



# PERFORMANCE BASED CLEANUP (PBC)

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Florida Department of Environmental Protection

Tallahassee, FL | Feb. 21, 2024



# THE PBC BASICS

Focus on Completing Cleanup Goals = **Milestones.**

Vs.

Completing Specific Activities = **Line Items.**

- Milestone example achieve a 50% reduction in baseline contamination.
- Line-item task #4 could include a five mobilizations: system and monitor well sampling, carbon replacement, air and water analysis, three quarterly and one annual operation and monitoring (O&M) report, professional time, etc.
- The success of a PBC depends on the assessment data available and the information included in the scope of work (SOW) prepared by the site manager and their professional.



# WIN SOME LOSE SOME

The Agency Term Contractor (ATC) accepts the RISK.

- Locked into a fixed cost where the ATC is not paid until the milestone is completed.
- Time or costs increase to reach milestone payment unchanged [lose some].
- Time or cost decrease to reach milestone payment unchanged [win some].
- Paid for milestones when they're reached, even if more than one is reached at once. For example: If the 25%, 50%, and 75% reductions are all reached four months after start-up, all are paid at once.
- PBC Purchase Order (PO) has maximum term of five years and 10 milestones.



# PBC PERFORMANCE-BASED CLEANUP

PBC, formerly known as Pay For Performance (PFP), is allowed, under the Petroleum Restoration Program's (PRPs) ATC, at PRPs discretion.

Some programs require a PBC scope of work (SOW/PO):

- Quote PBC (QPBC).
- Advanced Cleanup Bundles (PBAC).
- Advanced Cleanup for Redevelopment (ACR).

A site manager can create a PBC SOW.

An ATC can request work be done under a PBC.

An owner might be interested in work being done as a PBC.



# FILE REVIEW

File review is as important as a complete assessment.

Ultimate goal is a Chapter 62-780.680 Florida Administrative Code (F.A.C.) closure.

- Are all discharges eligible for funding?
- Were all source areas properly assessed?
- Were correct analyses run for type of discharge?
- Have all groundwater exceedances been cleared?
- Have all vadose soil exceedances been cleared?
- Is contamination horizontally and vertically delineated?
- Is there off-site contamination?
- Any special consideration/issues that would interfere with closure (funding caps, compliance violations, etc.)?

Review with your professional – would they be able to close the site with the information available and can we accurately estimate a cost to closure?



# EXAMPLES OF MILESTONES

<b>Milestones</b>	
Milestone 1:	Complete HASP and RAP (approval)
Milestone 2:	RAC
Milestone 3:	Baseline Sampling and System Startup
Milestone 4:	Reduction to 25% of Baseline Concentrations
Milestone 5:	Reduction to 50% of Baseline Concentrations
Milestone 6:	Reduction to 75% of Baseline Concentrations
Milestone 7:	Reduction to 90% of Baseline Concentrations
Milestone 8:	Achieve CTLs
Milestone 9:	Maintain CTLs (ALL Media) for one (1) year
Milestone 10:	Abandon Wells and Restore Facility

Milestones four through seven/eight are basically O&M.



# MILESTONE DESCRIPTION

SOW Template.

Three Tabs: SOW Description.  
Terms and Conditions.  
Milestone Activities.

PBC shares some deliverable/report names but also has its own unique Storage Tank Contamination Monitoring (STCM) names.

A	B	C
4	Agency Term Contract Number:	
5	9-Digit Facility ID Number:	
6	STCM Facility Name:	
7	PO Start Date:	
8		
10	<b>Specifications</b>	
	All work must be performed in accordance with this Scope of Work (SOW) including Milestone Descriptions, Special Terms and Conditions, and Milestone Activities, and any attachments, Chapters 62-160, 62-532, 62-777, 62-780, Florida Administrative Code (F.A.C.), all applicable FDEP and Water Management District guidance memoranda, standard industry procedure, as described in the Agency Term Contract (ATC) and local government requirements. SOW Terms and Conditions take precedence over the ATC. Copies of all referenced guidelines are available at <a href="http://www.dep.state.fl.us/waste/categories/pcc/default.htm">http://www.dep.state.fl.us/waste/categories/pcc/default.htm</a> . Reports must be submitted using the appropriate FDEP forms found at <a href="http://www.dep.state.fl.us/waste/categories/pcc/default.htm">http://www.dep.state.fl.us/waste/categories/pcc/default.htm</a> .	
11		
12	<b>Milestone Description Table</b>	
13	<b>Milestone 1 Description:</b>	Before performing any field work, prepare and submit a Health and Safety Plan (HASP). Prepare and submit an appropriate Remedial Action Plan (RAP, RAPM, LSRAP, NAM Plan, etc.).
14	<b>Milestone 1 Deliverable:</b>	PBCRAP
15	<b>Milestone 1 Due Date:</b>	
16	<b>Milestone 2 Description:</b>	Complete Remedial System installation. Prepare and submit a Milestone Report describing construction activities and including As-Builts.
17	<b>Milestone 2 Deliverable:</b>	MILESTON REPOR with AS-BUILTS
18	<b>Milestone 2 Due Date:</b>	
19	<b>Milestone 3 Description:</b>	Perform Baseline Sampling and System Startup. Prepare and submit a Startup Report.
20	<b>Milestone 3 Deliverable:</b>	PBCSTART
21	<b>Milestone 3 Due Date:</b>	
22	<b>Milestone 4 Description:</b>	Conduct remedial activities, achieve a 25% reduction in groundwater contamination. Prepare and submit a 25% Reduction Report.
23	<b>Milestone 4 Deliverable:</b>	PBC 25
24	<b>Milestone 4 Due Date:</b>	
25	<b>Milestone 5 Description:</b>	
26	<b>Milestone 5 Deliverable:</b>	PBC 50
27	<b>Milestone 5 Due Date:</b>	
28	<b>Milestone 6 Description:</b>	
29	<b>Milestone 6 Deliverable:</b>	PBC 75
30	<b>Milestone 6 Due Date:</b>	
31	<b>Milestone 7 Description:</b>	
32	<b>Milestone 7 Deliverable:</b>	PBC 95
33	<b>Milestone 7 Due Date:</b>	
34	<b>Milestone 8 Description:</b>	Conduct sampling (Groundwater and Soil, as needed). Prepare and submit a Targets Report demonstrating that all Contaminants of Concern (COCs) for all media



# MILESTONE ACTIVITIES

- Total amount is encumbered in the first PO.
- Milestone payment is a percentage of the total.

	A	B	C	D	E	F	G	H	I	J	K	L	M																																																																								
1	<b>Performance Based Cleanup Bundle (PBAC) Site Scope of Work (SOW)</b>																																																																																				
2	<b>Milestone Activities</b>																																																																																				
4	Agency Term Contract #: _____																																																																																				
5	FDEP Facility ID #: _____																																																																																				
6	FDEP Facility Name: _____																																																																																				
9	<b>1. Milestone Summary and Payment Schedule</b>																																																																																				
11	Estimated Cost to Cleanup <b>\$525,000.00</b>																																																																																				
13	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 65%;">Milestones Activities</th> <th style="width: 10%;">Payment %</th> <th style="width: 10%;">Payment Amt.</th> <th style="width: 5%;">Due Date</th> <th style="width: 5%;">Months</th> </tr> </thead> <tbody> <tr> <td>14</td> <td>Milestone 1: Complete HASP and RAP (approval)</td> <td>4.0%</td> <td>\$ 21,000.00</td> <td></td> <td></td> </tr> <tr> <td>15</td> <td>Milestone 2: Complete RAC</td> <td>18.0%</td> <td>\$ 94,500.00</td> <td></td> <td></td> </tr> <tr> <td>16</td> <td>Milestone 3: Conduct Baseline Sampling and System Startup</td> <td>7.0%</td> <td>\$ 36,750.00</td> <td></td> <td></td> </tr> <tr> <td>17</td> <td>Milestone 4: Achieve a 25% reduction from Baseline</td> <td>10.0%</td> <td>\$ 52,500.00</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td>Milestone 5: Achieve a 50% reduction from Baseline</td> <td>10.0%</td> <td>\$ 52,500.00</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td>Milestone 6: Achieve a 75% reduction from Baseline</td> <td>10.0%</td> <td>\$ 52,500.00</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td>Milestone 7: Achieve a 90% reduction from Baseline</td> <td>9.0%</td> <td>\$ 47,250.00</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td>Milestone 8: Achieve Cleanup Target Levels</td> <td>10.0%</td> <td>\$ 52,500.00</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td>Milestone 9: Maintain CTLs for 1 year</td> <td>12.0%</td> <td>\$ 63,000.00</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td>Milestone 10: Abandon Wells and restore facility</td> <td>10.0%</td> <td>\$ 52,500.00</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td><b>Totals</b></td> <td><b>100.0%</b></td> <td><b>\$ 525,000.00</b></td> <td colspan="2"><b>PO End:</b></td> </tr> </tbody> </table>														Milestones Activities	Payment %	Payment Amt.	Due Date	Months	14	Milestone 1: Complete HASP and RAP (approval)	4.0%	\$ 21,000.00			15	Milestone 2: Complete RAC	18.0%	\$ 94,500.00			16	Milestone 3: Conduct Baseline Sampling and System Startup	7.0%	\$ 36,750.00			17	Milestone 4: Achieve a 25% reduction from Baseline	10.0%	\$ 52,500.00			18	Milestone 5: Achieve a 50% reduction from Baseline	10.0%	\$ 52,500.00			19	Milestone 6: Achieve a 75% reduction from Baseline	10.0%	\$ 52,500.00			20	Milestone 7: Achieve a 90% reduction from Baseline	9.0%	\$ 47,250.00			21	Milestone 8: Achieve Cleanup Target Levels	10.0%	\$ 52,500.00			22	Milestone 9: Maintain CTLs for 1 year	12.0%	\$ 63,000.00			23	Milestone 10: Abandon Wells and restore facility	10.0%	\$ 52,500.00			24	<b>Totals</b>	<b>100.0%</b>	<b>\$ 525,000.00</b>	<b>PO End:</b>	
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26	<b>2. Remediation Strategy and Endpoint</b>																																																																																				
27	Primary Remediation Technology: _____																																																																																				
28	Add-Ons: _____																																																																																				
29	Closure/Endpoint: _____																																																																																				
30	Target Levels: _____																																																																																				
31	Groundwater: _____																																																																																				
32	Soil Direct Exposure: _____																																																																																				
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# MILESTONE ACTIVITIES

- Site manager (SM) and professional fill this out based on file review.
- Note that only key wells are used to calculate reductions but...
- All wells must meet target levels for the achieve targets to be achieved.
- In addition to milestone reports, all reports required per Chapter 62-780 F.A.C. are submitted and reviewed to monitor the progress of the cleanup.

A	B	C	D	E	F	G	H	I	J	K	L	M
Milestone 9:								\$	-			
Milestone 10:								\$	-			
<b>Totals</b>							0.0%	\$	-	PO End:		

**2. Remediation Goals:**  
Target Levels:  
 Groundwater \_\_\_\_\_  
 Soil Direct Exposure \_\_\_\_\_  
 Soil Leachability \_\_\_\_\_  
 Surface Water n/a  
 Other n/a

**3. Baseline Groundwater Sampling:** Is Free Product Present  Y  N Has Free Product been Pre  Y  N  
 MWs (list): \_\_\_\_\_  
 Contaminants of Concern:  
 BTEX/MTBE  PAHs  TRPHs  Lead  EDB  Other \_\_\_\_\_

**4. Key Well Sampling:**  
 Key Wells (list) \_\_\_\_\_  
 Minimum Sampling Frequency: \_\_\_\_\_  
 Contaminants of Concern:  
 BTEX/MTBE  PAHs  TRPHs  Lead  EDB  Other \_\_\_\_\_

**5. Perimeter Well Sampling:**  
 Perimeter Wells (list) \_\_\_\_\_  
 Minimum Sampling Frequency:  \_\_\_\_\_  
 Contaminants of Concern:  
 BTEX/MTBE  PAHs  TRPHs  Lead  EDB  Other \_\_\_\_\_

**6. Confirmatory Soil Sampling:** The Department will perform confirmatory sampling at their sole discretion in accordance with Paragraph 14 of the Terms and Conditions, prior to payment of any milestone. In addition, the Department will perform confirmatory sampling prior to approval for payment of Maintain Target Levels Milestone. Samples may consist of any and all petroleum contaminants of concern and any possible byproducts of remedial efforts in locations determined by the Department.  
 Minimum # of Borings (w Est. Total Footage): \_\_\_\_\_  
 Soil Sampling Locations: \_\_\_\_\_  
 Contaminants of Concern:  
 BTEX/MTBE  PAHs  TRPHs  Lead  EDB  Other \_\_\_\_\_

**7. Site Specific Considerations** (eligibility, funding caps, additional SAA requirement, etc.)

< > | SOW Description | Terms and Conditions | **Milestone Activities** | +



# ATTACHMENT B – Schedule of Pay Items (SPI)

The PBC SPI uses miscellaneous, 22-x. lines **only** – one milestone per line.

PAY ITEM	DESCRIPTION	UNIT OF MEASURE	PO Rate Sheet			Previously Invoiced	This Invoice		Balance
			UNITS	NEGOTIATED ITEM PRICE	TOTAL EXTENDED PRICE	UNITS	UNITS	EXTENDED PRICE	UNITS
<b>Task 1</b>									
22-1.	Remedial Action Plan and Health Site and Safety Plan	Per Report	1	\$ 15,750.00	\$ 15,750.00	0	0	\$ -	1
		RETAINAGE			\$ -	\$ -		\$ -	\$ -
		SUBTOTAL			\$ 15,750.00	\$ -		\$ -	\$ 15,750.00
<b>Task 2</b>									
22-2.	PE signed and sealed red line drawings	Per Report	1	\$ 63,000.00	\$ 63,000.00	0	0	\$ -	1
		RETAINAGE			\$ -	\$ -		\$ -	\$ -
		SUBTOTAL			\$ 63,000.00	\$ -		\$ -	\$ 63,000.00
<b>Task 3</b>									
22-3.	Startup Report including the Baseline Sampling Results	Per Report	1	\$ 31,500.00	\$ 31,500.00	0	0	\$ -	1
		RETAINAGE			\$ -	\$ -		\$ -	\$ -
		SUBTOTAL			\$ 31,500.00	\$ -		\$ -	\$ 31,500.00
<b>Task 4</b>									
22-4.	Milestone Completion Report - 25% Reduction from Baseline Concentrations	Per Report	1	\$ 15,750.00	\$ 15,750.00	0	0	\$ -	1
		RETAINAGE			\$ -	\$ -		\$ -	\$ -



# MANAGING PBC'S

The better the SOW the easier to manage.

Making due dates is critical!  
Why was due date missed?

- Retainage not withheld since payment is not made until milestone is achieved.
- We have to predict due dates when we write the SOW – not so easy to predict when the site will hit 50% reduction from baseline.

PBCs allow time extension change orders.

- If due dates are missed – site manager (SM) must discuss with ATC.
- Is corrective-based action (CBA) required (at the ATC/owner expense).



# VERIFICATION SAMPLING

The Site Manager (SM) and their professional complete the Forensics & Technical Support (F&TSS) memo and attachment. Work requested (may include groundwater sampling, monitor well installation, installation of soil borings with Organic Vapor Analysis (OVA) screening and soil sampling).

DEP pays 100% for verification sampling.

Contact Melissa Brock ([Melissa.Brock@floridadep.gov](mailto:Melissa.Brock@floridadep.gov)) or Brittany Anding ([Brittany.Anding@floridadep.gov](mailto:Brittany.Anding@floridadep.gov)) for the most recent verification sampling request template.



# VERIFICATION SAMPLING

Verification sampling is performed on all PBCs by an independent contractor.

PBC terms and condition (second tab of SOW).

“The department reserves the right to verify representations made regarding progress, milestones or other conditions, at its sole cost and discretion, at any time. The department is not under any obligation to notify contractor of such inspections. Any and all costs incurred by the contractor for participating in an inspection shall not be compensated or reimbursed in any way by the department. Specific inspection activities may include, but are not limited to the following:”



# PERFORMANCE-BASED CLEANUP (PBC)

**Questions?**





# THANK YOU

**Dona Milinkovich**

Division of Waste Management / Petroleum  
Restoration Program

Florida Department of Environmental Protection

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