



Jim Doyle, Governor  
Mary P. Burke, 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:** 46  
**Comm #:** 54952-3156-87  
**BRRTS #:** 03-71-001607  
**Site Name:** Barth Property  
**Site Address:** 87 Racine St, Menasha, 54952  
**Site Manager:** Kevin McKnight  
**Address:** 625 E County Rd Y, Suite 700  
**City, State Zip:** Oshkosh, WI 54901-9731  
**Phone:** 920-424-7890  
**e-mail:** kevin.mcknight@wisconsin.gov  
**Bid Manager:** Tom Verstegen  
**Address:** 2129 Jackson Street  
**City, State Zip:** Oshkosh, Wisconsin 54901-1805  
**Phone:** (920) 424-0025  
**e-mail:** Thomas.Verstegen@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>November 20, 2006</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>December 04, 2006, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>December 22, 2006</b>
<b>Bid-End Date and Time:</b>	<b>January 05, 2007, 4:00 PM</b>

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.

**Digital Printing Innovations-Oshkosh, 304 High Ave, Oshkosh, WI 54901**  
**Phone: (920) 235-1800 Fax: (920) 235-6449**

## **SECTION 2 – Site-Specific Bid Requirements**

### General Comments:

Site is a former gas station/auto repair business. All site buildings were removed in 2006. **Due to the depth of contaminated soil, small size of the parcel and access limitations additional detail will be required in the bid proposal.**

### Minimum Remedial Requirements:

Excavate the highly contaminated soils on the property to the depth of competent bedrock as close to Racine Street as possible without compromising the integrity of the roadway. For bid purposes only, the amount of contaminated material is 5000 cubic yards for entire site. Bidders must provide written description with the bid response of proposed excavation including map(s) which includes the following items:

- Extent of proposed excavation based on site conditions with estimate of material that can be safely removed and disposed. If soils are to be stockpiled storage and sampling plan should be included. A map indicating the desired soil excavation at bedrock is included.
- Location and construction of sump in the excavation for groundwater sampling and extraction of water accumulating in excavation. Sump should be installed to the top of the competent bedrock (approximately 22 feet bgs).
- Description of type, amount, and location of backfill materials with justification for choice.
- Installation of an impermeable geomembrane over the excavated area to prevent groundwater infiltration.

Abandon and replace PZ-18, MW-15, PZ-12 and MW-12. Location of replaced wells to be verified by WDNR prior to installation.

Appropriate sidewall and bottom soil sampling from excavated area.

NOTE: Racine Street is a high traffic street. Proposals requiring any street closings will not be accepted unless accompanied by letter from City of Menasha indicating street closing would be authorized.

Cost for four-(4) vacuum extraction events to remove and dispose accumulated groundwater from sump. Show calculation for anticipated volume. Events will only occur upon written approval by the WDNR. Cost for sampling the sump prior to extraction a maximum of 4 times for PVOC's + Naphthalene. First sampling events to occur 1-month post excavation. Additional sampling events are to be performed upon approval of WDNR. Sumps should be installed to the top of the competent bedrock (approximately 22 feet bgs).

Quarterly groundwater sampling to begin 6 months following excavation. Analyze for PVOC's + Naphthalene for 15 monitoring points (MW-5,MW-7,MW-8,MW-9,MW-12,PZ-12,MW-13,PZ-13,MW-14,PZ-14,MW-15,PZ-15, MW-16, PZ-16, PZ-18). Cost for six (6) rounds of sampling are to be included in bid. The Department may reduce the sampling schedule at a later date.

Certification by bidder that either the bid package or the WDNR case file has been reviewed as part of bid preparation.

### **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 directly to the program. Documents received by fax will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in

this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

### **SECTION 6 - Bidder Disqualification**

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

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

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

**BID RESPONSE**  
**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME: Barth Property**

**COMMERCE #: 54952-3156-87**

**BRRTS #: 03-71-001607**

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

Consulting Firm Name: \_\_\_\_\_  
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 # _____

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: \_\_\_\_\_

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

**BID RESPONSE  
(2<sup>nd</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:** Barth Property  
**COMMERCE #:** 54952-3156-87  
**BRRTS #:** 03-71-001607

**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	Excavate and dispose of 5,000 tons of soil. Backfill and compact to surface and install sump.	\$	
2	Soil sampling from excavated area.	\$	
3	Installation of impermeable Geomembrane	\$	
4	Abandon and replace MW-12, MW-15, PZ-12, and PZ-18.	\$	
5	Cost for monitoring at 15 wells (MW-5, MW-7, MW-8, MW-9, MW-12, PZ-12, MW-13, PZ-13, MW-14, PZ-14, MW-15, PZ-15, MW-16, PZ-16, PZ-18). Analyze for PVOC's + Naphthalene.  \$ _____ per rnd X6 =	\$	
6	Cost for vacuum extraction event to remove and dispose accumulated groundwater from sump. Event will only occur upon written approval by the WDNR. Should include cost for sampling the sump prior to extraction for PVOC's + Naphthalene  \$ _____ per rnd X4 =	\$	
7	PECFA Claim Preparation	\$	
8	Total Bid Amount	\$	



**BID RESPONSE**

**(3<sup>rd</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:**

**COMMERCE #:**

**BRRTS #:**

**Consulting Firm Name:** \_\_\_\_\_

**This response must address all of the site-specific requirements identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm name must be included on all additional pages.* The pages of each Bid Response must be *stapled* together. No paper clips or spiral bindings please.**



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
 BUREAU OF PECFA  
 2129 Jackson Street  
 Oshkosh, Wisconsin 54901-1805  
 TDD #: (608) 264-8777  
 Fax #: (920) 424-0217

**Jim Doyle, Governor**  
**Mary P. Burke, Secretary**

January 10, 2007

Ms. Carol Barth  
 420 Racine St  
 Menasha, WI 54952-3156

**RE: Notice of Intent to Select Least Costly Qualified Bid – Round 46**

**Commerce # 54952-3156-87-A** DNR BRRTS # 03-71-001607  
 Barth Property, 87 Racine St, Menasha

Dear Ms. Barth:

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 Konicek Environmental Consulting for **\$151,884.00**. The bid response is enclosed for your reference.

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

Status	Bid Amount	Consultant Name
Intent	\$151,884.00	Konicek Environmental Consulting, LLC
Not Reviewed	\$162,658.00	METCO
Not Reviewed	\$173,430.00	REI Engineering, Inc
Not Reviewed	\$230,400.00	OM Enterprises, LLC - Environmental
Not Reviewed	\$270,000.00	MSA Professional Services
Not Reviewed	\$287,750.00	K Singh & Assoc Inc

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 document 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 (920) 424-0025.

Sincerely,

Tom Verstegen  
 Department of Commerce  
 PECFA - Site Review Section

Enclosures: Least costly qualified Bid Response  
 PECFA Public Bidding Protest

cc: Greg Konicek - Environmental Consulting



January 24, 2007

Greg Kiel  
City of Menasha  
140 Main St  
Menasha, WI 54952

RE: **Cost Cap Approval – Bid Round 46**

**Commerce # 54952-3156-87-A** DNR BRRTS # 03-71-001607  
Barth Property, 87 Racine St, Menasha

**PUBLIC BID END DATE:** January 5, 2007

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:** \$151,884.00

In compliance with the invitation to bid, *Konicek Environmental Consulting* 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:

Konicek Environmental Consulting	Phone: (262)284-2557
1032 S. Spring Street	Fax: (262)284-1728
Port Washington WI 53074	E-Mail: gkonicek@msn.com

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

Status	Bid Amount	Consultant Name
Awarded	\$151,884.00	Konicek Environmental Consulting, LLC
Not Reviewed	\$162,658.00	METCO
Not Reviewed	\$173,430.00	REI Engineering, Inc
Not Reviewed	\$230,400.00	OM Enterprises, LLC - Environmental
Not Reviewed	\$270,000.00	MSA Professional Services
Not Reviewed	\$287,750.00	K Singh & Assoc Inc

This site is under the regulatory jurisdiction of the Department of Natural Resources (DNR). Please direct any questions about the remedial activities at this site to Kevin McKnight, DNR Project Manager (920-424-7890). 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 (920) 424-0025.

Sincerely,

Thomas Verstegen  
Department of Commerce  
PECFA - Site Review Section

cc: Greg Konicek - Konicek Environmental Consulting  
Kevin McKnight  
U.S. Bank N.A., PECFA Department , 1617 Washington St, PO BOX 1210, Manitowoc WI  
54221