

**FORMER KENCO CHEMICAL COMPANY, INC.
OPERABLE UNIT NO. 2 (OU2): SOURCE AREA
IN-SITU THERMAL REMEDIATION**

**Town of Glenville, Schenectady County, New York
Inactive Hazardous Waste Site Number 447039**

MAY 16, 2023

ADDENDUM No. 1

TO CONTRACT D012803



Prepared by:

**New York State Department of Environmental Conservation
Division of Environmental Remediation**

and

**Ramboll Americas Engineering Solutions, Inc.
Certificate of Authorization: 17993**

NYSDEC Pre-Bid Conference Minutes
Wednesday May 10th, 2023, 11 am EST
Former Kenco Chemical Company, Inc. (Site No. 447039)
OU 2 – In-Situ Thermal Remediation (Contract No. D012803)

ANNOUNCEMENTS:

1. **Addendum No. 1** includes a revision to the Contractor qualifications requirements included in **Section IV, Supplemental Bidding Information and Requirements, Article 4- Additional Bid Submittals and Article 6- Subcontracting, and Section III, Bidding Information, Article 17** of the Contract (refer to Response 1 in **Attachment B and replacement Contract pages in Attachment C**). Due to this change a secondary Pre-Bid meeting will be held on site at 11:00 AM EST, Wednesday, May 24, 2023. Attendees must pre- register for this meeting by Monday, May 22, 2023 by contacting Elyse DuBois at elyse.dubois@dec.ny.gov. **Bidders are only required to attend one of the Pre-Bid meetings.**
2. Based on the change in announcement 1, the procurement schedule will be amended as follows:
 - a. On or about May 26th 2023, Addenda No. 2 will be released containing meeting minutes of the second pre-bid conference, attendance and any questions asked at the May 24th conference.
 - b. Written questions will be received by the DEPARTMENT until the close of business (5:00 p.m. Eastern Standard Time) on **Friday, June 2, 2023**.
 - c. Responses to written questions will be provided in Addendum No. 3 no later than 5:00 p.m. Eastern Standard Time on **Friday June 9, 2023**.
 - d. Bid opening will be Thursday June 22nd at 1:00 PM EST. All bids must be submitted prior to 1:00 PM EST by mail at the address provided in the Contract Documents or by hand delivery.
 - i. Potential bidders are welcome to attend the bid opening in person. Those individuals hand delivering bids or attending the opening must make arrangements with the Designated Contact, Elyse DuBois, elyse.dubois@dec.ny.gov prior to 12:00 PM EST on Wednesday, June 21 2023, so that clearance through building security may be obtained.

MEETING MINUTES:

Elyse DuBois (NYSDEC-DER Project Manager) led the presentation of information at the pre-bid site meeting, with support from Ramboll Americas Engineering Solutions, Inc. (Ramboll). A summary of the pre-bid meeting information presented follows below.

A. OPENING REMARKS

The agenda for this mandatory pre-bid meeting is as follows:

Introductions
General Site Information
Bid Package and Administrative Requirements
Bid Opening and Acceptance
Technical Elements of the Work
Site Walk
Questions & Responses

B. MANDATORY SIGN-IN

All attendees intending to bid MUST SIGN the attendance sheet. Attendance at the pre-bid meeting is a condition of bidding.

Attendees of this pre-bid meeting will receive these meeting minutes and a copy of the pre-bid meeting sign-in sheet (**Attachment A**).

C. BID OPENING

Bid Opening will be Thursday June 22, 2023 (Amended) at 1:00 p.m. Eastern Standard Time (EST). **Note Announcement 2d. for revised schedule.**

D. INTRODUCTIONS / PROJECT CONTACTS

New York State Department of Environmental Conservation (DEPARTMENT)

- Elyse DuBois – Project Manager
- Ben Rung - Section Chief
- Kris Keenan - Construction Inspector
- Alan Wong

Ramboll Americas Engineering Solutions, Inc. (ENGINEER)

- Jeff Levesque - Engineer
- Jamie Cavotta – Project Manager
- Steve Sturick

E. GENERAL SITE INFORMATION

1. The site and operable unit that are the subject of this pre-bid meeting is known as the Former Kenco Chemical Company, Inc. site, Operable Unit 2 (OU 2, source area).
2. Land use in the site vicinity includes a mix of commercial and residential uses. Commercial uses include a Lowes home center and a solar farm. A railroad is present directly north of the site.
3. The project involves the implementation of remedial activities at the Former Kenco Chemical Company, Inc. (site), located at 107 Freemans Bridge Road, Town of Glenville, Schenectady County, New York. The remedial activities include, but are not necessarily limited to,
 - Mobilization/demobilization
 - Removal of existing site features and site grading
 - Installation of electrical service, both on-site and connecting to a National Grid designed supply
 - Installation of a hydraulic control barrier around the 2.2-acre treatment zone
 - Construction of an in situ thermal remediation system to treat approximately One hundred and fifty thousand (150,000) CY of soil with CVOCs impacts
 - Construction of a temporary stormwater management facility
 - Collection of Confirmatory soil and Groundwater samples until soil treatment goals have been met, as specified in the Contract Documents
 - In situ well field decommissioning, including but not limited to, offsite disposal of well field cap, and removal and disposal of at least the top 10 ft of the heating wells

- Site restoration, including restoration of a wetland, as shown on the April 2023 Contract Drawings and as specified in the April 2023 Contract Documents

F. BID PACKAGE AND ADMINISTRATIVE REQUIREMENTS

1. Completed bids must be sent using a double sealed bid envelope addressed as follows:

Attention: Justin Lennox
Bureau of Expenditure Accounting
NYS Department of Environmental Conservation
625 Broadway, 10th Floor
Albany, New York 12233-5027

Bid Submission – Do Not Open – Time Sensitive

Project Name: Former Kenco Chemical Company Inc. OU 2 No. 447039
Contract No.: D012803
Opening Date and Time: June 22th, 2023 at 1:00 PM (EST)

2. Bidding Information and Requirements are stated in **Sections III and IV**. Bid Forms and Attachments to be provided in the Bid Package are outlined in **Section V- Article 1**.
 - a. The DEPARTMENT has gone to a paperless/electronic bid document procurement process for this project. There is no cost for electronic copies of the contract documents available on NYSDEC web site. Parties interested in stamped, “biddable”, Contract Documents and Drawings should visit the FTP link below.
 - FTP Site (Biddable):
<https://www.dec.ny.gov/fs/programs/der/bid/Former%20Kenco%20Chemical%20Company%20Inc%20Site/>
 - b. Proposals will be accepted only from bidders who attended the Pre-Bid Conference as documented in Addendum No. 1 – Attendance Sign-In Sheet(s).
 - c. There have been no addenda released prior to the pre-bid conference.
 - d. All cost proposals must be made on the official proposal form [**Section V – Bid Form**] - costs specified in words and figures. DEPARTMENT reserves the right to reject any Bid in which the Bid prices appear to constitute an unbalanced Bid for the work. If there is discrepancy in Bid between Unit and extended totals, the unit prices shall govern, and prices written in words shall govern.
 - e. Each proposal must be accompanied by a deposit or a bid bond in the amount of five percent (5%) of total bid amount.
 - f. MWBE and SDVOB goals are set at [30%] and [6 %], respectively, of bid value. Baseline Utilization Plans (MWBE, SDVOB, and Workforce) will be required as part of the contract evaluation process, waivers must be prepared should percentages fall under the requirements stated above. Contractor must demonstrate “good faith efforts” in solicitation of services.
 - g. Insurance Requirements - **Section V, Article 3(a)** for instructions and General Conditions **Section VIII, Article 4** for insurance required.
 - For this work the contractor is expected to obtain Workers Compensation, Disability Benefits, Commercial and General Liability, Environmental Liability,

Professional Liability, Contractors Equipment, Owners and Contractors Protective Liability, **Railroad Protective Liability, Unmanned aircraft Systems Liability**, and Umbrella and Excess Liability

- The landowners of affected properties will be named on the additionally insured - Owner names to be provided upon contract award
 - h. Experience Requirements – Outlined in **Section IV, Article 4** – The Bidder must have a minimum of five (5) years satisfactory experience in construction of the work to be performed. This experience must include the successful implementation of in situ thermal remediation (ISTR) for projects with similar types of contaminants, in similar geology and using similar drilling techniques, and at similar scale(s) to the proposed work. The Bidder's experience should also demonstrate the ability to achieve the ISTR treatment objectives as specified in these Contract Documents. The DEPARTMENT noted in the pre-bid meeting discussions that the bidder cannot meet the minimum experience requirements through the use of subcontractor(s) – however, refer to **Attachments B and C** for further information. The SOW for this contract does include the excavation, transportation, and handling of contaminated soil on a limited scale; experience for this work can be met through the use of subcontractor(s).
 - i. Prevailing Wage Rates – link to DOL current rates is provided in **Section XIII**. Contractor is responsible for updating rates to operating schedule and providing prevailing wage reports with Applications for Payment.
3. Prime Contractor must have an active and updated NYS Vendor Responsibility Questionnaire on file. Reference Contract **Section V, Article 2 (c)** for additional information.
 4. Subcontracting is limited to 50% percent on this project. (Does not include transportation and disposal). Note that Addendum No. 1 includes a revision to this subcontracting requirement (refer to **Attachments B and C**). Contractors must submit Vendor Responsibility Questionnaire (CCA-2) for any subcontracted work over \$10,000.

All questions, administrative and technical must be received by the DEPARTMENT's Designated Contact for the Contract, Elyse DuBois, in writing by e-mail at elyse.dubois@dec.ny.gov no later than 5:00 pm EST on May 25, 2023, Responses to written questions will be provided in Addendum No. 2 on or about June 2, 2023. Any questions received after the date prescribed above will not be responded to. **Note Announcement 2 for revised schedule.**

5. Contract Time- **Section VI, Article 6**

The Effective date of Agreement is the date the Contract is executed by the Office of the New York State Comptroller.

- a. The Work will be Substantially Completed within One-Thousand and Forty-One (1,041) calendar days from the Effective Date of the Agreement plus twenty (20) calendar days.
- b. The Work will be completed and ready for final payment in accordance with the General Conditions within one thousand one hundred and six (1,106) calendar

days from the Effective Date of the Agreement plus twenty (20) calendar days or within 30 days of substantial completion, whichever is sooner.

- c. Separable parts are defined in **Section VI Attachment A**.
 - i. Within four hundred twenty-seven (427) calendar days from the effective agreement date plus twenty (20) calendar days The Contractor shall complete all work required for hydraulic control barrier/sheet pile installation, ISTR Well-field drilling, cap installation and ISTR above-grade equipment vapor/liquid treatment systems installation
 - ii. Within five hundred and sixty-one (561) calendar days from the Effective Date of the Agreement, plus twenty (20) calendar days, the Contractor shall complete all work required to allow for completion of start-up, testing activities, and initiation of full-scale ISTR heating operations
 - iii. No later than eight hundred and twenty (820) calendar days from the Effective Date of the Agreement, plus twenty (20) calendar days, the Contractor shall complete all ISTR heating operations, including post-treatment verification sampling

G. BID OPENING AND ACCEPTANCE

1. Bids will be accepted until June 15th at 1:00 pm EST at which time bids will be opened and read publicly at NYSDEC office located at 625 Broadway Albany, New York. All bids must be submitted prior to 1:00 PM EST by mail at the address provided in the Contract Documents or by hand delivery. Bid opening will be available on a virtual platform, details to be provided under addendum. No Late Bids will be accepted. Late Bids, if received, will be returned to the sender unopened. **Note Announcement 2d. for revised schedule.**
 - Potential bidders are welcome to attend the bid opening in person. Those individuals hand delivering bids or attending the opening must make arrangements with the Designated Contact, Elyse DuBois, elyse.dubois@dec.ny.gov prior to 12:00 PM EST on June 15, 2023 so that clearance through building security may be obtained.
2. NYSDEC will retain the lowest-three bids for evaluation. The bid bonds or certified checks of the three lowest bidders will be held until contract execution. Within a few days after the bid opening, the DEPARTMENT will notify the apparent low bidder via email and by certified letter, and request that the low bidder submit the items included in **Section III, Article 5.b** to the DEPARTMENT within five (5) calendar days. The remaining bidders will be notified in writing that they were not the apparent low bidder.

H. TECHNICAL ELEMENTS OF THE WORK

NYSDEC and Ramboll presented selected aspects of the Contract Documents and technical elements related to the scope of work, including the following:

1. **Drawings, Specification Sections X and XI** should be reviewed carefully.
2. RFIs and Field Orders will be utilized as necessary to clarify and/or modify contract requirements.

3. BID as specified - No interpretation for "of equal" substitutions will be given during the bid period.
4. Upon contract execution, elements of the work that depart from the Specification will be considered a substitution and will require ENGINEER and DEPARTMENT review and approval prior to implementation.
5. Technical elements of the scope of work reviewed included the following:
 - a. The project primarily entails in-situ thermal remediation (ISTR) addressing OU 2 (source area) at the Kenco site.
 - b. The Remedial Design Report (included in the Limited Site Data Document [LSDD] distributed with the Contract Documents) provides the design approach and rationale for various aspects of the scope of work.
 - c. The ISTR treatment zone is relatively large (over 2-acre footprint, with heating depths to approximately 50 feet below grade). The estimated chlorinated VOC mass requiring treatment is also relatively high. The size and estimated chlorinated VOC mass are based on the findings from an extensive pre-design investigation (PDI) program completed in 2019, and the PDI work and findings are summarized in the Remedial Design Report included in the LSDD.
 - d. The upper 0-25 ft bgs (feet below ground surface) of the ISTR treatment zone is primarily a sand and gravel layer, which overlies a silt/clay zone which is generally 5-10 ft thick and extends from approximately 25-35 ft bgs (most of the chlorinated VOC mass appears to reside in this silt/clay zone). Beneath the silt/clay layer is a zone of silty sands extending from approximately 35-45 ft bgs.
 - e. A perimeter steel sheet pile wall is specified as a hydraulic control barrier to reduce groundwater flux through the ISTR treatment zone. The requirement for hydraulic control is based on aquifer testing conducted as part of the PDI, which indicated relatively high groundwater flow velocities (in the range of 3-7 ft/day) in the shallow sand and gravel zone. The intent is for the steel sheet pile barrier to manage groundwater flow in this zone, with the sheet piles keyed into the underlying silt/clay zone. The PDI indicated relatively low groundwater flow velocities (approximately 0.2 ft/day) in the deeper silty sand zone (35-45 ft bgs).
 - f. Due to the anticipated need for installation of an impervious surface cover over the footprint of the ISTR treatment zone during the remedy, as well as the close proximity of neighboring sites and features (e.g., Freemans Bridge Road) management of stormwater was an important consideration in the design. The subgrade grading plan included in the Contract Drawings is intended to drain much of the stormwater runoff from the ISTR area toward the agricultural parcel to the west of the site, and stormwater swales and a temporary storage basin are to be constructed to control stormwater runoff during the remedy.
 - g. Due to the size of the ISTR treatment zone, the proximity of neighboring features (Freemans Bridge Road directly east of the site, railroad directly to the north) and properties (property owned by another party directly to the south of the treatment zone, and the need for stormwater management during the work, significant time and effort was given to the site layout and locations of ISTR features on the Contract Drawings. There is some flexibility in the site layout to accommodate Contractor-

specific needs and requirements; however, bidders are advised that certain features on the Contract Drawings (for example, stormwater management features) are in the locations shown based on specific design considerations.

- h. A wetland area overlies a portion of the ISTR treatment zone, and the site preparation requirements include the removal of this wetland area to facilitate ISTR treatment. Following completion of ISTR treatment, the wetland is to be restored in-kind as part of site restoration activities.
- i. The Contract Documents include perimeter/community air monitoring requirements, and the Contractor will be responsible for implementing this monitoring as specified.
- j. A number of permits are planned to be obtained by the DEPARTMENT to support the remedial action (e.g., wetlands permitting, railroad access agreement, etc.) and these are identified in the Contract Documents. All other permits/approvals not specifically identified as being obtained by the DEPARTMENT shall be obtained by the Contractor.

I. QUESTIONS AND RESPONSES

Following presentation of the above-noted project and bid information, attendees at the pre-bid meeting were afforded the opportunity to ask questions. Selected questions were also received in writing prior to the pre-bid site walk. A summary of substantive questions received and DEPARTMENT responses is included as **Attachment B**.

J. SITE WALK

A site walk was conducted by the DEPARTMENT to allow bidders to review current site conditions. The pre-bid meeting was adjourned following the site walk.

END OF MEETING MINUTES

Attachment A
Pre-Bid Conference Attendees

NYSDEC Pre-Bid Meeting
 Wednesday May 10th, 2023, 11 am EST
 Former Kenco Chemical Company, Inc. (Site No. 447039)
 OU 2 – In-Situ Thermal Remediation (Contract No. D012803)

Meeting Attendees

Company	Name	Phone	Email
McMillan- McGee	Brent Winder	403-589-8726	bwinder@mcmillan-mcgee.com
TerraTherm	Jim Galligan	978-730-1200	jgalligan@terra therm.com
Cascade	Ethan Plank	518-265-7471	eplank@cascade-env.com
CD Perry	Dan Espey	518-365-3403	despey@cdperryandsons.com
	Lance Farrell	518-703-1448	lancefarrell@cdperryandsons.com
EnviroTrac	Ted Masters	516-790-7289	tedm@envirotrac.com
	John Szmancki	631-774-3116	johns@envirotrac.com
Land Remediation	Keith Decker	518-766-4105	kad@land-remediation.com
	Matt Warren		mjw@land-remediation.com
Jcarpenter Environmental	Matt Ednie	518-837-1678	m.ednie@jcarpenterenvironmental.com
Preferred EnviroServices	Jill Haimson	516-647-4211	jhaimson@preferredenv.com
HGL	John Blaum	518-877-3793	jblaum@HGL.com
	Rich Totino		
Renova Environmental	Jim Seliga	609-351-6771	jseliga@renovaenviro.com
TRS Group Inc	Bob Glass	215-601-2320	bglass@thermalrs.com
	Chris Thomas	360-560-4848	cthomas@thermalrs.com
	Dan Oberle	419-490-0680	doberle@thermalrs.com
LaBella	Chuck Sharpe	315-263-8827	csharpe@labellapc.com
	Jason Natale	518-528-5439	jnatale@labellapc.com
	Tom Giamichael	518-337-7635	tgiamichael@labellapc.com
Rifenburg	Bill Demaria	518-365-9969	bdemaria@rifenburg.net
	Mike Coody	413-347-7496	mcoody@rifenburg.net
Atlantic Testing Laboratories	Dylan Snyder	315-681-7054	dsnyder@atlantictesting.com
Ramboll	James Cavotta	315-575-0729	james.cavotta@ramboll.com
	Steven Sturick	315-382-5991	steven.sturick@ramboll.com
	Jeff Levasque	848-219-2865	jeffrey.levasque@ramboll.com
NYSDEC DER	Ben Rung	518-703-3943	benjamin.rung@dec.ny.gov
	Alan Wong	518-402-9643	alan.wong@dec.ny.gov
	Kris Keenan	518-402-9814	kristopher.keenan@dec.ny.gov
	Elyse DuBois	518-402-0031	elyse.dubois@dec.ny.gov

Attachment B
Questions and Responses

ATTACHMENT B
QUESTIONS AND RESPONSES
NYSDEC Pre-Bid Meeting
Wednesday May 10th, 2023, 11 am EST
Former Kenco Chemical Company, Inc. (Site No. 447039)
OU 2 – In-Situ Thermal Remediation (Contract No. D012803)

Questions during Pre-Bid Meeting:

Question 1: Reference to Section IV, Supplemental Bidding Information and Requirements, Article 4 of the Contract. This section includes requirements for bidders to demonstrate in-situ thermal remediation (ISTR) experience as part of the bid submittals. This section includes the statement that “The bidder cannot meet the minimum experience requirements through the use of subcontractor(s).” Would NYSDEC consider revising Article 4 to allow prime contractor bidders to meet the ISTR experience requirement through the use of an experienced ISTR subcontractor?

Response 1: The statement in Section IV, Supplemental Bidding Information and Requirements, Article 4 and Section III, Bidding Information, Article 17 of the Contract, that reads “The bidder cannot meet the minimum experience requirements through the use of subcontractor(s).” is hereby removed from the Contract. See Attachment C.

The subcontracting requirement in Section IV, Supplemental Bidding Information and Requirements, Article 6 of the Contract is hereby revised to read as follows “The maximum subcontracting allowed for this contract is seventy-five percent (75%) unless a higher percentage is approved by Department in writing.”

With respect to the mandatory pre-bid conference, an additional pre-bid conference will be held May 24th 2023, see announcements for more details. **Bidders are only required to attend one of the pre-bid conferences.**

Question 2: Will the current site resident still be present at the site upon commencement of the Contract work?

Response 2: Bidders may assume the observed individual will not be present at the time of work.

Written Questions received via e-mail before the pre-bid conference:

Question 3: Bid Form. LS-3A, LS-4A. Please provide copies of the National Grid quotations or engineering estimates referenced in the bid form, such that bidders can understand exactly what National Grid is providing for those estimated prices. Please also supply any available information from National Grid with regard to anticipated schedule or lead time to provide the new electric and natural gas service feeds, as the schedule for the electric service feed in particular will have a significant bearing on the overall schedule of the project.

Response 3: Copies of National Grid information will be provided to the selected bidder following Contract award. Selected information regarding electrical power and gas service availability is included in the Remedial Design Report (included in the Limited Site Data Document). Figure 9 of the Remedial Design Report provides preliminary project schedule information, including estimated timelines for National Grid power/gas service design and

installation.

Question 4: Specification Section 02 62 18, Paragraph 3.4.2.a, requires 1 temperature monitoring point (TMPs) per 1600 SF with temperature sensors every 3 ft of vertical depth. For a 95,000 SF are this would be approximately 60 TMPs, and likely over 800 individual temperature sensors. This is a very high density of temperature sensors. For a large site such as this, a more common temperature sensor density requirement is 1 TMP per 2500 or 3000 SF, with sensors at 5 ft vertical intervals. Would NYSDEC consider reducing the TMP requirement to 1 TMP per 2500 SF or 3000 SF?

Response 4: Bid as specified.

Question 5: What is the (approximate) depth of the Verizon/MCI buried fiber optic cable shown on the site plans, north of the ISTR treatment zone?

Response 5: The depth of the above-referenced cable is unknown.

Question 6: Would it be possible to locate transformer T-4 approximately 100 to 150 ft south of the location shown on Drawing E101, between the eastern ISTR boundary and the property line (along the existing 20 ft easement)?

Response 6: Bid as specified.

Question 7: Conflicting information is provided for key soil parameters such as porosity and TOC are provided in the RFP. Please provide key soil physical parameters (total porosity, effective porosity, TOC) for all major geological soil types within the treatment area (silty fine sand, gravelly coarse sand, silty clay and deep silty fine sand).

Response 7: Available site information is included in the Limited Site Data Document. Bidders are responsible for making their own determinations or interpretations with respect to site data as part of their bid development.

Question 8: The sheet pile wall is specified to be installed to 27 to 33 ft bgs and be terminated in either the silty clay or silty fine sand present towards the bottom of the site. Is it a requirement to install the sheet pile into a low permeable geological layer, to limit the amount of water movement through the bottom of the sheet pile wall?

Response 8: The steel sheet pile wall is intended for hydraulic control of groundwater. Available information regarding the sheet pile wall purpose and design approach is included in the Remedial Design Report (part of the Limited Site Data Document).

Question 9: Can a CAD base map be provided for the site, that includes the treatment zone footprint, utilities, buildings, surface contours, existing borings and wells and the overall site infrastructure?

Response 9: Electronic copies of CAD drawings will be furnished to the selected Contractor following Contract award.

Question 10: Pressure monitoring wells are prescribed for the treatment zone. Please provide the density of pressure monitoring wells required for the project.

Response 10: Pressure monitoring well density shall be established by the bidder, based on the bidders selected ISTR technologies, construction means and methods, and operations approach.

Question 11: Pressures at monitoring wells are prescribed as being monitored continuously, which will require the installation of a sensor and datalogger system. Will manual measurements of the wellfield pressures be acceptable.

Response 11: Bid as specified.

Question 12: Some of the ISTR treatment objectives identified in Table 1-1 are significantly lower than targeted goals typically found in an RFP for a guaranteed ISTR cleanup. This could increase the price for treatment by several million dollars to remove just a few extra pounds of mass near the tail end of the project. We would recommend a treatment goal of 1 mg/kg for total CVOCs as a more reasonable approach which would be consistent with similar government-related RFPs while also reducing overall project costs. Note that this is actually a stricter goal for the target compound PCE which makes up more than 99.9% of the site mass. This revised goal would provide greater than 99.99% removal of CVOCs from the TTZ while also likely reducing the groundwater concentrations in the TTZ to ten times lower than what already exists in the groundwater immediately down-gradient of the TTZ. In regards to sustainability, the current Table 1-1 goals could result in the emission of more than a million pounds of carbon dioxide in power production for each residual pound of CVOC removed from the soil near the tail end of the project to address constituents that are minor contributors to the site. A revised goal would be much more sustainable while still achieving project objectives.

Response 12: Bid as specified.

Question 13: Table 1-1 of the RFP provides cleanup objectives of 0.05 mg/kg for acetone and 0.12 mg/kg for 2-butanone that likely cannot be achieved with thermal remediation. The heat from thermal remediation causes natural breakdown of natural organic matter (humic materials) in the soil. Typical by-products from the breakdown of humic material include acetone and 2-butanone. Post-remediation concentrations of 2-butanone are often in the range of 0.02 to 0.3 mg/kg and post-treatment concentrations of acetone are often in the range of 0.1 to 5 mg/kg. The acetone and 2-butanone will quickly biodegrade as the site cools, but it could take 12 to 24 months for that to occur. This presents a significant issue in regards to the liquidated damages clause of the contract. These compounds are highly miscible and are therefore not removed by continued thermal treatment. Instead, their concentration usually goes up with continued thermal treatment. We must therefore wait for them to biodegrade. If contractors are required to keep equipment on-site, or wait for biodegradation to occur to reach the payment milestones, this will substantially increase the price of the project and more likely would prevent many qualified contractors from bidding on the project. It is worth noting that it is very uncommon for acetone and MEK to be included in the cleanup goals for an ISTR project because of this reason.

Response 13: Bid as specified.

Question 14: Please clarify if railroad insurance will be required for the project, and if so, what are the requirements? Is there an opportunity for the Contractor's insurance to piggy back off the existing CSX policy to reduce the cost of this insurance policy? Per drawing C-107, it appears that there is actually no requirement to install electrodes or heating elements on the R.R. property or right-of-way. Therefore, we would prefer to pull the fence back onto the property and off of the R.R. property to completely avoid the insurance issues and potential R.R. delays altogether.

Response 14: Insurance requirements are included in Section VIII, Article 4 of the Contract Documents. Bidders are advised to prepare and submit their bids based on the requirements as currently stated in the Contract Documents, without exception or modification.

END OF QUESTIONS AND RESPONSES

ATTACHMENT C
REVISED CONTRACT PAGES

Jeffery Levesque
Engineer designated representative
Jeffery.Levesque@ramboll.com

Ramboll
333 West Washington Street
Syracuse NY, 13202

ARTICLE 3 - Pre-Bid Conference

A pre-Bid conference will be held on May 10, 2023, at the project site located at 107 Freemans Bridge Road, Glenville NY, at the time of 11:00 AM Eastern Standard Time to view the Project area. The Pre-Bid Conference is held to discuss the requirements of the Bidding Documents, the protocols for performing the work, the conditions existing at the work site, and to provide for visual inspection of the Site by Bidders. Bidders will be required to sign an attendance sheet to document their presence at the mandatory Pre-Bid Conference. **Department will accept Bids only from those bidders who attend the Pre-Bid Conference, attendance is mandatory as a condition of Bid.**

ARTICLE 4 - Additional Bid Submittals

Experience in performance of the Scope of Work (SOW) and in accordance with Section III, Article 17, Paragraph 4 (also refer to the experience requirements described below in this article), shall be demonstrated in writing and presented to the Department within five (5) days of Department's Notice of Apparent Low Bid per Section III, Article 5, (b).

Section III – Article 17 outlines the requirements for contractor experience in performance of the Scope of Work (SOW). For this contract, that experience shall be modified as follows:

The Bidder must have a minimum of five (5) years satisfactory experience in construction of the work to be performed. This experience must include the successful implementation of in-situ thermal remediation (ISTR) for projects with similar types of contaminants, in similar geology and using similar drilling techniques, and at similar scale(s) to the proposed work. The Bidder's experience should also demonstrate the ability to achieve the ISTR treatment objectives as specified in these Contract Documents. ~~The bidder cannot meet the minimum experience requirements through the use of subcontractor(s).~~ The SOW for this contract does include the excavation, transportation, and handling of contaminated soil on a limited scale; experience for this work can be met through the use of subcontractor(s).

ARTICLE 5 - Other Available Documents

The following items are available in the Limited Site Data Document for contractor's review in preparing the Bid:

- Former Kenco Chemical Company, Operable Unit 02 - Source Area Remedial Investigation Report, February 27, 2015 (AECOM)

ARTICLE 16 - Subcontractors, Suppliers or Others

Unless otherwise agreed in writing by Department, Contractor shall subcontract no more than the percentage (%) of the total cost of the work under its contract as may be provided by the Contract Documents in Article 6 of Section IV, "Supplementary Bidding Information and Requirements". Procedures for approval of Subcontractors, Suppliers or other persons or organizations, after execution of the Agreement, are set forth in the General Conditions and the Supplementary Conditions.

ARTICLE 17 - Award of Contract

The Contract will be awarded to the lowest, responsive and responsible Bidder(s) that has prepared acceptable required submittals, in the opinion of Department, as stipulated in Article 5 of this Section.

To the extent permitted by applicable Law, Department reserves the right to reject any and all Bids, to waive any and all informalities or irregularities, to disregard all nonconforming, nonresponsive, or conditional Bids, or to re-advertise for Bids.

In order to be considered responsive, a Bid shall be completed, signed and be responsive in all respects to the Bidding Documents unless informalities are waived by Department.

In order to be considered responsible, a Bidder must establish to the complete satisfaction of Department and Engineer, as a minimum, that it has adequate and satisfactory experience and financial resources to meet the obligations under the Contract and award of the Contract would be in the best interest of the State. A Bidder's prior experience shall be considered satisfactory when among other factors, its performance of prior work was timely, of good quality, in compliance with any contract requirements including contracted costs and schedule, and in compliance with applicable Law. The Bidder must have a minimum of three (3) years satisfactory experience in construction of the work to be performed. This experience must include, but not be limited to, the excavation, transportations, and handling of hazardous waste and contaminated soil/sediment. Experience must also include the handling and treatment of contaminated water generated from hazardous waste operations. For work to be deemed satisfactory, the work must have been performed with required oversight from United States Environmental Protection Agency (USEPA), Department, or an equivalent state environmental regulatory agency (i.e., New Jersey DEP, Pennsylvania DER, etc). Brownfield cleanup work qualifies for the experience requirement. ~~The bidder cannot meet the minimum experience requirements through the use of subcontractor(s).~~

Department may conduct such investigations as it deems necessary to assist in the evaluation of any Bid and to establish the responsibility in terms of satisfactory experience and financial ability of the Bidder, and of any proposed subcontractors. Department may

- Former Kenco Chemical Company, Operable Unit 02 – In-Situ Thermal Remediation, Remedial Design Report, March 2023 (Ramboll Americas Engineering Solutions, Inc.)
- Record of Decision, Former Kenco Chemical Company, Operable Unit 02 - Source Area, March 2015 (NYSDEC)

ARTICLE 6 - Subcontracting

The maximum subcontracting allowed for this contract is ~~fifty percent (50%)~~ seventy-five percent (75%) unless a higher percentage is approved by Department in writing.

ARTICLE 7 - Type of Schedule

Contractor shall provide a Critical Path Method (CPM) type of schedule as described in Specification 01 32 16 - Progress Schedule.

ARTICLE 8 - Wage Rates

The Department requires, for the work under this contract, that the Contractor and its subcontractor pay at least the prevailing wage rate and pay or provide the prevailing supplements, including premium rates for overtime pay, as issued by the State Labor Department. The current wage rates are included within the contract documents, Section XIII – Wage Rates and Associated Contract Requirements.

The Contractor is responsible for any additional costs related to new determinations of the wage rates. The annual determination of the prevailing rates of wages and supplements are usually published on May 31st of each year and are in effect July 1st through June 30th. New determinations will supersede the original schedule or any prior issued annual determination. Any rate change from a previously issued determination becomes effective July 1st, regardless of whether the new determination has been received by the Contractor.

Every contractor and subcontractor shall submit to the Engineer within thirty days after issuance of its first payroll, and every thirty days thereafter, a transcript of the original payroll records, subscribed and affirmed as true under penalty of perjury, as provided by Article 8, Section 220, of the NYS Labor Law. The Engineer shall receive and maintain such payroll records. The original payrolls and transcripts must be preserved for three (3) years from the date of completion of the project. The current prevailing wage rate schedule must be posted in a prominent and accessible place on the site of the public work project.

ARTICLE 9 – Bid Protest Guidelines

The intent and purpose of these guidelines is to set forth the procedure to be utilized when an interested party challenges a contract bid award solicited by the Division of Environmental Remediation and routed to the Office of the State Comptroller (OSC) for approval pursuant to the provisions of Section 112 of the State Finance Law.