P. O. Box 8044
Madison, Wisconsin 53708-8044
(608) 267-8516
TDD #: (608) 264-8777
www.commerce.state.wi.us

Wisconsin Department of Commerce

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

Wisconsin Department of Commerce PECFA Program

BID NUMBER: 4-53566-2850-03

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. The site upon which bids are being solicited is:

PECFA number: **53566-2850-03**
BRRTS number: **03-23-002587**
Site Owner: **Charles Zeitler**
Site Name: **Daehlin's Union 76**
Site Address: **703 21st St, Monroe, WI**

Program contact: **Eric Scott, Site Review Hydrogeologist**
Program contact address: **201 W. Washington Ave., Madison, WI 53701**
Program contact phone: **608-266-8516**

Bid End Date:	**Wednesday, September 8, 1999, by 3:00 PM**

SECTION 2 - 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 to a defined site closure or no further action required decision. The closure or no further action decision will be by either the Department of Commerce or the Department of Natural Resources depending on statutory site assignment. In preparing the bid, the bidder must assume compliance with applicable provisions of Commerce 47 and NR 700.

The site investigation and addendum reports for the site, upon which bids are being sought, is available for inspection at:

Dept of Commerce/ERS, 201 W. Washington Ave., Madison, WI

Inspection may be performed between the hours of 8:00 AM and 4:00 PM. Copies of the site investigation and addendum reports can be purchased for the cost of reproduction and handling at the following address:

Bob's Copy Shop, 37 University Square, Madison, WI 53715
Phone: 608-257-4536
Fax: 608-257-6555

For the purpose of the competitive bid, **the contaminant mass estimate is not available.**

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. From the bidders who comply with all provisions, the lowest total cost bid with an appropriate approach to bring the site to a closed remedial action or no further action status will be determined.

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. If two or more bidders tie in the cost comparison, the lowest non-commodity (consultant) cost will be used as the tiebreaker.

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

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

1. Utilize the lowest identified bidder.
2. Elect to utilize another service provider but agree to a cost cap not to exceed the lowest bid and to pay any costs over the bid amount themselves.

If a bidder fails to comply with a bid provision or they are not the lowest cost service provider with an appropriate approach, they will be determined to be “non-successful”. 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 bid, however, will available for inspection at:

Department of Commerce/ERS, 201 W. Washington Ave., Madison, WI

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.

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.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin. If a technology or method requires approval by either the Department of Natural Resources or Commerce, that approval must be received before it is included in a bid.

The Department reserves the right to reject any and all bids that appear to be above what the PECFA program determines to be customary and reasonable cost(s) for remedial efforts using the same or similar scope of work or in the same or similar geologic setting. We also reserve the right to reject bids that it believes are not appropriate to a specific geologic setting.

All amendments to and interpretations of this solicitation shall be in writing from the PECFA program contact indicated 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.

Questions or requests for information must be submitted in writing and received by:
Wednesday, August 18, 1999, by 4:00 PM.

After this date, no further questions will be addressed. Questions may be directed to:

Contact: **Eric Scott, Site Review Hydrogeologist**
Address: **Dept of Commerce, P.O. Box 7838, Madison, WI 53707-7838**
Fax: **608-267-1381**
E-mail: escott@commerce.state.wi.us

A written response will be provided on the Commerce PECFA Web Site (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). Responses to the questions will be posted (and if requested, sent in writing) by end of day, Friday, August 27, 1999.

The only official contact person for the PECFA program during the bidding process is the contact identified in Section 1. **Bidders are not to contact other personnel located within the Department of Commerce concerning the site or the bid solicitation**.

SECTION 3 - Closure Specifications:

The PECFA program is soliciting bids to perform corrective action on a petroleum release from a regulated petroleum storage tank system(s). A bid submitted must provide the total cost (including all costs whether pre or post closure, except interest) to bring the occurrence to and obtain agency approval of one of the closed remedial action status's identified below:

Unrestricted Closure
Closure with a NR 140 exemption
Closure with groundwater use restriction
Closure with deed notice
Closure with deed restriction
Closure with NR 720.19 soil standards
Closure under NR 708.09
Performance based NR 720.19 closure
Closure with site specific conditions
Closure under NR 726.07
Mass reduction

***** ***Note: If a winning bid identifies any of the closures types identified by an asterisk (options using institutional controls), and the responsible agency determines that the site can be closed, PECFA funding under s. 101.143, Stats., will be terminated at that point except for post closure costs that are otherwise eligible for reimbursement. This process will be followed regardless of whether all properties requiring a deed notice or restriction accept one as required under NR 726. When the responsible agency determines that it would be closeable with the notice or restriction, if a property owner does not accept a deed notice or restriction, PECFA funding under s. 101.143, Stats., will still be terminated at that point except for post closure costs that are otherwise eligible for reimbursement.***

If the funding cap available under PECFA for the occurrence is not believed to be adequate to remediate the occurrence to a closed or no further remedial action status, that must be specifically noted in the bid along with the remedial progress that will be achieved through the dollar amount bid. 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:

MW-2, MW-4, MW-6 & MW-11

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.

SECTION 4 - Site Specific Bid Specification Requirements

Additional down-gradient monitoring well(s) are required as part of any evaluation of remedial effectiveness.

SECTION 5 - Instructions to Bidders

In compliance with this invitation to bid and subject to all conditions thereof, the signatory offers and agrees, if their bid is determined to be the winning bid, within 60 days from date of opening, to furnish any or all items/services quoted at the prices set forth.

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 contact person 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 program contact 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 be designed to outline in brief and general terms, an approach to achieve the closed or no further remedial action status or remedial mass reduction goal. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may, however, be requested by the program to support the successful bid or to help answer questions for the site owner.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the program contact. If the program contact 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.

 CONSULTANT PHONE NUMBER ( ) ___-_____

The bid document must conform to the following:

1. The closed remedial or no further action status to be achieved or the contaminant mass reduction to be achieved must be stated using the options available from the list provided in Section 3.
2. If the funding available under PECFA is not believed to be adequate to remediate the occurrence, and a mass reduction proposal is being submitted, that must be shown on the bid form.
3. A brief description of the proposed treatment method(s) or technology(ies).
4. The total cost (in dollars) to accomplish the stated remedial goal, including all costs, fees, reporting, pre and post closure costs and costs for establishing restrictions or institutional controls but excluding interest and costs that were incurred as part of the original investigation.
5. The amount of cost (in dollars) specified in #4 that are consulting (also known as non-commodity costs).
6. Three (3) copies of the bid documents (including the original) signed and sealed by a professional engineer, professional geologist, hydrologist or soil scientist licensed by the state of Wisconsin. If a seal is not affixed, be sure to provide the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax <u>will not</u> 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 bid number thereon.
10. The bid number must be included on 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. Do not include more than one bid per envelope. If directing other correspondence to the program, address the envelope to the program contact identified but do not include the bid number on the envelope since it does not include your bid.
11. Bidders must clearly mark as "CONFIDENTIAL" each part of their bid which they consider to be proprietary information that could be **exempt from disclosure.** 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.
12. **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 opening.

13. **Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation,** will be rejected or otherwise disregarded.

14. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.

15. **Bidder's Responsibility:** 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.

16. **Amendments:** All amendments to and interpretations of this solicitation shall be in writing from the program contact. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.

17. **Competition:** 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.

CONSULTANT PHONE NUMBER ( ) ___-_____

BID RESPONSE
Department of Commerce PECFA Program
BID NUMBER: -

Submit Bid To: Eric Scott, Site Review Hydrogeologist
Department of Commerce PECFA Program
201 W. Washington Ave., P.O. Box 7838, Madison, WI 53707

Bidder Company: _____
Bidder Address: _____
_____
_____

Telephone Number ( ) -
Fax Number ( ) -
e-mail Address _____

Bidder: (check one that applies):

_____	Professional Engineer	_____	License #
_____	Professional Geologist	_____	License #
_____	Hydrologist	_____	License #
_____	Soil Scientist	_____	License #

Signature & Seal _____ Seal

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 Cost Bid $ _____

Total Consulting Cost (subpart of total bid) $ _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

CONSULTANT PHONE NUMBER ( ) ___-_____

BID RESPONSE
Department of Commerce PECFA Program
BID NUMBER: 4-53566285003
Page 2

Brief description of Proposed Treatment method(s) or technology(ies). Attach additional pages if necessary. You must include your telephone number on all added pages.

Identify closed remedial action status (check all that apply):

- □ **Unrestricted Closure**
- □ **Closure with a NR 140 exemption**
- **Closure with groundwater use restriction**
  - □ **On site**
  - □ **Off site**
- □ **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**
- □ **Other: explain on attached page**
- □ **Remediation will exceed maximum award:**
  Total mass-reduction proposed: _____

For Department Use Only

☐ Eval. Pass Eval. Fail: ☐ Technol. ☐ Closure ☐ Non-compliant

Reviewer Initials: COMM: _____
WDNR: _____

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Brenda J. Blanchard, Secretary

Wisconsin Department of Commerce

Wisconsin Department of Commerce PECFA Program

BID NUMBER: 4-53703-3515-11

PECFA number:	**53566-2850-03**
BRRTS number:	**03-23-002587**
Site Owner:	**Charles Zeitler**
Site Name:	**Daehlin's Union 76**
Site Address:	**703 21st St Monroe WI**
Program contact:	Eric Scott, Site Review Hydrogeologist
Program contact address:	201 W. Washington Ave., Madison, WI 53701
Program contact phone:	608-266-8516
E-mail:	escott@commerce.state.wi.us

Submitted Questions and Comm Responses

1. Approx. 6 gallons of free product were recovered. Has the free product been disposed of?

   There is no documentation in the PECFA file regarding free product disposal. There are indications the free product "must be collected" (*Request to Exceed the $40,000 Remedial Investigation Cap*, REA, January 2, 1997) and a holding tank was included in a second request to exceed the investigation cap (*Request for $40,000 Cap Exceedence …*, REA, May 11, 1998). In that May 11, 1999, request, two budgets were included. The budget for *Immediate Action Cost Estimate – Free Product Recovery System* was not approved however, the *Cost Estimate for Additional Investigation* was approved. Additional information maybe available in the DNR files.

2. How much PECFA fund has been used for investigation?

   The PECFA site investigation has a cap of $83,500.00.

3. What is the drinking water source at the site?

   "Homes and businesses in the City of Monroe are served with municipal water and sewer." (*Remedial Investigation Report*, REA, October 1997, page 4.)

4. Has the site been upgraded?

   The Dept. of Commerce, Environmental & Regulatory, Storage Tank Database, accessible via the Internet at http://www.commerce.state.wi.us/ER-en-tanks-info.html, indicates that the tanks at this site (Site ID = 65630) are "Abandoned without Product" or "Temporarily Out of Service".

5. The contaminant mass is not available. However, the progress of remedial action will be based upon contaminant mass reduction at several points. Can we estimate contaminant mass?

   Contaminant mass reduction may be used as a tool to gauge the remedial process by the consultant firm. The contamination mass estimate was not made available for this site because the total PECFA reimbursement "is not reasonably expected to exceed its cap" ($1M). Even if all of the compliant bids exceed the maximum award, the original RAP will establish the cost cap because it's cost estimate is less than the maximum award for this site. Hence, *SECTION 2 - Conditions of Bid*, the second paragraph of the "Bid Specifications", is not expected to be invoked.

Consultant	Bid Received	Total Cost	Consultant Cost	Technology Proposed	Closure Type	Compliant w/bid specs

Bids evaluated on Sept. 22 and 24, 1999 by Gordon Kline and Paul Kozal, WDNR, and Eric Scott, Commerce.
Original bidder: MONTGOMERY WATSON
Successful bidder: **All bids have been rejected**

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY 608-275-3231

September 29, 1999 File No - 03-23-002587

Mr. Eric Scott
Wisconsin Department of Commerce - PECFA
PO Box 8044
Madison WI 53707-8044

Subject: Public Bidding of Daehlin's Union 76 (53566-2850-03)

Dear Mr. Scott:

The Department of Natural Resources with the Department of Commerce has reviewed the remediation bids received for the subject site and requests that any and all bids be rejected and the current solicitation be canceled. This request is based on new information received and a further review of the *Remedial Investigation Report* and *Addendum.*

New information reported by the site investigation consultant, Resource Engineering Associates, Inc., indicates that a significant amount of free product exists in MW-11. See attached letter. On September 1, 1999, 36 inches of free product was discovered in MW-11. Previously 13,000 (9/98) and 5,800 (11/98) ppb benzene had been reported [1]. Based on this new information we believe that the upgradient extent on contamination is not fully defined.

Upon further review of the above referenced reports, it was learned that MW-10 was improperly constructed to serve as a sidegradient water table monitoring well[2]. Because this well is not functioning as intended, we can not conclude that the extent of the petroleum residue sidegradient (NW) of the contamination plume centerline has been fully defined.

In summary, these two significant discoverers make possible the conclusion that the extent, nature and degree of the contamination have not been defined. Hence, further investigation and a new evaluation of remedial options is necessary.

The following site investigation activities must be conducted:

- Installation of an additional water table well(s),
- Additional groundwater sampling events including the testing for natural attenuation parameters
- Further definition and interpretation of the free product and petroleum residues upgradient (NE) of MW-11.

[1] Addendum To Remedial Investigation Report, REA, January 1999, Table 2.
[2] ibid., Appendix B, MW-10 Construction & Development Forms

The Department looks forward to working with the Department of Commerce to develop specifications, and the timely public bidding of the additional investigation work and again public bidding the remedial work necessary to achieve site closure.

If you have any questions, you can call me at the number below.

Sincerely,

Paul L. Kozol, P.E.
Remediation and Redevelopment Engineer
South Central Region
(608) 275-3301

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Wisconsin
Department of Commerce

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

COMM 47 REMEDIAL ALTERNATIVE RESPONSE

CLAIMANT:

Charles Zeitler
Daehlin's Union 76
N1939 Hwy 69
Monroe, WI 53566

COMM # **53566-2850-03-A**
BRRTS # 0323002587
SITE: Daehlin's Union 76
703 21st St
Monroe

The Department of Commerce with concurrence from the Department of Natural is rejecting all public bids received 09/08/99. This decision is based on new information received and a further review of the *Remedial Investigation Report* and *Addendum.*

New information reported by the site investigation consultant, Resource Engineering Associates, Inc., indicates that a significant amount of free product exists in MW-11. On September 1, 1999, 36 inches of free product was discovered in MW-11. Previously 13,000 (9/98) and 5,800 (11/98) ppb benzene had been reported. Based on this new information we believe that the upgradient extent on contamination is not fully defined.

Upon further review of the above referenced reports, it was learned that MW-10 was improperly constructed to serve as a sidegradient water table monitoring well. Because this well is not functioning as intended, we can not conclude that the extent of the petroleum residue sidegradient (NW) of the contamination plume centerline has been fully defined.

In summary, these two significant discoverers make possible the conclusion that the extent, nature and degree of the contamination have not been defined. Hence, further investigation and a new evaluation of remedial options is necessary.

The following site investigation activities must be conducted:

- Installation of an additional water table well(s),
- Additional groundwater sampling events including the testing for natural attenuation parameters
- Further definition and interpretation of the free product and petroleum residues upgradient (NE) of MW-11.

These additional site investigation activities will be directed to the public bid process as soon as possible. All PECFA consulting firms are invited to "bid". If you have any questions please call me at the phone number listed below.

SIGNATURE: _____ **DATE: October 8, 1999**

Eric J Scott
PECFA Site Reviewer
608-266-8516

cc: William W Buckingham, Resource Engineering Assoc. Inc
Kevin L Olson, MSA Professional Services Inc
Pratap N Singh, K Singh & Assoc. Inc
Gary R Henningsen, Northern Environmental Tech Inc.
Jeffrey L Fischer, Fischer Environmental Inc
DNR Team Supervisor, South Central Region, Bureau for Remediation & Redevelopment
File: g:\pf\pecfa\535\53566\285003\ra public bid reject.doc