



ENVIRONMENTAL & REGULATORY SERVICES
PECFA
P. O. Box 8044
Madison, Wisconsin 53708-8044
TDD #: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, 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 action services on a petroleum release from a regulated petroleum product storage tank system. The site upon which bids are being solicited is:

Bid Round Number: 22
Comm Number: 54880-1425-01-A & B
BRRTS Number: 03-16-000145 & 02-16-000336
Site Name: Unocal Superior Terminal
Site Address: 2301 Winter St Superior WI

Project Manager: Shawn Wenzel
Project Manager address: PO Box 8044 Madison WI 53708-8044
Project Manager phone: 608-261-5401
Project Manager e-mail address: swenzel@commerce.state.wi.us

Bid Announcement Date	9/30/02
Questions or requests for information must be submitted in writing and received by:	10/14/02 4:00 PM
Responses to the questions will be posted (and if requested, sent in writing) by:	11/1/02
Bid End Date and Time:	11/15/02 by Noon

The site investigation report, upon which bids are being sought, and the successful bid, when determined, are available for inspection at:

Department of Commerce 201 W Washington Ave Madison WI

Please contact the project manager listed above for an appointment. Copies of the site investigation report and supplemental information can be purchased for the cost of reproduction and handling at the following address:

Kinkos-Madison 654 W Washington Ave Madison 53703

Phone: 608-255-6367

Fax: 608-255-8661

SECTION 2 - Site Specific Bid Specification Requirements:

A) Project Manager Comments

1) General Comments:

The Unocal Superior Terminal (Terminal) site is located at 2301 Winter Street in Superior, Douglas County, and is situated about one half-mile south of St. Louis Bay. The property is owned by Burlington Northern Railway Company and is leased to Unocal. Unocal is the Responsible Party. The property is approximately 17.4 acres in size. Terminal operations began in 1938 and continued through November 30, 1989 when the tanks and associated distribution lines were drained. When the Terminal opened in 1938, all receipts were received from tankers via a pipeline from Lake Superior. The boat unloading facilities eventually became inoperable. Receipts were then received directly from the Williams Pipeline located on the south end of the property and/or via the direct line from Murphy Oil Co. Refinery. Connections to the pipelines are indicated on Figure 3 of the July 15, 2002 *Data Submittal Volume I of II*, correspondence.

The terminal consisted of 10 large aboveground storage tanks (ASTs), four smaller ASTs, and four underground storage tanks (USTs). During the years of approximately 1945 through 1960, the tank sludge was periodically removed from the tanks and buried in pits dug adjacent to the aboveground storage tanks in accordance with recommended industry standards at the time. Thirteen (13) waste burial sites have been documented by Unocal and are indicated on various figures (e.g. P1 through P13 on Sheet 4 from Volume 1 of the *Site Investigation Report*, dated March 5, 1997). Unocal has performed activities to remediate these areas, however residual contamination exists. Detailed information regarding remedial activities of the burial pits has been documented in the May 6, 1993 *STS Documentation Report for Corrective Actions Performed At Sludge Disposal Pits and Spill Release Sites*. A PECFA ineligible release, of approximately 120,000-gallons of unleaded gasoline from the Williams Pipeline (statutorily designated as a pipeline facility, therefore any release is ineligible for PECFA reimbursement) located at the south end of the property, occurred on October 31, 1981; of the approximately 120,000-gallons released, approximately 36,000-gallons was recovered. An unknown amount of product migrated along the drainage ditch to the bay. An unknown amount of this product also extended across a portion of the Unocal property covering an area including Tank basins 1, 2, and 10. All petroleum storage tanks (tanks) have since been removed from the property. Former locations of all tanks (USTs and ASTs) are identified on Figure 1 and 2, respectively, in the July 15, 2002 *Data Submittal, Volume I of II*, correspondence. A variety of petroleum products were stored in each of the tanks throughout the history of the terminal.

All structural foundations, footings, loading racks, and other structures have been excavated and/or removed from the site. The only remaining structures on the property are: the new railroad spur (extending through former Tank basin 10 and former loading rack area); and the active Williams Pipeline (along with an associated office building and aboveground storage tank) located on the south end of the property. Details regarding demolition and previous excavation activities can be found in the July 2, 2002 *Demolition Report* and the July 2, 2002 *Former Truck Loading Rack Excavation* report. During demolition and loading rack area

excavation activities, contaminated soil was excavated and stockpiled on site. Figures identifying the location of stockpiles, recent excavation locations, and remaining structures are identified in the July 15, 2002 *Data Submittal, Volume I of II* report. Details regarding the extension of the railroad spur across the south end of the property, can be found in the September 9, 1996 *Extension Report – Union Pacific Railroad Extension Project* report. According to the September 10, 2002 correspondence submitted by the consultant, 18 excavations have been documented on this property since 1993. Detail regarding each of the excavations can be found in the reports mentioned above and/or the May 6, 1993 *STS Documentation Report for Corrective Actions Performed At Sludge Disposal Pits and Spill Release Sites*, the 1996 *Union Pacific Railway Spur Excavation Report*, and the March 18, 1993 *STS Documentation Report for Underground Storage Tank Removals*.

Soil on the property generally consists of a surficial red clay unit, underlain by a silt and silty sand unit. Some fill has been identified on site. The majority of the fill has been identified in the underground storage tank (UST) area. Bedrock has not been encountered at this site and is estimated to start at approximately 280 feet below ground surface (bgs).

Groundwater has been encountered at this site at varying depths between 5 and 17 feet bgs. Groundwater flow direction has been stated as being north to northeast. Hydraulic conductivity has been calculated between 8×10^{-4} cm/sec to 6×10^{-5} cm/sec with an estimated groundwater flow velocity ranging from 0.59 to 80 feet per year. Site Specific Residual Contaminant Levels (SSRCLs) have been calculated for this property. Revised Tables 4 and 5 included in the February 25, 2002 *Status Report Regarding Groundwater Conditions and Site Specific Soil Concentrations* report, include the calculated SSRCLs.

Two separate occurrences (Occurrence A and Occurrence B) are present on this property. Three separate methodologies have been approved within the two occurrences on this property. One methodology is related to a single area located within Occurrence A, while the other two methodologies are related to two separate areas located within Occurrence B. Occurrence A and Occurrence B are separated in the location of soil boring B-15, along the creek, which divides the property between former tank basins 7 and 8.

Regarding the single methodology related to the area within Occurrence A: The methodology attributed to Occurrence A has been approved for remedial work completed in the area of Tank Basin 9 (Refer to Figure 4 of the September 13, 2002 *Proposed Approach To Separate Eligible and Ineligible Costs Associated With Sludge Disposal Pits*, correspondence). Ineligible residual contamination in this area is due to the burial of tank sludge (Sludge Pit #'s 11 and 12) in the area located south of Tank Basin 9. Remedial work completed in this area will be reimbursable up to 95% of eligible costs. Remedial work completed within the remainder of Occurrence A is eligible for reimbursement of up to 100% of eligible costs.

Regarding the methodology for each of the two areas within Occurrence B: Methodology 1 has been approved for remediation in the property delineated by a line running east/west across the north end of Tank Basin 2, across the site from

the eastern property line towards the west to the railroad tracks running north/south. A portion of the contamination in this area is due to the previously mentioned release of approximately 120,000 gallons of unleaded gasoline from a pipeline. Any remedial work completed to the south of this line will be reimbursable up to 50% of eligible costs. Methodology 2 has been approved for remedial activities completed in the area of Tank Basin 7 (Sludge Burial Pit #8). Because the contamination in this area originated from the burial of tank sludge (ineligible for reimbursement), any remedial work completed in this area is considered to be ineligible for reimbursement (Refer to Figure 5 of the September 13, 2002 *Proposed Approach To Separate Eligible and Ineligible Costs Associated With Sludge Disposal Pits*, correspondence). The remainder of occurrence "B" does not require a methodology and will be reimbursable up to 100% of eligible costs. Occurrence B has effectively been split into three areas; Area 1 (Methodology 1) reimbursable up to 50%, Area 2 (Methodology 2) reimbursable up to 0%, and Area 3 (standard situation) reimbursable up to 100%.

The case file for this site (occurrences A and B) contains extensive amounts of valuable information that cannot be covered in the brief summary included above. Critical documents, providing a clear picture of remedial work that has been performed at this site, are available at the copy shop listed above (Note: Only figures, tables and text will be made available at the copy shop). Additionally, Commerce recommends that you review the case file (located at the Madison office) in its entirety, prior to submitting a bid response. Contact Cheryl Nelson at (608) 266-2424 to set up an appointment to review the case file.

The compliant bidder with the lowest total eligible cost (both occurrences together) will be considered the winning bidder. However, when submitting bid responses, a separate bid amount (total), which covers all costs to remediate each occurrence (Occurrence A and Occurrence B), must be included. All costs should be broken down into consulting and commodity costs. The bid amount (excluding ineligibles – see methodologies) for each occurrence should be added together for the total bid amount (Total eligible cost).

Submit calculations for bid responses in such a manner as listed below (attach a separate page if desired):

Occurrence A:

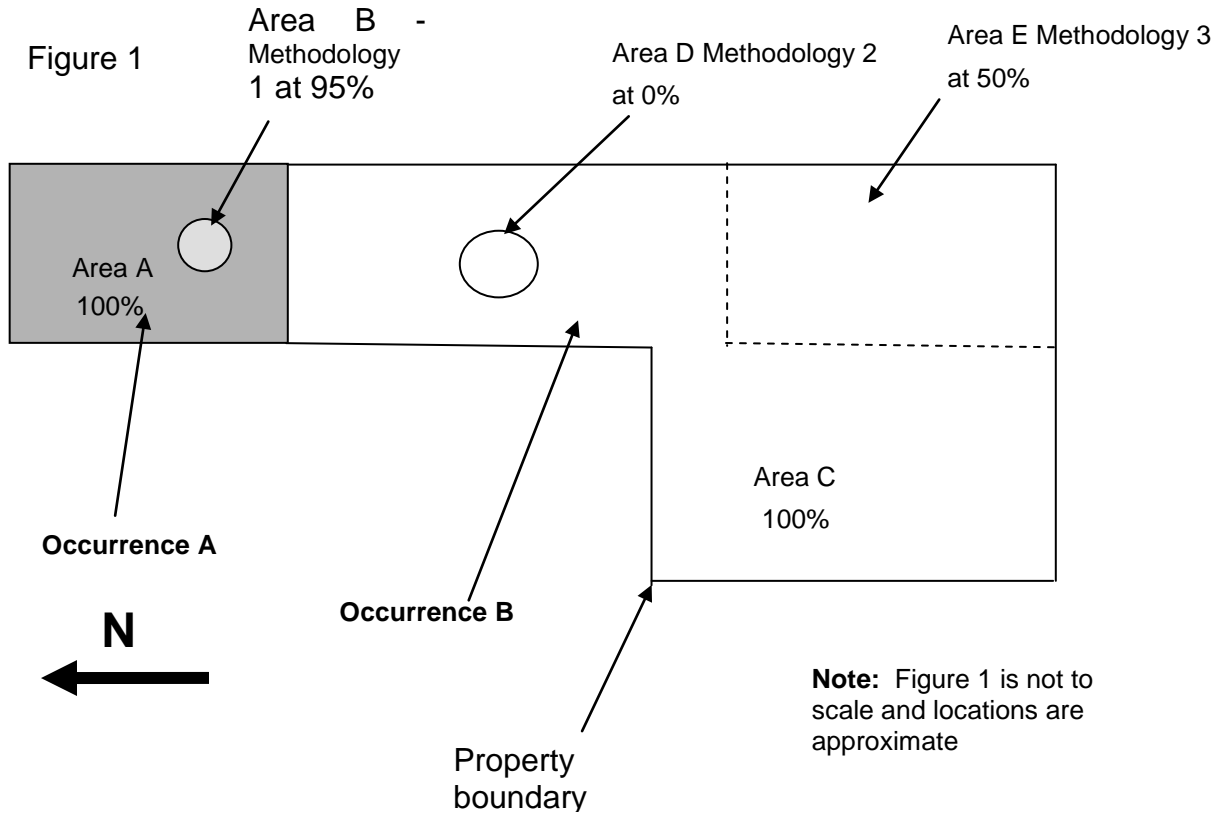
1. Total remedial cost Area A (split into)	→	Commodity Cost	Consultant Cost
2. Total remedial cost Area B (split into)	→	Commodity Cost	Consultant Cost
3. (Ineligible cost 1 Area B = (line 2 * 5%)) (split into)	→	(Commodity Cost)	(Consultant Cost)
4. Sub-total eligible cost 1 (split into)	→	Commodity Cost	Consultant Cost

Occurrence B:

1. Total remedial cost Area C (split into)	→	Commodity Cost	Consultant Cost
2. Total remedial cost Area D (split into)	→	Commodity Cost	Consultant Cost
3. Total remedial cost Area E (split into)	→	Commodity Cost	Consultant Cost

4. (Ineligible cost 2 Area D = (line 2 * 100%)) (split into) →	(Commodity Cost)	(Consultant Cost)
5. (Ineligible cost 3 Area E = (line 3 * 50%)) (split into) →	(Commodity Cost)	(Consultant Cost)
6. Sub-total eligible cost 2 (Split into) →	Commodity Cost	Consultant Cost

Sub-total eligible cost 1 = Line 4 Occurrence A (commodity + consulting)
 + Sub-total eligible cost 2 = Line 6 Occurrence B (commodity + consulting)
 Bid response amount:



The winning bid will be the compliant bid response with the lowest total bid response amount (excluding ineligible). In the event of a tie, the winning bid will be the compliant bid response with the lowest consulting costs.

2) The following Environmental Factor(s) were identified in the Site Investigation Report for this site:

- Documented expansion of the plume margin.
- Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats..
- Contamination within bedrock or within 1 meter of bedrock.
- Petroleum product that is not in the dissolved phase is present with a thickness of .01 feet or more, and verified by more than one sampling event.
- Documented contamination discharges to a surface water or wetland.

3) Minimum Remedial Requirements:

Remediate petroleum contaminated soil to remove the threat of direct contact and monitor groundwater until a decreasing trend can be shown. Petroleum contaminated soil stockpiles existing on site must be remediated as well as in-situ soils as part of the remediation.

An adequate number of confirmation soil samples shall be collected to demonstrate that the remedial efforts were effective in eliminating the threat of direct contact, as well as removing/reducing the threat to groundwater and other receptors. Soil samples shall be laboratory analyzed for GRO, DRO, and PVOC. It is highly suggested that any monitoring wells located within the limits of a remedial excavation, if proposed, should be removed and replaced instead of excavating up to and around them. Any monitoring wells that are damaged/destroyed/removed during remedial activities shall be replaced. All monitoring well replacements shall occur prior to commencing the groundwater sampling plan.

All monitoring wells shall be sampled and analyzed on a semi-annual basis for GRO, DRO, PVOC (including MTBE) + naphthalene, and natural attenuation indicator parameters. The first round of groundwater sampling shall not begin until at least six months following remedial activities, and shall continue for a minimum of two years (four semi-annual events). The sampling plan may be modified at a later date if appropriate, but shall receive Commerce's approval prior to being implemented.

B) Bidder's Strategy for Remedial Action

- 1) Identify the remedial strategy for obtaining a closed remedial action status.
- 2) Specifically describe what element of your proposed strategy will address the environmental factors/risk factors listed above. Also describe how, when, and why it will address them.
- 3) Provide a detailed description of the work to be performed. The description shall provide sufficient detail to establish that the proposed strategy will be successful in achieving the closed remedial action status identified above.
 - a) The detailed description may include, but is not limited to the following:

- Technologies
 - Estimated years of operation
 - Estimated tons of soil
 - Approximate geometry/depth of excavation
 - Reporting details
 - Estimated years of monitoring
 - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.
- 5) Specifically describe how you will address any direct contact hazards, if applicable.

SECTION 3 - Conditions of Bid:

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost, excluding interest and claim preparation costs, to a defined site closure or no further action required decision. The closure or no further action decision will be made by either the Department of Commerce or the Department of Natural Resources, depending on statutory site assignment. PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. 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.

The successful bidder will be determined based upon conformance to and competitiveness under the bid protocol. The first determination will be whether the bidder has complied with all provisions of the bid. These bids will be considered responsive. From the responsive bids, the lowest total cost bid with an approvable approach to bring the site to a closed remedial action or no further action status will be determined. Claim preparation costs will not be a part of the cost cap established by this bid. These costs (\$500 maximum per claim submittal) are still eligible for PECFA reimbursement and Commerce encourages timely claim submittals at appropriate milestones. Therefore, bidding consultants should not include claim preparation costs in their bid responses.

The successful bid will be available to be viewed at the location identified in Section 1. If two or more bidders tie in the cost comparison, the bid with the lowest consulting cost will be used as the tiebreaker. All bid documents must be signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin Department of Regulation and Licensing.

The Department reserves the right to reject any and all bids that meet any of the following conditions:

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.

- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or 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 Department with jurisdiction (Natural Resources or Commerce).

The name of the successful bidder, bid amount, proposed outcome and supporting documentation will be provided to the site claimant along with instructions to inform the PECFA program in writing of their intent to either:

- Use the lowest identified bidder or
- Use another service provider.

In either case, PECFA reimbursement is capped at the dollar amount of the successful bid.

A successful bid does not mean or guarantee that all costs in a resultant claim are eligible, reasonable, necessary or reimbursable under the PECFA program.

If a bidder fails to comply with a bid provision the bid response will be determined to be non-responsive. If the bid response is responsive, but not the lowest cost service provider with an appropriate approach, it will be determined to be “non-successful.” Non-responsive and non-successful bidders will not be individually informed of their failure to achieve compliance with the bid specifications or to be the lowest bidder.

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

Appeals, by bidders, of decisions regarding complying bids or costs are not allowed, as they do not constitute claimant reimbursement decisions under the PECFA program.

In compliance with this invitation to bid and subject to all conditions thereof, the signatory agrees to the following:

- If the signatory’s bid is determined to be successful, the signatory must, within 15 days of the Department’s notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.
- That for a period of 90 days, starting with the Department’s notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

Failure to abide with the conditions stated above may result in exclusion from future PECFA Public Bidding events.

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the Department 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 Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

A written response will be provided at: <http://www.commerce.state.wi.us/ER/ER-PECFA-SiteBidding.html> (and mailed to all requesters of the bid package who are not able to access the web site, and who therefore request written correspondence from the program contact).

SECTION 4 - Closure Specifications:

A bid submitted must provide the total cost, excluding interest and claim prep but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

- | | |
|--|--|
| Unrestricted Closure | Performance based NR 720.19 closure |
| Closure with a NR 140 exemption | Closure with site-specific conditions |
| Closure with GIS Registry* | Closure under NR 726.07 |
| Closure with deed notice* | Closure under Comm 46/NR 746 |
| Closure with deed restriction* | Mass reduction |
| Closure with NR 720.19 soil standards | |

* **Note:** *PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. PECFA eligible costs may include all closure costs, up to approval as a closed remedial action (i.e. monitoring well abandonment) that are otherwise eligible for reimbursement.*

If the PECFA maximum award for the site/occurrence is not believed to be adequate to remediate the site/occurrence to a closed or no further remedial action status, that belief must be specifically noted in the bid and the remedial effort that will be achieved by the bid amount. For the purpose of the competitive bid the contaminant mass is determined to be: **Not Applicable**. The basis for specifying the progress shall be contaminant mass reduction and be based upon the mass reduction at the following points on the site:

Not Applicable

If the site is reasonably expected to exceed its cap under the PECFA program, bidders may propose mass reduction, the lowest bidder will be determined on the basis of a cost per mass reduction ratio. If some bidders propose mass reduction and others propose costs to bring the site to a closed remedial action or no further action status, selection will be from those bidders proposing a closed or no further action result.

SECTION 5 - Instructions to Bidders:

By submission of a bid, bidder agrees that during the period following issuance of this solicitation and prior to notification of successful bidder, bidders shall not discuss the bid or bid process except with the program contact designated in this solicitation. Bidders shall not discuss or attempt to negotiate with the claimant, other potential bidders or program staff any aspects of the bid without prior approval of the Project Manager specified. Infractions will result in rejection of the violator's bid and may also result in disqualification of the individual to provide bids and a formal complaint being lodged with the Department of Regulation and Licensing.

The bid submitted shall address all the site specific bid specification requirements identified in Section 2. The bid shall support in detail the strategy to achieve the closed

or no further remedial action status, or remedial mass reduction goal if applicable. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may be requested by the program.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Project Manager. If the Project Manager is not able to arrange site access, this fact will not delay the bid process or negate the comparison and potential selection from among the bids that are submitted. All costs associated with a site visit or preparation of a bid will be the responsibility of the bidder.

The Bid Process must conform to the following:

1. The closed remedial or no further action status to be achieved must be stated using the options available from the list provided in Section 4.
2. Indicate in the Bid Response a contaminant mass reduction proposal if the PECFA maximum award is not believed to be adequate to remediate the site/occurrence.
3. The Bid Response shall address all the site specific bid specification requirements identified in Section 2 and shall support in sufficient detail and succinctly the remedial strategy.
4. The total cost (in dollars) to accomplish the stated remedial goal, including all fees, reporting cost, pre and post closure costs and costs for establishing restrictions or institutional controls but, excluding claim preparation costs, interest, and investigation costs.
5. The costs specified in #4 shall separately identify consulting (non-commodity) costs.
6. The submittal must include an original and two (2) copies of the Bid Response documents signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. Include the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax will not be accepted or considered.
8. Bids, amendments thereto or withdrawal requests must be received by the time advertised for bid opening. It is the bidder's sole responsibility to insure that these documents are received by the contact at the time indicated in this solicitation document.
9. All specifications or descriptive papers provided with the bid submission must include the bidder's telephone number and Commerce number thereon. Identify the name of the consulting firm on the 1st Page of the Bid Response.
10. The Commerce Number must be on the outside of the envelope in which the bid is submitted. The Department assumes no responsibility for unmarked or improperly marked envelopes. All envelopes received showing a bid number will be placed directly under locked security until the date and time of opening. Include only one Bid Response (an original and two (2) copies) per envelope.
11. Correction of errors on the bid form: All prices and notations shall be printed in ink, typewritten or computer printed. Errors shall be crossed out, corrections entered and initialed by the person signing the bid. Erasures or use of correction fluid will be cause for rejection. No bid shall be altered or amended after the time specified for the bid end date.
12. 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 Ending Date.
13. Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

14. From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.
15. If bidders consider the bid response to be proprietary information and exempt from disclosure, each part of the Bid Response must clearly marked *CONFIDENTIAL*. If any part is designated as confidential, there must be attached to that part an explanation of how the information is proprietary. The Department reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the State, Department or its agents for its determination in this regard.
16. The Bid Response must be appropriate to the site geologic setting.
17. Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation, will be rejected.
18. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.
19. Each bidder shall fully acquaint itself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this solicitation. The failure or omission of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
20. All amendments to and interpretations of this solicitation shall be in writing from the Project Manager. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.
21. This solicitation is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation 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 solicitation may or may not be changed but a review of such notification will be made prior to award.

BID RESPONSE
(1st Page)

Department of Commerce PECFA Program

SITE NAME: Unocal Superior Terminal
COMMERCE NUMBER: 54880-1425-01-A & B
BRRTS NUMBER: 03-16-000145 &
02-16-000336

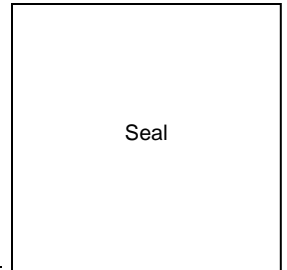
Submit Bid To Cathy Voges
Department of Commerce PECFA Program
201 W Washington Ave, Madison WI 53703-2790 or
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: _____
Bidder Address: _____

Telephone Number: () - _____
Fax Number: () - _____
e-mail Address: _____

Bidder: (check one that applies):

_____ Professional Engineer _____ License #
_____ Professional Geologist _____ License #
_____ Hydrologist _____ License #
_____ Soil Scientist _____ License #



Signature: _____

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

Print Name: _____

Title: _____

Total Bid Cost \$ _____

Total Consulting Cost (subpart of Total Bid) \$ _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME:	Unocal Superior Terminal
COMMERCE NUMBER:	54880-1425-01 A & B
BRRTS NUMBER:	03-160001-45 & 02-16-000336

Consulting Firm phone number () ____ - _____

This response must address all of the site-specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.*

BID RESULTS
UNOCAL SUPERIOR TERMINAL
54880-1425-01
03-16-000145

Consulting Firm	Tech Proposed	Closure Type	Total Cost	Qualified?
OM Enterprises	Exc., Biopile, NAP	NR726	\$713,619.45	Yes
Ecometrica			\$926,550.00	NR
Arcadis			\$1,594,367.00	NR

Bid Reviewers:

Commerce: Shawn Wenzel
Previous Consulting Firm: Arcadis
Successful Bidder: OM Enterprises
Consulting Firm Utilized: Arcadis



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
P. O. Box 8044
Madison, Wisconsin 53708-8044
Fax #: (608) 267-1381
TDD #: (608) 264-8777
<http://www.commerce.state.wi.us>
<http://www.wisconsin.gov>
Scott McCallum, Governor
Philip Edw. Albert, Secretary

PUBLIC BIDDING RESPONSE

CLAIMANT:

Joel Garretson
Unocal Corporation
2300 Barington Rd, Ste. 500
Hoffman Estates, IL 60195

Comm #: 54880-1425-01 – A & B

BRRTS #: 03-16-000145

**SITE: Unocal Superior Terminal
2301 Winter Street
Superior, WI**

REMEDIAL STRATEGY:

Soil Excavation, Biopile, GW
Monitoring

CLOSURE STRATEGY:

Soil and GW GIS Registry

PUBLIC BID ENDING DATE: November 22, 2002

XXX

Approved with cost caps

\$ 7,879.45– A

\$ 705,740.00 – B

Cap on total cost to closed remedial action status. PECFA funding under s. 101.143, Stats., will terminate when the agency with jurisdiction determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept institutional controls and notices as required under NR 726 Wis. Adm. Code.

The above cost caps are the lowest amount submitted of compliant *Bid Responses* as a result of the Wisconsin Department of Commerce (Commerce) public bid process. *OM Enterprises, LLC* proposed the remedial option listed above and the total cost to a closed remedial action status. Attached to the claimant's letter only is a copy of the winning *Bid Response*. *Raghu B. Singh* of *OM Enterprises, LLC* can be reached at:

OM Enterprises, LLC
4765 N. 158th Street
Brookfield, WI 53005-1032

Phone: 262-790-0742
Fax: 262-790-9585
e-mail: deoria@execpc.com

In compliance with the invitation to bid, *OM Enterprises, LLC* has offered and agreed to contract with you to furnish any or all of the items/services quoted. These prices as set forth in the bid document will be held for 90 days from the date of this letter.

Regardless of the service provider you select, the total bid cost of the successful bid establishes your PECFA reimbursement cap. The work performed must comply with administrative codes, including but not limited to Comm 47, NR 700 series, and Comm 46. If upon completion of remedial action, the agency with jurisdiction denies site closure, requires additional remedial work, and the three following conditions have been implemented, Commerce (where Commerce has the administrative authority) and Commerce and DNR (where DNR has authority), may modify the reimbursement cap under the following conditions:

- The successful bidder must be selected by the claimant to perform the remediation through closure,
- The remedial strategy (work scope), as defined in the successful bidder's bid response has been completed, and
- A closure request is denied by the agency with administrative authority prior to exceeding the cap.

Consistent with existing rules, the consultant must notify Commerce prior to exceeding a cost cap and a cost estimate provided by the consultant or the Public Bid Process will determine the amount of additional funds necessary to obtain closure.

Note: If the you select a consulting firm, other than the successful bidder to carry out the remediation through closure, Commerce will not modify the reimbursement cap.

Please inform the PECFA Program Assistant (listed below) in writing of your intent to either:

1. Use the successful bidder (Consulting Firm), or
2. Use another service provider. Identify the service provider.

Cathy Voges, Program Assistant
 Department of Commerce PECFA Program
 P.O. Box 8044
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Important Claim Note: This document serves as Commerce's written approval to submit your first claim for eligible site investigation and remedial action planning costs, per Comm 47.355(2)(c)2. Please include a copy of this document in your site investigation claim package.

- Comm 47.33(2)(b) The cost detail for the selected remediation alternative shall establish the total estimated cost (excluding interest) for the remediation up to the point of receiving approval as a closed remedial action.
- Comm 47.337(5) CLAIMANT OPTIONS. (a) After receiving an approval of a remedial action plan from the department, a claimant may elect to either implement the alternative or to select another alternative. If the claimant elects to implement a higher cost remedial strategy, the claimant must notify the department in writing of the intent to use a higher cost alternative. The notification must include the statement that the claimant agrees that the department approved alternative establishes the maximum reimbursable amount for consulting and commodity services under the fund and that additional costs for the occurrence, excluding interest, will not be submitted to the fund.
- Comm 47.01(3) INTENT OF PECFA. (a) The PECFA fund does not relieve a responsible party from liability. The individual or organization responsible for a contaminated property shall carry out the remediation of that property. PECFA's role is to provide monetary awards to responsible parties who have completed and paid for PECFA-approved remediation activities and services. The availability or unavailability of PECFA funding shall not be the determining factor as to whether a remediation is completed.
- The approval does not guarantee the reimbursement of costs. Final determination regarding the eligibility of costs will be determined at the time of claim review. The department's approval is based on the limited information submitted in the remedial alternative cost approval document and does not imply that the department concurs that the recommended remedial alternative will achieve the remedial results anticipated by the consultant or required by law.

December 10, 2002

Shawn Wenzel
Hydrogeologist
Project Manager
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Enclosures: Original Bid Response -- Owner Only
 Modifying Public Bid Caps

cc: Raghu Singh, OM Enterprises, LLC.
 Case file



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Modifying Public Bid Caps

April 2002

Commerce is announcing a new procedure in the Public Bid Process that will allow modification of the remediation cost cap established through the Public Bid Process under limited circumstances when closure is denied and more funds are necessary to obtain closure.

Claimants, consultants, and lenders have expressed the need for more flexibility in evaluating and establishing the cost caps and "change orders" for remediation activities since the implementation of the Comm 47 rule changes in April 1998. Consulting firms have also expressed disappointment with being the "low bidder" and yet not getting the work. Some claimants have been concerned that the successful bidder's remedial strategy is inadequate to achieve closure, even where DNR and/or Commerce believes the approach is viable. Moreover, Commerce is noticing a decline in the number of consulting firms participating in the Public Bid Process and in the number of bids received per site. Although Commerce is confident that the current process develops an appropriate remedial strategy and establishes the least costly remedial method, we are hopeful the new procedures described below will increase claimant confidence and consultant participation in the Public Bid Process.

Commerce (where Commerce has the administrative authority) and Commerce and DNR (where DNR has authority), may modify the cost cap established through the Public Bid Process under the following conditions:

- The successful bidder* must be selected by the claimant to perform the remediation through closure,
- The remedial strategy (work scope), as defined in the successful bidder's bid response has been completed, and
- A closure request submitted prior to exceeding the cap has been denied.

Consistent with existing rules, the consultant must notify Commerce prior to exceeding a cost cap and a cost estimate provided by the consultant or the Public Bid Process will determine the amount of additional funds necessary to obtain closure.

If the claimant selects a consulting firm other than the successful bidder to carry out the remediation through closure, Commerce will not modify the cost cap established through the Public Bid Process. It will consider modifications only if the lowest successful bidder is actually used by the claimant. If bidders continually submit bid responses containing a Total Bid Cost that is insufficient to achieve closure or if they fail to complete the stated remedial strategy, Commerce may disqualify individual bids and/or disqualify the submitter from future public bidding.

*The successful bidder is the entity who complies with all of the Bid Document provisions and provides the lowest total cost to a defined site closure or no-further-action status.