



**US Army Corps
of Engineers®**

Special Public Notice

Guidelines for Selecting Third Party Contractors for Regulatory Environmental Impact Statements

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Galveston District

Galveston District Guidelines for Selecting Third Party Contractors for Regulatory Environmental Impact Statements

PURPOSE OF PUBLIC NOTICE: To inform you of U.S Army Corps of Engineers, Galveston District (Corps) guidelines for identifying, selecting, and managing third-party contractors (TPC) who provide assistance to the Corps for preparing Environmental Impact Statements (EISs) under the National Environmental Policy Act (NEPA) of 1969. Third party contracting is a valuable method of assistance provided to the Corps by applicants for preparing all or part of our project-specific EISs.

DISCUSSION: This document outlines standard set of procedures to ensure consistency and to assist the Corps and the applicants in identifying and selecting a TPC for assisting the Corps in executing its NEPA responsibilities for activities that require a permit decision and that involve the preparation of an EIS. It is not, however, all-encompassing guidance for every aspect of the TPC selection process, including compliance with related laws and regulations, nor overly prescriptive such that it constrains flexibility necessary to address circumstances unique to case-specific issues that are likely to arise. This document is not a substitute for the Council on Environmental Quality (CEQ) regulations on implementing NEPA at 40 C.F.R. §1500 – §1508, CEQ guidance, U.S. Army Corps of Engineers Regulatory Program NEPA implementing procedures at 33 C.F.R. Part 325, Appendix B, or 33 C.F.R. Part 230.

ROLES AND RESPONSIBILITIES: The applicant is responsible for furnishing all necessary information to the Corps to prepare and coordinate the EIS, including the funding and administrative management of a TPC who will collect information, perform technical studies, and/or write the NEPA document. The TPC is selected by and works under the direction and control of the Corps, although the applicant funds the TPC's work in accordance with the agreed upon statement of work. The Corps has a responsibility to select the TPC and to ensure the applicant and TPC adhere to their respective roles and responsibilities in preparing and coordinating the EIS and for ensuring the information provided by the TPC is consistent with Corps policy and the NEPA statutory requirements.

ORGANIZATION: In addition to the body of the guidance, which addresses Roles and Responsibilities, and Disclosure Statements, the guidance includes nine sections to assist in the selection process of the TPC:

- Guidance for Developing a Request for Proposal
- Third-Party Contractor Selection Guide
- Typical Milestone Deliverables for a Corps Regulatory Third-Party EIS
- Vertical Team Coordination SOP
- Southwestern Division Regulatory Program Environmental Impact Statement Review Process
- Conflict of Interest Guide
- Statement of Responsibilities
- NEPA Implementation Procedures for the Regulatory Program
- Glossary

CONCLUSION: The Corps goal is to streamline the TPC selection process while maintaining actual objectivity in compliance with NEPA requirements. To facilitate this process, the Corps will identify the required information for the EIS and specify the necessary qualifications of the TPC. The Corps will not become involved in the specifics of non-federal contracting procedures beyond review of the solicitation documents to ensure compliance with this document. The Corps will approve in writing the solicitation, and the scope of work prior to the award of the third-party contract. The Corps will approve the final selection of the TPC.

The Corps is responsible for ensuring that the NEPA documents are consistent with statutory requirements to take a hard, objective look at the public interest and environmental factors, and as such, will have the final determination whether the data provided is adequate and accurate.

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