



Jim Doyle, Governor
Mary P. Burke, Secretary

Wisconsin Department of Commerce, Bureau of PECFA

Bid Document

SECTION 1 - Scope of Work / Pay For Performance Pilot Study:

NOTE: Pay-For-Performance (PFP) is being implemented for this bid. Review the bid document in its entirety prior to bidding.

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: 45
Comm #: 54475-9999-55
BRRTS #: 03-72-000049
Site Name: Tosch Motors (Former)
Site Address: 1655 Main St, Rudolph, 54475

Site Manager: Tom Hvizdak
Address: 473 Griffith Ave
City, State Zip: Wisconsin Rapids, WI 54494-7859
Phone: 715-421-7850
e-mail: tom.hvizdak@wisconsin.gov

Bid Manager: Brian F. Taylor
Address: P.O. Box 8044
City, State Zip: Madison, Wisconsin 53708-8044
Phone: (608) 266-0593
e-mail: Brian.Taylor@Wisconsin.Gov

Bid-Start Date:	September 18, 2006
Questions must be received by (See Section 2 (B)):	October 2, 2006, 4:00 PM
Responses will be posted by (See Section 2 (B)):	October 20, 2006
Bid-End Date and Time:	November 3, 2006, 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.

Digicopy, 257 Division St, Stevens Point, WI 54481

Phone: (715) 295-9606

Fax: (715) 295-9609

SECTION 2 – Site-Specific Bid Requirements

A) Bid Manager Comments

1) General Comments:

Site Description

The former Tosch Motors had 2 UST's and were taken out of service in 1986 after petroleum-related compounds were detected in the potable well. In 2005, approximately 930 tons of contaminated soil was excavated from the site, however, significant contamination remains under the adjacent building and road. One year of post-excavation quarterly groundwater monitoring was conducted at the site, ending March 2006

Geology/Hydrogeology

Depth to groundwater ranged from 4 to 12 feet and fluctuated from 3 to 8 feet in each well. The general groundwater flow direction is east to southeast. Soil texture is fine to coarse sand with trace silt to a depth of 15'. The depth to bedrock is highly variable and is mainly granite with a thin layer of Sandstone/shale overlying it at some of the shallower locations.

Soil/Groundwater contamination

Petroleum contamination remains in both the soil and groundwater at this site.

Monitoring Well Network consists of 10 monitoring wells, 3 piezometers and the monitoring of 2 private wells.

Other

The village of Rudolph is not served by a municipal water system.

Environmental Factors Present

Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats.

Contamination in bedrock or within 1 meter of bedrock.

2) Minimum Remedial Requirements:

Groundwater Monitoring

Two years of bi-annual groundwater monitoring at wells MW-2AR, MW-2BR, MW-3, MW-4, MW-5, MW-9, and MW-11.

Two years of annual groundwater monitoring (collected during the second and fourth rounds of bi-annual monitoring) at wells MW-1, MW-7A, MW-7B, MW-8A, MW-8B, and MW-10.

Two years of bi-annual groundwater monitoring at the following 2 potable wells:

- The well serving 1648 Main Street.
- The well serving 1635, 1649 & 1655 Main Street.

All water samples must be laboratory analyzed for PVOCs, Naphthalene, 1,1 Dichloroethene, 1,2 Dichloroethane & 1,1 Dichloroethane.

Dispose of all waste generated as a result of this scope of work.

PFP reimbursement following the completion of each semi-annual sampling event
Following review and approval of the required report and claim, Commerce will

authorize the RP to reimburse the consultant **25%** of the approved cap (see procedure outlined in section 4).

Reporting

Semi and Annual status reports shall contain a minimum of comprehensive groundwater analysis tables, containing both the historical results and the results of the additional sampling required by this bid. Each status report must also contain a map of groundwater elevation contours at the site depicting water table and piezometer flow.

Task #	Task Narrative	% of cap
Task 1	1 st Year Semi-annual Event	25%
Task 2	1 st Year Annual Event	25%
Task 3	2 nd Year Semi-Annual Event	25%
Task 4	2 nd Year Annual Report Event	25%
Total		100%

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.

4) 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.

B) 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 3 - 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 4 – Pay-for-Performance

Commerce is conducting a pilot study to determine the viability of the Pay-for-Performance (PFP) process, which is a task based reimbursement program. The process allows the regulatory agency to monitor each task of the cleanup process and pre-approve activities conducted and cost incurred for each task.

Please note that the PFP process is a pilot study, therefore, the project manager with regulatory authority and Commerce will work closely with all parties involved to ensure that the process moves efficiently and expeditiously.

For the purpose of this pilot study the PFP process will be as follows:

1. Utilizing the PECFA public bidding process, cost caps will be established for specified scopes of work (SOW) or through a closed remedial action status. Commodity bidding can be waived for the bid process, however, consultants can not contract themselves to provide commodity services. Bid specifications for the PFP pilot will have the SOW or closed remedial action divided into specific tasks with each having a percentage of the established cost cap assigned to it.
2. Upon completion of each task, the consultant will be required to submit a brief report with supporting documentation (e.g. maps, laboratory analytical results, etc.) outlining the activities completed. The report will be submitted to the Commerce Site Review Section Hydrogeologist (Site Review), as well as the Wisconsin Department of Natural Resources (WDNR) where applicable, to determine if the task is complete. A separate packet that includes the PFP spreadsheet will be sent to the PECFA Claims Section (Claims) for review, and subsequent approval, if appropriate.
 - 2a. Site Review will send a letter to the consultant, the RP, and the lending institution either approving or denying completion of the task. The letter will either approve the pre-established percentage of the cap (the actual dollar amount will be designated in the letter) or indicate the additional activities required to complete the task.
 - 2b. Claims will review the consultant and commodity PFP spreadsheet to determine eligibility of the task(s) completed and deductibles, if any. The claim will not be paid until Site Review approves the task. If more work or additional information is required to complete the task the claim will be returned and resubmitted upon completion of the task.
3. One of two options for reimbursement will be utilized during the PFP pilot (the second option is specifically intended for sites that have been unable to secure a PECFA loan):
 - 3a. Option 1: For sites that have secured a PECFA loan, the claim will be paid upon completion and approval of each task.
 - 3b. Option 2: For sites that have not been able to secure a PECFA loan the process will be as follows:

1. The RP will have an approved waiver of the deductible prior to bidding.
2. Financial hardship (if applicable) will be established prior to bidding.
3. A cost cap will be established using the PECFA Public Bidding Process.
4. The Form 6 "Agent Assignment Certification" will be completed by the RP and consultant prior to work being performed.
5. A meeting will be held between the RP, the consultant, Claims, Site Review and WDNR (if applicable) upon completion of the bid. The consultant must agree to invoice the RP following the approval of a PFP-approved task, with the understanding that they will not receive payment for the services performed, until they receive the two-party (RP/consultant) reimbursement check requiring the RP's signature from Commerce.
6. The Claim is paid via two party check requiring both RP and Consultant signatures upon the completion and approval of each task. This check will be sent directly to the consultant.

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 directly to the program. Documents received by fax 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: Tosch Motors (Former)
COMMERCE #: 54475-9999-55
BRRTS #: 03-72-000049

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2790 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

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 proposed Total Bid Amount and the Pay-For-Performance detailed in Section 4 of the bid document. 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: _____

Questions & Answers
Tosch Motors
54475-9999-55
03-72-000049

Question: How can you only reimburse 25% of the total for each of the events when the annual event has twice as many wells to sample?

Answer: The percentage of the cap that will be approved upon completion of the Task can be adjusted if the costs to complete the task are exceeded.



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
Mary P. Burke, Secretary

September 5, 2006

James F Simonis
1608 Main St
PO Box 56
Rudolph, WI 54475-0056

RE: **Assignment to Public Bidding – Round 45**
Commerce # 54475-9999-55 DNR BRRTS # 03-72-000049
Tosch Motors (Former), 1655 Main St, Rudolph

Dear Mr. Simonis:

The Wisconsin Department of Commerce (Commerce) has determined that additional activities must be conducted for the site referenced above. A cost cap for the activities will be established through the PECFA public bidding process.

An explanation of the bidding process and a copy of the bid document are enclosed. A copy of the bid document will be available on the Wisconsin Department of Commerce website at <http://www.commerce.wi.gov/ER/ER-PECFA-SiteBidding.html> during the bidding process.

The site will be listed in the public bidding round 45 scheduled to begin on September 18, 2006. Until a cost cap is established through the bid process, Commerce will not reimburse costs, including interest, for any work performed more than five business days after the date of this letter (except for an emergency action as defined in Comm 47.015).

A PECFA claim for eligible costs that have been incurred to date must be submitted no later than 120 days after the date of this letter. Failure to file a claim prior to the deadline will result in ineligibility of interest expenses incurred between the date of this letter and the date a claim is filed.

This site is under the regulatory jurisdiction of the DNR. Please direct any questions about the remedial activities at this site to the DNR project manager, Tom Hvizdak at 715-421-7850. The bidding process is the responsibility of Commerce and all correspondence throughout the bidding process will originate from Commerce.

Thank you for your continuing efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (608) 266-0593.

Sincerely,

Brian F. Taylor
Senior Hydrogeologist
Site Review Section

Enclosures: PECFA Public Bidding Process
Public Bid Document

cc: Mr. Andrew Delforge, REI (w/o enclosures)
Tom Hvizdak, DNR Project Manager (via e-mail)
U.S. Bank N.A., PECFA Department , PO BOX 1210, Manitowoc WI 54221 (w/o enclosures)



November 29, 2006

James F Simonis
 PO Box 56
 Rudolph, WI 54475-0056

RE: **Pay-For-Performance Cost Cap Approval – Bid Round 45**

Commerce # 54475-9999-55 DNR BRRTS # 03-72-000049
 Tosch Motors (Former), 1655 Main St, Rudolph

PUBLIC BID END DATE: November 3, 2006

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 from the date of this letter forward is:

Approved cost cap to complete a scope of work: \$6,108.00

In compliance with the invitation to bid, *Tetra Tech - Environmental* 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:

<i>Tetra Tech - Environmental</i>	Phone: 715-832-0282
1837 County Highway J	Fax: 715-832-0541
Chippewa Falls, WI 54729	E-Mail: Micheal.Neal@tetratech.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
Awarded	\$6,108.00	Tetra Tech - Environmental
Not Reviewed	\$6,530.00	METCO
Not Reviewed	\$8,024.00	REI Engineering, Inc
Not Reviewed	\$10,619.00	Cedar Corporation

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 Tom Hvizdak, DNR Project Manager

(715-421-7850). 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.

Pay-For-Performance: As stated in previous correspondence, a performance-based pilot study called Pay-For-Performance (PFP) is being implemented and will be utilized for this site.

The PFP pilot study established site specific tasks in the bid document. Upon completion of a task, the successful bidder is required to submit a report and claim. The Wisconsin Department of Commerce (Commerce) will review the information and authorize payment of a pre-established percentage of the total cost cap for that particular task as summarized below.

PFP Payment Synopsis

Task #	Task Narrative	% of cap
Task 1	1 st Year Semi-annual Event	25%
Task 2	1 st Year Annual Event	25%
Task 3	2 nd Year Semi-Annual Event	25%
Task 4	2 nd Year Annual Report Event	25%
Total		100%

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) 266-0593.

Sincerely,

Brian F. Taylor
Senior Hydrogeologist
Site Review Section

cc: Mr. Michael Neal, Tetra Tech – Environmental (w/o enclosure)
Tom Hvizdak, DNR (via e-mail)
Ms. Cathy Albers, U.S. Bank N.A., PECFA Department, PO BOX 1210, Manitowoc WI 54221 (w/o enclosure)