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ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2715 Post Road
Stevens Point, Wisconsin 54481-
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: 52
Comm #: 54480-9740-15-A and 54480-0036-37-A
BRRTS #: 03-61-000357 and 03-61-000910
Site Name: Stetsonville Oil Co and Jack's Auto Service
Site Address: 115 and 137 S State Hwy 13 , Stetsonville, 54480
Site Manager: John Sager
Address: 223 E Steinfest Rd
City, State Zip: Antigo, WI 54409-2777
Phone: 715-365-8959
e-mail: john.sager@wisconsin.gov
Bid Manager: Dee K. Lance
Address: 2715 Post Road
City, State Zip: Stevens Point, Wisconsin 54481-6456
Phone: (715) 342-3802
e-mail: Dee.Lance@Wisconsin.Gov

| | |
|---|-----------------------------------|
| Bid-Start Date: | December 03, 2007 |
| Questions must be received by (See Section 2 (B)): | December 17, 2007, 4:00 PM |
| Responses will be posted by (See Section 2 (B)): | January 04, 2008 |
| Bid-End Date and Time: | January 18, 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.

The Copy Shop-Ashland, 310 Stuntz Ave, Ashland, WI 54806
Phone: (715) 682-6567 Fax: (715) 682-6551

SECTION 2 – Site-Specific Bid Requirements

General Comments

Jack's Auto and Stetsonville Oil are two adjacent LUST sites that have commingled groundwater contamination plume which has migrated to a residential area impacting numerous off site potable wells. The sites are located on the west side of State Highway 13, Stetsonville. Contamination is migrating southeast beneath highway 13 to the residential area.

A source control excavation was conducted at Jack's Auto in 1999. A limited excavation of soil was conducted at Stetsonville Oil in 1991. Free product has been detected in on site and off site monitoring wells on the opposite side of Highway 13 (MW-1, MW6 & MW10). There is also groundwater contamination in monitoring wells opposite Highway 13 from Stetsonville Oil and Jack's Auto.

Potable water in Stetsonville is supplied by private water wells. Approximately 33 private water supply wells are located within or near the area of known groundwater contamination. Thirteen water supply wells have been replaced near the site due to petroleum contamination. Petroleum contamination has been detected in some of the replacement potable wells.

Soil at the site is heterogeneous silty clay, sand and clay. Bedrock is approximately 65 feet below grade. Groundwater is approximately 12-14 feet below grade. Hydraulic conductivity was estimated to be approximately 8.4×10^{-4} cm/sec during the site investigation.

Minimum Remedial Requirements

Free Product Evaluation

For LNAPL in any monitoring well, measure the depth to, and thickness of (inches or feet) free product. For LNAPL sample for the following lab physical properties: viscosity (ASTM D445), density (ASTM D1481), and three interfacial tensions: LNAPL/water, LNAPL/air, and water/air (ASTM D971). Appropriate alternative ASTM lab methods may be used depending on which laboratory provides services for these specific properties. Refer to API Publication 4711, Methods for Determining Inputs to Environmental Petroleum Hydrocarbon Mobility and Recovery Models (pg 13-16) for alternative methods and comments concerning their appropriate application. Be aware that laboratory availability may be limited and that weathered LNAPL samples submitted for the above analyses may require cleaning. Additional shipping and sample preparation/disposal costs may apply.

Groundwater Monitoring

Conduct groundwater monitoring at 14 monitoring wells associated with Jack's Auto Service and 16 monitoring wells associated with Stetsonville Oil. Eight rounds of quarterly (90 day separation between sampling events) groundwater sampling. Groundwater samples should not be collected at wells that have free product at the time of sampling. Groundwater samples will be analyzed for PVOCs, naphthalene, 1,2 –Dibromoethane (EDB), 1,2-dichloroethane, and dissolved lead.

Collect 4 semiannual (180 day separation between sampling events) water samples from 33 potable water wells near the sites. Consultant is responsible for all coordination of the potable well sampling activities. Consultant will contact

Department project manager to confirm potable wells to be sampled prior to sampling the wells. Potable wells shall be sampled for VOCs.

Water level elevations and free product measurements shall be taken at each monitoring well during each sampling event. All sampling shall be conducted according to NR716.13 Wis. Admin. Code, the groundwater sampling desk reference, PUBL-DG-037 96, and the Groundwater Sampling Field Manual, PUBL-DG-038-96.

Reporting

Updated tables of the groundwater monitoring results and free product removal activities shall be submitted to Department following each groundwater monitoring event electronically.

A final report shall be submitted after the free product removal, eight rounds of groundwater monitoring, and potable well monitoring. The report shall contain all the information required in NR725.15 Wis. Admin. Code. The report will include tabulated monitoring results and tabulated results from free product and groundwater elevation measurements and free product recovery volumes. The report will also contain all the laboratory reports for all analysis conducted.

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: Stetsonville Oil Co

COMMERCE #: 54480-9740-15

BRRTS #: 03-61-000357

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: Stetsonville Oil Co

COMMERCE #: 54480-9740-15

BRRTS #: 03-61-000357

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.

| | | |
|---|--|-----------|
| 1 | LNAPL sampling | \$ |
| 2 | Groundwater monitoring & elevations 30 wells X 8 rounds | \$ |
| 3 | Private well sampling 33 wells X 4 rounds | \$ |
| 4 | Lab – groundwater analyses; PVOC's, Naphthalene, 1,2 Dibromoethane(EDB), 1,2-Dichloroethane and dissolved lead | \$ |
| 5 | Lab – potable well samples – VOC's | \$ |
| 6 | Waste Disposal costs of groundwater and free product | \$ |
| 7 | Reporting | |
| 8 | PECFA Claim Preparation | \$ |
| 9 | Total Bid Amount | \$ |



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2715 Post Road
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TDD #: (608) 264-8777
Fax #: (715) 345-5269
Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

November 30, 2007

Jack Poirier
JP Inc
d/b/a Jack's Auto Service
PO Box 36
Stetsonville, WI 54480

RE: **Assignment to Public Bidding – Round 52**
Commerce # 54480-0036-37-A DNR BRRTS # 03-61-000910
Jack's Auto Service, 137 S State Hwy 13, Stetsonville

Dear Mr. Poirier:

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 public bid round 52, scheduled to begin on December 3, 2007. Until a cost cap is established through the bidding 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).

If there are any outstanding eligible costs, including loan interest, that have been incurred to date, a **PECFA claim 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, John Sager, at 715-365-8959. 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 (715) 342-3802.

Sincerely,

Dee Lance
Senior Hydrogeologist
Site Review Section

Enclosures: PECFA Public Bidding Process
Public Bid Document

cc: Northern Environmental Technologies Inc
John Sager, DNR (via e-mail)
State Bank of Chilton, PECFA Loan Dept , 26 E Main St, PO Box 149, Chilton WI 53014



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BUREAU OF PECFA
2715 Post Road
Stevens Point, Wisconsin 54481-
TDD #: (608) 264-8777
Fax #: (715) 345-5269

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

January 24, 2008

Jack Poirier
JP Inc
d/b/a Jack's Auto Service
PO Box 36
Stetsonville, WI 54480

RE: Notice of Intent to Select Least Costly Qualified Bid – Round 52

Commerce # 54480-0036-37-A DNR BRRTS # 03-61-000910
Jack's Auto Service, 137 S State Hwy 13, Stetsonville

Dear Mr. Poirier:

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 MSA Professional Services for **\$18,281.04**. The bid response is enclosed for your reference. The reimbursement cap is for LNAPL sampling, 14 monitoring wells (Lab & disposal) associated with Jack's Auto, half of the potable wells, reporting and PECFA claim.

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 |
|--------------|-------------|---------------------------------------|
| Intent | \$35,324.00 | MSA Professional Services |
| Not Reviewed | \$39,345.00 | METCO |
| Not Reviewed | \$39,500.00 | Tetra Tech - Environmental |
| Not Reviewed | \$46,405.00 | Endeavor Environmental Services, Inc |
| Not Reviewed | \$48,527.00 | Northern Env Technologies Inc |
| Not Reviewed | \$59,463.00 | Konicek Environmental Consulting, Llc |

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 (715) 342-3802.

Sincerely,

Dee Lance
Senior Hydrogeologist
Site Review Section

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

cc: Kevin Olson, MSA Professional Services



February 7, 2008

Jack Poirier
 JP Inc
 d/b/a Jack's Auto Service
 PO Box 36
 Stetsonville, WI 54480

RE: **Cost Cap Approval – Bid Round 52**

Commerce # 54480-0036-37-A DNR BRRTS # 03-61-000910
 Jack's Auto Service, 137 S State Hwy 13, Stetsonville

PUBLIC BID END DATE: January 18, 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: \$18,281.04

In compliance with the invitation to bid, *MSA Professional Services* 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>MSA Professional Services</i> | Phone: 608-356-2771 |
| Address: 1230 South Blvd | Fax: 608-356-2770 |
| Baraboo WI 53913 | E-Mail: kevino@msa-ps.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 |
|--------------|-------------|---------------------------------------|
| Intent | \$35,324.00 | MSA Professional Services |
| Not Reviewed | \$39,345.00 | METCO |
| Not Reviewed | \$39,500.00 | Tetra Tech - Environmental |
| Not Reviewed | \$46,405.00 | Endeavor Environmental Services, Inc |
| Not Reviewed | \$48,527.00 | Northern Env Technologies Inc |
| Not Reviewed | \$59,463.00 | Konicek Environmental Consulting, Llc |

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 John Sager, DNR Project Manager (715-365-8959). 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 (715) 342-3802.

Sincerely,

Dee Lance
Senior Hydrogeologist
Site Review Section

cc: Kevin Olson, MSA Professional Services
John Sager, DNR (via email)
State Bank of Chilton, PECFA Loan Dept , 26 E Main St, PO Box 149, Chilton WI 53014