:** Combat Arms currently has only four (4) personnel. Two (2) instructors are required for classroom instruction, and the other two (2) personnel would be dedicated solely to transporting the weapons and ammunition. Which means the Combat Arms personnel would have to be at work at least two (2) hours prior to the students for classroom and range preparation and stay at least two (2) hours later for the cleanup on top of the 12 hour or longer firing day. Safety is a major concern due to sleep deprivation of the instructors, which could

result in a weapon safety mishap. Instructors must have extreme attention to detail to prevent such incidents.

**RANGE AVAILABILITY:** Unfortunately, Fort Carson ranges are extremely busy and Army agencies request them at least 3 years out. While they have agreed to allow us to utilize the ranges, the Army takes priority and can bump us off the range, even if we have already begun firing. They cannot provide available dates for planning; we are to provide a list of dates we would like. They check the availability and let us know what dates we can have.

**IMPACT:** We may not be able to meet firing requirements due to range availability and Army priority requirements, which results in total mission failure for Security Forces and Chenega in the region, as well as, deployment personnel.

#### **V. DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY CITED ABOVE (APPLICABILITY OF AUTHORITY)**

Due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)), it has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy. Military being deployed during wartime conditions would be at further risk if the proper training on use of firearms could not be conducted. Training schedules at alternate firing ranges is unpredictable and creates other safety concerns, costs, weapon transportation issues, insufficient manpower, and the use of manpower that could be better utilized for the intended mission. In researching qualifications of several companies, MT2, LLC came highly qualified based on experience and price.

#### **VI. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS DEEMED PRACTICABLE**

In accordance with FAR 5.202 *Exceptions*, this acquisition is being solicited due to the unusual and compelling urgency of this requirement (FAR 6.302-2(b)(1) and FAR 6.302-2(b)(2)). It has been determined that a delay in award of a contract would result in serious injury, financial or other, to the Government. Competition of this acquisition would affect the mission of the military on the United States Air Force Academy.

Therefore, due to the urgency for the completion of this project, it was not in the best interest of the Government to compete this project based unforeseen conditions that affected the safety of personnel utilizing the firing range. Since posting a synopsis would negate the immediate correction of the safety issue, market research completed with several agencies revealed that a synopsis had been posted recently.

#### **VII. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE**

MT2 has recent and relevant past performance documented. Based on the market research and information from other organizations/companies requiring remediation, the Contracting Officer has determined MT2's anticipated cost will be considered fair and reasonable. Pricing received will be reviewed based on recycling considerations, area to be remediated (quantities), and manpower utilized. Cost and pricing data will be required, and a technical evaluation will be conducted to determine if the offeror meets the requirements. Cost or price analysis will be conducted as needed to determine fair and reasonable pricing.

#### **VIII. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS, OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED**

Market research as discussed in Paragraphs VII and VIII above is in addition to the information provided below. This information was gathered in order to determine if MT2 is capable of satisfying the USAFA's requirement. Due to the urgency of this acquisition, there is high confidence that MT2 is very capable of providing the manpower and equipment to complete the remediation at the firing range in a timely manner.

Other market research conducted for firing range remediation (mitigation) is provided as follows:

Note: Market research revealed ten other remediation projects completed within the past three years. Information for the past performance of these companies included in this Justification and Authorization (J&A) is considered source selection sensitive and cannot be released to the public. The information is on file and the J&A was determined to be Legally Sufficient based on the results of the Legal Review prior to award.

#### **IX. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION**

Per the request of the Combat Arms Section at the USAFA, MT2 provided a detailed report on the conditions at the firing range's conditions and solutions to the problem. The company has already conducted a site visit and knows what needs to be remediated. Restoring safety of the firing range expeditiously would lessen the impact in the military mission and safety of military personnel.

#### **X. LIST OF SOURCES, IF ANY, THAT EXPRESSED INTEREST IN THE ACQUISITION**

No other sources have shown an interest in this acquisition.

#### **XI. CONTRACTING OFFICER'S CERTIFICATION**

In accordance with FAR 6.303-2(a)(12) the contracting officer's signature on the Coordination and Approval Document evidences that she has determined this document to be both accurate and complete to the best of her knowledge and belief.



October 3, 2007

Lieutenant Daniel Flanagan  
Commanding Officer  
Firearms Training Unit  
Nassau County Police Department  
300 Weir Street  
Hempstead, NY 11550

[dflanagan@pdcn.org](mailto:dflanagan@pdcn.org)

Dear Lt. Flanagan:

This letter provides a sole source justification for contracting MT2, LLC to support the Nassau County Police Department by performing treatment and removal of identified lead-contaminated soils from the range floor and providing engineering control options to mitigate tracking of lead at the Department's Firearms Training Facility.

MT2 is the world's exclusive provider of ECOBOND® metals stabilization reagent. ECOBOND® is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals-contaminated soils and other materials.

MT2 has applied ECOBOND® effectively at over 300 firing ranges and metals-contaminated sites in 45 states. At each, metals leachability is dramatically reduced and treated soils are rendered "non hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels.

MT2 has been contracted under sole source contracting vehicles by numerous Federal, State and Municipal Government Agencies. Most recently, MT2 can demonstrate a sole-source contract with the Pennsylvania Game Commission, Mr. Gary Camus, (717) 787-6400.

MT2 hopes you will consider this justification statement in contracting for the treatment and removal of lead-contaminated soils and provide engineering control options to mitigate tracking of lead at the Department's Firearms Training Facility.

Please contact me or Mr. Jim Uhlinger at 303-456-6977 or 888-435-6645 if additional information regarding MT2, our services, and/or our products will help in this matter.

Sincerely Yours,

A handwritten signature in black ink that reads "James M. Barthel". The signature is written in a cursive, flowing style.

James M Barthel  
President and CEO





### Contract Summary

**Description:** Lead Remediation at Nassau County Police Department Firearms training Facility.

**Purpose:** To procure funds for the treatment and removal of identified lead-contaminated soils from the range floor and provide engineering control options to mitigate tracking of lead at the Nassau County Police Department Firearms Training Facility. Due to results of testing on soil samples from various locations at the range performed in June 2007, the range was ordered closed by the Department. This has greatly impacted on the ability to train members and meet contractual labor agreements regarding mandated training. In early July 2007, Nassau County Department of Public Works removed 2-3 feet of soil and straw from the berm and adjacent areas. This material was transported classified as 'hazardous waste', an extremely expensive procedure. In mid July 2007, following a meeting with the Nassau County Department of health, Commissioner of Police Lawrence Mulvey directed the treatment and removal of leaded soil from the outdoor range.

**Method of Procurement:** In July 2007, staff at the Firearms Training Unit conducted research in order to find a company that will fulfill the requirements of the Departments' needs to treat leaded soil so as to have it NOT classified as 'hazardous material' and then have it removed from the range, since the removal of 'hazardous material' is extremely expensive. The staff at FTU researched the following companies: Envirocon, Hepaco, MFG, Inc., and Mulry & Cresswell Environmental, Inc. and none were found to offer the services required by the Department. FTU staff then contacted Metals Treatment Technology a/k/a MT2, a firm offering treatment and removal solutions for lead contaminated soil using their patented technology.

**Procurement History:** Research by the Firearms Training Unit concluded that MT2 is the only company that can provide solution to the Department's requirement of treating leaded soil for removal classified as NOT 'hazardous material' and replacement with clean soil. MT2 has patented and proprietary technology that offers a solution that both complies with the US Environmental Protection Agency Best Management Practices for outdoor shooting ranges and provides the Department with a cost effective method to remediate the situation at the outdoor range. MT2 is the world's exclusive provider of ECOBOND metals stabilization reagent, which is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metal-contaminated soils and other materials. After application of ECOBOND, metals leachability is dramatically reduced and treated soils are rendered 'non-hazardous' per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels. As a result, MT2 is the only company that can provide this service. Thus, the Nassau County Police Department deems MT2 a sole source provider.

**Description of General Provisions:** The vendor will provide lead management services including 1) assessing potential lead contamination at the firing line (where the shooters stand), 2) in-situ stabilization of lead-contaminated soil to a depth of 4 to 6 inches using their patented and proprietary ECOBOND technology, 3) excavation, transport and offsite disposal of treated lead-contaminated soil, 4) installing backfill and vegetative cover to replace treated soil, and 5) installing Vitriturf cushioned surfacing in the apron area directly in front of the berm.

**Impact on Funding/Price Analysis:** The total cost of the project is [REDACTED] Dollars will be funded from Capital Project 50401-Outdoor Pistol Range Replacement. [REDACTED] will be funded by the Hazardous Waste Response Fund-81011.

**Change in Contract from Prior Procurement:** N/A

**Recommendation:** (approve as submitted)

### Advertisement Information

BUDGET CODES	
Fund:	Cap
Control:	50401
Resp:	
Object:	00004
Transaction:	CQ

RENEWAL	
% Increase	
% Decrease	

FUNDING SOURCE	AMOUNT
Revenue Contract	XXXXXXXX
County	\$
Federal	\$
State	\$
Capital	\$ [REDACTED]
Other	\$
<b>Total</b>	<b>\$ [REDACTED]</b>

LINE	INDEX/OBJECT CODE	AMOUNT
1	PWCAPCAP/50401/000/00004	\$ [REDACTED]
2	PWCAPCAP/81011/000/00004	\$ [REDACTED]
3		\$
4		\$
5		\$
6		\$
<b>Total</b>	<b>Total</b>	<b>\$ [REDACTED]</b>

Document Prepared By: PCOS Jane A. Gonzalez

Date: 10/11/207



July 17, 2009

Sgt. Anthony Biancardi  
Nassau County Police Department  
300 Weir Street  
Hempstead, NY 11550

[ABiancardi@PDCN.ORG](mailto:ABiancardi@PDCN.ORG)

Dear Sgt. Biancardi:

This letter provides a sole source justification for contracting MT2, LLC to support the Nassau County Police Department by performing treatment and removal of identified lead-contaminated soils from the range floor and providing engineering control options to mitigate tracking of lead at the Department's Firearms Training Facility.

*MT2 is the world's exclusive provider of ECOBOND® lead and metals stabilization reagent. ECOBOND® is proprietary and patented to permanently reduce hazards due to leaching of toxic metals in the environment and dramatically reduce disposal costs of metals-contaminated soils and other materials. MT2 has applied ECOBOND® effectively at over 700 firing ranges and metals-contaminated sites in 47 states. At each, lead/metals leachability was dramatically reduced and treated soils were rendered "non-hazardous" per EPA Toxicity Characteristic Leaching Procedure (TCLP) regulatory levels.*

*In addition, MT2 is recognized as the nation's leading provider of firing range lead recovery/recycling services MT2 has performed lead removal and recycling at over 400 law enforcement and other ranges nationwide using a variety of unique and MT2 proprietary lead separation technologies to remove and recycle over 5 million pounds of lead. MT2 maintains exclusive contracts with lead recyclers nationwide to ensure top dollar is returned for recycled lead.*

MT2 has been contracted under sole source contracting vehicles by numerous Federal, State and Municipal Government Agencies. Most recently, MT2 can demonstrate a sole-source contract with the Pennsylvania Game Commission, Mr. Gary Camus, (717) 787-6400.

MT2 hopes you will consider this justification statement in contracting for the treatment and removal of lead-contaminated soils and provide engineering control options to mitigate tracking of lead at the Department's Firearms Training Facility. Please contact me at 303-456-6977 or E-mail: [jbarthel@mt2.com](mailto:jbarthel@mt2.com) if additional information regarding MT2, our services, and/or our products will help in this matter.

Sincerely Yours,

James M Barthel; President and CEO



Pennsylvania Game Commission  
Bureau of Wildlife Habitat Management  
Engineering Division  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

January 17, 2008

Mr. Michael Burkett  
VP Operations  
MT2, LLC  
14045 West 66<sup>th</sup> Avenue  
Arvada, Colorado 80004

**RE: PENNSYLVANIA GAME COMMISSION STATEWIDE FIRING RANGE REMEDIATION AND ENVIRONMENTAL STEWARDSHIP**

Dear Mr. Burkett:

I would like to take this opportunity to express my satisfaction in the quality job performance provided by MT2, LLC (Metals Treatment Technologies). For more than 100 years, the Pennsylvania Game Commission has managed what now comprises more than 1.4 million acres of land, preserving and managing wildlife resources while also providing recreational opportunities for state residents and visitors. These recreational opportunities include maintaining almost 50 firing ranges located throughout the state of Pennsylvania. As part of the Growing Greener initiative, the Pennsylvania Game Commission has chosen to update all of these ranges, adhering to modern firing range best management practices, while also addressing environmental stewardship of these ranges and their surrounding habitat.

After thorough research and evaluation, the Pennsylvania Game Commission chose MT2 as their sole source contractor for lead remediation activities on shooting ranges. MT2's ECOBOND<sup>®</sup> technology and experienced personnel have provided a quality service, concurrently working state-wide on multiple ranges. We have found MT2 to be professional, responsive to our needs, and sensitive to our budgetary requirements. We anticipate additional range activity to continue into 2008 and look forward to your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Foster Schaffer". The signature is written in a cursive style with a large initial "F".

Foster Schaffer, P.E. Chief  
PGC-Engineering Division



COMMONWEALTH OF PENNSYLVANIA  
**PENNSYLVANIA GAME COMMISSION**  
2001 ELMERTON AVENUE, HARRISBURG, PA 17110-9797

June 13, 2006

James M. Barthel, President  
Metals Treatment Technologies  
12441 W. 49<sup>th</sup> Avenue, Suite 3  
Wheat Ridge, Colorado 80033

RE: Shooting Range Lead  
Management Contract

Dear Mr. Barthel:

Thank you for your interest in visiting with us in July of this year. I hope we can get together with the executive director as proposed. As we discussed by telephone today, I have included a copy of the sole source bid and included the additional two sheets needing action on your end to execute this contract. Please sign in the appropriate space and fill out all information on both sheets. Please follow instructions on the back and return all documentation to me ASAP.

Sincerely,

Gary R. Camus, Chief  
Division of Federal Funding  
and Public Access

cc: SR Klinger, GR Camus, File

ADMINISTRATIVE BUREAUS:

PERSONNEL: 717-787-7836 ADMINISTRATION: 717-787-5670 AUTOMOTIVE AND PROCUREMENT DIVISION: 717-787-6594  
LICENSEE DIVISION: 717-787-2084 WILDLIFE MANAGEMENT: 717-787-5529 INFORMATION & EDUCATION: 717-787-6286 LAW ENFORCEMENT: 717-787-5740  
LAND MANAGEMENT: 717-787-6818 REAL ESTATE DIVISION: 717-787-6568 AUTOMATED TECHNOLOGY SYSTEMS: 717-787-4076 FAX: 717-772-2411

WWW.PGC.STATE.PA.US

AN EQUAL OPPORTUNITY EMPLOYER

COPY

**SOLE SOURCE FACT SHEET AND CHECKLIST FOR SERVICES**

This form must be electronically completed, signed and submitted to the Department of General Services when making sole source requests for services. If a question is not applicable, please indicate N/A. Use layman's terms and avoid jargon and the use of acronyms.

**Application of the printed names of the person completing the form and the agency head or deputy in the boxes provided on the form shall constitute the signatures of these individuals. Agencies must insure that these individuals review the completed form and give their consent to apply their printed name at the bottom of the form where indicated. No handwritten signatures shall be required in order for the form to be considered "signed" by those individuals whose names appear in the Signature section of the form.**

Department: Pennsylvania Game Commission, Bureau of Land Management

Contract No.: \_\_\_\_\_

Estimated Total Dollar Amount of Order/Contract: [REDACTED]

Contractor's Name: Metals Treatment Technologies

Contractor's Address: 12441 W. 49th Avenue, Suite 3, Wheat Ridge, CO 80033

**Contractor's Vendor Number:** \_\_\_\_\_

Contractor's Contact Person: James M. Barthel

Contractor's Contact Person Telephone No.: (303) 456-6977

Location Where Service is to be Performed: Statewide, 40-45 separate shooting range locations

1. Please check the reason(s) for this request:
  - a.  Only Single contractor is capable of providing the services.  
 Only known source - similar services not available from another contractor.  
 Services must be provided by contractor to ensure compatibility.  
 **Original Procurement from Office of Administration ITQ for Information Technology Services.**
  - b.  A federal or state statute or federal regulation exempts the services from the competitive procedure.
  - c.  It is clearly not feasible to award the contract for services on a competitive basis. For example; Software maintenance agreements, including upgrades and software support, exceeding \$10,000.00.
  - d.  The services involve the repair, modification, or calibration of equipment and are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer, provided the contracting officer determines that bidding is not appropriate under the circumstances.
  - e.  The contract for services is in the best interest of the Commonwealth.

2. Briefly describe the services you are requesting and their function. Please attach a draft of the "Statement of Work".

We are requesting lead reclamation and stabilization of soil materials removed from backstop berms at all shooting ranges owned or operated by the PGC. Lead reclamation and remediation measures are being undertaken to prevent any lead contamination of surface areas and surface and ground waters on State game Lands. The Statement of Work is as follows:

#### ATTACHMENT B

### Proposed Contract Work Scope Specification

#### Firing Range Environmental Maintenance

##### PART 1 - GENERAL

This Work Scope Specification describes general requirements associated with the firing range environmental maintenance at shooting ranges in state of Pennsylvania. The maintenance actions shall be performed in compliance with requirements specified herein. The goal of the project is to process and manage the soils at the shooting range sites to achieve non-residential reuse or continued range operations. The process will include separation/removal of lead bullet fragments from the shooting range soils and treatment of the screened soils with the proprietary technology ECOBOND® to meet the RCRA TCLP requirement of less than 5.0 mg/l.

Workmanship shall be performed in accordance with industry standards and in compliance with federal, state and local published rules, regulations, standards or statutes. Materials and equipment shall comply with normal standards of practice and must comply with state or federal regulations, or published industry, environmental or health and safety codes acceptable to the state of Pennsylvania (OWNER).

##### 1.1 Overall Scope of Work

The Pennsylvania Game Commission has initiated this project to implement firing range maintenance services to achieve non-residential reuse standards or continued range operations for lead contaminated soil at the numerous sites within the regions. The Scope of Work includes site preparation, excavation of soils, stockpiling, soil screening (lead removal and recycling) activities, followed with chemical conversion treatment of lead impacted lead fines and particles with ECOBOND®. This treatment will achieve RCRA TCLP criteria of less than 5.0 mg/l for TCLP Pb, associated soil sampling and analytical analysis, and (optional) placement of screened and/or treated soils back onto the berms.

##### 1.2 Definitions

###### 1.2.1 Contractor

CONTRACTOR is MT2, LLC who is entering this agreement and responsible for all phases of WORK outlined in the CONTRACT DOCUMENTS including the work of all subcontractors and CONTRACTOR representatives.

###### 1.2.2 Contract Documents

CONTRACT DOCUMENTS are defined as the Price Proposal, Scope of Work and all required affidavits and other related documentation, Agreement, Technical Specifications, Drawings, all Addenda, and Change Orders executed pursuant to the provisions of the Contract Documents.

###### 1.2.3 Work

The WORK consists of maintenance activities specified in the CONTRACT DOCUMENTS to be carried out by the CONTRACTOR or his subcontractors.

###### 1.2.4 Shooting Range

SHOOTING RANGE consists of various shooting range locations located at the different regions throughout the state of Pennsylvania.

###### 1.2.5 Owner

OWNER is the state of Pennsylvania government, including the Game Commission, and other departments and divisions within the state of Pennsylvania government. The state of Pennsylvania is owner of subject shooting ranges.

##### 1.3 Background Information

The subject shooting ranges are located within the various regions of the state of Pennsylvania. The Pennsylvania Game Commission will identify each shooting range prior to mobilization to the specific site. The ranges have been used by the Pennsylvania Game Commission as practice shooting ranges for approximately 40 years. The sites include berms/hills, open grassy areas, and potential wooded areas behind shooting ranges.

#### 1.4 Firing Range Maintenance Requirements

The maintenance requirements for screening and chemical conversion treatment utilizing ECOBOND® are as follows:

##### 1.4.1 Screening

Soils that contain visible lead bullets and bullet fragments will be excavated, stockpiled and screened to remove at least 90% of the bullets and bullet fragments by weight of soil.

##### 1.4.1.1 Confirmation Samples

Confirmation samples will be obtained in excavation areas to confirm that remaining soils are less than the non-residential standard of 1,000 mg/kg for Pb. Additional excavation will be made until this criterion is achieved.

##### 1.4.1.1 Lead Bullet Fragments

Lead bullet fragments that are recovered during the screening process will be recycled at an off-site recycler. A Certificate of Recycling will be issued to the state of Pennsylvania.

##### 1.4.2 Chemical Conversion Treatment with ECOBOND®

Screened soils will be treated using the chemical conversion technology ECOBOND® at specified concentrations.

##### 1.4.2.1 Post Treatment Confirmation Sampling

Treated soils will be composite sampled and analyzed for RCRA TCLP Pb and totals Pb (mg/kg). TCLP Pb will be used to verify that the RCRA Standard (RCRA) of 5.0 mg/l for lead. Soils that meet the RCRA TCLP Pb criteria of less than 5.0 mg/l and the totals of less than 1,000 mg/kg can be reused on-site in the shooting berms.

##### 1.4.2.2 Soil Treatment

Soil that exceeds the RCRA TCLP criterion after ECOBOND® chemical treatment will be retreated until it achieves the RCRA criterion of less than 5.0 mg/l for Pb at no additional cost to OWNER.

## PART 2 – PROJECT REQUIREMENTS

### 2.1 General

The WORK to be performed shall consist of providing all personnel, tools, equipment, materials, supplies, and manufactured articles; providing all labor, transportation, and services, including fuel, power, water and essential communications required to accomplish the WORK. Work shall be in accordance with these CONTRACT DOCUMENTS. All equipment, materials and services not expressly indicated or called for but which may be necessary for the completion and proper performance of the WORK, in good faith, shall be provided by the CONTRACTOR. Methods for on-site WORK and treatment of soils are to be in accordance with federal, state and local regulations and specifications.

### 2.2 Permits

The CONTRACTOR is not required to obtain any required permits to execute the Scope of Work as specified in the CONTRACT DOCUMENTS.

### 2.3 Dust and Turbidity Control

Soil shall be excavated and processed through the screening equipment in a controlled manner to minimize the generation of dust. If determined necessary, earth moving and soil processing activities may require the application of water to reduce the level of dust that may be generated from these activities. If sprinkling is used, at all times the CONTRACTOR shall keep on the project site a sufficient amount of equipment and competent workmen to perform the specified dust control sprinkling operations. All equipment utilized shall be of safe design and of sufficient capacity for the intended work. Dust control shall be performed as the WORK proceeds and whenever a dust nuisance or hazard occurs. Chemical treatment or light bituminous treatment will not be permitted.

Excavations shall be sloped or otherwise supported in a safe manner in accordance with applicable state safety requirements and the requirements of OSHA Safety and Health Standards for Construction (29CFR1926).

## 2.4 Environmental Protection

### 2.4.1

The CONTRACTOR shall provide and maintain, throughout the duration of the contract the environmental protection as defined in this section and the CONTRACT DOCUMENTS plan for and provide measures to control pollution that develops during normal construction practice. Proposed Contract Work Scope Specifications 47 Pennsylvania Game Commission Firing Range Environmental Maintenance Proposal

### 2.4.2

The CONTRACTOR shall preserve the natural resources within the project boundaries and outside the limits of permanent work. The CONTRACTOR shall prevent oily or other hazardous substances from entering the ground, drainage areas or local bodies of water.

### 2.4.3

The CONTRACTOR shall control and properly dispose of all hazardous waste generated by construction activities. Wastes defined as hazardous shall be stored in approved containers as specified in 49 CFR Title 49, Part 178, properly labeled to identify the type of waste and date filling of the container commenced. The CONTRACTOR shall remove the containers from the sites, and store and dispose of hazardous waste in accordance with 40CFR 263 and 40CFR 264.

### 2.4.4

The CONTRACTOR shall comply with the Environmental Protection Division of the State of Pennsylvania on fugitive dust and any Health and Safety requirements for dust control.

## 2.5 Protection of Existing Facilities

### 2.5.1

The CONTRACTOR shall protect all existing utilities and improvements not designated for removal and shall restore damaged or temporarily relocated utilities and improvements to a condition equal to they were prior to such damage or temporary relocation.

### 2.5.2

The CONTRACTOR shall not do any work that would affect any telephone, or electric transmission line, any fence, or any other structure, nor shall the CONTRACTOR enter upon the rights-of-way involved until notified by the OWNER that the CONTRACTOR can enter the property. After authority has been obtained, the CONTRACTOR shall give the OWNER due notice of its intention to begin WORK.

### 2.5.3

The CONTRACTOR shall protect all underground utilities and other improvements, which may be impaired during construction operations. It shall be the CONTRACTOR'S responsibility to ascertain the actual location of all existing utilities and other improvements that shall be encountered in its construction operations, and to see that such utilities or other improvements are adequately protected from damage due to such operations.



#### 2.5.4

All power, and telephone or communication cable ducts, water mains, poles and overhead power and communication wires and cables encountered along the line of the WORK shall remain continuously in service during all the operations under the Contract, unless other arrangements satisfactory are made with the OWNER of said pole, or wire or cable.

#### 2.6 Health and Safety

The CONTRACTOR shall be responsible for the health and safety of its employees and subcontractors as specified in a submitted and reviewed HEALTH AND SAFETY PLAN (HASP). The CONTRACTOR shall submit a HASP at least one week prior to mobilization to the first site for review by the OWNER. This HASP will serve as the safety plan for all the shooting range sites.

#### 2.7 Waste Disposal

No waste disposal is planned for this project. The soils, vegetation and non-lead bullet fragment debris will be retained on the site for reuse. Lead bullet fragments will be sent for off-site recycling and is therefore not considered a waste.

### PART 3 – MATERIALS

#### 3.1 ECOBOND® Pb

The proprietary chemical conversion treatment product shall be ECOBOND®. The CONTRACTOR shall select a mix design that achieves the RCRA TCLP criteria of less than 5.0 mg/l for Pb. A Treatability Study shall be completed that verifies the chemical conversion technology ECOBOND® can meet these RCRA TCLP criteria.

#### 3.1 Other Materials

All materials and equipment provided by the CONTRACTOR shall be suitable for intended use in each case, and shall comply with appropriate standards. Any alternatives to these standards shall be approved by the OWNER prior to use.

### PART 4 – EXECUTION

#### 4.1 Performance Schedule and Pre-Construction Meeting

CONTRACTOR shall complete WORK in accordance with the requirements of the CONTRACT DOCUMENTS. The CONTRACTOR and the OWNER shall arrange and attend an initial pre-construction meeting prior to mobilization to the first shooting range site.

#### 4.2 Ingress/Egress to Site

The OWNER will provide ingress and egress to each site. Each shooting range must be capable of allowing tractor with end-dump trailers to ingress and egress from the site.

#### 4.3 Site Mobilization

Mobilization shall include, but not be limited to, moving onto the sites all equipment, furnishing and erecting screening equipment, and other construction facilities, providing on-site sanitary facilities (if needed), constructing CONTRACTOR staging area.

#### 4.4 Vegetation

Vegetation is present in many of the areas marked for excavation and consists of grasses and low-lying brush. The CONTRACTOR shall be responsible for the separation and removal of this organic material during the maintenance process.

#### 4.5 Excavation

The CONTRACTOR will layout the area that requires excavation. The depth of excavation is planned at two- to three-feet into the main soil impact areas. The aprons in front of the berm, any side berms and any areas identified on the backside of a berm are planned to have one-foot of soil excavated and screened.

After reaching these initial depths, the CONTRACTOR will visually inspect to determine if the bullets and bullet fragments have been removed and will obtain composite confirmatory samples to be analyzed to confirm remaining soil is below clean threshold of 1,000 mg/kg for Pb. Should bullet fragments be observed or should sample results be obtained greater than 1,000 mg/kg for Pb, the CONTRACTOR will excavate at an additional six to eight inches intervals until successful results are achieved.

#### 4.6 Screening

The CONTRACTOR will set-up a screen in front of the main impact berms to remove the lead bullet and bullet fragments from the soil. The screen composed of a series of screens down to approximately ¼-inch will be used to remove the lead bullet and bullet fragments.

During the screening process, staging piles will be used to temporarily store the materials excavated at the site. The source of each 100-500 CY staging pile shall be identified in the field. The establishment and identification of the exclusion/work zone areas shall keep non-project personnel out of the respective work areas and minimize the potential for transport of contamination from affected areas to unaffected areas. The work zone shall be clearly identified and marked with flagging or temporary fencing and labeled.

The initial set up and final designation of each of the soil processing areas shall ultimately be dependent on the staging of the CONTRACTOR'S equipment and the most prudent handling of the affected soil.

#### 4.7 Treatment and Post-Treatment Analytical Testing

##### 4.7.1 Treatment Procedure

###### 4.7.1.1 ECOBOND® Application

CONTRACTOR will apply the chemical conversion treatment ECOBOND® technology to the soils following screening. The ECOBOND® material is a dry granular product. It will be applied to the stockpiled soils and mixed in the stockpile. CONTRACTOR will make a determination of the proper amount of ECOBOND® to add and will ensure adequate mixing is performed.

###### 4.7.1.2 ECOBOND® and Soil Mixing

Once the ECOBOND® has been applied to the soil at the appropriate add rate, CONTRACTOR will mix the ECOBOND® into the soil by using various pieces of equipment. The choices of equipment may include:

- Hydraulic excavator
- Front-end loader
- Backhoe

Upon achieving a sufficient mix, CONTRACTOR may add water (via a water truck or equivalent) to minimize dust, as required. The soil will then be allowed to cure for a minimum of 12 hours.

###### 4.7.1.3 Post-Treatment Sampling and Laboratory Analysis

Upon completion of treatment of each 100-500 CY batch, each 100-500 CY batch will be divided into four quarters. An individual sample will be collected from the center of each quarter and combined into a single sample. Samples will be taken with a decontaminated stainless steel hand auger or equivalent at the approximate mid-depth and placed in a pre-cleaned sample container and labeled. The sample containers will be transported to the state of Pennsylvania approved analytical laboratory following the sample handling and chain of custody procedures described in the USEPA SW-846 sampling procedures for field activities. Analysis will include EPA SW-846 Method No. 3005A/6010B Pb totals (mg/kg) and EPA SW-846 Method No. 1311/6010B TCLP Pb (mg/l). The certified laboratory reports will be provided in the final site report for each range.

###### 4.7.1.4 Re-Treatment (if necessary)

Should any post-treatment confirmation laboratory analysis show that the treated soil is above 5.0 mg/l for Pb, the CONTRACTOR will re-treat the soils, as required, at no additional cost to the OWNER.

#### 4.8 Optional Work: Re-Install Treated Soil onto Berms

The CONTRACTOR will replace the ECOBOND® treated soil that was removed from the impact berms and apron. The CONTRACTOR will reshape the berm in the same configuration as the original berms.

#### 4.9 Demobilization

On completion of the WORK, CONTRACTOR shall promptly remove from the site unused materials, construction equipment and facilities used during the performance of the WORK. The CONTRACTOR will perform general site clean up, but no reseeding or other upgrades have been incorporated into this proposal.

#### 4.10 Site Report

CONTRACTOR shall provide a final report for each site. The report will summarize the maintenance activities performed including amount of soils excavated, screened and/or treated, laboratory test data and other specific tasks completed.

##### 4.10.1 Environmental Stewardship Plan

In addition to the final Site Report, the CONTRACTOR will include a site specific Environmental Stewardship Plan (ESP). Each individual ESP will be specific to the environmental conditions that exist at the particular range and the activities conducted there. The purpose of the site-specific ESPs is to:

- Document the present environmental setting.
- Identify issues of potential environmental concern that may exist.
- Identify, evaluate, and prioritize appropriate actions to manage these issues.
- Identify short- and long-term action items and the steps needed for implementation, including determining the schedule for reclaiming and stabilizing lead in the future.
- Develop and implementation schedule.
- Identify ways to measure and document results of management actions.
- Provide for periodic evaluation of progress toward environmental stewardship goals and appropriate revisions of plans

The site-specific ESPs for individual ranges will provide a plan for achieving the following goals:

- Limit distribution of lead shot to range property.
- Avoid shooting over and into water and wetlands.
- Periodically reclaim and recycle lead.
- Prevent shooting-associated metals and other constituents from migrating off range property through surface water and groundwater.
- Discourage ingestion of lead shot by birds and wildlife.

## PART 5 – MEASUREMENT AND PAYMENT

### 5.1 Payment for Various Items of Payment Schedule

Compensation is to be received by the CONTRACTOR for furnishing all tools, equipment, supplies and manufactured articles, and for all labor, operations, subcontractors and incidentals appurtenant to the items

of WORK being described, as necessary to complete the various items of the WORK all in accordance with the requirements of the CONTRACT DOCUMENTS, including all costs of permits and cost of compliance with the regulations of public agencies having jurisdiction, including safety and health requirements of the Occupational Safety and Health Administration of the U.S. Department of Labor (OSHA). No separate payment shall be made for any item that is not specifically set forth in the Payment Schedule, and all costs therefore shall be included in the prices named in the Payment Schedule.

#### 5.2 Upfront Program Documentation (Work Plans, Health and Safety Plans, Overall ESP)

CONTRACTOR will prepare and supply for review and approval the following documents:

- Work Plan
- Health and Safety Plan
- Overall Environmental Stewardship Plan (ESP)

CONTRACTOR will be paid upon OWNER acceptance of all of these documents.

#### 5.3 Mobilization/Demobilization to/from Site

Mobilization/demobilization to/from site includes acquisition of all insurance, equipment setup, site preparation including construction of staging areas and clean up of site upon project completion. Payment will be made at the contract lump sum price for the item.

#### 5.4 Vegetation, Excavation and Screening

Measurement for payment for the vegetation handling, excavation of soils, transport to the processing area, screening and stockpiling in the staging zone for future handling shall be based upon the number of cubic yards (CY) of soil actually excavated based on field measurement techniques mutually agreed upon prior to the execution of work.

Payment will be made at the Contract Unit Price per cubic yard for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to accomplish the excavation, screening and stockpiling of the screened soil.

##### 5.4.1 Confirmation sampling of site beneath excavated areas.

Measurement for payment will be made for all testing done and will be based on certified laboratory reports submitted by the CONTRACTOR.

Payment for soil testing will be made at the Contract Unit Price per test for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to collect the sample, transport to the laboratory, conduct the analysis and report the results.

##### 5.5 Treatment and Post-Treatment Analytical Testing

Measurement for payment for the chemical treatment of the soil shall be based upon the cubic yards of soil actually treated, as determined by the field measurement of the approximate 100 to 500 cubic yard piles.

Payment for chemical treatment will be made at the Contract Unit Price for the item, which price shall be full compensation for all material, tools, equipment, labor, chemicals, water, and work necessary to treat (and retreat, as necessary) the soils to render them non-hazardous (less than 5.0 mg/l).

##### 5.5.1 Analytical Testing

Measurement for payment will be made for all testing done and will be based on certified laboratory reports submitted by the CONTRACTOR.

Payment for soil testing will be made at the Contract Unit Price per test for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to collect the sample, transport to the laboratory, and conduct the analysis and report results.

#### 5.6 Site Report

Measure for payment will be made when a summary report of each shooting range activities has been submitted by the CONTRACTOR to the OWNER within 30 days of each shooting range completion. The report shall include the necessary documentation that the site has been maintained up to the specified performance criteria.

3. Describe the unique features/compatibility of the services that precludes competitive procurement.

The proprietary ownership and patent of the chemical and process for removing or binding and stabilizing lead at the molecular level

4. What research has been done to verify the contractor as the only known source?

Extensive contacts with other organizations such as the National Rifle Association and the National Shooting Sports Foundation along with industry leaders and EPA consultants regarding lead reclamation and recovery and remediation of shooting range sites

5. Does the contractor have any distributors, dealers, resellers, etc., that can perform the services?

Yes. Please attach a list of known sources.

No.

6. Must this service be in compliance with the manufacturer's warranty or existing service agreement? If yes, please explain.

No.

7. What are the future consequences of the procurement? That is, once this procurement is approved and processed, what additional upgrades, additions, supplies, services, etc., are anticipated/projected over the useful life of this item?

We anticipate no environmental issues relative to lead management at our shooting ranges. Additional decisions will be made to enhance or close ranges based upon our agency analysis of shooting ranges at a later date

8. If this is an upgrade, addition, alteration, etc., to an existing service how was the original item procured (sole source or competitive)? What additional, related, sole source procurements have occurred since the initial procurement? Please identify the previous purchase order or contract number(s).

This is not an upgrade to an existing service.

9. How has this service been procured in the past? (Competitive sealed bidding, competitive sealed proposals, sole source, ITQ, other). Please provide document numbers.

We have never done this activity in the past.

**If procured through the Office of Administration ITQ for Information Technology Services, complete the following:**

**Original amount of Order.** \_\_\_\_\_

**Contract period for Order.** \_\_\_\_\_

**Is this the final phase for this project? (Yes or No)** \_\_\_\_\_

**If no, explain what additional time and dollar amount may be required.**

\_\_\_\_\_

10. What are the consequences of not procuring this specific service?

The agency is open to environmental contamination lawsuits and liability from lead contamination.

11. If timing is a factor, who established the time frame and why?

Timing is a factor due to the availability of Growing Greener funding provided by the Commonwealth.

12. List any other information relevant to the acquisition of this service (attach additional 8-1/2" x 11 sheets, if necessary).

The provision of this service by the selected contractor is very cost economical and will allow the agency to reclaim most if not all our ranges.

13. For sole source requests in excess of \$100,000 include the contractor-signed cost or pricing data certification with this form when this form is submitted to the approving authority.

**4.1 Unit Price Table**

**Price Schedule**  
(estimated 31 areas for 10,000 cubic yards)

Pay Item	Description	Unit of Measure	# of Units	Unit Price	Total Price
1.0	Program Document Preparation (Work Plans, HASP, Overall ESP)	Single Lump Sum	1		
2.0	Site Area Mobilization/Demobilization	Lump Sum per Area	31		
3.0	Excavation and Screening	Unit (Cubic Yard)	10,000		
3.1	Confirmatory Berm Sampling & Analysis (Total Pb)	Unit (Sample)	300		
4.0	ECOBOND® Treatment	Unit (Cubic Yard)	10,000		
4.1	Post-Treatment Sampling & Analysis <input type="checkbox"/> Totals <input type="checkbox"/> Leachable	Unit (Sample)	100		
		Unit (Sample)	100		
5.0	Site Report and ESP	Lump Sum per Area	31		
6.0	Optional Work	Unit (Cubic Yard)	TBD		
6.1	Re-Install Treated Soils	Unit (Cubic Yard)			
<b>TOTAL</b>					

**4.2 Project Assumptions**

- Site access and equipment lay down areas are readily available.
- No seeding, landscaping or replacement of soil will be required.
- Site access allows for semi-trucks and heavy equipment pieces.

**4.3 Price Unit Measurements**

**4.3.1 Upfront Program Documentation**

MT2 will prepare and supply for review and approval the following documents:

- Work Plan

Health and Safety Plan

Overall Environmental Stewardship Plan (ESP)

MT2 will be paid upon the Pennsylvania Game Commission's acceptance of all of these documents.

#### 4.3.2 Mobilization/Demobilization to/from Site

Mobilization/demobilization to/from site includes acquisition of all insurance, equipment setup, site preparation including construction of staging areas and clean up of site upon project completion. Payment will be made at the contract lump sum price for the item.

#### 4.3.3 Vegetation, Excavation and Screening

Measurement for payment for the vegetation handling, excavation of soils, transport to the processing area, screening and stockpiling in the staging zone for future handling shall be based upon the number of cubic yards (CY) of soil actually excavated based on field measurement techniques mutually agreed upon prior to the execution of work.

Payment will be made at the Contract Unit Price per cubic yard for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to accomplish the excavation, screening and stockpiling of the screened soil.

##### 4.3.3.1 Confirmation sampling of site beneath excavated areas.

Measurement for payment will be made for all testing done and will be based on certified laboratory reports submitted by MT2.

Payment for soil testing will be made at the Contract Unit Price per test for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to collect the sample, transport to the laboratory, conduct the analysis and report the results.

#### 4.3.4 Treatment and Post-Treatment Analytical Testing

Measurement for payment for the chemical treatment of the soil shall be based upon the cubic yards of soil actually treated, as determined by the field measurement of the approximate 100 to 500 cubic yard piles.

Payment for chemical treatment will be made at the Contract Unit Price for the item, which price shall be full compensation for all material, tools, equipment, labor, chemicals, water, and work necessary to treat (and retreat, as necessary) the soils to render them non-hazardous (less than 5.0 mg/l).

##### 4.3.4.1 Analytical Testing

Measurement for payment will be made for all testing done and will be based on certified laboratory reports submitted by MT2. Payment for soil testing will be made at the Contract Unit Price per test for the item, which price shall be full compensation for all material, tools, equipment, labor and work necessary to collect the sample, transport to the laboratory, and conduct the analysis and report results.

Measure for payment will be made when a summary report of each shooting range activities has been submitted by MT2 to the Pennsylvania Game Commission within 30 days of each shooting range completion. The report shall include the necessary documentation that the site has been maintained up to the specified performance criteria.

Signature of person completing form:

Gary R. Camus Title: Chief, Division of Federal Aid and Public Access  
**(Print Name of person completing form)**

Same as above

Date: 05/26/2006

Phone No.: (717)787-6400

Fax No.: (717)787-6957

Signature of Approving Authority:

Carl G. Roe

Date: 05/26/2006

**(Print Name of Agency Head or Deputy who has reviewed and approved this request)**