



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107th Street
Milwaukee, Wisconsin 53224-1121
TDD #: (608) 264-8777

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

Wisconsin Department of Commerce, Bureau of PECFA Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 55
Comm #: 53022-2541-11-A
BRRTS #: 02-67-000801
Site Name: Jacobus Co.
Site Address: N116 W16261 Main Street, Germantown, 53022
Site Manager: Brenda Boyce
Address: 141 NW Barstow Street, Room 180
City, State Zip: Waukesha, WI 53188-3789
Phone: (262) 574-2140
e-mail: Brenda.Boyce@Wisconsin.Gov
Bid Manager: Linda M. Michalets
Address: 9316 North 107th Street
City, State Zip: Milwaukee, Wisconsin 53224-1121
Phone: (414) 357-4703
e-mail: Linda.Michalets@Wisconsin.Gov

Bid-Start Date:	June 9, 2008
Questions must be received by (See Section 2 (B)):	June 23, 2008, 4:00 PM
Responses will be posted by (See Section 2 (B)):	July 11, 2008
Bid-End Date and Time:	July 25, 2008, 4:00 PM

The case file, including reports and other pertinent information upon which bids are being sought should be reviewed at the Site Manager's location listed above

To save costs, only portions of pertinent reports (text, figures, tables and boring logs) are at the copy shop and are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Ivize-Milwaukee, 757 N. Broadway, Suite 200, Milwaukee, WI 53202
Phone: (414) 276-2679 Fax: (414) 276-1529

SECTION 2 – Site-Specific Bid Requirements

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, many of which are impacted, are set at the top of the bedrock surface.

As a remedial measure, a total of approximately 600 tons of impacted soil was removed in three separate excavations on the site in July 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.

In September 2005, over 8,000 tons of impacted soils were removed from the source area. Two 4-inch diameter sumps were installed within the backfill. Fifteen of the sixteen post-remedial sidewall soil samples collected contained contaminant concentrations in excess of NR 720 RCL, NR 746 Table 1 SSL and/or NR 746 Table 2 values. Free product was not observed in any of the monitoring wells or sumps. Two monitoring wells and three piezometers were installed to further delineate the contaminant plume.

In an effort to delineate the lateral extent of the remaining soil above NR 746 Table 1 and Table 2 values, twenty-eight shallow soil samples were collected approximately 20 feet out from the excavation limits. Eighteen of the 28 samples contained concentrations above either NR 746 Table 1 and/or 2 values. An increase in benzene was observed at JMW-6D, which is the downgradient well for the deeper water-bearing zone.

Minimum Remedial Requirements

Evaluate Extent of Direct Contact Risk

Twenty direct-push soil borings must be drilled approximately 25 feet beyond each of the previous boring locations that had PVOOC and/or PAH exceedances (SHA-1, 2, 3, 4, 6, 7, 12, 13, 14, 16, 17, 19, 21, 22, 24, 26, 27 and 28). *Approximate boring locations are illustrated as dark dots on the accompanying site figure.* Borings should extend to four feet bg, field screened, and one sample collected from the area of highest contamination. The samples must be laboratory analyzed for PVOOC and PAH.

Bid responses must include costs for the installation of up to 10 more borings (40 feet total) to further define the extent of contamination outward, 25 feet from the first 20 borings, if needed. The cost must be included on a per-boring basis on the table in the bid response. Costs for the additional borings will be allowed based on field screening and observations made during the initial borings.

If the additional borings are necessary to define the extent of direct content risk from shallow soil contamination, the consultant shall provide Commerce with the boring logs, PID screening results and boring location map after completion of these activities for concurrence and approval of costs (total borings multiplied by the cost per boring to adjust the bid cap upwards).

Be aware that some of the initial borings and most all the additional borings will extend off property. *See accompanying figure for property boundary.* Bidders must anticipate costs to obtain access agreements from the property owners to the north, east and south for these borings and for the piezometer prior to conducting this work.

Install Additional Piezometer

One piezometer is to be installed to further delineate the contaminant plume off-site. Bidders should include costs for obtaining off-site access and/or city permits. Install the piezometer approximately 100 feet south of JMW-6D. The piezometer should extend to the top of bedrock (approximately 40 ft bg). Soil samples need not be collected for laboratory analysis from the soil boring; however, a soil boring log should be complete, including soil description, PID readings and moisture content. Well ground surface and measuring point elevation must be surveyed relative to USGS datum for the new well.

Conduct Groundwater Monitoring

Following soil boring and well installation, two rounds of quarterly groundwater monitoring should be collected. Groundwater samples will be submitted for PVOC plus naphthalene and lead analysis. 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, new piezometer (JMW-11D) and the south sump. The new piezometer should be sampled initially for VOCs and dissolved lead. Groundwater elevation data should be collected from all wells prior to each monitoring event, including wells not sampled. Groundwater contour maps are to be provided showing shallow and deep groundwater flow directions for each sample event. If free product is observed in any well, it must be immediately reported to the DNR Hydrogeologist.

Waste Disposal

All contaminated material generated as part of this scope of work must be properly stored and disposed/treated in accordance with State regulations before submitting the PECFA claim.

Reporting

After completion of the activities outlined above, prepare and submit a report to the DNR and Commerce that documents the work completed, including all required soil and groundwater tables, updated site figures, along with all supporting documentation. Hand-drawn figures are not acceptable.

SECTION 3 - Reporting Timeframes

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 4 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

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

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

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 6 - Bidder Disqualification

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

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

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

BID RESPONSE

(1st Page)

Department of Commerce PECFA Program

SITE NAME: Jacobus Co.

COMMERCE #: 53022-2541-11-A

BRRTS #: 02-67-000801

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2760 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Complete Mailing _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

- | | | |
|--------------------------|------------------------|-----------------|
| <input type="checkbox"/> | Professional Engineer | License # _____ |
| <input type="checkbox"/> | Professional Geologist | License # _____ |
| <input type="checkbox"/> | Hydrologist | License # _____ |
| <input type="checkbox"/> | Soil Scientist | License # _____ |



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME: Jacobus Co.

COMMERCE #: 53022-2541-11-A

BRRTS #: 02-67-000801

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.

1a	Soil boring to 4 ft bg, including mobilization, field screening, lab analyses, waste disposal	\$	_____	per boring
1b	Twenty borings required		20	
1c		Subtotal \$	_____	
2	Install one piezometer to bedrock, including well development, field screening, survey to USGS datum, waste disposal	\$	_____	
3	Two rounds of groundwater monitoring of 19 wells, including lab analyses, water table elevation data, waste disposal	\$	_____	
4	Project management, including all reporting (electronic and hard-copy reports), access agreements for piezometer and borings, etc.	\$	_____	
5	PECFA Claim Preparation	\$	_____	
6		Total Bid Amount \$	_____	
CONTINGENCY COSTS (Will be Added to the Bid Cap as Needed)				
	Up to 10 additional borings (4 feet each), based on field screening results from the first 20 borings. To be conducted at the <u>same time</u> as the first 20 borings. Cost per boring , including field screening, lab analyses, waste disposal	\$	_____	per boring



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May 30, 2008

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

RE: **Assignment to Public Bidding – Round 55**
Commerce # 53022-2541-11-A DNR BRRTS # 02-67-000801
Jacobus Company, N116 W16261 Main Street, Germantown

Dear Mr. Helgesen:

The Wisconsin Departments of Commerce (Commerce) and Natural Resources (DNR) have determined that additional activities must be conducted for the site referenced above. A cost cap for the activities will be established through the PECFA public bidding process.

An explanation of the bidding process and a copy of the bid document are enclosed. A copy of the bid document will be available on the Wisconsin Department of Commerce website at <http://www.commerce.wi.gov/ER/ER-PECFA-SiteBidding.html> during the bidding process.

The site will be listed in public bid round 55, scheduled to begin on June 9, 2008. Until a cost cap is established through the bidding process, Commerce will not reimburse costs, including interest, for any work performed more than five business days after the date of this letter (except for an emergency action as defined in Comm 47.015).

If there are any outstanding eligible costs, including loan interest, that have been incurred to date, **a PECFA claim must be submitted no later than 120 days after the date of this letter.** Failure to file a claim prior to the deadline will result in ineligibility of interest expenses incurred between the date of this letter and the date a claim is filed.

This site is under the regulatory jurisdiction of the DNR. Please direct any questions about the remedial activities at this site to the DNR project manager, Brenda Boyce, at (262) 574-2140. The bidding process is the responsibility of Commerce and all correspondence throughout the bidding process will originate from Commerce.

Thank you for your continuing efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 357-4703.

Sincerely,

Linda M. Michalets
Senior Hydrogeologist
Site Review Section

Enclosures: PECFA Public Bidding Process
Public Bid Document

cc: Mr. Adam Roder, Sigma Environmental Services, Inc.
Brenda Boyce, DNR



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107th Street
Milwaukee, Wisconsin 53224-1121
TDD #: (608) 264-8777
Fax #: (414) 357-4700

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

August 5, 2008

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

RE: Notice of Intent to Select Least Costly Qualified Bid – Round 55

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

Dear Mr. Helgesen:

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 METCO for **\$10,485.00**. 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	\$10,485.00	METCO
Not Reviewed	\$16,000.00	Sigma Environmental Services, 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 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 (414) 357-4703.

Sincerely,

Linda M. Michalets
Senior Hydrogeologist
Site Review Section

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

cc: Mr. Ronald Anderson, METCO



August 20, 2008

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

RE: **Cost Cap Approval – Bid Round 55**

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

PUBLIC BID END DATE: July 25, 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: \$10,485.00

In compliance with the invitation to bid, *METCO* 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:

METCO	Phone: (608) 781-8879
Address: 1421 State Road 16	Fax: (608) 781-8893
La Crosse, WI 54601	E-Mail: rona@metcohq.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	\$10,485.00	METCO
Not Reviewed	\$16,000.00	Sigma Environmental Services, 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 Brenda Boyce, DNR Project Manager

(262) 574-2140. 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 (414) 357-4703.

Sincerely,

Linda M. Michalets
Senior Hydrogeologist
Site Review Section

cc: Mr. Ron Anderson, METCO
Ms. Brenda Boyce, DNR