



**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 action services on a petroleum release from a regulated petroleum product storage tank system. This bid is through a specified work scope. The site upon which bids are being solicited is:

**Bid Round Number:** 37  
**Comm Number:** 53022-2541-11-A  
**BRRTS Number:** 02-67-000801  
**Site Name:** Jacobus Co  
**Site Address:** N116W16261 Main St Germantown WI

**Project Manager:** Brenda Boyce  
**Project Manager address:** 141 NW Barstow St., Rm 180, Waukesha WI  
53188-2466  
**Project Manager phone:** 262-574-2140  
**Project Manager e-mail address** [brenda.boyce@dnr.state.wi.us](mailto:brenda.boyce@dnr.state.wi.us)

<b>Bid Announcement Date</b>	<b>5/2/2005</b>
<b>Questions or requests for information must be submitted in writing and received by:</b>	<b>5/16/2005 4:00 PM</b>
<b>Responses to the questions will be posted (and if requested, sent in writing) by:</b>	<b>6/3/2005</b>
<b>Bid End Date and Time:</b>	<b>6/17/2005 by Noon</b>

The case file including report(s) and other pertinent information upon which bids are being sought, and the qualified bid response, when determined, are available for inspection at:

**Department of Natural Resources, 141 NW Barstow St., Rm 180,, Waukesha WI**

Please contact the project manager listed above for an appointment.

Copies of report(s) and other pertinent information may be available for purchase at the location listed below. If pertinent information is not available, please contact the project manager.

**Action Legal, 757 N Broadway, Ste 200, Milwaukee WI 53202**

**Phone: 414-278-8881**

**Fax: 414-276-1529**

## SECTION 2 – Site-Specific Bid Specification Requirements:

### A) Project Manager Comments

#### 1) General Comments:

The Former Jacobus Bulk Storage Facility (Jacobus) is located in an area of mixed residential and commercial use within the Village of Germantown. In 1988, Jacobus removed numerous bulk petroleum USTs and ASTs from the site. One building, a former warehouse, is the only remaining structure on the site. Free product was observed in a shallow non-potable water supply well on the neighboring property to the north in early 1990.

The subsequent site investigation revealed that free product was present in the groundwater across the site. The site geology consists of silt and silty clay to approximately 20 feet below grade (bg). Underlying this unit from 20 to 40 feet bg, is sand and gravel. Dolomitic bedrock is encountered below the unconsolidated deposits. Groundwater is shallow and ranges from the surface to 8 feet bg. Groundwater flow direction varies greatly due to seasonal water table fluctuations. Flow direction is sometimes radial from the source area; however, the deeper piezometric surface flow direction is consistently to the south-southwest. The piezometers are set at the top of the bedrock surface, many of which are impacted.

As a remedial measure, a total of approximately 600 tons of impacted soil was removed in three separate excavations on the site in July of 2003. Soil confirmation samples indicated concentrations of contaminants remained above NR 746 Table 1 and Table 2 values. Three rounds of groundwater monitoring were conducted subsequent to the soil remedial work to determine if remediation by natural attenuation (RNA) would be an appropriate final remedy for the groundwater. Contaminant concentrations showed increasing trends at most wells and free product was observed at three monitor wells (JMW-4, JCMW-2R and JCMW-3). It was determined that the amount of contaminant mass remaining within the soil precluded RNA from being an appropriate final remedy.

#### 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:

No less than 2,700 cubic yards of source area soil must be removed. The excavation will be approximately 110 feet by 110 feet by 6 feet deep. Any water that collects within the excavation must be removed and disposed of properly off-site. Wells identified as JCMW-2R, JCMW-3, JMW-4, JMW-4D, JPZ-4, IVW3, IVW1, and SVP-1 through SVP-3 must be removed/abandoned along with the impacted soil. The piezometer JMW-4D must be abandoned in accordance with NR 141 requirements prior to excavating to avoid being a conduit for vertical migration of contaminants. Soil confirmation samples should be collected from the excavation sidewalls following soil removal. Base samples are not needed as the depth of the excavation coincides with the water table depth. These samples should be submitted for GRO, DRO, PVOC plus naphthalene and lead analysis. Please note that old foundation structures may be encountered while excavating.

Two sumps should be placed within the back-fill of the excavation to monitor groundwater quality and to extract free product if necessary. The bottom two feet of the excavation should be backfilled with pea gravel to allow for movement of fluids to the sumps.

Two monitoring wells and three piezometers are to be installed to further delineate the contaminant plume off-site. Off-site access agreements may need to be established. One monitoring well will be placed approximately 100 feet to the southwest of JMW-7 on the Stonewood Condominiums property. A monitoring well and piezometer nest will be placed approximately 70 feet southeast of JMW-1/1D. One piezometer will be nested next to JMW-8, and the other piezometer will be nested next to JCMW-10. Monitor well screens should intersect the water table and piezometers should extend to the top of bedrock. Estimate well depths of 15 feet for the monitor well and 40 feet for piezometers. Soil samples need not be collected for laboratory analysis from the soil borings; however, soil boring logs should be complete, including soil description, PID readings and moisture content. Monitoring well ground surface and measuring point elevation must be surveyed relative to USGS datum for all wells.

Following soil remedial work and well installation, four rounds of quarterly groundwater monitoring should be collected. Groundwater samples will be submitted for PVOC plus naphthalene analysis with one round including natural attenuation parameters. The wells to be sampled will include the following 18 wells: JMW-1, JMW-1D, JMW-2, JMW-2D, JMW-3, JMW-3D, JMW-6, JMW-6D, JMW-7, JMW-8, JMW-8D\*, JMW-9\*, JCMW-10 and JCMW-10D\*, JMW-10\*, JMW-10D\* and the sumps\*. (\* designates new well installed in this phase of work.) All new wells should be sampled initially for VOCs and dissolved lead. JCMW-9 and JMW-5 should be included in the first monitoring round. Groundwater elevation data should be collected from all wells prior to each monitoring event. Groundwater contour maps are to be provided showing shallow and deep groundwater flow directions for each sample event.

After completion of the activities outlined above, prepare and submit a comprehensive report to the WDNR and Commerce that documents the work completed, includes all required and customary data and documentation. To save costs, only portions of pertinent reports are at the copy shop (text, figures, tables

and boring logs). The entire file should be reviewed at the WDNR Waukesha office.

Bidders shall provide costs for the items in the table on the 3<sup>rd</sup> Page of the Bid Response. If a completed 3<sup>rd</sup> Page is not included with the Bid Response, the Bid Response will be determined to be non-responsive. The winning bidder will not be allowed to move costs between the scope of work items without prior Commerce approval.

## **B) Bidder's Strategy for Remedial Action**

- 1) Identify the remedial strategy for a specified work scope.
- 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 a specified work scope identified above.
  - a) The detailed description may include, but is not limited to the following:
    - Technologies
    - Estimated years of operation
    - Estimated tons of soil
    - Approximate geometry/depth of excavation
    - Reporting details
    - Estimated years of monitoring
    - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.
- 5) Specifically describe how you will address any direct contact hazards, if applicable.

## **SECTION 3 - Conditions of Bid:**

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost, excluding interest and claim preparation costs, for the site-specific bid specification requirements described in Section 2. 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 control and notices as required under §NR 726 Wis. Admin. Code. 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 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 a specified work scope will be determined. Claim preparation costs will not

be a part of the cost cap established by this bid. These costs (\$500 maximum per claim submittal) are still eligible for PECFA reimbursement and Commerce encourages timely claim submittals at appropriate milestones. Therefore, bidding consultants should not include claim preparation costs in their bid responses.

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

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

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.
- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

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

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

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

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

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

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

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

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

- If the signatory’s bid is determined to be successful, the signatory must, within 15 days of the Department’s notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.

- That for a period of 90 days, starting with the Department's notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

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

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the Department shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

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

#### **SECTION 4 - Closure Specifications – If Applicable:**

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:

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

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



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

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

Department of Commerce PECFA Program

**SITE NAME:** Jacobus Co  
**COMMERCE NUMBER:** 53022-2541-11  
**BRRTS NUMBER:** 02-67-000801

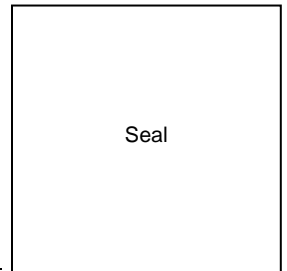
Submit Bid To: Cathy Voges  
Department of Commerce PECFA Program  
201 W Washington Ave, Madison WI 53703-2790 or  
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: \_\_\_\_\_  
Bidder Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: ( ) - \_\_\_\_\_  
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**

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

Department of Commerce PECFA Program

**SITE NAME:** Jacobus Co  
**COMMERCE NUMBER:** 53022-2541-11  
**BRRTS NUMBER:** 02-67-000801

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.* The pages of each Bid Response must be **stapled** together. No paper clips or spiral bindings please.

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

Department of Commerce PECFA Program

**SITE NAME:** Jacobus Co  
**COMMERCE NUMBER:** 53022-2541-11  
**BRRTS NUMBER:** 02-67-000801

Consulting Firm phone number ( ) \_\_\_\_-\_\_\_\_

A bid will be considered to be non-complaint if the bid response does not include separate tabulation of cost for each activity.

1	Abandon piezometer JMW-4D	\$
2	Excavate and dispose <i>[insert estimate]</i> tons of contaminated soil (including but not limited to excavation, pumping water from excavation, hauling, disposal, backfill, confirmation sampling), abandon 10 monitoring wells, install two sumps	\$
3	Install two monitoring wells and three piezometers	\$
4	Monitoring - first round (include analytical cost)	\$
5	Monitoring - following three rounds (include analytical cost)	\$
6	Documentation (reports, correspondence, etc.)	\$
7	Bid Total	\$

BID RESULTS  
Bid Round 37  
Jacobus Co  
53022-2541-11  
02-67-000801

Consulting Firm	Tech Proposed	Closure Type	Total Cost	Qualified?
Konicek Environmental	Exc soil; install sumps, wells, pz; mon groundwater	NA – Scope of Work	\$133,962.70	Yes
Northern			\$135,475.00	NR
OM Enterprises			\$144,730.00	NR

NR – Not Reviewed

Bid Reviewers:

DNR: Brenda Boyce  
Commerce: Linda Michalets  
Previous Consulting Firm: Sigma Environmental Services  
Successful Bidder: Konicek Environmental  
Consulting Firm Utilized: Sigma Environmental Services



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
101 West Pleasant Street, Suite 100A  
Milwaukee, Wisconsin 53212-3963  
TDD #: (608) 264-8777  
Fax #: (414) 220-5374  
**Jim Doyle, Governor**  
**Mary P. Burke, Secretary**

April 29, 2005

Mr. Michael Helgesen  
Jacobus Energy, Inc.  
11815 West Bradley Road  
P.O. Box 13009  
Milwaukee, WI 53213-0009

RE: **Public Bid Document – Bid Round 37**

**Commerce # 53022-2541-11**      WDNR BRRTS # 02-67-000801  
Jacobus Company, N116 W16261 Main Street, Germantown

Dear Mr. Helgesen:

Please find enclosed a copy of the bid document for the site referenced above. An electronic copy is also available on the Wisconsin Department of Commerce website at <http://www.commerce.wi.gov/ER/ER-PECFA-SiteBidding.html>. Upon completion of the bid evaluation you will be notified of the successful bidder, remedial strategy, and the associated cost cap.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 220-5376.

Sincerely,

Linda M. Michalets  
Hydrogeologist  
Site Review Section

Enclosure

cc: Ms. Brenda Boyce, WDNR



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
101 West Pleasant Street, Suite 100A
Milwaukee, Wisconsin 53212-3963
TDD #: (608) 264-8777
Fax #: (414) 220-5374
Jim Doyle, Governor
Mary P. Burke, Secretary

June 27, 2005

Mr. Michael Helgesen
Jacobus Petroleum Products, Inc.
2323 North Mayfair Road
P.O. Box 13009
Milwaukee, WI 53213-3009

RE: Bid Response for Scope of Work - Round 37

Commerce # 53022-2541-11 WDNR BRRTS # 02-67-000801
Jacobus Company, N116 W16261 Main Street, Germantown

SCOPE OF WORK:

PUBLIC BID END DATE: June 17, 2005

Soil excavation (estimated 2,700 cubic yards), install two sumps, two monitoring wells and three piezometers, survey wells, conduct four rounds of quarterly groundwater monitoring of select wells, provide report

\$ 133,962.70 Approved cost cap to complete scope of work.

The Wisconsin Department of Commerce (Commerce) has established a PECFA reimbursement cost cap using the bid responses from the Commerce bid process. Konicek Environmental Consulting, LLC provided a compliant bid response with the lowest total cost to complete the prescribed scope of work. This consulting firm is considered the successful bidder. Mr. Gregory Konicek of Konicek Environmental Consulting, LLC can be contacted at:

Table with 2 columns: Contact Information and Phone/Fax/E-Mail. Rows include: Konicek Environmental Consulting, LLC; 1032 South Spring Street; Port Washington, WI 53074; Phone: 262-284-2557; Fax: 262-284-1728; E-Mail: Gkonicek@msn.com

In compliance with the invitation to bid, Konicek Environmental Consulting, LLC has agreed to contract with the claimant to furnish the items/services quoted. The services and associated costs, as set forth in the bid response, will be held for 90 days from the date of this letter. The work performed must comply with applicable Wisconsin Statutes and Administrative Codes, including, but not limited to Comm 47, NR 700 series, and Comm 46.

Regardless of the service provider you select, the total bid cost of the successful bid establishes your PECFA reimbursement cap from this date of this letter forward. If you select the successful bidder and there are circumstances that prevent them from completing the full extent of the scope of work for the approved cost cap, Commerce will consider modifying the established cap. Consistent with existing rules, the consultant must notify Commerce prior to exceeding the cost cap. Be aware

that if you select a consulting firm other than the winning bidder to carry out the prescribed scope of work, Commerce **will not** modify the cost cap.

Within 90 days of the date of this letter, please complete and return the enclosed form to the Commerce person indicated on the enclosed form, informing Commerce of your intent to either:

1. Use the successful bidder, or
2. Use another PECFA registered service provider.

Failure to make a service provider decision within the required time period may result in enforcement action.

- 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.

If you have any questions about the cost cap, please contact me in writing at the letterhead address or by telephone at (414) 220-5376. If you have any questions about the scope of work, please contact Brenda Boyce, WDNR, at (262) 574-2140.

Sincerely,

Linda M. Michalets  
Hydrogeologist  
Site Review Section

Enclosures: Copy of successful Bid Response (Claimant only)  
Notification of PECFA Consultant Selection (Claimant only)

cc: Mr. Gregory Konicek, Konicek Environmental Consulting, LLC  
Ms. Brenda Boyce, WDNR