ENVIRONMENTAL & REGULATORY SERVICES DIVISION
PECFA BUREAU
P. O. Box 8044
Madison, Wisconsin 53708-8044
TDD #: (608) 264-8777
http:\\www.commerce.state.wi.us
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Jim Doyle, Governor
Cory L. Nettles, Secretary

commerce.wi.gov
Wisconsin
Department of Commerce

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 closure. The site upon which bids are being solicited is:

Bid Round Number: **32**
Comm Number: **54121-9644-51-B**
BRRTS Number: **03-19-222709**
Site Name: **Spread Eagle Marine (Lower Tank Site)**
Site Address: **HC 2 Box 251 Florence WI**

Project Manager: Beth Erdman
Project Manager address: 2129 Jackson St Oshkosh WI 54901
Project Manager phone: 920-303-5410
Project Manager e-mail address berdman@commerce.state.wi.us

Bid Announcement Date	**6/21/04**
Questions or requests for information must be submitted in writing and received by:	**7/5/04 4:00 PM**
Responses to the questions will be posted (and if requested, sent in writing) by:	**7/23/04**
Bid End Date and Time:	**8/6/04 by Noon**

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 Commerce, 2129 Jackson St, Oshkosh 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.

Kinkos-Oshkosh, 1971 Koeller St, Oshkosh WI 54901

Phone: 920-426-5580 **Fax: 920-426-5350**

SECTION 2 – Site-Specific Bid Specification Requirements:

A) Project Manager Comments

1) General Comments:

Spread Eagle Marine is located at HC Box 251, Florence, in northeastern Florence County. Two underground storage tank (UST) sites are located at the Spread Eagle Marine Property (Upper Tank Site and Lower Tank Site). The Spread Eagle Marine Upper Tank Site was closed by the Wisconsin Department of Natural Resources (WDNR) August 19, 1998. **This bid document refers only to the Lower Tank Site (Commerce # 54121-9644-51B).** Two 1,000-gallon underground storage tanks containing regular gasoline and premix marine fuel have been removed from the site. The tanks, utilized for boat fueling, were connected to dispensers located on the pier extending into Railroad Lake. The site is located at the bottom of a very steep wooded hill.

Twenty-six soil borings have been advanced to a maximum depth of 30 feet below ground surface (bgs). The 30-foot borings are located at the top of the hill along US Highway 2/141. Subsurface conditions consist of sand to the depth of borings. Soil contamination exceeds Wisconsin Administrative Code (WAC) chapters NR 720 and NR 746 Table 1 concentrations.

Five temporary wells (TW-1 through TW-5) and five monitoring wells (TW-6 through TW-10) have been installed. Groundwater contamination exceeds WAC chapter NR 140 enforcement standards (ES). Depth to groundwater ranges from 0.5 to 30 feet bgs with flow typically to the north toward Railroad Lake.

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:

Groundwater temporary and monitoring wells TW-1 through TW-10 are to be sampled once for petroleum volatile organic compounds (PVOCs). Groundwater elevations must be measured and a groundwater contour map generated.

Purge water generated during sample collection must be disposed of properly.

Documentation of work performed must be submitted as a request for closure with sampling results reported in tabular format, including updated maps and complete soil and groundwater GIS Registry Packet.

Temporary and monitoring wells TW-1 through TW-10 must be properly abandoned when conditional closure is granted at the site.

B) Bidder's Strategy for Remedial Action

1) Identify the remedial strategy for closure.

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 closure 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 closure 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:

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

*** *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 closure, 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 1st 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
(1st Page)

Department of Commerce PECFA Program

SITE NAME: **Spread Eagle Marine**
COMMERCE NUMBER: **54121-9644-51**
BRRTS NUMBER: **03-19-222709**

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 #

Seal

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

(2nd Page)

Department of Commerce PECFA Program

SITE NAME:	**Spread Eagle Marine**
COMMERCE NUMBER:	**54121-9644-51**
BRRTS NUMBER:	**03-19-222709**

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.

Questions & Answers
Spread Eagle Marine
COMM # 54121-9644-51 B
BRRTS #03-19-222709

Question: Are all items listed on the Checklist of Documents for GIS Registry Packet required for this project?

Answer: Yes

BID RESULTS
SPREAD EAGLE MARINE
54121-9644-51
03-19-222709

Consulting Firm	Tech Proposed	Closure Type	Total Cost	Qualified?
Bay Environmental	GW Monitoring	Natural Atten.	$1,913.75	Yes
METCO			$1,960.00	NR
Cedar			$2,145.00	NR
REI			$2,300.00	NR
Ecometrica			$3,650.00	NR
Northern			$3,980.00	NR
MMA			$4,375.00	NR
Coleman			$4,470.00	NR

NR – Not Reviewed

Bid Reviewers:

Commerce: Beth Erdman
Previous Consulting Firm: URS
Successful Bidder: Bay Environmental Strategies, Inc.
Consulting Firm Utilized: Bay Environmental Strategies, Inc.

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2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
Jim Doyle, Governor
Cory L. Nettles, Secretary

August 13, 2004

Ms. Carol Skowronski
CS & DS, Ltd.
HC2 Box 251
PO Box 49
Florence, WI 54121

RE: **Bid Response to Closure - Round 32**

Commerce # 54121-9644-51 B WDNR BRRTS # 03-19-222709
Spread Eagle Marine, HC 2 Box 251, Florence

PUBLIC BID END DATE: August 6, 2004

CLOSURE STRATEGY: Natural Attenuation

$ 1,913.75 Approved cost cap to closed remedial action status.

The Wisconsin Department of Commerce (Commerce) has established the PECFA reimbursement cost cap using the bid responses from the Commerce bid process. Bay Environmental Strategies, Inc. proposed the lowest total cost to a closed remedial action status. This consulting firm is considered the successful bidder. James Rabideau of Bay Environmental Strategies, Inc. can be contacted at:

Bay Environmental Strategies, Inc.	Phone: 920-433-0300
529 South Jefferson Street, Suite 10	Fax: 920-433-9030
Green Bay, WI 54301	E-Mail: bay@bayenvironmental.com

In compliance with the invitation to bid, Bay Environmental Strategies, Inc. has agreed to contract with the claimant to furnish the items/services quoted. The services and associated cost, 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 cost of the successful bid establishes your PECFA reimbursement cap. If you select the successful bidder and there are circumstances that prevent them from completing the activities for the approved cost, Commerce will consider modifying the cap. Consistent with existing rules, the consultant must notify Commerce prior to exceeding the cost cap. Be

Comment [lmm1]: From bid spec doc

Comment [bt2]: Enter approved closure method once remedial action is finished

Comment [bt3]: Enter total cost through closure.

Comment [bt4]: Enter name of winning consulting firm/successful bidder

Comment [bt5]: Name of consultant who submitted the winning bid/successful bidder

Comment [bt6]: Enter name of winning consulting firm./successful bidder

Comment [bt7]: Enter name of winning consulting firm/successful bidder

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.

Commerce may modify the reimbursement cap under the following conditions:

- The successful bidder must be selected by the claimant to perform the remediation through closure,
- The activities through closure, as defined in the successful bid response have been completed, and
- A closure request is denied by the agency with administrative authority prior to exceeding the 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 47.33(2)(b) The cost detail for the selected remediation alternative shall establish the total estimated cost (excluding interest) for the remediation up to the point of receiving approval as a closed remedial action.
- Comm 47.337(5) CLAIMANT OPTIONS. (a) After receiving an approval of a remedial action plan from the department, a claimant may elect to either implement the alternative or to select another alternative. If the claimant elects to implement a higher cost remedial strategy, the claimant must notify the department in writing of the intent to use a higher cost alternative. The notification must include the statement that the claimant agrees that the department approved alternative establishes the maximum reimbursable amount for consulting and commodity services under the fund and that additional costs for the occurrence, excluding interest, will not be submitted to the fund.
- 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. The department's approval is based on the limited information submitted in the remedial alternative cost approval document and does not imply that the department concurs that the recommended remedial alternative will achieve the remedial results anticipated by the consultant or required by law.

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
Hydrogeologist
Site Review Section

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

cc: James Rabideau-Bay Environmental Strategies, Inc.
U.S. Bank, PECFA Loan Dept., 605 N. 8th Street, PO Box 328, Sheboygan, WI 53082
Case File