



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

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:** 52  
**Comm #:** 54151-1034-00-A  
**BRRTS #:** 03-38-001759  
**Site Name:** Jerry's Union 76  
**Site Address:** 1200 Roosevelt Road, Niagara, 54151  
**Site Manager:** Beth Erdman  
**Address:** 2129 Jackson Street  
**City, State Zip:** Oshkosh, WI 54901-1805  
**Phone:** (920) 303-5410  
**e-mail:** beth.erdman@wisconsin.gov  
**Bid Manager:** Beth Erdman  
**Address:** 2129 Jackson Street  
**City, State Zip:** Oshkosh, Wisconsin 54901-1805  
**Phone:** (920) 303-5410  
**e-mail:** beth.erdman@wisconsin.gov

<b>Bid-Start Date:</b>	<b>December 3, 2007</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>December 17, 2007, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>January 4, 2008</b>
<b>Bid-End Date and Time:</b>	<b>January 18, 2008, 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 Avenue, Oshkosh, WI 54901**  
**Phone: (920) 235-1800 Fax: (920) 235-6449**

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

### **General Comments**

Jerry's Union 76 is located at 1200 Roosevelt Road, Niagara, in northern Marinette County. Six underground storage tanks (USTs) containing unleaded gasoline, diesel fuel, retail fuel oil and heating oil were removed from the site in 1997. At the same time the USTs were removed one waste oil UST was abandoned in place. The property is presently used as an automobile repair shop.

Fourteen soil borings have been advanced to a maximum depth of 135 feet below ground surface (bgs). Subsurface conditions consist of fine to coarse grained sand to total depth. Contamination exceeding Wisconsin Administrative Code (WAC) chapters NR 720 residual contaminant levels (RCLs) and NR 746 Table 1 concentrations are present in soil.

Three monitoring wells have been installed. Depth to water ranges from 99 to 102 feet bgs with flow to the east and southeast. Groundwater contamination exceeds WAC chapter NR 140 enforcement standards.

### **Minimum Remedial Requirements**

Within 90 days of signing the contract with the responsible party (RP), the winning bidder must be onsite to install three monitoring wells (see locations on the attached site map). One soil sample is to be collected from each soil boring and analyzed for volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), lead and cadmium.

Following installation, one round of groundwater samples is to be collected from all site monitoring wells. Groundwater collected from the newly installed wells must be analyzed for VOCs, PAHs, lead and cadmium. Groundwater collected from the other wells is to be analyzed for petroleum volatile organic compounds (PVOCs) and PAHs.

A second quarterly round of groundwater samples is to be collected from all site wells and analyzed for PVOCs and PAHs.

Research and provide documentation of previous and current land use of the properties surrounding the site.

The Commerce Tank Database indicates that five USTs have been removed from the site and one is abandoned in place. The 500 gallon heating oil UST removed was not registered. Update the tank database to reflect that six USTs have been removed from the site and one is abandoned in place.

There is presently one drum of purge water onsite. This drum and all waste generated during the completion of the above activities must be disposed of properly.

Within 60 days of receipt of the second round of laboratory analytical results, submit the soil and groundwater data in tabular format, an updated site map, updated groundwater flow maps, soil boring logs for the three borings, well construction reports for the new wells, well development forms for the new wells, results of land use research, have updated the Commerce Tank Database, provide documentation of investigative waste disposal along with costs for the next scope of work or to achieve closed remedial action status.

Please note that in addition to the above report, online reports must be submitted as required by Section 3 – Reporting Timeframes of this bid document. Please submit the results required in Section 3 using the Commerce Web Reporting Application available at: <http://commerce.wi.gov/ER/ER-PECFA-SiteReporting.html>.

### **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**

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

Department of Commerce PECFA Program

**SITE NAME: Jerry's Union 76**

**COMMERCE #: 54151-1034-00**

**BRRTS #: 03-38-001759**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W. Washington Avenue 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**

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

Department of Commerce PECFA Program

**SITE NAME: Jerry's Union 76**

**COMMERCE #: 54151-1034-00**

**BRRTS #: 03-38-001759**

**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	Installation of groundwater monitoring well (include soil sample analytical cost).	\$	
2	Number of wells		3
3	Well installation subtotal (row 1 x row 2)	\$	
4	Initial monitoring event (include analytical costs)	\$	
5	Second monitoring event (include analytical costs)	\$	
6	Research and documentation of surrounding land use and update the tank database.	\$	
7	Waste disposal costs.	\$	
8	Documentation (reports, correspondence, etc.)	\$	
9	PECFA Claim Preparation	\$	
10	Total Bid Amount	\$	





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**

November 7, 2007

Mr. Jerome Kuchinski  
1323 Garfield Street  
Niagara, WI 54151

RE: **Assignment to Public Bidding – Round 52**  
**Commerce # 54151-1034-00-A** DNR BRRTS # 03-38-001759  
Jerry's Union 76, 1200 Roosevelt Road, Niagara

Dear Mr. Kuchinski:

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.

You must cease all work at this site. 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.

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 (920) 303-5410.

Sincerely,

Beth A. Erdman  
Senior Hydrogeologist  
Site Review Section

Enclosures: PECFA Public Bidding Process  
Public Bid Document

cc: Lynelle Caine-Northern Environmental  
State Bank of Chilton, PECFA Loan Department, 26 E. Main Street, PO Box 149, Chilton, WI 53014



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**  
**Jack L. Fischer, A.I.A., Secretary**

January 23, 2008

Mr. Jerome Kuchinski  
1200 Roosevelt Road  
Niagara, WI 54151

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

**Commerce # 54151-1034-00-A**                      DNR BRRTS # 03-38-001759  
Jerry's Union 76, 1200 Roosevelt Road, Niagara

Dear Mr. Kuchinski:

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 REI Engineering, Inc. for **\$17,920.00**. 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	\$17,920.00	REI Engineering, Inc
Not Reviewed	\$20,177.00	METCO
Not Reviewed	\$22,751.00	Tetra Tech
Not Reviewed	\$24,890.00	Endeavor Environmental Services, Inc.
Not Reviewed	\$25,581.80	Bay Environmental Strategies
Not Reviewed	\$26,150.00	Robert E. Lee & Associates, Inc.
Not Reviewed	\$30,970.00	Northern Environmental

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 (920) 303-5410.

Sincerely,

Beth A. Erdman  
Senior Hydrogeologist  
Site Review Section

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

cc: Ken Lassa-REI Engineering, Inc.



February 7, 2008

Mr. Jerome Kuchinski  
1200 Roosevelt Road  
Niagara, WI 54151

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

**Commerce # 54151-1034-00-A** DNR BRRTS # 03-38-001759  
Jerry's Union 76, 1200 Roosevelt Road, Niagara

**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:** \$17,920.00

In compliance with the invitation to bid, REI Engineering, Inc. 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:

REI Engineering, Inc.	Phone: 715-675-9784
4080 N. 20 <sup>th</sup> Avenue	Fax: 715-675-4060
Wausau, WI 54401	E-Mail: <a href="mailto:klassa@reiengineering.com">klassa@reiengineering.com</a>

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	\$17,920.00	REI Engineering, Inc.
Not Reviewed	\$20,177.00	METCO
Not Reviewed	\$22,751.00	Tetra Tech
Not Reviewed	\$24,890.00	Endeavor Environmental Services, Inc.
Not Reviewed	\$25,581.80	Bay Environmental Strategies
Not Reviewed	\$26,150.00	Robert E. Lee & Associates, Inc.
Not Reviewed	\$30,970.00	Northern Environmental

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) 303-5410.

Sincerely,

Beth A. Erdman  
Senior Hydrogeologist  
Site Review Section

cc: Kenneth Lassa-REI Engineering, Inc.  
State Bank of Chilton, PECFA Loan Dept., 26 E. Main Street, PO Box 149, Chilton, WI 53014