



INFORMATION BULLETIN No. 114

GUIDE TO ENGAGING AN ENVIRONMENTAL SITE ASSESSMENT CONSULTANT

November 2012

1. When might you want to engage a consultant?

Environmental site assessments (ESAs) are inherently complex and usually present a wide range of issues requiring a trans-disciplinary approach, including scientific, technical and project management skills. There may be social, economic and legal issues involved where pollution may have potential impacts on the community and environment. It is important to ensure that assessments meet the appropriate standards, quality assurance and regulatory requirements. Therefore, the task of selecting a consultant to undertake environmental site assessment works should be conducted with great care.

Poor quality scientific, technical or managerial advice from consultants can often result in further work being required, which may be at additional cost to you, depending on the nature of the assessment and circumstances involved. Therefore, engaging a consultant on the basis of their competence and the nature of the work(s) you require is important.

The following are examples of when you may find this document useful:

- Due diligence works designed to quantify environmental liabilities prior to the purchase of a site or the commencement of a lease;
- Assessment at the end of a lease in accordance with a contract of lease to ensure that a site has not been contaminated during the lifetime of a lease;
- When works are required by the Director to address land or groundwater contamination issues (e.g. in a Notice issued under the *Environmental Management & Pollution Control Act 1994* (EMPCA)); or
- When a site is intended to be re-developed or re-zoned, the planning authority may require an environmental site assessment.

2. Where can you find a consultant?

The following outlines places where you may be able to obtain details for suitably qualified and experienced consultants:

- **The Yellow Pages** – For example under “Environmental Consultants & Services”
- **Word of mouth** – Contact people or businesses that you know have previously engaged a consultant to perform similar environmental site assessment work in the past and ask if they can make any recommendations. However, remember that you need a consultant that is suitable for your specific needs.
- Call for **expressions of interest** by advertising in one of the major local newspapers. This approach is recommended when you already have a predetermined scope of works, but this will require some effort in assessing the quotations and qualifications of consultants who respond, and you will need to be very specific about what you want the consultant to do.
- **Accredited land contamination auditors** are highly experienced and skilled consultants. Currently there are no accredited auditors within Tasmania. However,

many of the other states have lists of accredited auditors such as the NSW DECC¹ and Victorian EPA² which may be appropriate for your project.

3. Consultant's qualifications and experience

Before appointing a consultant you should discuss the following with them:

- Previous experience undertaking environmental site assessments. The consultant should be willing to provide you with information on completed projects and the skills/experience of individual staff members;
- Request the consultant provides you with an example of their work;
- Contact details and/or referees of previous clients, whom you can contact to discuss the consultant's performance;
- A list of projects completed by the consultant that have similar characteristics to your project;
- The consultant's awareness and understanding of the relevant legislation, standards and guidelines used by the Tasmanian Environment Protection Authority (EPA);
- Any professional associations that the consultant may belong to;
- The consultant's experience in dealing with the pollutants likely to be found. For example, a consultant specialising in hydrocarbon contamination may not have a very good understanding of how to appropriately deal with asbestos or pesticide contamination (and *vice versa*);
- The consultant's knowledge and understanding of the local conditions such as the likely geology and receiving environments of the area being assessed, this may be quite important in determining the most appropriate assessment/remediation methods to use; and
- The consultant's ability to complete the works within your required timeframe and budget.

The Environment Protection and Heritage Council provide guidance on competencies required for undertaking environmental site assessments under the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or as varied. The document entitled *Schedule B(10): Competencies & Acceptance of Contaminated Land Auditors and Related Professionals Dec 1999* can be found by going to <http://www.nepc.gov.au> and then following the links > "Site Contamination" and "Assessment of Site Contamination".

While the above document has been produced primarily for the use of regulators to determine whether a consultant is appropriately qualified and experienced to become an accredited contaminated site auditor (i.e. a highly skilled and experienced consultant), you might find the document useful in determining whether the consultant you are intending to engage has the appropriate skills and experience to undertake the required work.

4. Requesting a proposal

Once you have prepared a shortlist of consultants (preferably three or more), it is recommended that you request a project proposal from each consultant. Alternatively, if you have already decided on the consultant you are going to engage, then request a proposal from that consultant.

When you request a proposal from the consultant(s), you should include the following information if possible:

- The location and address of the site, including Certificate of Title(s) (preferably this should be obtained from the Land Information System Tasmania (LIST) at <http://www.thelist.tas.gov.au>);

- Any correspondence in relation to the site from the EPA, local Council or other sources (for example if the EPA has issued a Notice requiring investigation or management of contamination, provide a copy of the Notice to the consultant);
- The media of the site to be assessed e.g. soil, groundwater, surface water, building materials etc;
- Any previous work conducted at the site i.e. environmental site assessment and/or remediation works already conducted (if any);
- A scope of works (i.e. what you want the consultant to do and why);
- The current and any intended future land uses (i.e. if you are submitting a re-zoning application to a more sensitive use and are you trying to demonstrate that the site is suitable for proposed use);
- Expected timeframe for the works to be completed;
- Any potential site access issues (e.g. if groundwater wells are needed, will a drill rig be able to access the site?);
- Any known locations (i.e. plans) of site infrastructure such as power cables, sewer, stormwater or other pipes etc;
- The outputs expected from the assessment, including responding to information demands required by the planning authority and/or EPA.

5. Selecting and engaging your chosen consultant

A good proposal should include details on the following aspects:

- Detailed cost estimates with a clearly defined scope of works;
- A start and finish date;
- Hourly rates for work that is done outside of the agreed scope of work;
- Any sub-consulting costs e.g. drilling, earthmoving/excavations, laboratory work;
- Clarification on what work the sub-consultant(s) will be undertaking and who will be supervising their work;
- Evidence of appropriate insurance coverage i.e. professional indemnity, public liability and workers compensation;
- Submission of the report(s) and the associated cost for any follow up liaison or document review required by regulatory authorities such as the planning authority and/or EPA;
- Conditions under which the contract may be terminated;
- The frequency of progress reports;
- List of outputs (e.g. report(s)) information flow, clarification of document ownership/retention and intellectual property rights (i.e. who owns the report and what the information may be used for etc);
- Curriculum vitae of the project personnel that will be working on your project;
- Number of samples to be taken and soil/groundwater bores drilled;
- What the samples will be analysed for; and
- Reference values the analytical results will be assessed against.

It is very important that you articulate to the consultants, what your required end product is, so that the scope of works will accurately reflect what you are seeking. For example, are you required to undertake certain works under a Notice issued by the Director, EPA, or are you just wanting a preliminary site assessment as part of due diligence works.

The NSW EPA's *Guideline for Consultants Reporting on Contaminated Sites 2000*³ may be a useful guide in helping you decide what information you require and what should be included in the final report for a preliminary or detailed environmental site assessment.

Once you have received proposals from each consultant, you should review and compare each proposal, contacting the consultant(s) where necessary for additional information and/or negotiating the proposal to assess which proposal suites your particular needs.

The consultant will normally include the terms and conditions of the engagement with their proposal. Usually, these terms and conditions will form the contract of engagement between you and the consultant. When you have reviewed all the proposals and selected your chosen consultant, signing the terms and conditions and returning it to the consultant will normally formalise engagement of the consultant. In some circumstances, such as where the proposed works are extensive or where the contractual arrangements are complex, it may be prudent to seek legal advice from your solicitor prior to accepting any proposal.

As a matter of courtesy, it is recommended that once you have engaged your chosen consultant, you let the other consultants know that you have not accepted with their proposal as the consultant will usually have made a significant time investment for each proposal.

6. Key points

- Put in the effort up front – you are more likely to find a consultant that can deliver the end product you require if you do your research and follow as many different avenues as possible;
- Try and be clear what you want the consultant to do and why – the better you can articulate this to the consultants the more likely you are to get what you need;
- Most people will be looking to do the work within a particular budget range, but try and look past the cost in the first instance and focus on whether the consultant has the relevant skills and experience to deliver the end product that you need – choosing the right consultant for the job could save you money and time in the long run; and
- Seek legal advice from a solicitor before signing any contracts if unsure.

7. Further information

For further information relating to this bulletin please contact:

Contaminated Sites Unit	Telephone	(03) 6233 6209
GPO Box 1751, HOBART TAS 7001	Facsimile	(03) 6233 3800

Relevant legislation may be viewed on the internet at <http://www.thelaw.tas.gov.au>, and other relevant information on the EPA Division's website at <http://www.epa.tas.gov.au>.

Disclaimer

The Crown gives no warranty, express or implied, as to the accuracy or completeness of the information provided in this bulletin. The contents are based on the best information available to the Environment Protection Authority (EPA) at the time of publication and are subject to revision based upon further advice received by the EPA.

¹ DECCW NSW accredited auditors list – <http://www.environment.nsw.gov.au/clm/auditors.htm>

² Vic EPA accredited auditors list – <http://epanote2.epa.vic.gov.au/4a25664a0023448e/clcurrent?openview&count=100>

³ NSW DECCW Guidelines for Consultants Reporting on Contaminated Sites – <http://www.environment.nsw.gov.au/resources/clm/20110650consultantsglines.pdf>