



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: 21
Comm Number: 54839-9999-67-A
BRRTS Number: 03-04-000967
Site Name: Kellys Spur Station
Site Address: State Hwy 63 & County Rd D Grand View WI

Project Manager: Chris Saari
Project Manager address: 2501 Golf Course Rd Ashland, WI 54806
Project Manager phone: 715-685-2920
Project Manager e-mail address: Christopher.saari@dnr.state.wi.us

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| Bid Announcement Date | 7/29/02 |
| Questions or requests for information must be submitted in writing and received by: | 8/12/02 4:00 PM |
| Responses to the questions will be posted (and if requested, sent in writing) by: | 8/30/02 |
| Bid End Date and Time: | 9/13/02 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 Natural Resources 2501 Golf Course Rd Ashland

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

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

SECTION 2 - Site Specific Bid Specification Requirements:

A) Project Manager Comments

1) General Comments:

The site was most recently used as gas station, with only the former station building remaining on site. In September 1997, an upgraded system consisting of one 500-gallon gasoline UST, one 4,000-gallon gasoline UST, one 10,000-gallon gasoline UST and associated piping and dispensers were removed from the northwest corner of the property. The subject of this remedial action, however, is centered around the former UST system consisting of one 500-gallon leaded gasoline UST, one 1,000-gallon unleaded gasoline UST and associated piping and dispensers formerly located near the southwest corner of the building. A site investigation report was submitted in April 1997, and in September of that year the Department of Commerce approved a remedial action consisting of hot spot excavation and one year of groundwater monitoring. Commerce also stipulated that if the groundwater plume continued to expand after the year of monitoring, an active groundwater remedy could be considered. In October 1997, approximately 520 yd³ of contaminated soil were excavated and landspread at an off-site location. Additional monitoring wells and a piezometer were then installed in December 1997, and four quarters of monitoring were initiated. The results of the groundwater monitoring indicated a need for additional investigation, as the plume appeared to be expanding both laterally and vertically. The Department of Natural Resources approved closure of the landspreading site in August 1999. Four intermediate-depth (OW) piezometers and one deep piezometer were installed in November 1999, and free product was subsequently observed in OW-4 in February 2000. The product is floating on the surface of a lower confined aquifer, 8 to 10 feet below the water table.

The geology and hydrogeology of the area is complicated due to the site's location between two glacial features. Soil beneath the site consists of interlayered sand, silt and clay. Regional groundwater flow is towards the north, but localized variations in flow direction are possible. Flow is also complicated by substantial vertical gradients existing beneath the site. Residents in Grand View obtain drinking water from private wells, and there are several in the vicinity of the site. To this point, petroleum contaminants have not been detected in any of the wells sampled as part of this investigation.

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:

Complete the definition of the degree and extent of free product around OW-4. Then, conduct free product removal to the maximum extent practicable, consistent with the requirements of s. NR 708.13, Wis. Adm. Code; however, free product removal through manual bailing will not be considered as compliant with this bid specification. Prospective bidders shall provide a method of free product abatement without the use of manual bailing.

Install a piezometer to a depth of approximately 40 ft bgs, nested with monitoring well MW-11, in order to provide sentinel coverage for the drinking water well at the Grand View Inn.

Concurrent with the free product recovery activities, conduct quarterly groundwater sampling of the new and existing monitoring wells and piezometers to assess the condition of the dissolved groundwater plume. Once free product has been removed to the extent practicable, the groundwater monitoring will also be used to determine the feasibility of natural attenuation to address the residual soil and groundwater contamination within a reasonable period of time. Groundwater monitoring shall be continued on a quarterly basis for a period of two years after free product removal activities cease, unless the monitoring data demonstrates that the site is eligible for closure before that time. At a minimum, monitoring shall include analyses for petroleum volatile organic compounds (PVOC) plus naphthalene, lead, and appropriate field and laboratory natural attenuation parameters.

Conduct at least semi-annual sampling of nearby drinking water wells that might be at risk of impact from this site, as required by s. NR 716.13(9), Wis. Adm. Code. At a minimum, the following drinking water wells shall be sampled: the on-site well (PW-1), the well serving the Melland residence (PW-2) and the well at the Grand View Inn (PW-3). These wells shall be sampled for VOC consistent with Safe Drinking Water Act requirements. Private well sampling results shall be reported to the Department of Natural Resources within 10 days after receiving the sampling results.

A remedial design report consistent with the requirements of s. NR 724.09, Wis. Adm. Code, shall be submitted prior to initiating the free product removal activities. Upon approval of the design report, initiate free product removal activities. During

the free product removal phase, semi-annual progress reporting shall be performed in accordance with s. NR 724.13(3), Wis. Adm. Code, using Form 4400-194. It would be acceptable to modify the progress reporting frequency to an annual basis once the project enters the natural attenuation-monitoring phase.

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 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.

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). ~~If a technology or method requires approval by either the Department of Natural Resources or Commerce, that approval must be received before it is included in a bid.~~

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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 but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

| | |
|--|--|
| Unrestricted Closure | Closure under NR 708.09 |
| Closure with a NR 140 exemption | Performance based NR 720.19 closure |
| Closure with GIS Registry* | Closure with site-specific conditions |
| Closure with deed notice* | Closure under NR 726.07 |
| Closure with deed restriction* | Closure under Comm 46/NR 746 |
| Closure with NR 720.19 soil standards | Mass reduction |

* **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 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).~~if a technology or method requires~~

~~approval by either the Department of Natural Resources or Commerce, that approval must be received before it is included in a bid.~~

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: Kelly's Spur Station
COMMERCE NUMBER: 54839-9999-67
BRRS NUMBER: 03-04-000967

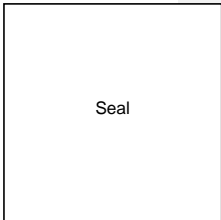
Submit Bid To Cathy Voges
Department of Commerce PECFA Program
201 W Washington Ave, Madison WI 53703-2790 or
P.O. Box 8044, Madison WI 53708-8044

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: Kelly's Spur Station
COMMERCE NUMBER: 54839-9999-67
BRRTS NUMBER: 03-04-000967

Consulting Firm phone number () ____-____

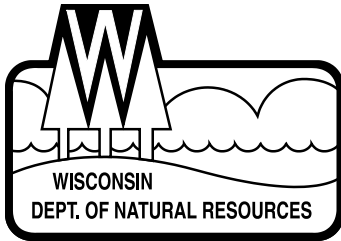
This response must address all of the site-specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.*

BID RESULTS
 KELLY'S SPUR STATION
 54839-9999-67
 03-04-000967

| Consulting Firm | Tech Proposed | Closure Type | Total Cost | Compliant With Bid Specs? |
|-----------------|---|-----------------------|--------------|---------------------------|
| Ecometrica | Define degree and extent; free prod. Abate.; GW Monitor | GIS/ Deed restriction | \$48,980.00 | Yes |
| Cedar Corp | Free prod. Abate.; GW Monitor | GW and Soil GIS | \$120,535.00 | No |
| Advent | Define degree and extent; free prod. Abate.; GW Monitor | GW and Soil GIS | \$104,715.00 | Yes |
| REI | Define degree and extent; free prod. Abate.; GW Monitor | GW and Soil GIS | \$52,446.00 | Yes |
| MSA | Define degree and extent; free prod. Abate. ORC Injection; GW Monitor | GIS Registry | \$179,976.00 | Yes |
| Envirogen | Free prod. Abate.; GW Monitor | Not mentioned | \$94,680.00 | No |
| ECCI | Define degree and extent; free prod. Abate.; GW Monitor | GIS/ Deed restriction | 49,224.20 | Yes |
| Northern | Free product abate; define degree and extent; GW monitor | Not mentioned | \$37,490.00 | No |

Bid Reviewers:

DNR: Chris Saari
 Commerce: Brian F. Taylor
 Previous Consulting Firm: MSA
 Successful Bidder: Ecometrica
 Consulting Firm Utilized: MSA



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
William H. Smith, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

November 4, 2002

PUBLIC BIDDING RESPONSE

CLAIMANT:

MR HARLEY KAROW
PO BOX 67
GRAND VIEW WI 54839-0067

Comm #: 54839-9999-67

BRRTS #: 03-04-000967

**SITE: Kelly's Spur Station
State Hwy 63 & County Rd D
Grand View, WI**

REMEDIAL STRATEGY:

Free product abatement and groundwater monitoring

CLOSURE STRATEGY:

GIS Registry and/or deed restriction

PUBLIC BID ENDING DATE: September 13, 2002

XXX

Approved with cost caps

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 ch. NR 726, Wis. Adm. Code.

\$ 48,980.00

The above cost cap is the lowest amount submitted of compliant *Bid Responses* as a result of the Wisconsin Department of Commerce (Commerce) public bid process. Ecometrica, Inc. 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*. Dilip K. Singh of Ecometrica, Inc. can be reached at:

Ecometrica, Inc.
PO Box 1066
Brookfield, WI 53008-1066

Phone: 262-821-5687
Fax: 262-821-5687
e-mail: ecometrica@earthlink.net

In compliance with the invitation to bid, Ecometrica, Inc. 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 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 (Ecometrica, Inc.), or
2. Use another service provider. Identify the service provider.

Cathy Voges, Program Assistant
 Department of Commerce PECFA Program
 P.O. Box 8044
 Madison, WI 53708-8044

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.

If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@dnr.state.wi.us.

Sincerely,

Christopher A. Saari
 Hydrogeologist

Enclosures: Original Bid Response -- Owner Only
 Modifying Public Bid Caps

cc: Dilip K. Singh – Ecometrica, Inc.

Case file



ENVIRONMENTAL & REGULATORY SERVICES
BUREAU OF PECFA
P.O. Box 8044
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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.