



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107th Street
Milwaukee, Wisconsin 53224-1121
TTY: Contact Through Relay
Jim Doyle, Governor
Aaron Olver, 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: 68
Commerce #: 53022-2541-11-A
BRRTS #: 02-67-000801
Site Name: Jacobus Oil Company
Site Address: N116 W16261 Main Street, Germantown, 53022
Site Manager: Jim Delwiche
Address: 141 NW Barstow Street, Room 180
City, State Zip: Waukesha, WI 53188-3789
Phone: 262-574-2145
e-mail: Jim.Delwiche@Wisconsin.gov
Bid Manager: Linda 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:	September 7, 2010
Questions must be received by (See Section 2 (B)):	September 20, 2010, 4:00 PM
Responses will be posted by (See Section 2 (B)):	October 8, 2010
Bid-End Date and Time:	October 22, 2010, 4:00 PM

Applicable site figures, soil analytical data tables and excavation figures are included with this bid as a separate Adobe® pdf-formatted document for viewing and downloading. No copy shop is being used for purchase of hard copies of this information.

The case file that includes all reports submitted to date and upon which bids are being sought is available for review at the Site Manager's office location listed above. Please contact the Site Manager for an appointment to review the file.

SECTION 2 – Site-Specific Bid Requirements

General Comments

The Jacobus Oil Company (Jacobus) property was historically a bulk petroleum storage and distribution facility, which ceased operations by 1988. All aboveground and underground storage tanks and buildings have been removed except for one metal frame garage on the northwestern corner of the property. Shallow and deep monitoring wells are currently located on and around the source property. No wells are anticipated to be removed during excavation.

A large soil excavation occurred in September 2005, with over 8,000 tons of petroleum impacted soil removed. The final excavation dimensions were reportedly 95 feet by 125 feet, and 10.5 feet below ground surface (bgs). The soils encountered during excavation were described as, “up to several feet of reworked gravel, sand, silt, and/or clay underlain by native deposits of brownish-gray clayey silt to a depth of 10.5 feet bgs.” The excavated area “(from approximately 8.5 feet bgs up to the ground surface) was backfilled with approximately 6,789 tons of bank run sand and gravel.” Because heavily contaminated shallow soil was evident in the excavation wall confirmation samples, additional shallow soil sampling was conducted to define the lateral extent of shallow contamination using direct push soil sampling in 2007 and 2009. Previous shallow soil sample results and site figures are included with this bid document.

Based upon the defined areas of heavily contaminated shallow soil, it has been determined that removal is the best way to address the risk from potential direct contact, in addition to reducing contaminant loading to groundwater. Therefore, shallow soil (4-foot depth maximum) is to be removed from the periphery of the original excavation where highly contaminated soil remains (greater than NR 746 Table 2 concentrations).

The northern-most contaminated soil is located on the CMC Heartland property. This is a contaminated property that was closed by the DNR in 2009. The property owner must be notified prior to conducting the excavation activities.

In consideration of excavation on the site, the following utility information is being provided:

There is a sanitary sewer line near the proposed excavation area. In the *Remedial Action Completion Report*, dated November 17, 2006, Sigma Environmental Services, Inc. (Sigma) stated that, “the sewer lateral that generally parallels the gravel road between the CMC and Jacobus properties was not in service. Sigma verified this by opening the manhole cover near the northeast corner of the on-site metal building; the lateral from the east was approximately five feet bgs and the approximately six-inch diameter pipe was sealed with an expandable plug.”

In the same report, Sigma described a natural gas line that “generally parallels the gravel road between the CMC and Jacobus properties and is reportedly in use. It is expected that this line is buried within several feet of the ground surface.” No storm sewer, electric or municipal utilities are reportedly on site. Sigma reported that underground power lines are present beneath the entire south property line (just south-southwest of well JMW-3 and JMW-2).

Minimum Remedial Requirements

Excavation of shallow soil to 4 feet bgs is required to mitigate the direct contact risk and reduce contaminant loading to groundwater. The excavation activities shall be conducted in the areas where NR 746, Wisconsin Administrative Code, Table 2, direct

contact risk values, have previously been identified. The estimated excavation areas are outlined on the site figure that is included with this bid document as Figure 4A: Estimated Excavation Areas to 4 feet bgs. It is estimated that approximately 1,919 cubic yards of contaminated soil will be removed (3,262 tons, using a 1.7 conversion factor). Site reference points, such as the outline of the previous excavation area, the metal building, and site monitoring wells should be used to accurately guide the excavation limits. The utilities should be marked prior to excavating.

This excavation is to be conducted before the end of the year, if at all possible. The contracted bidder must notify the DNR and Commerce managers at least three days prior to excavation activities, so that we may be present during the excavation, if we should choose to do so.

For consistency in bidding, the volume of contaminated soil to be excavated and properly disposed is estimated to be 1,919 cubic yards/3,262 tons. If clean overburden soils are encountered during excavation activities they may be segregated and used as backfill. The use of field screening or other appropriate technology is required in order to segregate clean excavated soil from contaminated soil for treatment or disposal. This same field screening technology shall also be used to determine the horizontal and vertical extent of excavation to remove as much of the highly contaminated soil as possible to a maximum depth of 4 ft bgs. Post-excavation confirmation soil samples must be collected from the excavation sidewalls at approximately 2 feet bgs, every 25 feet, and from the base of the excavation, every 25 feet (provide costs for 40 soil samples total). For estimation purposes, approximate soil sample locations are identified on the attached *Figure 4B: Estimated Excavation Areas with Confirmation Soil Sample Locations*. Each soil sample shall be analyzed for petroleum volatile organic compounds (PVOCs) and naphthalene. The excavation may be backfilled with the clean soils segregated during excavation activities, as well as imported, clean material similar to or finer-grained than the native soil. Compaction costs are to be included with backfill costs.

On page two of the bid response, bidders shall provide contingency unit rates (commodity costs only) for additional soil removal in the event that more soil is actually removed, with prior DNR and Commerce approval. However, it is important to note that this site is approaching the maximum reimbursement cap of \$1 million, so only the most contaminated shallow soils are to be removed, to primarily address the direct contact risk.

Upon completion of the excavation activities, submit a summary report, with all supporting documentation, to the two agency contacts listed on the first page of this bid document.

The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Procedure (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if required.

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. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
3. No later than 30 days after completing the work.
4. 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 #3*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #3) 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 – BID ROUND 68

(1st Page)

Department of Commerce PECFA Program

Site Name: Jacobus Oil Company

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 – BID ROUND 68

(2nd Page)

Department of Commerce PECFA Program

Site Name: Jacobus Oil Company

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.

1	Soil removal, treatment/disposal, and backfilling cost estimate for an excavation totaling 1,919 cubic yards/3,262 tons maximum	\$
2	Excavation soil sampling collection and analytical costs (40 total)	\$
3	Project management and reporting costs	\$
4	PECFA Claim Preparation	\$
5	Total Bid Amount	\$
CONTINGENCY COSTS (Will be Approved and Added to the Bid Cap as Needed)		
•	Collection and Analysis of TCLP Soil Samples for Landfill Disposal	\$
•	Additional soil removal and treatment/disposal unit cost (cost per ton)	\$
•	Additional backfill (cost per ton)	\$



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9316 North 107th Street
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Jim Doyle, Governor
Aaron Oliver, Secretary

August 13, 2010

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

RE: **Assignment to Public Bidding – Round 68**
Commerce # 53022-2541-11-A DNR BRRTS # 02-67-000801
Jacobus Oil Company, N116 W16261 Main Street, Germantown

Dear Mr. Helgesen:

The Wisconsin Departments of Commerce (Commerce) and Natural Resources (DNR) have determined that additional soil remediation activities must be conducted for the site referenced above. A cost cap for the soil remediation activities will be established through the PECFA public bidding process. The site will be listed in public bid round 68, scheduled to begin on September 6, 2010.

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 Commerce website at <http://www.commerce.wi.gov/ER/ER-PECFA-SiteBidding.html> during the bidding process.

It is understood that your current consultant, METCO, is conducting two quarters of groundwater monitoring of site wells to evaluate groundwater contaminant trends. Commerce approved a deferment from the public bidding process for monitoring costs in a letter dated May 17, 2010. METCO indicated that the first monitoring event occurred in June. In the interest of moving this case to closure as expeditiously as possible, the second monitoring event scheduled for September should be completed while this site is in the bid process. The groundwater data are important for determining the trend of the groundwater contaminant plume; however, the data will not affect the soil remediation requirements. The summary report with the results and supporting data should be submitted to the two departments as soon as possible after completion. In addition, when the report is complete, you must submit a PECFA claim for all incurred costs and the current consultant contract must be terminated via the Commerce web site.

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, Jim Delwiche, at (262) 574-2145.

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. Jason Powell, METCO (without enclosures)
Mr. Jim Delwiche, DNR (without enclosures)



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107th Street
Milwaukee, Wisconsin 53224-1121
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Jim Doyle, Governor
Aaron Oliver, Secretary

October 25, 2010

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 68

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 OM Enterprises of **\$98,930.00**, for completion of a specific scope of work defined by the Department of Natural Resources (DNR) and Commerce. The bid response is enclosed for your reference.

Per Comm 47.68 (3), Wisconsin Administrative Code, 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	\$98,930.00	OM Enterprises
Not Reviewed	\$101,000.00	Endpoint Solutions
Not Reviewed	\$109,882.00	METCO
Not Reviewed	\$132,840.00	Sigma Environmental Services, Inc.
Not Reviewed	\$147,800.00	Konicek Environmental Consulting, LLC

Per Comm 47.68 (6), Wis. Administrative Code, 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. Raghu Singh, OM Enterprises
Mr. Jim Delwiche, DNR



November 8, 2010

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

RE: **Cost Cap Approval – Bid Round 68**

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



PUBLIC BID END DATE: October 22, 2010

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 for activities conducted from the date of this letter forward.

Approved cost cap to complete a scope of work: \$98,930.00

In compliance with the invitation to bid, *OM Enterprises* 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:

OM Enterprises	Phone: 262-790-0742
4765 North 158 th Street	Fax: 262-790-6769
Brookfield, WI 53005	raghuom@gmail.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	\$98,930.00	OM Enterprises
Not Reviewed	\$101,000.00	Endpoint Solutions
Not Reviewed	\$109,882.00	METCO
Not Reviewed	\$132,840.00	Sigma Environmental Services, Inc.
Not Reviewed	\$147,800.00	Konicek Environmental Consulting, LLC

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 Jim Delwiche, DNR Project Manager at (262) 574-2145. 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.

IMPORTANT NOTE: Commerce approved costs for your current consultant, METCO, to complete groundwater monitoring activities at this site during the bid process. The final report for those activities was promptly received by Commerce in a report dated November 4, 2010. It is important that you have METCO complete the PECFA claim for the costs incurred as soon as possible, so that METCO can terminate their contract and the consulting firm you contract with for this bid SOW can execute the new contract via Commerce's website.

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. Raghu Singh, OM Enterprises
Mr. Jim Delwiche, DNR