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INTRODUCTION

The following discusses the PBC for Advanced Cleanup Bundles (PBAC) that is direct assigned to an Agency Term Contractor (ATC). Note that this type of PBC differs from the Individual PBC for less than \$325,000, the Individual PBC for greater than \$325,000 (Quote PBC (QPBC)), or the PBC for Advanced Cleanup for Redevelopment (ACR). The AC Statute, Florida Statute (F.S.) 376.30713 provides for Advanced Cleanup of an aggregate (bundle) of five (5) or more sites (F.S. 376.30713(2)1a(I)(II)). The Department may accept proposals for Aggregate (Bundle) Advanced Cleanup twice a year (May 1 – June 30 and November 1 – December 31). The PBAC Agreement is a three-party agreement and changes in applicant and/or property owner(s) must be communicated to the site manager immediately.

Performance Based Cleanups (PBCs) focus on the completion of milestones on the way to an aggressive, efficient, and successful cleanup of petroleum contaminated facilities. All payments require the successful completion of Tasks/Milestones. The ATC is expected to perform all actions necessary to meet the agreed upon milestones. Completion of milestones prior to the milestone due date will be paid at the time of milestone completion.

The ATC contract is in force, except when in conflict with the PBC Special Terms and Conditions, in which case the PBC takes precedence.

Communication among the Applicant, ATC, and the Department Site Manager (SM) is crucial to the successful completion of PBAC Purchase Orders (PO). Each site in the bundle has its Scope of Work (SOW), milestones (% payment), ceiling and applicant share and receives its own PBC PO. As with all PBCs, the PO total is encumbered with the first PO.

The PBAC Agreement ceiling is the sum of negotiated cost to cleanup, less the average aggregate applicant share (and co-pay if applicable) for each site in the bundle. Negotiated cost to closure and applicant share per site are independent.

PBAC's require a completed Limited Contamination Assessment Report (LCAR) for each site in the bundle. A complete LCAR (see LCAR Guidance and LCAR Checklist) must not only demonstrate a thorough understanding of historical and current petroleum contamination at the site, but also support the proposed course of remediation and accompanying cost.

All components of the PBAC Scopes of Work (SOW) are negotiable; technology, total cost (PO ceiling), milestones, %milestone payments, closure/end point, and milestone due days. The goal of negotiation is to increase the reward and decrease the risk to both the Department and the ATC.

ESTIMATED COST TO CLOSURE

- Estimated Total Cost to Closure for each site: To assist with the evaluation of total cost, the ATC is asked to submit an Schedule of Pay Items (SPI) with "best estimates" of line items required. It is assumed that the Total Cost presented prior to negotiation is less than the line-item total and that the total is within an average range for the region.
 - The owner/applicant or ATC pays costs of establishment, maintenance, and

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decommission of utilities. These estimated costs should be carefully considered and included in the estimated cost to reach the endpoint. Associated costs are included in the ceiling amount and distributed across all % milestone payments.

- **Milestone Cost:** The amount paid for the completion of each milestone is a percentage of total cost. Note that close to 40% of the ceiling is placed in the last 2 or 3 milestones. It is expected that milestones involving system construction or source removal will have a higher percentage payment.
- A Request for Change Form (RFC) may be used to adjust an individual site ceiling. Note, the agreement total ceiling may not be exceeded. Therefore, the ceiling for another site in the bundle must be reduced prior to increasing a site's ceiling.

PO CLOSURE ENDPOINT

The PO endpoint (final milestone) may be negotiated. A number of endpoints may be considered including (not limited to):

- a. Chapter 62-780.608 (1),(2),(3) F.A.C.,
- b. Alternative Endpoints (for example. reduction below Natural Attenuation Defaults Concentrations (NADCs).

CORRECTIVE BASED ACTION (CBA)

The ATC is asked to consider actions to be taken, if necessary, to meet milestones in a timely manner. The CBA is expected to support the successful completion of the PBC PO. Costs associated with CBA are the responsibility of the Applicant/ATC and should not be included in estimates of total cost.

MILESTONE GUIDANCE

Milestones represent cleanup completion points and require submission of a report documenting that a particular milestone has been achieved. There can be up to ten (10) milestones per PO. A single milestone may consist of a number of activities. The Department will negotiate milestones, milestone payments, and milestone due days with the ATC prior to finalizing the PBC SOW. Common PBC Milestones differ from traditional line-item task completions, for example;

- % Reduction in Petroleum Contamination from Baseline.
 - Per the PO Terms and Conditions, % reductions utilize petroleum concentrations in key wells.
 - These reductions may occur while a site is undergoing System Operation and Management (O&M), Post Active Remediation (PARM) or Natural Attenuation Monitoring (NAM) and the Milestone Report should provide appropriate documentation.
- Achieving Cleanup (Alternate) Cleanup Target Levels (CTLs).
 - Agreed upon CTLs must be achieved for all Petroleum Contaminates of Concern (COCs) and Media (soil, groundwater, surface water) including all wells and areas/wells of historic exceedances.
- Maintaining CTLs for 12 months
 - Requires demonstrating all COCs in all media remain below CTLs in the final two (2) samplings

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Typical milestones associated with Air Sparge/Solids Vapor Extraction (AS/SVE) following system construction and hookup through to a Risk Based Management Option I closure:

Milestone 1: Submit HASP

Milestone 2: Prepare and Submit a PBC Remedial Action Plan (RAP) or RAP Modification

Milestone 3: Conduct Baseline Sampling

Milestone 4: Complete Remedial System Construction (RAC)

Milestone 4: Achieve a 25% reduction from baseline contaminant concentrations (in key wells)

Milestone 5: Achieve a 50% reduction from baseline contaminant concentrations (in key wells)

Milestone 6: Achieve Cleanup Target Levels All COCs and All Media (all wells)

Milestone 7: Maintain Cleanup Target Levels for 12 months (with last 2 samplings below CTLs)

Milestone 8: Abandon Wells

Typical Milestones associated with a Source Removal

Milestone 1: Submit HASP

Milestone 2: Prepare and Submit a PBC Remedial Action Plan (RAP)

Milestone 3: Conduct Baseline Sampling

Milestone 4: Complete Source Removal

Milestone 5: Install Replacement Wells and Achieve a 25% reduction from baseline
contaminant concentrations (in key wells)

Milestone 5: Achieve a 50% reduction from baseline contaminant concentrations (in key wells)

Milestone 6: Achieve Cleanup Target Levels All COCs and All Media (all wells)

Milestone 7: Maintain Cleanup Target Levels for 12 months (with last 2 samplings below CTLs)

Milestone 8: Abandon Wells

Note, Milestones are not reimbursable and no markup accompanies milestone payments.

PERIOD OF SERVICE – LENGTH OF A PBAC AGREEMENT AND PBAC POs

A PBAC Agreement may be for any length of time but may NOT exceed five (5) years. An extension of individual milestone PO due dates may be requested (following discussion with the DEP/LP site manager) by submitting a RFC form. PO end date may not exceed the PBAC Agreement expiration date. The Department, at its discretion, may amend the original PBAC Agreement expiration date for up to the length of time of the original agreement. The PBAC Agreement begins on the date the Department executes the agreement.