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ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
P.O. Box 8044
Madison, Wisconsin 53708-8044
TDD #: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

Wisconsin Department of Commerce, Bureau of PECFA Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 53
Comm #: 53593-9470-88-A
BRRTS #: 03-13-187588
Site Name: Erfurth's Citgo
Site Address: 1688 Washington Street, Verona, 53593
Site Manager: Rachel Greve
Address: 3911 Fish Hatchery Rd
City, State Zip: Fitchburg, WI 53711-5367
Phone: 608-275-3220
e-mail: rachel.greve@wisconsin.gov
Bid Manager: Ralph N. Smith
Address: P.O. Box 8044
City, State Zip: Madison, Wisconsin 53708-8044
Phone: (608) 261-6543
e-mail: ralph.smith@wisconsin.gov

Bid-Start Date:	February 4, 2008
Questions must be received by (See Section 2 (B)):	February 18, 2008, 4:00 PM
Responses will be posted by (See Section 2 (B)):	March 7, 2008
Bid-End Date and Time:	March 21, 2008, 4:00 PM

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Ivize-Madison, 1 East Main Street, Madison, WI 53703
Phone: (608) 663-1041 Fax: (608) 663-1045

SECTION 2 – Site-Specific Bid Requirements

General Comments

In spring of 2004, following heavy rains, water accumulated in the basement of a house at 8639 Davis Street in Mt Vernon. Along with the water, the owner noticed a strong gasoline odor. Upon checking the basement, they found gasoline floating on the water. They called the local fire department, which responded and then ordered the electricity to the house shut off and the LP gas line disconnected. The owner was forced to move out, hire an environmental cleanup contractor to pump the gas and water mixture out of the basement. When the owner returned to the home in early June, water was no longer accumulating in the basement but gasoline vapors persisted. The owner then contacted the Department of Health and Family Services and the Department of Natural Resources for assistance. In August, 2004, the Department of Natural Resources hired a firm to conduct a limited soil and groundwater investigation in the vicinity of the affected residence on Davis Street. Groundwater was found to be 11-12 feet below ground surface. No source of gasoline was found on the lot or adjacent to the lot at 8639 Davis Street but contaminated groundwater was found at several locations in the area.

A gas station operated for many years (1930s until 1999) on the northwest corner of STH 92 and Davis Street in Mt Vernon. This station is approximately 175 feet north of the house on Davis Street with gasoline and vapor problems in the basement. A site investigation was conducted at the station in 1999 after it closed. The investigation concluded that groundwater flow was to the northwest. This conflicted with local topography and the location of Mt Vernon Creek, both of which suggested groundwater flow should be to the south or southeast. Consequently, DNR began a second investigation to confirm groundwater flow direction. Four monitoring wells were installed in the vicinity of the affected residence on Davis Street. The results of that groundwater investigation confirmed that groundwater flow is to the southeast and the former Citgo Station located on the northern corner of STH 92 and CTH G is upgradient and most likely the source of gasoline product and vapors in the home at 8639 Davis Street.

In 2006, a PECFA funded investigation using direct push technology further defined the extent of contamination in soil and groundwater. During that investigation, a previously unknown UST was discovered in front of the former gas station. That UST was removed in August 2006. It was a very old (riveted) tank and had several holes in the bottom. Soil under the tank was highly contaminated and we now consider that tank as the probable source of the gasoline in the basement of the home on Davis Street. In addition, several inches of free product gasoline was discovered in one of the previously installed monitoring wells.

In 2007, five additional monitoring wells and one piezometer were installed to further delineate the groundwater plume. These wells are currently undergoing quarterly sampling; free product has been measured in source area well MW-7 and in MW-2 and MW-3.

Depth to groundwater in the source area is 13.5-15.3 feet below ground surface (bgs). Site soils are clay or silty clay to a depth of 9-13 feet bgs, underlain by clayey sand to sand.

The Wisconsin Department of Transportation (DOT) is planning a resurfacing project and storm sewer upgrade for the section of STH 92 adjacent to the site.

The DOT project will commence by June 2, 2008. **The remedial excavation required under this bid needs to be completed before the DOT project commences.** The winning bidder is required to attend the DOT's preconstruction conference for this project in early May.

Because of the short time frame for the completion of this bid and the necessity of working closely with DOT, preference will be given to bidders who are on both the PECFA list and DOT roster of eligible engineering consultants and who can demonstrate past experience working with DOT construction projects. Among these bidders, the bid will be awarded to the bidder with the lowest compliant total bid cost.

Minimum Remedial Requirements

Due to the time constraints of the upcoming DOT project on STH 92, all site work (with the exception of well replacement) must be completed before June 2, 2008 as a condition of the bid.

Remedial Excavation

1. Contaminated soil shall be remediated by means of soil excavation and off-site disposal. Prior to conducting the remedial excavation, the winning bidder must obtain a permit to work in the DOT right-of-way (ROW). The bid should include costs for traffic control, including, but not limited to, detour costs (DOT has developed a detour – see site packet for details) and flaggers for County Highway G (Davis Street).

2. The approximate excavation location is shown on the accompanying site map. The excavation dimensions will be approximately 30' by 30', and the excavation depth shall be 20'. For the purposes of the bid, an estimated 1000 tons of soil should be excavated and disposed of off-site. An appropriate number of confirmation base and sidewall soil samples must be collected. Soil samples must be analyzed for petroleum volatile organic compounds (PVOCs) and polycyclic aromatic hydrocarbons (PAHs). A representative sidewall or base soil sample must also be collected from a depth of 18 feet in the excavation for grain size analysis. If site conditions warrant, the excavation may be extended to include the entire width of STH 92 (up to an additional 30' x 20' x 20' deep, or approximately 600 tons) as a bid contingency item. Bids should include per ton contingency costs (commodity costs only) for this larger excavation, if applicable. The use of field screening or other appropriate technology is required in order to segregate clean excavated soil from contaminated soil for disposal. Contaminated soils shall be disposed of in a licensed solid waste management facility. The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Potential (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if required as a bid contingency cost item.

Because of the DOT back-fill requirements described below, uncontaminated soils must also be disposed of off-site.

3. The excavation shall be back-filled in accordance with Section 208 of the DOT Standard Specifications with materials consisting of all aggregate particles having a dimension less than 12 inches, measured on any face, and a maximum of 15% by weight passing the No. 200 sieve. The back-fill must be thoroughly compacted in accordance with standard compaction requirements as described in DOT Standard Specifications Section 207.3.6. The road base shall be replaced with 12 inches of 1-1/4 inch stone aggregate. The base shall be constructed and compacted in accordance with DOT Standard Specifications Section 301.3.4. The roadway shall be resurfaced with temporary asphalt 4 inches thick. A DOT inspector will be onsite to insure that back-filling, compaction, and other activities are carried out in accordance with DOT specifications.

4. Overhead power lines are present in the vicinity of the excavation, running along the north side of STH 92. The lines will either have to be temporarily moved or low-clearance excavating equipment will have to be used to address this hazard. In addition, storm sewer piping runs under STH 92 (roughly parallel to the northern edge of the highway) and under the intersection of STH 92 and Davis Street (parallel to Davis Street). A temporary storm sewer will need to be reconnected during and after the remedial excavation. The existing piping may be used if practicable, or piping of the same diameter should be connected. (This piping will be replaced during DOT STH 92 work.)

The Wisconsin DNR and Commerce shall be notified at least 10 business days prior to the start of excavation activities. DNR and/or Commerce expect to have staff on hand during the excavation. Significant changes to excavation dimensions must be approved by DNR and Commerce.

5. Monitoring Well Replacement

Monitoring well MW-7 is located within the proposed excavation boundaries and will need to be properly abandoned prior to excavation activities. MW-7 must be replaced with a new NR 141-compliant monitoring well (MW-7R) screened to the same depth as the existing MW-7. The location of the new well needs to be approved by the WDNR project manager. To ensure that MW-7R is not destroyed by the DOT's planned roadwork, replacement needs to be delayed until the DOT project is complete.

6. Reporting

Upon completion of excavation and well replacement activities, a detailed remedial construction report, documenting the excavation activities and analytical results shall be prepared and submitted to DNR (copy to Commerce).

Reporting per Comm 47.70 (known as PECFA Web Reporting) is required, and shall include soil data.

Contingency Costs

- The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Potential (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if necessary.
- Additional 30' X 30' X 20' deep (entire width of STH 92), or ~ 600 tons to be excavated, hauled, disposed, backfill & compaction to DOT specifications, and confirmation soil samples for PVOCs + PAHs. Approval by both DNR & Commerce is required.

SECTION 3 - Reporting Timeframes

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 4 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 6 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE

(1st Page)

Department of Commerce PECFA Program

SITE NAME: Erfurth's Citgo

COMMERCE #: 53593-9470-88

BRRTS #: 03-13-187588

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2760 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Complete Mailing _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

- | | | |
|--------------------------|------------------------|-----------------|
| <input type="checkbox"/> | Professional Engineer | License # _____ |
| <input type="checkbox"/> | Professional Geologist | License # _____ |
| <input type="checkbox"/> | Hydrologist | License # _____ |
| <input type="checkbox"/> | Soil Scientist | License # _____ |



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME: Erfurth's Citgo

COMMERCE #: 53593-9470-88

BRRTS #: 03-13-187588

Consulting Firm Name: _____

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

Due to time constraints of the upcoming DOT project on STH 92, all site work (with the exception of well replacement) must be completed before June 2, 2008 as a condition of the bid.

1	WisDOT ROW Permit, WisDOT pre-construction conference in May 2008, costs for traffic control, detour costs, and flagger costs per WisDOT specifications for remedial excavation per paragraph 1.	\$
2	30 foot X 30 foot X 20 foot excavation (see diagram), including hauling, backfill & compaction to Wisconsin DOT specifications, confirmation soil samples (PVOCs + PAHs). A representative sidewall or base soil sample must also be collected from a depth of 18 feet in the excavation for grain size analysis. For bid purposes estimate 1000 tons of soil excavated and disposed off-site (including uncontaminated soil not to DOT specs.) per paragraph 2.	\$
3	Excavation backfill, road base, and roadway are to meet or exceed WisDOT Standard Specifications as described in detail per paragraph 3. A DOT inspector will be onsite to insure these activities are in accordance with DOT specifications.	\$
4	Utility Issues – 1) Low overhead power lines are on the north of STH 92, and require measures to avoid this potential hazard. 2) A temporary storm sewer will need to be setup during and after the remedial excavation.	\$
5	Monitoring well MW-7 abandonment and replacement (MW-7R) per paragraph 5. Includes soil testing and analytical costs for grain size analysis.	\$

6	Remedial Construction Report & PECFA Web Reporting per Comm 47.70	\$
7	Other (if other, please explain).	\$
8	PECFA Claim Preparation	\$
9	Total Bid Amount	\$
CONTINGENCY COSTS (Will be Approved and Added to the Bid Cap as Needed)		
•	Collection and Analysis of TCLP Soil Samples for Landfill Disposal	\$
•	Additional 30' X 30'X 20' deep (entire width of STH 92), or ~ 600 tons to be excavated, hauled, disposed, backfill & compaction to WisDOT specifications, confirmation soil samples for PVOCs + PAHs. Approval by both DNR & Commerce is required.	\$/ton

Department of Commerce PECFA Program

SITE NAME: Erfurth's Citgo (Former)
COMMERCE #: 53593-9470-88-A
BRRTS #: 03-13-187588

Bid Round 53 Questions

1. Schedule

- a. Bids are due March 21st and work must be completed by June 2nd. There's a big void as to when contract will be executed and contractor is given Notice to Proceed. If the timeline in the 1st paragraph of Section 3 were used, the start date would be after the required completion date. Contract should specific latest date (~ April 25th) when contractor will be given Notice to Proceed and still be expected to complete work by June 2nd. [Commerce and DNR staff will assist in getting the contract signed in time to perform the work before highway construction commences. Because of the extenuating circumstances at this site, the time frames in the first three sentences of the first paragraph of Section 3 are not applicable to this bid.](#)
- b. What penalties is the contractor subject to if work is not completed by June 2nd?
[Contractor will not be paid and will likely be disqualified from potential future PECFA, and/or DNR work.](#)

2. Excavation limits

- a. The initial excavation limits are defined as 30' X 30' X 20' deep. The vertical delineation between "clean" and contaminated soil is not included in available information. What assumptions are to be made regarding the vertical delineation between "clean" soil and contaminated soil for the 1000 tons in base bid?
[See soil borings and soil analytical results: Results show contamination starting at 2-6' bgs \(below ground surface\) near former tank and at 12' bgs on the south side of the highway.](#)
- b. What criteria will be used in field to segregate "clean" soil for off-site reuse and contaminated soil for disposal at landfill? Does the consultant make that determination, or will it be made by the on-site DNR or DCOMM personnel?
[The consultant makes the determination, and if concurrence is requested with assistance from DNR and/or Commerce then that is just for confirmation purposes, but not required.](#)

c. The text of the bid documents indicate additional excavation item as 30' X 20' X 20' however Bid Response (page 2) shows 30' X 30' X 20'. Based on tonnage listed (600 ton), it is assumed 30' X 20' X 20' is correct. Please verify.

Yes

d. Where is the location of the additional 30' X 20' X 20' excavation?
Depends on site conditions, but expected to extend out from SW side of initial excavation boundaries

e. Same as question as "a" above for additional excavation.

Answered above

f. If field-screening indicates additional excavation required beyond initial 30' X 30' X 20' excavation but not within pre-defined additional 30' X 20' X 20' excavation, how would that be paid for?

The consultant can request reimbursement from the Commerce PECFA program using a bid change order request.

g. If the additional excavation requires additional replacement of the storm sewer, under what item would that be paid?

This work is being done in advance of a storm sewer upgrade, so if there are costs associated with temporary storm sewer time and materials costs; these costs may potentially be PECFA-eligible via a bid change order request.

h. If additional excavations extends into sidewalk on south side of STH 92, will sidewalk replacement be required?

It is not required at this time.

If so, under which item will that be paid for?

i. It is assumed lab results of sidewall and base samples is only to document contamination left in place and will not be used to require additional excavation under this contract. Please verify.

If additional excavation is warranted in the future, then certainly the lab results obtained via this bid scope would be used in that determination. To verify, it is assumed those potential future excavation costs would be outside the scope of this bid contract.

3. Backfill, compaction, and roadway reconstruction

a. Specifications for backfill need clarification.

i. Section 208 of DOT Standard Specification details requirements for obtaining material from a borrow source, is that applicable if source of backfill is from quarry already approved by DOT The question is ambiguous and cannot be answered.

- ii. As specification is currently written, rock with maximum of 12 inches on any face can be used for backfill. Is that correct?
The maximum size is 12 inches, and a maximum of 15% by weight shall pass a Number 200 sieve. It is expected that the backfill material will be gradational in size between these two extremes.
 - iii. If so, how is compaction achieved?
Standard DOT compaction with water and a roller, or compactor mounted on a backhoe.
- b. Does the reconstruction of the road base and asphalt pavement just include highway pavement (~ 25 feet wide) or does it extent to the building? If not paved, what are the restoration requirements north of the STH 92 and west of the Davis Street pavements?
Similar backfill, base, and pavement should be placed in areas off the roadway to avoid future settlement issues. The asphalt for the driveways could be less than the mainline; 3" would be acceptable.
- c. What, if any, warranties for backfill, temporary pavement, etc will the contractor for this project being responsible for?
No warranties.

4. Monitoring Well Replacement

- a. Will the monitoring wells at SW corner of intersection require replacement if additional excavation is required in that area?
Excavation is not expected to impact these wells.

5. Overhead Power Lines

- a. What utility company(s) own the power lines on north side of STH 92? Alliant Energy
- b. What are the names of the contacts for those companies? Jill Stevens

6. Storm Sewer

- a. What is the size of storm sewers that are required to be maintained during excavations and replaced after completion of excavation?
Exact size unknown. DOT replacement piping will be 15" diameter.
- b. Are there any inlets or manholes that will need to be replaced? No

7. Reporting

- a. Beyond the required construction documentation report, is the consultant required to prepare any other reports (Closure request,

GIS Registry,..._)?
Follow the bid specification.

8. Basis of Payment

- a. Is payment based on unit prices of the 8 items in base bid plus 2 unit prices in contingency costs or Lump Sum for base bid plus contingency items (if required)?
The latter - total bid amount plus contingency costs, if applicable.
- b. Are any of these items subject to the Schedule of Usual and Customary Costs? If so how will those be segregated from unit price bid items.
No.
- c. Item 2 of the text of the bid document indicates the additional excavation is to be paid for on a per ton basis as a "commodity cost only". The bid item includes excavation, backfill, compaction, roadway restoration, disposal (clean and contaminated soil), lab analysis, etc. How does the "commodity cost only" apply to this item?
The "commodity cost only" term is a typo error in the bid document, and is not referenced elsewhere in the bid document. The term should have been deleted and is not applicable, so this means consultant plus commodity costs can be considered for bid contingency items and the term "commodity cost only" does not apply.
What is the basis of measurement for the pay item by the ton?
Only that material that goes to landfill will be weighted.
Contractors can easily determine and submit a tonnage estimate based on volume and the type of material and its weight - it is a common practice.
- d. Should the "Total Bid Amount" on the Bid Response (1st Page) include contingency items or just the 8 base bid items (line 9)?
The latter - contingency costs will be considered to determine if indeed the low bid over the life of the project selected is the lowest compliant bid.
- e. Contract only allows for submittal of claim after all work is completed. Completion includes replacing monitoring well, which cannot be done until after completion of the DOT's STH 92 project. All work, except for replacing monitoring well, is required to be completed prior to June 2, 2008. The consultant contracted to complete this project doesn't control completion of highway construction by others, therefore this consultant will be required to carry cost for a minimum of 2 to 3 additional months while highway construction is being completed plus the time required for DCOMM

to process claim, make payment to RP, and ultimately pay the consultant who can then pay our subcontractors. Can a payment be made after completion of excavation and temporary roadway construction. If not, should the cost associated with delay in payment (~ 6 months) be built into bids? What time can be assumed for processing claim and paying consultant?

DOT completion date for their project is July 11.

PECFA is a reimbursement program, so costs can only be paid after the scope of work is completed. Assume 3-6 months for processing claim and payment to the consultant.

- f. If contractor awarded this contract is the same contractor who is awarded the DOT STH 92 contract and work is scheduled to avoid some of the temporary items (storm sewer, pavement, etc) will there be a decrease in the unit prices that include, in part, those item?

PECFA only reimburses for actual work and materials per the bid specification, so if there are costs not incurred, it is assumed PECFA will not be paying the difference between the bid amount and the actual cost savings.

Same question of awarded to two different contractors and work can be scheduled to avoid construction of temporary item.

Same answer as the previous question. DOT wants all excavation-related activities to be completed prior to their start date of June 2 to avoid possible delays to their project.

9. Insurance

- a. Does the consultant selected for the project required to carry Professional Liability insurance with Environmental Liability and/or Contractors Pollution Liability Insurance? Yes, see Comm 5. If so, in what amounts? See Comm 5.
- b. Do the consultant's subcontractors need to carry Contractors Pollution Liability Insurance? Laboratories and drilling firms are required per Comm 47.41. If so, in what amounts? See Comm 47.41.

10. HAZWOPER

- a. Are the consultant's and their subcontractor's field personnel required to have HAZWOPER 40-hour training? If so, is any documentation required? The consultant's field personnel must have HAZWOPER 40-hour training, but HAZWOPER training is not required for the subcontractor's field personnel.

- b. Will on-site DNR and/or DCOMM staff have HAZWOPER 40-hour training? **Some yes and some no.**
- c. Is a site-specific health and safety plan required? **Yes** If so, is it required to be submitted to DNR or DCOMM? **It should be submitted to DNR and DCOMM as part of a workplan if a workplan is prepared.**

11. Award of Contract

- a. How will the preference for consultants who are on both the PECFA Consultant list and the DOT Eligible Consultants list plus experience with the DOT be evaluated? **It is critical to this bid that the consultant selected be familiar with both PECFA and DOT work projects in Wisconsin - and able to accomplish the bid project in the time and manner proscribed.** What value in bids is such preference being given or is this simply low bid? **The consultant selected shall be given preference by 1) lowest cost compliant bid, and 2) acceptable and familiar with DNR and Commerce PECFA Bureau and DOT work and able to complete the project in a timely manner.**



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
P.O. Box 8044
Madison, Wisconsin 53708-8044
TDD #: (608) 264-8777
Fax #: (608) 267-1381

Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

April 1, 2008

Harland Erfurth
1750 State Rd 92
Mt Horeb, WI 53572

RE: Notice of Intent to Select Least Costly Qualified Bid – Round 53

Commerce # 53593-9470-88-A DNR BRRTS # 03-13-187588
Erfurth's Citgo (Former), 1688 Washington Street, Mount Vernon

Dear Mr. Erfurth:

The Wisconsin Department of Commerce (Commerce) has identified the least costly qualified bid for the site referenced above. Commerce intends to establish a reimbursement cap based on the bid submitted by Earth Tech Inc, Inc. for **\$77,400.00**. The bid response is enclosed for your reference.

Per Comm 47.68 (3), Commerce reviews the bids, starting with the least costly, to determine if all the requirements of the bid specification are met. Listed below is the review status of each firm that submitted a competitive bid.

Status	Bid Amount	Consultant Name
Disqualified	\$52,366.00	METCO
Intent	\$77,400.00	Earth Tech, Inc
Not Reviewed	\$80,150.00	K Singh & Associates, Inc

The following consulting firm submitted a lower cost bid that has been disqualified for the reason stated:

Consulting Firm:

METCO

Reason for Disqualification:

Bid estimate was determined to be too low to do the bid specification - specifically with the DOT signage requirements.

Per Comm 47.68 (6), a responsible party or bidder may protest Commerce's selection of the least costly qualified bid. If you wish to protest, refer to the enclosed PECFA Public Bidding Protest and Appeal Process flyer for guidance on the process. If a written protest is not received within 10 business days from the date of this letter, Commerce will approve the selected cost cap for completion of the scope of work.

If you have any questions, please contact me in writing at the letterhead address or by telephone at (608) 261-6543.

Sincerely,

Ralph N. Smith
Senior Hydrogeologist
Site Review Section

Enclosures: Least costly qualified Bid Response
PECFA Public Bidding Protest and Appeal Process

cc: Kyle Wagoner - Earth Tech Inc (& via email)
Rachel Greve - DNR Project Manager (via email)
Christopher Hazard - DOT Project Manager (via email)
Tom Verstegen - Advanced Hydrogeologist (via email)
Mary Ann Gosda - Senior Claim Reviewer (via email)
First National Bank in Manitowoc, Commercial Loan Dept, 402 N 8th St, PO Box 10,
Manitowoc, WI 54220
Case File



April 14, 2008

Harland Erfurth
 1750 State Rd 92
 Mt Horeb, WI 53572

RE: **Cost Cap Approval – Bid Round 53**

Commerce # 53593-9470-88-A DNR BRRTS # 03-13-187588
 Erfurth's Citgo (Former), 1688 Washington Street, Mount Vernon

PUBLIC BID END DATE: March 21, 2008

The Wisconsin Department of Commerce (Commerce) has established a PECFA reimbursement cost cap (cost cap) using the bid responses from the Commerce bid process. The cost cap is effective from the date of this letter forward.

Approved cost cap to complete a scope of work: \$77,400.00

In compliance with the invitation to bid, Earth Tech Inc provided a compliant bid response with the lowest total cost to complete the prescribed scope of work and has agreed to contract with the responsible party (RP) to furnish the items/services quoted. This consulting firm is considered the successful bidder and can be contacted at:

Earth Tech Inc	Phone: (715) 342-3038
200 Indiana Avenue	Fax: (715) 341-7390
Stevens Point, WI 54481	E-Mail: Kyle.Wagoner@earthtech.com

You must execute a written contract with one of the firms that submitted a bid listed in the table below. Regardless of the firm you select, the cost cap is established by the least costly qualified bid. Failure to execute a written contract within 60 days of the date of this letter will result in the ineligibility of any interest expenses incurred from the date of this letter until a contract is executed. The consulting firm must notify Commerce of the written contract within 14 days of selection using Commerce's website.

Status	Bid Amount	Consultant Name
Disqualified	\$52,366.00	METCO
Awarded	\$77,400.00	Earth Tech Inc
Not Reviewed	\$80,150.00	K Singh & Associates Inc

This site is under the regulatory jurisdiction of the Department of Natural Resources (DNR). Please direct any questions about the remedial activities at this site to Rachel Greve, DNR Project Manager

(608-275-3220). The competitive public bidding process and PECFA funding are the responsibility of Commerce. Correspondence regarding the bidding process and/or PECFA funding should be directed to Commerce.

The PECFA fund does not relieve the RP from liability. The availability or unavailability of PECFA funding shall not be the determining factor as to whether a remediation is completed. This approval does not guarantee the reimbursement of costs. Eligibility of costs will be determined at the time of claim review.

If you have any questions, please contact me in writing at the letterhead address or by telephone at (608) 261-6543.

Sincerely,

Ralph N. Smith
Senior Hydrogeologist
Site Review Section

cc: Kyle Wagoner - Earth Tech Inc (& via email)
Rachel Greve - DNR Project Manager (via email)
Mary Ann Gosda – Senior Claim Reviewer (via email)
Tom Verstegen – Advanced Hydrogeologist (via email)
Christopher Hazard - DOT Project Manager (via email)
Bank First National, Commercial Loan Dept, 2915 Custer Street, PO Box 10, Manitowoc WI
54221
Case File