

GENERAL INFORMATION

INTRODUCTION

The following discusses the Individual Performance Based Cleanup (PBC) for less than \$325,000 that is direct assigned to an Agency Term Contractor (ATC). Note this type of PBC differs from the Individual PBC for >\$325,000.00 (Quote PBC (QPBC)), the PBC for Advanced Cleanup Bundles (PBAC) of five (5) or more sites, or the PBC for Advanced Cleanup for Redevelopment (ACR). An Individual PBC < \$325,000.00 is available year-round.

PBCs focus on the completion/achievement of milestones, not tasks, on the way to an aggressive, efficient, and successful cleanup of petroleum contaminated facilities. All payments require the successful achievement of milestones, and 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 completion. Line-item activities are not used in a PBC.

PBCs require completed assessment. This includes both historical and current contamination and the horizontal and vertical delineation of all petroleum contaminants of concern (COCs) for all media. Assessment activities are not funded through PBC Purchase Orders (PO).

The site must meet program requirements for Inland Protection Trust (IPT) funding:

1. A properly executed site access agreement prior to beginning negotiation of a PBC PO.
 - a. Site manager (Department) must be notified of a change in property ownership and a new executed access agreement obtained.
2. All discharges must be program eligible: Early Detection Initiative (EDI), Abandoned Tank Restoration Program (ATRP), Petroleum Liability Restoration Insurance Program (PLRIP), Petroleum Contamination Participation Program (PCPP), or the Innocent Victim Program (IVP).
3. The site's tanks, piping, dispensers, and all system components, must be compliance.

CONCEPTUAL PLAN

The property owner/responsible party, ATC, or Site Manager (SM) may initiate the PBC process. Should the facility be considered a "Good" PBC candidate by the SM, their Professional Geologist (P.G.), or Engineer (P.E.), and the PBC Coordinator, the ATC will be asked to prepare and submit a conceptual plan for remedial activities including:

- Site history.
- Significant assessment information (Tables and figures).
- An approved Remedial Action Plan (RAP) or Natural Attenuation Monitoring Plan (NAM), if available.
- Figure(s) demonstrating planned remedial activities.
- Planned end point.
- Estimated cost to achieve end point (PO Ceiling),
- Proposed milestones.
- Proposed % ceiling for milestone payments.

All components of the PBC Scope of Work (SOW) are negotiable; remediation technology,

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estimated cost, milestones, % milestone payments, closure/end point, COCs, groundwater sampling schedule, and milestone due dates. The goal of negotiation is to increase the reward and decrease the financial risk to both the Department and the ATC. Requests for Change (RFC) may be submitted (with the SM's permission) to modify Deliverable Due Dates, Period of Service End Date (not to exceed 5 yrs from PO Start Date), and sampling schedule. Changes to the ceiling amount may be considered at the Departments discretion under extremely limited conditions. An increase in cost cannot raise the PO Ceiling above \$325,000.00.

ESTIMATED COST TO PO ENDPOINT (PBC PO CEILING AMOUNT)

The ATC or Person Responsible for Site Rehabilitation (PRSP) must provide an estimated cost to achieve the PO endpoint based upon the proposed remedial approach. Estimated costs should include a discussion of cost estimate provided in an approved Remedial Action Plan (RAP), if applicable. The proposed estimated cost to PO endpoint should be based on a thorough file review, including all available assessment data (historic and current), the estimated cost provided in an approved RAP, if available, and the conceptual approach to remediation. The estimated cost should include all activities required to reach the PO endpoint, including, but not limited to, verification sampling or Underground Institutional Control requirements.

In addition, the ATC/PRSP is responsible for the costs of electrical service establishment, monthly bills, and decommission of electrical service, if needed. These costs should be included in the proposed estimated cost to closure. These costs are included in the ceiling but may not be paid out in corresponding milestones. The % Payment per Milestone may not correspond directly to any specific milestone activities. Note that close to 40% of the ceiling is placed in the last 2 or 3 milestones.

The ATC should include a line-item Schedule of Pay Items (SPI) with the conceptual approach to assist in the estimation of the costs. In addition, professional experience, standard practices, and market values should be considered. It is assumed that the PBC Ceiling will be less than SPI amount.

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) Florida Administrative Code (FAC).
- 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 ATC and should not be included in estimates of total cost.

MILESTONE GUIDANCE

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Pilot Testing, baseline sampling, Limited Scope Remedial Action Plan (LSRAP), Remedial Action Plan (RAP) and Remedial Action Plan Modification (RAPM) may be considered as milestones within the PBC PO. Note, the Department may negotiate aspects of the technology to be used with the ATC prior to finalizing the SOW.

Many Milestones correspond with line-item task completions, but others are not so easily transferable. For example, line-Item Operation and Maintenance (O&M) pays out based on size of system and amount of time run (Quarters), number of wells sampled, analyses, etc. The PBC 25% Reduction in Baseline Contaminants (key wells) Milestone pays out when the reduction occurs (this could take "1Q" or "5Qs"). If the reduction is achieved during O&M, the 25% reduction report should be in the form of an O&M report including tables, figures, logs, lab reports, and field notes required of an O&M Report. Once the system has been shut down, milestone reports will follow the format required of Post Active Remediation Reports (PARM) or Natural Attenuation Monitoring Reports (NAM).

Typical milestones associated with an Air Sparge/Solids Vapor Extraction (AS/SVE):

Milestone 1: HASP and RAPM

Milestone 2: Complete Remedial Action Construction (RAC)

Milestone 3: Perform PBC Startup

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: Well Abandonment

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

PERIOD OF SERVICE (POS) – LENGTH OF A PBC PO

A PBC PO may be for any length of time but may not exceed five (5) years. All ceiling cost (negotiated estimated cost) is encumbered at the time the PO is issued. Time extensions of individual milestone due dates and Period of service end date may be requested (following discussion with the DEP/Local Program (LP) site manager/PBC coordinator) by submitting an RfC form. As previously mentioned, sampling schedules may also be modified throughout the life of the PO using the RFC form.