

# **COMPETITIVE FIXED-PRICE BID SOLICITATION**

## **SITE CLOSURE VIA STATEWIDE HEALTH STANDARDS (Residential, Used-Aquifer)**

**RMM's FOOD MART  
6160 EAST STATE STREET  
HERMITAGE, PENNSYLVANIA 16148**

**PADEP FACILITY ID #43-11787  
USTIF CLAIM #2000-0275(F)**

*August 23, 2011*

This Request for Bid (RFB) has been issued by the Pennsylvania Underground Storage Tank Indemnification Fund (USTIF or "Fund") on behalf of the Claimant, Mr. Michael W. Cidila, who hereafter is referred to as the Solicitor. This RFB seeks competitive bids from qualified contractors (consultants) to perform fixed-price activities in accordance with the performance milestones referenced herein, the goal of which is to close the site under The Pennsylvania Land Recycling and Environmental Remediation Standards Act of 1995 (Act 2) and to procure an associated relief from liability release from the Pennsylvania Department of Environmental Protection (PADEP). The milestone-oriented work described in this RFB shall be conducted relative to an identified petroleum release [USTIF Claim #2000-0275(F)] at the RMM's Food Mart, located at 6160 East State Street in Hermitage, Pennsylvania (Site). The Solicitor, who is the owner of the RMM's Food Mart and the property associated therewith, hereby requests bidders to provide their written approach to achieve the project goal in accordance with the work milestones presented in this RFB, which will be incorporated into an associated Fixed-Price Agreement (Attachment 1).

Although not a party to the agreement, USTIF will, subject to the claim limit cap, reimburse 100 percent of the reasonable, necessary, and appropriate costs associated with the Milestone Payment Schedule specified in Section 4 below and as incorporated into the associated Fixed-Price Agreement. The USTIF claimant for the RMM's Food Mart Site, Mr. Michael W. Cidila, has been reimbursed by USTIF for 100 percent of all reasonable, appropriate, and necessary claim-related activities under USTIF Claim #2000-0275(F).

The following Milestones are provided below to facilitate the preparation of a bid and to maintain consistency among the bids for bid evaluation:

- Task / Milestone A – Temporary Operation and Maintenance (O&M) and Winterization of the Existing Remedial System,
- Task / Milestone B – Quarterly Groundwater Monitoring,
- Task / Milestone C – PADEP File Review and Meeting,
- Task / Milestone D – Directed and Discretionary Site Characterization / SCR Update Report,
- Task / Milestone E – Discretionary Pilot Testing,
- Task / Milestone F – Preparation, Submission, and PADEP Approval of a New RAP,
- Task / Milestone G – RAP Implementation,
- Task / Milestone H – Groundwater Attainment Demonstration,
- Task / Milestone I – Preparation, Submission, and PADEP Approval of Remedial Action Completion Report (RACR), and
- Task / Milestone J – Site Restoration and Well Abandonment.

**By submitting a bid in response to this RFB, a firm (consultant or contractor) indicates their acceptance of the contractual terms (Attachment 1) and Milestone requirements of this project, including schedule deadlines, unless explicitly stated to the contrary in their bid.**

**Should your firm elect to submit a bid in response to this RFB, signed bids (hardcopy and PDF file) shall be sent to ICFI for delivery no later than close of business (5 p.m.) on October 14, 2011. The outside of the hardcopy bid package must be clearly marked and labeled with "Bid – Claim #2000-0275(F)."** The electronic copy shall be submitted in one PDF file (not multiple files for attachments, etc.). Please note that if your bid is not received by ICFI by this due date and time, it will not be considered. Only those bids received by the specified due date and time, and from those bidders who also attended the mandatory pre-bid Site meeting (see Section 6), will be considered.

Once the bid submission deadline has passed, ICFI will open the bids received and provide appropriate copies to the Solicitor, USTIF and the Technical Contact, but will not distribute any portion or element of a bid to any other party. No bids will be opened and released for review until the bid submission deadline has passed.

Bids will be considered individually, consistent with the evaluation process described in the USTIF Competitive Bidding Fact Sheet, which can be downloaded from the USTIF website ([www.insurance.pa.gov](http://www.insurance.pa.gov)). While the Technical Contact will assist ICFI, USTIF, and the Solicitor in evaluating the bids, it is up to the Solicitor to select the bidder from those bids deemed acceptable to USTIF as reasonable, necessary, and appropriate. The Technical Contact will also assist the Solicitor in communicating its choice of the successful bidder. Notification of bid award will likely occur within six weeks after receiving the bids.

## 1. ICFI, SOLICITOR, AND TECHNICAL CONTACT INFORMATION

<b>ICF International</b>	<b>Solicitor</b>	<b>Technical Contact</b>
Mr. Jerry Hawk ICF International 4000 Vine Street Middletown, PA 17057	Michael W. Cidila 1904 Shadyside Drive Hermitage, PA 16148	Lawrence Martin Excalibur Group, LLC 225 Wylie Road Saxonburg, PA 16056 Phone: 724-234-2137 Email: lmartin@excaliburgrpllc.com

**Please note that the Technical Contact is the single point of contact regarding this RFB.** Questions regarding this RFB and the associated Site conditions must only be directed **in writing** to the Technical Contact, not to the Solicitor or USTIF. **Bidder questions must be received no later than seven (7) calendar days prior to the due date for the bid.** Bidders shall not contact or discuss this RFB with the Solicitor, USTIF, ICFI, or PADEP unless approved by the Technical Contact. This RFB, however, may be discussed with subcontractors and vendors to the extent required for preparing a responding bid. If a bidder has specific questions for PADEP, such questions shall be submitted only to the Technical Contact, who will forward the questions to PADEP. PADEP may choose not to reply to questions it receives, or may not reply in time for their response to be beneficial.

Please note that unless a bidder successfully demonstrates its question is proprietary in nature, all questions and responses exchanged during and after the mandatory pre-bid Site meeting will be provided to all bidders on a non-attributable basis. A bidder must specify any questions it regards as proprietary at the time it submits these questions to the Technical Contact. If said question(s) is (are) determined to be non-proprietary by the Solicitor and the Technical Contact, the bidder will be given the option of withdrawing its question(s) before it is answered and a response distributed.

Submitted bids are subject to Pennsylvania's Right-to-Know Law.

## **2. SITE INFORMATION<sup>1</sup>**

The RMM's Food Mart Site is a former retail service station located in a mixed commercial-residential area of Hermitage, Mercer County, Pennsylvania. Retail operations at the Site, including the operation of a convenience store and a Laundromat ended in May 2001.

Bidders should consult the accompanying electronic files for more information on the Site.<sup>2</sup> If there is any conflict between the information provided in this RFB and the source documents, bidders shall defer to the source documents.

### **Location**

The site is located in Mercer County at 6160 East State Street in Hermitage, Pennsylvania (Site). The site is bounded to the north by East State Street (Route 62), to the south by a grass-covered lot, to the west by a commercial property, and to the east by South Nesshannock Road.

### **Petroleum Release Related to the USTIF Claim**

On August 28, 2000, two 8,000 gallon unleaded gasoline underground storage tanks (USTs) from one tank cavity, one 1,000 gallon kerosene UST from second tank cavity, the associated dispenser island pumps, and the associated piping were removed from the Site.

Gasoline contaminated soil and groundwater were encountered during the removal of the USTs. The contamination appeared to be the result of leaking product dispensers. Leaking gasoline reportedly migrated into the adjoining UST cavity and contaminated the UST backfill material in the southern end of the tank cavity for the gasoline USTs. Based on visual observations of soil conditions during removal of UST system components, a "Two Hour Notification of Contamination" was reported to the Northwest Regional Office of PADEP and stained soil was removed from the gasoline UST cavity and below the associated dispenser island. After the removal of the stained soil, groundwater developed on the floor of the excavation at approximately ten feet below grade. The groundwater had a petroleum odor but no visual signs of contamination. Subsequent sampling of soil and groundwater from within the UST excavation indicated the presence of petroleum-related contaminants in excess of Pennsylvania Statewide Health Standards.

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<sup>1</sup> Site information excerpted and/or summarized from the Site-related documents listed in Attachment 2 of this RFB.

<sup>2</sup> The information provided within this "Site Background and Description" section of the RFB has been adapted from the electronic files (source documents) that are available on-line as part of this RFB.

## Contaminants of Concern (COCs)

On-site **soils have been demonstrated to have achieved SHS**, as documented in *Final Attainment Statewide Health Standards for Soils Report*, dated January 30, 2004, by Moody and Associates, Inc.

The May 2003 Final SCR for the Site states that, "Contaminates in the unsaturated soils could volatilize into gases, migrate to the surface and enter the atmosphere. Because soils have not been impacted this route of exposure is eliminated."

Historically, both benzene and methyl tert-butyl ether (MTBE) were detected in on-Site groundwater samples at concentrations above SHS. Currently, **MTBE is the only COC that is known to exceed SHS in on-Site groundwater; with concentrations of 31 ppb and 28 ppb in monitoring wells MW-8 and MW-8D, respectively.**<sup>3</sup> Site-related COCs have not been detected off-Site monitoring well samples at concentration exceeding SHS.

The Solicitor and USTIF have issued this RFB for the RMM's Food Mart Site due to the persistence of MTBE within MW-8 and MW-8D.

## Subsurface Conditions

Based on the Geologic Map of Pennsylvania (1980), the Site lies within the Pennsylvanian aged Pottsville group of the Appalachian Plateau Region. This group contains of cyclic sequences of sandstone, red and gray shale, conglomerate, clay, coal, and limestone.

Typical lithologic on-Site conditions reveal sandy, clayey soil to a depth of approximately 5 feet below ground surface (ft-bgs) to 6 ft-bgs overlying weathered shale. The weathered shale is in contact with competent shale at depths ranging from approximately 20 ft-bgs to 22 ft-bgs.

The conglomerates of the Pennsylvanian aged group can supply water in sufficient volume over extended time to provide potable water sources to residential properties.

The Site lies on a topographic groundwater divide which runs north to south through the Site. Twelve monitoring wells have been installed into the first on-Site groundwater bearing interval. Groundwater elevation data from these monitoring wells indicates that on-Site shallow groundwater flows both eastward and westward away from the former gasoline tank cavity. The contaminant plume, however, appears to only flow eastward from the location of the identified gasoline release.

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<sup>3</sup> Groundwater samples collected on October 21, 2011.

The May 2003 Final SCR states that the hydraulic gradient for the on-Site shallow groundwater system is 605 feet per mile and that the average on-Site transmissivity of the shallow groundwater system is 3,305 gpd/foot. On-Site depths to groundwater typically range from approximately 4 ft-bgs to 12 ft-bgs.

### **Current Site Conceptual Model (From the May 2003 Final SCR)**

The conceptual site model identifies the source of the contamination, contaminate migration routes, human and ecological receptors and exposure pathways. The source of the contamination is the leaking gasoline underground storage tanks or service isle that was removed at the Site. Contaminates in the unsaturated soils could volatilize into gases, migrate to the surface and enter the atmosphere. Because soils have not been impacted this route of exposure is eliminated.

Contamination in groundwater can migrate in the direction of groundwater flow. Human receptors could come in contact with contaminants by excavating in the area of the contamination plume or by the utilization of groundwater from the area of the contamination plume. Though private water wells exist in the area they are currently located outside the contamination plume.

Ecological impacts could occur if the contaminated groundwater discharges to a surface body of water such as a stream or lake. There are no surface water bodies' located onsite or in the immediate vicinity of the Site. Act 2 requires that direct impact to ecological receptors shall be addressed to protect the environment. No additional evaluation of the ecological receptors is required if the only contaminants detected onsite are gasoline related, which is the contamination source at this Site.

### **Summary of Previous Remedial Actions**

During UST removal activities in August 2000 and again in November 2003 limited volumes of visually-impacted soil were removed from the Site for off-Site disposal. Approximately 80 tons of soil were removed from the Site during the 2003 event and approximately 14 tons were removed the 2000 event.

On July 5, 2001, an interim remedial action response was conducted using high vacuum enhanced fluid recovery techniques to recover impacted groundwater from monitoring wells MW -1, MW-5, and MW-8. Vacuum recovery of groundwater was conducted for eight hours, and a total of 555 gallons of groundwater was removed from the three monitoring wells.

Currently a RAP-specified groundwater pump and treat remedial system is operating on-Site in concert with a passive bio-venting system. Recovered groundwater is treated via granular activated carbon prior to being discharged on-Site in accordance with a NPDES permit.

### **3. PROJECT MILESTONES AND THEIR OBJECTIVES**

This solicitation requests a fixed price bid (a) for several specific tasks defined in this RFB and (b) for achieving the SHS goal by completing the site remediation by the bidder's recommended course of action. For the RMM's Food Mart Site, the desired result or project goal is to "close" the RMM's Food Mart Site under Pennsylvania Act 2 and obtain an associated release of liability from PADEP by demonstrating attainment of residential used-aquifer SHS for groundwater.<sup>4</sup> Because this RFB includes a remediation results-oriented fixed price task, bids must contain a higher level of project-specific details, which will allow the Solicitor and USTIF to accurately assess each bid and differentiate among them. In reviewing responses to this RFB, the bid review committee will use the following criteria (questions) to assess whether bids are technically sound:

- Does the bid demonstrate that the bidder has an understanding of existing Site conditions and the associated Site-specific regulatory issues?
- Does the bid demonstrate that the bidder has an understanding of individual milestone objectives as well as the overall project goal?
- Does the bid present an appropriate remedial solution that uses quantitative physical and laboratory data to document and confirm remedial progress?
- Is the remedial solution presented reasonably capable of achieving Site closure in conformance with PADEP guidance and PA Code, Title 25, Chapter 245 within a reasonable timeframe?

The Solicitor and USTIF recognize that each bidder may provide a unique path forward at the RMM's Food Mart Site, and that some bidder's solutions may include incorporation of some or all components of the existing on-Site remedial system. Bids, therefore, must be well reasoned, well organized, and detailed as they describe how the interested bidder plans to move the Site from its existing conditions (both from a technical prospective and a regulatory prospective) to the conditions required by PADEP to close the Site under Act 2 and provide the Solicitor with an associated release of liability. Each bidder should carefully review the existing Site information provided in the attachments to this RFB and seek out other appropriate sources of information to develop their response to this RFB. Nothing stated or implied within this RFB shall be construed as an endorsement by the Solicitor or by USTIF of a particular remedial technology or remedial solution for the RMM's Food Mart Site, including continued use or disuse of any components of the existing remedial system.

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<sup>4</sup> The May 2003 Final SCR states in Section 6 that, "[c]ontaminates in the unsaturated soils have could volatilize into gasses, migrate to the surface and enter the atmosphere," but that "[b]ecause soils have not been impacted this route of exposure is eliminated." Based on these statements from the May 2003 Final SCR and PADEP's subsequent approval of that report on June 3, 2003, this RFB does not include work or milestones associated with assessment of indoor air quality risks or demonstration of attainment of SHS in soils.

The bidder's approach to achieving closure of the RMM's Food Mart Site under PA Act 2 and an associated release of liability from PADEP shall be in accordance with generally accepted industry standards/practices and all applicable federal, state, and local rules, regulations, guidance, and directives. The latter include, but are not necessarily limited to meeting the requirements of the following:

- The Storage Tank and Spill Prevention Act (Act 32 of 1989, as amended),
- Pennsylvania Code, Title 25, Chapter 245 - Administration of the Storage Tank Spill Prevention Program,
- The Land Recycling and Environmental Remediation Standards Act of 1995 (Act 2), as amended),
- Pennsylvania Code, Chapter 250 - Administration of Land Recycling Program, and
- Pennsylvania's Underground Utility Line Protection Law, Act 287 of 1974, as amended by Act 121 of 2008.

Each bid must provide the Solicitor and USTIF with a schedule that begins with execution of the Fixed-Price Agreement with the Solicitor and ends with Site closure under Pennsylvania Act 2 (and the associated release of liability from PADEP). Schedules must also indicate the start and end of each of the milestones specified below, and indicate the timing of all proposed key milestone activities. Schedules must also specify no less than two weeks for the Solicitor and USTIF to review and comment on any documents that will be submitted to PADEP or any other governing regulatory body. As appropriate, bid schedules must include time to address any comments received from PADEP on the SCR/RAP Update Report.

During completion of the milestone objectives specified below and throughout implementation of the project, the selected consultant shall:<sup>5</sup>

- Conduct necessary, reasonable, and appropriate project planning and management activities until the project (fixed-price agreement) is completed. Such activities may include Solicitor communications/updates, meetings, record keeping, subcontracting, personnel and subcontractor management, quality assurance/quality control, scheduling, and other activities (e.g., utility location, etc.). Project planning and management activities will also include preparing and implementing plans for Health and Safety, Waste Management, Field Sampling/Analysis, and/or other plans that may be required by regulations or that may be necessary and appropriate to complete the SOW, and shall also include activities related to establishing any necessary access agreements.

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<sup>5</sup> As such, all bids shall include the costs of these activities and associated functions within the pricing for applicable milestones.

Project planning and management shall include identifying and taking appropriate safety precautions to not disturb site utilities, including, but not limited to, contacting Pennsylvania One Call (dial 811) as required prior to any ground-invasive work.<sup>6</sup> As appropriate, project management costs shall be included in each bidder's pricing to complete the milestones specified below.

- Be responsible for coordinating, managing and completing the proper management, characterization, handling, treatment, and/or disposal of all impacted soils, water, and derivative wastes generated during the implementation of this SOW in accordance with standard industry practices and applicable laws, regulations, guidance, and PADEP directives. Waste characterization and disposal documentation (e.g., manifests) shall be maintained and provided to the Solicitor upon request.
- Be responsible for providing the Solicitor, and Site operator, with adequate advance notice prior to each visit to the property. The purpose of this notification is to coordinate with the Solicitor and Site operator to ensure that appropriate areas of the property are accessible. Return visits to the Site prompted by a failure to make the necessary logistical arrangements in advance will **not** constitute a change in the selected consultant's SOW or compensation under the Fixed-Price Agreement.
- Be responsible for keeping all Site monitoring wells in good condition, with each well properly sealed and locked in-between each monitoring/sampling event. The selected consultant is responsible for repairing any seals or locks that become defective during the period of this Fixed-Price Agreement at its expense. Any request for Fund reimbursement of the reasonable costs to repair or replace a well will be considered on a case-by-case basis.

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<sup>6</sup> Pennsylvania's Underground Utility Line Protection Law, Act 287 of 1974, as amended by Act 121 of 2008 (the "Act"); OSHA Standard 1926.651 (revised 1990); the Federal Pipeline Safety Act of 1968, as amended, protecting underground liquid (CFR 49 Part 195) and natural gas (CFR 49 Part 192.614) pipelines; and the National Electric Safety Code, ANSI C-2 (revised 1997); require anyone who engages in any type of excavation or demolition, (see the Act for definition of excavation), to provide advance notice. In Pennsylvania, the Act requires "*notice in the design or planning phase of every work operation that involves the movement of earth with powered equipment. This notice is not less than 10 nor more than 90 business days before final design approval. In the Construction phase of a work operation involving movement of earth with powered equipment or explosives the notice required is at least 3 business days but not more than 10 business days prior to actual excavation.*" The Pennsylvania One Call website is [www.paonecall.org](http://www.paonecall.org).

### **Task / Milestone A – Temporary O&M of the Existing Remedial System**

Under this milestone, bidders shall provide a firm fixed-price to operate and maintain the existing on-Site remedial system, starting 14 days after the associated Fixed-Price Agreement is executed and ending within 30 days following PADEP approval of the bidder's proposed remedial solution for the RMM's Food Mart Site, at which time the implementation of the new remedial solution shall begin (i.e., Milestone G, below). As such, all bidders shall become knowledgeable with all of the safety, regulatory, operational, maintenance, permitting, access, and costs associated with O&M of the existing on-Site remedial system.<sup>7</sup> To that end, all bidders are encouraged to carefully review all available documents associated with the existing remedial system and to study remedial equipment and controls during the mandatory on-Site pre-bid meeting. During the mandatory pre-bid meeting, all bidders will be allowed to enter, inspect, and photograph the existing remedial system.

Once PADEP has approved a new remedial solution for the Site (i.e., Milestone F) and its implementation has begun (Milestone G), under this milestone bidders shall winterize the existing remedial system. Winterization shall consist of all work necessary to de-energize and protect the existing remedial system while it is not being used up to the time when it is removed from the Site (i.e., Milestone J). This work may include, but not be limited to the following: draining water from all equipment, tanks, and pipelines; de-energizing, locking-out, and tagging-out all associated hydraulic, pneumatic, and electrical systems; proper disposal of all associated wastes, debris, and trash; and securing all such equipment and systems (recovery wells, equipment, treatment building, etc.) from potential theft or vandalism.

For bidding purposes, **all bidders shall assume that they will operate and maintain the existing on-Site remedial system for three months**, and that a monthly O&M unit rate will be used to adjust for any increase or decrease in the length of time that the existing on-Site remedial system needs to be operated and maintained prior to implementation of a new remedial solution. In addition, all bidders shall assume that the existing remedial system will be winterized once. These bidding requirements regarding O&M and winterization of the existing remedial system shall be assumed by all bidders regardless of their desire to ultimately utilize part or all of the existing remedial system as part of their proposed remedial solution for the RMM's Food Mart Site (i.e., Milestones F and G).

### **Task / Milestone B – Quarterly Groundwater Monitoring**

Under this milestone, bidders shall provide a firm fixed-price to complete quarterly groundwater monitoring and reporting events relative to the RMM's Food Mart Site. This milestone shall commence immediately following the execution of the associated Fixed-Price Agreement and

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<sup>7</sup> Treated effluent from the existing remedial system is discharged via an NPDES permit that expires December 31, 2012.

shall terminate with the initiation of groundwater attainment demonstration monitoring.<sup>8</sup> For bidding purposes, **all bids shall assume six quarterly sampling / reporting events** and all bids shall include a quarterly event unit rate that will be used to adjust for any increase or decrease in the number of quarterly monitoring events that are actually required prior to the initiation of Milestone H.

The following Site-related monitoring wells are designated for representative sample collection, analyses, and documentation during each quarterly groundwater monitoring event: MW-1, MW-4, MW-5, MW-8, MW-8D, MW-10, MW-11, and MW-12.<sup>9</sup> In addition, each quarterly event shall include gauging the depth to groundwater (and separate-phase hydrocarbons if unexpectedly present) in all available monitoring wells (i.e., MW- 1 through MW-12 and MW-8D) prior to purging any of the wells for sampling. Groundwater-level measurements obtained from the monitoring wells shall be converted to groundwater elevations consistent with the current (most recent) vertical datum used at the Site to assess groundwater flow direction and hydraulic gradient.

For each quarterly monitoring event, once all depth to groundwater data has been measured and recorded, each monitoring well designated for representative sample collection shall be purged then sampled in accordance with PADEP Groundwater Monitoring Guidance Manual, other applicable PADEP guidance and directives, and standard industry practices. Any well with a numerically quantifiable thickness of separate-phase hydrocarbons shall not be purged or sampled. Bidders shall manage equipment decontamination fluids and groundwater generated by the well purging and sampling activities in accordance with standard industry practices and applicable laws, regulations, guidance, and PADEP directives.

Each groundwater sample collected from monitoring wells MW-1, MW-4, MW-5, MW-8, MW-8D, MW-10, MW-11, and MW-12 shall be analyzed for the pre-March 2008 PADEP short-list of unleaded petroleum products, unleaded gasoline category<sup>10</sup>, by a PADEP-accredited laboratory using USEPA Method SW-846 8260B, with method detection levels below individual SHS for each compound. Appropriate quality assurance/quality control (QA/QC) samples shall also be collected and analyzed for the same parameters as part of each event.<sup>11</sup>

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<sup>8</sup> The first quarterly event conducted under Milestone B shall be timed to continue the pre-existing sequence of quarterly groundwater monitoring events without disruption.

<sup>9</sup> PADEP, in a letter dated September 14, 2009, approved the elimination of the following Site-related monitoring wells: MW-2, MW-3, MW-6, MW-7, and MW-9.

<sup>10</sup> Parameters include: benzene, ethylbenzene, toluene, total xylenes, isopropylbenzene (cumene), methyl-tert-butylether (MTBE), and naphthalene.

<sup>11</sup> Each bidder's approach to implementing Milestone B shall clearly identify the number of sampling events, number of wells / samples per event, well purging and sampling method(s), QA/QC measures, analytes, and other key assumptions affecting the bid price.

Each groundwater sample collected from monitoring wells MW-1, MW-4, MW-5, MW-8, MW-8D, MW-10, MW-11, and MW-12 shall also be field-analyzed and recorded for the following monitored natural attenuation (MNA) parameters: temperature, pH, specific conductance, dissolved oxygen, and oxidation/reduction potential.

The results of each quarterly groundwater monitoring event shall be documented in separate quarterly Remedial Action Progress Reports (RAPRs) (see below). In addition, any such available data shall also be documented in any updates, revisions, or amendments to the May 2003 Final SCR (i.e., Milestone D) or the September 2003 RAP (i.e., Milestone F).

Each quarterly RAPR shall be prepared, completed, and submitted for PADEP review in accordance with standard industry practices and applicable laws, regulations, guidance, and PADEP directives. Each quarterly report shall provide the data generated during the reporting period, shall be complete and concisely organized, and shall contain at least the following elements:

- A summary of Site operations and remedial progress made during the reporting period that addresses whether or not the degree of remedial progress is reasonably "on track" to achieve a timely and cost-effective Site closure.
- Data collected from the monitored wells, including the depth to groundwater and thickness of any free product encountered.
- At least one groundwater elevation contour map, which also depicts a licensed professional's interpretation of groundwater flow direction.
- Tabulated historical quantitative groundwater analytical results, including results from the current quarter.
- The laboratory analytical report(s) for the samples collected during the current quarter.
- One Site-wide iso-concentration contour map for each compound detected in groundwater at a concentration exceeding the applicable SHS-MSD during the quarter.<sup>12</sup>
- For each well that has exhibited an SHS-MSD exceedance during the reporting period and/or during the previous year, a graphical depiction of historical key contaminant concentrations and groundwater elevations to provide an assessment of correlations between fluctuating water levels/precipitation events and contaminant concentrations. This assessment should specifically address whether

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<sup>12</sup> All figures included in each quarterly report (e.g., site plan, groundwater elevation maps, dissolved plume maps, etc.) shall be available in electronic format to the Solicitor upon request.

observed dissolved-phase constituent concentration fluctuations may be related to changing hydrogeologic conditions or whether these fluctuations may be potentially indicative of changed conditions requiring further investigation and/or a possible change in the Site closure strategy.

- For each well that has exhibited an SHS-MSC exceedance during the reporting period or previously, a graphical depiction of recent key contaminant concentration trends. Each quarter, contaminant concentration trend lines shall be calculated using the previous two-years of analytical data (or data collected after the active remediation has been initiated, if applicable) to be plotted on an x-y scatter plot with a logarithmic scale. The exponential trend lines shall be projected forward in time to assess the pace of or projected timeframe for remediation to achieve attainment of the selected remediation standard(s).
- Discussion of the data to offer an updated assessment whether these data are consistent with a stable, shrinking, or expanding plume and, therefore, whether or not the plume appears to be responding to the remedial action in a manner suggestive of a timely and cost-effective Site closure.
- Treatment and disposal documentation for waste generated during the reporting period.

USTIF will only reimburse for only necessary quarterly groundwater sampling / reporting events actually completed under this milestone (e.g., this milestone shall complete as soon as groundwater attainment demonstration monitoring begins).

Each quarterly RAPR shall be signed and sealed by a Professional Geologist registered in the Commonwealth of Pennsylvania.

### **Task / Milestone C – PADEP File Review and Meeting**

Under this milestone, bidders shall provide a firm fixed-price for conducting a detailed review of project-related files (reports, correspondence, etc.) maintained by PADEP in their Meadville, Pennsylvania office that relate to the RMM's Food Mart Site. This review is intended to assist the selected consultant in gaining a full understanding of the site history, documented environmental conditions, remedial activities conducted to date, the regulatory and permitting issues associated with the Site.

The fixed-price for reviewing files shall also include a project-specific meeting to discuss issues related to the RMM's Food Mart Site and, most importantly, to learn PADEP's perspective regarding the Site. This meeting, which shall take place in-person with the current PADEP case manager, may be held either on-Site or at PADEP's office in Meadville, Pennsylvania. The meeting is intended to get PADEP involved this new Site-related project from its inception, which should help expedite the resolution of any historic or new regulatory issues. Key meeting discussion points, all action items, and any comments provided by the PADEP case manager

during this meeting shall be discussed with the Solicitor and USTIF and documented in an associated letter.

Both the review of PADEP files and the in-person meeting with the PADEP case manager shall take place within 30 days of execution of the Fixed-Price Agreement associated with this RFB.

### **Task / Milestone D – Directed and Discretionary Site Characterization / SCR Update Report**

Under this milestone, bidders shall provide a firm fixed-price for directed (Milestone D1, below) and discretionary characterization activities at the Site (Milestones D2, D3, etc., if any); including the preparation of an appropriate SCR Update Report. Should a bidder elect not to conduct any discretionary activities under Task/Milestone D, a fixed-price of \$0.00 shall be entered into the appropriate locations (D2, D3, etc.) of the Standardized Bid Form (Attachment 3). Bidders that elect not to propose discretionary site characterization activities to facilitate the efficient closure of the Site under Act 2 **must** provide the technical rationale (basis) for this decision within their bid, along with supporting examples (as appropriate). In addition, bidders that do not believe that discretionary site characterization activities are necessary to efficiently close the Site under Act 2 **must** explicitly state within their bid that they accept the inherent risk in relying almost entirely or exclusively on data collected by others.

Discretionary work (and the scope thereof) that may be conducted under this milestone will vary by bid according to each bidder's vision for remediation of the Site (Site Conceptual Model). Milestone D shall be used by bidders to verify previously collected data or to address any perceived gaps in the existing characterization data relevant to bidder's approach to completing the site remediation. The discretionary work proposed and conducted under this milestone (if any), as well as the fixed- or unit-price(s) associated therewith shall be formulated independently by each bidder at their sole discretion. Aside from the requirements of Milestone D1, below, the work breakdowns (if any) for all discretionary Milestone D work (Milestones D2, D3, etc.) will vary by bid.

Following review of the Site-related documents incorporated into this RFB (i.e., Site-specific documents, posted with this RFB on the USTIF website<sup>13</sup>) and participation in the mandatory pre-bid Site meeting, should a bidding firm believe it to be reasonable, appropriate and necessary to conduct additional Site characterization activities to formulate an efficient and effective remedial plan for the RMM's Food Mart Site, such additional activities and their associated bid pricing shall be included under Milestones D1, D2, etc.

All The SCR Update Report shall appropriately address and conform with the updates to 25 Pa. Code Chapter 250 that became effective January 8, 2010. The updates include changes to the some regulated substances listed in the Statewide Health Cleanup Standard tables and a requirement to evaluate impacts due to vapor intrusion in accordance with the Department's

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<sup>13</sup> [www.insurance.pa.gov](http://www.insurance.pa.gov)

guidance document titled "Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2 Statewide Health Standard". The updates also changed certain SHS for some petroleum short list constituents. PADEP has confirmed that the updates do not require an expansion of the COCs that are included for analysis at the RMM's Food Mart site.

Milestone D has one directed (i.e., mandatory) activity, Milestone D1. Under Milestone D1, bidders shall provide a firm fixed-price to conduct an assessment of the groundwater-to-indoor air exposure pathway. Under the assessment, the combined impacts due to soil and/or groundwater for vapor intrusion shall be evaluated by the successful bidder to determine whether the previous soil RACR (*Final Attainment Statewide Health Standards for Soils Report*, dated January 30, 2004, see Attachment 2) properly followed the Vapor Intrusion Guidance Document, which is now a regulatory requirement. Each bidder's description of Milestone D1 shall identify any such deficiencies and shall describe in detail the work necessary to address those deficiencies using existing and/or new site characterization data (e.g., an on-Site soil vapor sampling, analysis, and evaluation program). [Bidders shall note that in reviewing a draft version of this RFB, PADEP agreed that vapor intrusion in to indoor air may have been addressed by their March 2004 approval of the previous soils RACR, but that this previous approval may not mean that the groundwater vapor intrusion pathway has been properly addressed. As such, PADEP has requested that the combined impacts due to soil and/or groundwater for vapor intrusion be properly evaluated in light of the new Vapor Intrusion Guidance Document.]

All proposed discretionary and directed Milestone D activity shall be accompanied by the following:

- The purpose and need for each Milestone D activity and an appropriate breakdown (Milestone D1, D2, D3, etc., as applicable).
- A detailed scope description of each activity, including the use of and incorporation of pre-existing Site data.
- The timing and schedule of each activity relative to the overall project schedule.
- A description of the anticipated results of each activity and how such results may impact your proposed conceptual remedial action plan.
- Firm fixed-pricing and any appropriate unit pricing for each Milestone D activity (Milestone D1, D2, D3, etc., as applicable) within each bidder's completed Standardized Bid Form (Attachment 3).

The scope, purpose, and results of directed (Milestone D1) and discretionary (Milestones D2, D3, etc., if any) site characterization activities that are conducted under Milestone D shall be documented in a SCR Update Report, which shall be submitted to both the Solicitor and USTIF for review prior to its submission to PADEP. Each bidder's project schedule shall provide two weeks for Solicitor and USTIF review of the draft SCR Update Report. The final SCR Update Report shall address comments received from the Solicitor and USTIF on the draft SCR Update Report before it is submitted to PADEP. The SCR Update Report shall be consistent (with regard to approach and level of effort) with the conceptual remedial action plan provided in the selected consultant's bid.

The pricing for Milestone D (i.e., Milestones D1, D2, D3, etc., as applicable) on the Standardized Bid Form (Attachment 3) shall incorporate all costs associated with the preparation, submittal, and approval by PADEP of an appropriate SCR Update Report.

### **Task / Milestone E – Discretionary Pilot Testing**

Under this milestone, bidders shall provide a firm fixed-price for discretionary characterization activities at the Site. Should a bidder elect not to conduct any activities under Milestone E, a fixed-price of \$0.00 shall be entered into the appropriate location of the Standardized Bid Form (Attachment 3). Bidders that elect not to propose discretionary pilot testing to facilitate the efficient closure of the Site under Act 2 **must** provide the technical rationale (basis) for this decision within their bid, along with supporting examples (as appropriate). In addition, bidders that do not believe that discretionary pilot testing is necessary to efficiently close the Site under Act 2 **must** explicitly state within their bid that they accept the inherent risk in relying almost entirely or exclusively on data collected by others.

Work that may be conducted under this milestone is discretionary and the scope thereof will vary by bid according to each bidder's vision for remediation of the Site (Site Conceptual Model). Milestone E shall be used by bidders to collect data that is needed to assess or finalize the design of the remedial system or approach they plan to use at the RMM's Food Mart site to achieve SHS for groundwater. The work proposed and conducted under this milestone (if any), as well as the fixed- or unit-price(s) associated therewith shall be formulated independently by each bidder at their sole discretion. Milestone work breakdowns (if any) and their associated pricing entered into the Standardized Bid Form (Attachment 3) will vary by bid.

Should a bidder believe that it is reasonable, appropriate, and necessary to conduct feasibility studies or pilot test to assess or finalize the design of the remedial system or approach that they plan to use at the RMM's Food Mart site to achieve SHS for groundwater, such additional activities and their associated bid pricing shall be included under Milestone E. Potential considerations regarding the need for Milestone E activities include: determination of Site-specific remedial design data, confirmation that the proposed technology is technically feasible, confirmation that the proposed technology is cost-effective, and confirmation that the proposed technology will provide a timely closure of the Site under Pennsylvania Act 2.

Although not an endorsement to implement (or not to implement) any such work, potential activities for bidders to consider may include, but not be limited to the following:

- In-situ pneumatic or hydraulic permeability studies.
- Feasibility studies and/or pilot testing activities to assess the effectiveness of a specific remedial technology or approach.
- Remedial design calculations, technology information, equipment specifications, and materials specifications as appropriate to support implementation of and PADEP approval of the remedial technology proposed within your bid.

Any and all Milestone E activities that are proposed with your firm's bid shall be accompanied by the following:

- The purpose and need for each Milestone E activity and an appropriate breakdown (Milestone E1, E2, etc.).
- A detailed scope description of each activity, including the use of and incorporation of pre-existing Site data.
- The timing and schedule of each activity relative to the overall project schedule.
- A description of the anticipated results of each activity and how such results may impact your proposed conceptual remedial action plan.
- For activities involving the evaluation of a remedial technology, such as a feasibility study or pilot test, bids shall describe in detail the likelihood that of the resulting data will dictate a change in the conceptual remedial action plan proposed in your bid.
- Firm fixed-pricing and any appropriate unit pricing for each Milestone E activity (Milestone E1, E2, etc.) within each bidder's completed Standardized Bid Form (Attachment 3).

Additional, discretionary feasibility / pilot testing activities (if any) conducted under Milestone E shall be documented in a new RAP (Milestone F), which shall be submitted to both the Solicitor and USTIF for review prior to its submission to PADEP. Each bidder's project schedule shall provide two weeks for Solicitor and USTIF review of the draft document. The final new RAP shall address comments received from the Solicitor and USTIF on the draft report before it is submitted to PADEP. The new RAP shall be consistent (with regard to approach and level of effort) with the conceptual remedial action plan provided in the selected consultant's bid.

Bidders shall specify within their bids the critical criteria (if any) that will be used to evaluate data obtained through Milestone E activities. These critical criteria shall be used by the successful bidder to assess whether or not their proposed conceptual remedial action plan is feasible. As such, and as applicable, bids shall list an upper and lower limit for each critical criterion that will define the range of acceptable results (i.e., feasibility study or pilot testing results). These criteria must be tightly controlled measurements or calculations that could be independently measured or verified by others during testing. Based on these criteria, Exhibit A of the Fixed-Price Agreement (Attachment 1) will contain a provision for cancellation of the agreement test results (i.e., the data obtained during the implementation of Milestone E) does not meet certain bidder-defined criteria bounds (ranges). Each bidder, therefore, shall explicitly specify any and all critical criteria and their associated acceptable ranges for key design elements on which their proposed remedy depends (i.e., the critical criteria and quantified ranges of values that will make the proposed conceptual remedial plan technically feasible, cost-effective, and timely).

**For example**, and only if a bidder proposes to conduct activities under Milestone E, bids shall include language like, "For our proposed conceptual remedial action plan to be successful and the for technology(ies) used thereby to operate as planned and meet our proposed clean-up schedule, our proposed recovery well pumping test must demonstrate the following:

1. The long-term, sustainable groundwater recovery rate must be assessed to be greater than 2 gpm per recovery well,
2. Recovery well capture zones at the minimum sustainable groundwater recovery rate will require no more three recovery wells to hydraulically manage the site contaminant plume,
3. The dissolved iron concentration within groundwater collected during the pumping test will not exceed 5 milligrams per liter (mg/L)."

**End of Example bid language.** Actual bid language, if any, and their associated critical criteria will vary by bidder.

The critical criteria identified in each bid and their associated acceptable range of testing results will be evaluated by the bid evaluation committee as part of the technical review. Unrealistic criteria or criteria that are unreasonably narrow will reduce the favorability of the bid as viewed by the bid review committee. The selected bidder will prepare a Pilot Test Report and submit it to the Solicitor with a copy to USTIF (or their representative). The Pilot Test Report shall show that the pilot test was conducted according to their bid and shall constitute documentation for payments on Milestone E activities regardless of the result. If the results of the pilot testing show that the proposed remedial action is feasible based on the specified criteria and ranges, the selected consultant shall move forward on the project. However, if the results of the pilot testing show that the testing is outside of the pre-determined critical criteria range needed for timely achievement of remedial goals, the either party to the associated Fixed-Price Agreement may be canceled (see paragraph 11.b.vii of the example Fixed-Price Agreement provided as Attachment 1).

This stage of the project is referred to as the "Pilot Test Off-Ramp" and is intended to protect the selected consultant and the Solicitor from being obligated to move forward with a remedial action that is expected to be far from optimal or expected to fail. The selected bidder is under no obligation to cancel the Fixed-Price Agreement if the pilot test results are outside the criteria or range specified in the RFB Solicitation response, and may proceed with a system designed to remediate the Site using the criteria defined in the pilot test even if that system varies from that which was proposed in the RFB solicitation if the Solicitor agrees and elects not to cancel the Fixed-Price Agreement. If either party elects to cancel the Fixed-Price Agreement, the USTIF will have complete discretion with regard to the use of the information in the Pilot Test Report. The USTIF may use it as the basis for rebidding the project or may provide it to one or more of the previously unsuccessful bidders and request revised RFB solicitations. However, it will be specified that any use that a third party makes of the Pilot Test Report will be at the sole risk of the Third Party.

Milestone E activities (if any), shall be conducted as soon as possible following the completion of Milestones C and D.

## **Milestone F – Preparation, Submission, and PADEP Approval of a New RAP**

Under this milestone, bidders shall provide a firm fixed-price for the preparation, submission to PADEP, and approval by PADEP of a New Remedial Action Plan (New RAP). Milestone F shall be conducted immediately upon completion of Milestones C, D, and E. Under Milestone F, the selected consultant shall prepare a New RAP (i.e., not an amended, updated, or revised RAP) that is consistent (with regard to approach and level of effort) with the conceptual remedial action plan proposed in their bid and consistent with any new data obtained via work conducted under Milestones A through E.

The New RAP shall contain all information required under 25 PA Code 245.311 and other applicable statutes, regulations, and guidance including being signed and sealed by a Professional Geologist and a Professional Engineer registered in the Commonwealth of Pennsylvania. The New RAP shall be of sufficient quality and content to reasonably expect PADEP approval.

In addition, the New RAP shall appropriately address and conform with the updates to 25 Pa. Code Chapter 250 that became effective January 8, 2010. The updates include changes to the some regulated substances listed in the Statewide Health Cleanup Standard tables and a requirement to evaluate impacts due to vapor intrusion in accordance with the Department's guidance document titled "Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2 Statewide Health Standard." The updates also changed certain SHS for some petroleum short list constituents. PADEP has confirmed that the updates do not require an expansion of the COCs that are included for analysis at the RMM's Food Mart site.

The New RAP shall detail the methodology and incorporate results of any new groundwater monitoring results (Milestone B), any new site characterization data (Milestone D), and any test results (Milestone E)<sup>14</sup> conducted to assess Site-specific conditions. The New RAP shall present a clear discussion to PADEP as to what activities and testing has been completed, their associated results, and a structured argument as to why the selected remedial strategy is reasonable, appropriate, and necessary for the RMM's Food Mart Site. Tables, Site plans, a P&ID, calculations, photographs, equipment requirements, and material specifications, and relevant attachments shall be incorporated into the New RAP as necessary to support narrative discussions.

Bids, as well as the New RAP, shall identify and present the selection basis the Site monitoring wells to be used as points of compliance wells (POC wells) during Milestone H.

The Update Report shall be signed and sealed by a Professional Geologist and a Professional Engineer registered in the Commonwealth of Pennsylvania.

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<sup>14</sup> As applicable, this may in part be accomplished by incorporating the Pilot Test Report prepared under Milestone E into the New RAP.

The New RAP shall be submitted to both the Solicitor and PAUSTIF for review and comment. Each bidder's project schedule shall provide two weeks for Solicitor and PAUSTIF review of the draft document. The final New RAP shall address the comments received from the Solicitor and PAUSTIF before it is submitted to PADEP for review. The quoted cost to complete this milestone shall also include addressing any comments received from PADEP on the final New RAP.

**Milestone G – RAP Implementation  
(Remedial System Permitting, Installation, Start-Up, Operation and Maintenance)**

Under this milestone, bidders shall provide a firm fixed-price for the final design, final equipment selection and procurement, final material selection and procurement, permitting, installation, start-up, operation and maintenance of their conceptual remedial action plan (as ultimately specified in the New RAP, Milestone F). Bids shall indicate that the Solicitor and USTIF shall have the opportunity to inspect and confirm that the new remedial system has been installed and is being operated and maintained as described in the associated Fixed-Price Agreement.

Each bidder shall submit with their bid a conceptual remedial action plan for the RMM's Food Mart Site. This conceptual plan, which may or may not include incorporation of some or all of the existing Site remedial system, shall provide all the narrative and graphic information necessary for the bidder both the Technical Contact and USTIF to fully understand the bidder's intentions.

Bids shall incorporate the following Milestone activities in their RAP implementation discussions and pricing breakdown within the Standardized Bid Form (Attachment 3):

- Milestone G1 – Remedial System Permitting through Start-Up, and
- Milestone G2 – Remedial System O&M.

Milestones G1 shall be presented within bids and on the associated Standardized Bid Form with a firm fixed-price; Milestone G2 shall be presented within bids and on the Standardized Bid Form as a monthly unit price. Bids shall provide the Solicitor and USTIF with an estimate length of time (i.e., number of months) that the remedial system will need to be operated in order to achieve the project goal and allow the initiation of Milestone H (Groundwater Attainment Demonstration).

Bids shall describe the specific remedial system monitoring, permit compliance tests/reporting, operation protocols, and maintenance procedures that will be used to monitor and evaluate its performance. Bids shall also describe how their proposed remediation system may be adjusted to address changing site conditions as the on-Site remedial effort proceeds.

**Milestone H – Groundwater Attainment Demonstration**

Consistent with the bidder-proposed POC wells (see Milestone F), under this milestone, bidders shall provide a firm fixed-price for completing eight consecutive quarters of groundwater monitoring, sampling, and reporting events following to demonstrate achievement of SHS for groundwater relative to the RMM's Food Mart Site. Each groundwater monitoring and sampling event shall only include the monitoring wells designated in the approved New RAP as POC wells (presumably MW-8 and MW-8D).<sup>15</sup> Groundwater attainment demonstration monitoring and reporting shall be initiated following successful remediation of the Site to SHS and shall continue as require for a total of eight consecutive quarterly events (24 months).<sup>16</sup> All work under Milestone H shall be conducted in accordance with 25 PA Code §250.702, §250.704, and §250.707.

Each event shall include gauging the depth to groundwater and any potential SPH in all available monitoring wells prior to purging any of the wells for sampling.<sup>17</sup> Groundwater-level measurements obtained from the monitoring wells shall be converted to groundwater elevations consistent with the current (most recent) vertical datum used at the site to assess groundwater flow direction and hydraulic gradient.

Each monitoring well designated for sample collection shall be purged and sampled in accordance with PADEP Groundwater Monitoring Guidance Manual, other applicable PADEP guidance and directives, and standard industry practices. Any well exhibiting more than a sheen of SPH shall not be purged and sampled. Bidders shall manage equipment decontamination fluids and groundwater generated by the well purging and sampling activities in accordance with standard industry practices and applicable laws, regulations, guidance, and PADEP directives.

Groundwater samples shall be analyzed for the **pre**-March 2008 PADEP short-list of unleaded gasoline parameters by a PADEP-accredited laboratory using appropriate analytical methods and detection levels. Appropriate QA/QC samples shall be collected as part of each event and analyzed for the same parameters.<sup>18</sup>

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<sup>15</sup> For consistency of bid evaluation and pricing only, all bids shall assume that PADEP will require two POC wells at the RMM's Food Mart Site.

<sup>16</sup> Bidders shall include language in their bid that if groundwater data in the designated POC wells meet the conditions for site closure for four consecutive quarterly events, a petition to approve a reduction in the total number of groundwater attainment sampling events shall be filed with PADEP.

<sup>17</sup> If SPH is detected at this site, SPH recovery and the need to demonstrate free-phase product has been removed to the maximum extent practicable will constitute a changed condition under the executed Fixed-Price Agreement.

<sup>18</sup> Each bidder's approach to implementing Milestone H shall clearly identify the number of sampling events, number of wells / samples per event, well purging and sampling method(s), QA/QC measures, analytes, and other key assumptions affecting the bid price.

Each quarterly groundwater attainment sampling event shall be documented in a quarterly RAPR submitted to PADEP within 30 days of receiving the analytical results for each event. At a minimum, each RAPR shall contain the following:

- A narrative description of the sampling procedures and results,
- Tabulated data from current quarterly and all historical data,
- A discussion of the data and an updated assessment of progress toward successful demonstration of attainment via the 75%, 10x ad hoc statistical rule.

Each RAPR shall be sealed by a Professional Geologist or Professional Engineer registered in the Commonwealth of Pennsylvania.

### **Milestone I – Preparation, Submission, and PADEP Approval of Remedial Action Completion Report**

Under this milestone, the bidder will prepare a fixed-price cost to prepare a draft and final RACR following the completion of Milestone H. The RACR shall contain all information required under 25 PA Code 245.313 and other applicable statutes, regulations, and guidance including being signed and sealed by a Professional Geologist registered in the Commonwealth of Pennsylvania.

Each bidder's project schedule shall provide two weeks for Solicitor and USTIF review of the draft document. The final RACR shall address comments received from the Solicitor and USTIF on the draft report before it is submitted to PADEP. The RACR shall request relief from liability relative to groundwater for the petroleum release identified in USTIF Claim #2000-0275(F)<sup>19</sup> by demonstrating compliance with the residential, used-aquifer SHS for groundwater without the use of any activity and use limitations, institutional controls, or engineering controls.

### **Milestone J – Site Restoration and Well Abandonment**

Under this milestone, bidders shall provide a firm fixed-price for: proper abandonment of all Site-related monitoring wells, proper abandonment of all Site-related recovery wells, removal and proper disposal of any remaining wastes, removal and proper disposal of the on-Site treatment building; removal and proper disposal of all remedial equipment and materials (including all such equipment and materials that pre-date this RFB), as-needed grading of all ground surface areas that have been disturbed by site characterization or remedial action activities, and in-kind restoration (pavement or vegetation) of all ground surface areas that have been disturbed by site characterization or remedial action activities.

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<sup>19</sup> Based on the October 200 UST Closure Report, this is a gasoline release that was identified during on-Site UST removal activities in August 2000 that is believed to be related to leaking product dispensers.

Work and bid pricing for this milestone shall include all associated documentation required by PADEP or the Solicitor. This includes, but is not limited to: daily photo-documentation of all site restoration and well abandonment activities, and submitting properly completed well abandonment forms to PADEP on behalf of the Solicitor. Copies of these photographs and well abandonment forms shall be provided to the Solicitor and USTIF.

Work under Milestone J shall be completed within 60 days of final RACR approval by PADEP and shall be conducted in accordance with standard industry practices and applicable laws, regulations, guidance, and PADEP directives. Monitor well abandonment and Site restoration activities will be coordinated with the Solicitor. Prior to abandonment, all monitoring wells shall be checked for obstructions that may interfere with any abandonment grouting protocol. If obstructions are found, they shall be removed prior to monitoring well abandonment.

All groundwater monitoring wells, groundwater recovery wells, piezometers, vapor extraction wells, and vapor monitoring wells (as applicable) at the site shall be properly abandoned in a manner consistent with PADEP's 2001 Groundwater Monitoring Guidance Manual. Copies of the completed Groundwater Monitoring Abandonment Forms shall be forwarded to PADEP so that PADEP may close its files on this facility. Prior to abandonment, all wells and piezometers shall be checked for obstructions that may interfere with any abandonment grouting protocol. If obstructions are found, they shall be removed prior to well or piezometer abandonment.

The selected consultant shall determine whether the Solicitor wishes to maintain any components of the remedial system (e.g. treatment building) before removing it from the Site. All debris and waste materials generated during well abandonment and Site renovation activities shall be properly disposed of in accordance with all applicable laws, regulations, and PADEP guidance.

#### 4. TYPE OF AGREEMENT / PRICING

The Solicitor wishes to execute a mutually agreeable, Fixed-Price Agreement for the work addressed by Milestones A through J. A sample Fixed-Price Agreement is included as Attachment 1.<sup>20</sup>

As noted earlier, by submitting a bid in response to this RFB, a firm indicates their acceptance of the contractual terms (Attachment 1) and Milestone requirements of this project, including schedule deadlines, unless explicitly stated to the contrary in their bid. Therefore, if a bidder seeks changes to the Fixed-Price Agreement, these changes *are to be specified in the submitted bid*. Please note that any requested changes must be agreed upon by both the Solicitor and USTIF and subsequently included in the executed Fixed-Price Agreement.

Bids shall identify unit cost rates for labor, other direct costs, and equipment, as well as proposed mark-ups on other direct costs and subcontracted services for Milestones A through J. Associated unit price quotes shall be entered into the Standardized Bid Form included as Attachment 3 to this RFB, and found among the accompanying electronic files. Please note that the total fixed-price bid must include all costs, including those cost items that the bidder may regard as "variable" (i.e., these variable cost items will not be handled outside of the Total Fixed Price quoted for the work described for Milestones A through J.

Bids that reference unreasonable assumptions, unreasonable special conditions, or unreasonable exemptions may make the bid too difficult to evaluate, and therefore, may result in a bid in the bid being deemed "unresponsive."

**Payment Milestones:** Table 1 below illustrates the approximate timing expected for completion of respective milestone activities and milestone payouts. Actual milestone payments will occur only after successful and documented completion of the work defined for each milestone. Payment milestones under the Fixed-Price Agreement shall be broken out as follows:

- Milestone A – Temporary O&M and Winterization of the Existing Remedial System,
- Milestone B – Quarterly Groundwater Monitoring,
- Milestone C – PADEP File Review and Meeting,
- Milestone D – Directed and Discretionary Site Characterization / SCR Update Report ,
- Milestone E – Discretionary Pilot Testing,
- Milestone F – Preparation, Submission, and PADEP Approval of a New RAP
- (as appropriate),
- Milestone G – RAP Implementation,

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<sup>20</sup> The selected consultant (or contractor) will be provided with an electronic copy of the sample Fixed-Price Agreement in Word format at which time the site and agreement-specific information can be added.

- Milestone H – Groundwater Attainment Demonstration,
- Milestone I – Preparation, Submission, and PADEP Approval of RACR, and
- Milestone J – Site Restoration and Well Abandonment.

**TABLE 1 – SAMPLE MILESTONE COMPLETION / PAYMENT SCHEDULE**

<u>Est. Milestone Month After Contract Award</u>	<u>SOW Activities Anticipated / Completed for that Month</u>	<u>Milestone</u> <sup>1</sup>
1	Temporary O&M and Winterization of the Existing Remedial System	A
1	Quarterly Groundwater Monitoring	B1
4	Quarterly Groundwater Monitoring	B2
7	Quarterly Groundwater Monitoring	B3
10	Quarterly Groundwater Monitoring	B4
13	Quarterly Groundwater Monitoring	B5
16	Quarterly Groundwater Monitoring	B6
1	PADEP File Review and Meeting	C
2	Directed and Discretionary Site Characterization	D1, D2, etc.
3	Discretionary Pilot Testing (if conducted)	E1, E2, etc.
5	Preparation, Submission, and PADEP Approval of a New RAP	F
6 through 18	RAP Implementation	G
19	Groundwater Attainment Demonstration	H1
22	Groundwater Attainment Demonstration	H2
25	Groundwater Attainment Demonstration	H3
28	Groundwater Attainment Demonstration	H4
31	Groundwater Attainment Demonstration	H5
34	Groundwater Attainment Demonstration	H6
37	Groundwater Attainment Demonstration	H7
40	Groundwater Attainment Demonstration	H8
42	Preparation, Submission, and PADEP Approval of RACR	I
44	Site Restoration and Well Abandonment	J

1. Each bidder should modify this sample Milestone Completion / Payment Schedule to reflect its proposed (anticipated) milestone completion schedule, as long as the proposed schedule meets the specified deliverable deadlines.
2. This sample table assumes that six Milestone B events will be needed and that eight Milestone H events will be needed. Individual bidder schedules will vary. Actual project and Site conditions shall govern schedule events and timing.

Please note that the selected consultant's work may be subject to ongoing review by the USTIF or its representatives to assess whether the proposed and completed work and the associated costs are reasonable, necessary, and appropriate. In order to facilitate review and reimbursement of submitted invoices by USTIF, project costs shall be invoiced following the milestone structure specified in the bid submitted by the selected consultant. Tracking incremental and cumulative costs by milestone will also be required to facilitate invoice review.

Unless otherwise noted by the bidder, each bid received is required to be good for a period of up to 120 days after its receipt. All bid pricing (fixed-prices and quoted unit prices) shall be good for the duration of the period of performance cited in the associated Fixed-Price Agreement.

## 5. ADDITIONAL BID PACKAGE REQUIREMENTS

Each submitted bid must include the following:

- A reasonable demonstration that the bidder: (i) understands the objectives of the project, (ii) offers a reasonable approach for achieving those objectives efficiently, and (iii) has reviewed the existing Site information provided in or attached to this RFB.
- Provide answers to the following questions regarding the bidder's qualifications and experience:
  - How many Chapter 245/250 sites has your company closed (i.e., obtained a Release of Liability under Act 2) in Pennsylvania?
  - How many Chapter 245/250 sites has your company or the proposed PA-licensed Professional Geologist (P.G.) and Professional Engineer (P.E.) closed (i.e., obtained a Release of Liability from PADEP) under either the SHS and/or the Site Specific Standard? [*NOTE: The Solicitor requires the work described herein to be completed under the responsible care and directly supervised by a P.G. and P.E. consistent with applicable regulations and licensing standards.*]
  - Whether there were or were not circumstances consistent with the cancellation provision of a signed contractual agreement, and has your firm ever terminated work under a fixed-price or pay-for-performance

contract before attaining all of the project objectives and milestones?  
If yes, please list and explain the circumstances of each such occurrence.

- A complete firm fixed-price based on completion of for Milestones A through J by completing the Standardized Bid Form (Attachment 3, included among the accompanying electronic files).
- A description and discussion of all level-of-effort and pricing assumptions.
- Indicate whether the bidder accepts the proposed Fixed-Price Agreement / terms and conditions (Attachment 1) or has provided a list of requested changes to the Fixed-Price Agreement.
- Provide a statement of applicable / pertinent qualifications, including the qualifications of any proposed subcontractors (relevant project descriptions are encouraged).
- Identify the proposed project team and provide resumes for the key project staff, including the proposed Professional Geologist and Professional Engineer of Record who will be responsible for endorsing work products prepared for PADEP review and approval.
- Provide a specific description of your proposed technical approach for each milestone, including detailed protocols for the handling, management, and proper disposal of all investigation derived waster (e.g., monitoring well purge water, and excess soil boring cuttings). **If this milestone-by-milestone description fails to address a specific requirement of this RFB, it will be assumed that the bidder has accepted all the requirements specified herein by milestone.**
- Identify and sufficiently describe subcontractor involvement by milestone (if any).
- Provide a detailed schedule complete with specific by-month dates for completing all milestones, inclusive of reasonable assumptions regarding the timing and duration of Solicitor, USTIF, and PADEP reviews needed to complete milestone work. Details on such items as proposed meetings and work product submittals shall also be reflected in the schedule of activities.
- Describe your approach to working with PADEP from project inception to Site closure. Describe how PADEP would be involved proactively in the resolution of technical issues and how PADEP case team will be kept informed as to project status.
- Describe how the Solicitor and ICFI / USTIF will be kept informed as to project progress and developments and how the Solicitor will be informed of, and participate in, evaluating potential alternatives / tradeoffs with regard to the work addressed by Milestones A through J.

## 6. MANDATORY PRE-BID SITE MEETING AND FOLLOW-UP QUESTIONS

On Thursday, September 15, 2011, the Technical Contact will conduct a **mandatory pre-bid Site meeting** for a limited number of participants per firm at this property starting at 10:00 AM. Bidders must inform the Technical Contact at least three business days in advance of this date as to the number of participants and vehicles attending from your firm. Again, **any firm that does not attend this mandatory pre-bid Site meeting will not be eligible to submit a bid.** One participant per attending firm will be asked to enter their contact information on a sign-in sheet to facilitate future RFB-related information (e.g., responses to bidder questions).

Questions will be entertained as part of the pre-bid Site tour and every attempt will be made to answer questions at that time. Verbal questions and responses discussed during the Site meeting will also be distributed in writing to the attendees after the tour, as will the answers to any non-proprietary questions submitted in writing after the pre-bid Site meeting has been concluded. Consequently, bidders are strongly encouraged to ask clarifying questions sufficient to minimize the number of assumptions, special conditions, and exemptions referenced in the submitted bid.<sup>21</sup> Questions will be accepted up by the Technical Contact up to seven days prior to the date when bids are due.

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<sup>21</sup> As appropriate, the list of assumptions, special conditions, or exemptions will be discussed with the Solicitor. As part of that discussion, the USTIF may advise the Solicitor that some or all of the assumptions, special conditions, or exemptions that are likely to generate change orders may be the financial responsibility of the Solicitor.

*Request for Bid  
USTIF #2000-0275(F)  
RMM's Food Mart  
Hermitage, Pennsylvania  
August 23, 2011*

## **ATTACHMENT 1**

### **Fixed-Price Agreement**

(This agreement is provided in an electronic form that does not permit modifications. An electronic version of the agreement that can be modified will be provided to the selected consultant at the appropriate time.)

## ATTACHMENT 2 Project Documents Available Online

<u>Name of File Containing Document:</u>	<u>Document:</u>
2000-275 UST Closure - RAP - Soil Demo.pdf	<ul style="list-style-type: none"> <li>• <i>Underground Storage Tank Closure Assessment</i>, dated September 28, 2000, by Flynn Environmental, Inc.</li> <li>• <i>Remedial Action Plan</i>, dated August 25, 2003, by Moody and Associates, Inc.</li> <li>• <i>Final Attainment Statewide Health Standards for Soils Report</i>, dated January 30, 2004, by Moody and Associates, Inc.</li> </ul>
2000-275 Phase 1 ESA.pdf	<i>Phase I Site Assessment Report</i> , dated December 8, 2000, by Flynn Environmental, Inc.
2000-275 SCR.pdf	<i>Site Characterization Report</i> , dated August 24, 2001, by Flynn Environmental, Inc.
2000-275 Final SCR.pdf	<i>Final Site Characterization Report</i> , dated May 16, 2003, by Moody and Associates, Inc.
2000-275 Q4 2010 RAPR.pdf	<i>Fourth Quarter 2010 Remedial Action Progress Report</i> , dated January 18, 2011, by Moody and Associates, Inc.

Notes:

1. The May 2003 Final SCR was verbally approved by PADEP on May 27, 2003, and subsequently documented in a confirming letter in June 2003.
2. The August 2003 RAP was approved by PADEP in a letter dated October 27, 2003.

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## **ATTACHMENT 3**

### **Standardized Bid Form**