

**Performance Work Statement  
Levels of Personnel Background Checks  
for Contractor Employees**

The contractor shall provide qualified personnel that meet the background check requirement identified below. The EPA has established 2 levels of criteria. Level 1 contains background check criteria applicable to all contractor employees working at a response site. Level 2 contains background check criteria requirement that apply to all contract employees working at sites that are designated by EPA as "Sensitive Sites." Examples of sensitive sites include those that involve law enforcement activities, apparent or suspected terrorist activities, any indoor cleanups (including private residences), drug lab cleanups, and response actions at geographically sensitive locations such as military installations and government buildings. The Contracting Officer or On-Scene Coordinator will notify the contractor whenever EPA designates a response site as a sensitive site. The designation will be provided to the contractor in the task order, work assignment, or verbally, as the situation warrants. If the designation is provided verbally, the contracting officer will issue a written designation as soon as practicable after the verbal notification.

**LEVEL 1 - EPA Background Check Criteria:**

- Can be a non U.S. citizen with a valid visa,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
- No weapons offense in the last five (5) years,
- No felony conviction in the last three (3) years,
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at:  
<http://epls.gov>

**LEVEL 2 - EPA Background Check Criteria For Sensitive Sites:**

- Must be a U.S. citizen,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
- No weapons offense in the last ten (10) years,
- No felony conviction in the last seven (7) years,
- No misdemeanor conviction in the last five (5) years,