



**Petroleum Restoration Program
Agency Term Contracts
Quarterly Meeting
August 15, 2019**



Agenda

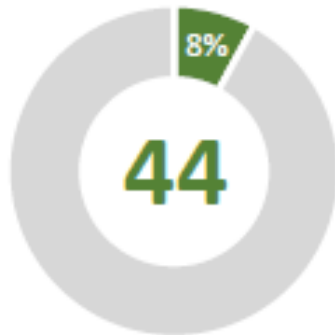
- Introduction – Blake Miller
- Closures/Encumbrances – Natasha Lampkin
- Program Updates – Natasha Lampkin
- PRP Contract Updates – Blake Miller
- Contracts Updates/RFC Discussion – Blake Miller
- Email Questions – Blake Miller
- Reminders – Jamie Lopez
- Questions/Comments

Closures Update

FY 2019-20 Discharges Closed to Date

as of August 7, 2019

Total Closed to Date*:



of 550
projected closures

type	closures	% of total
LNFA	2	5%
NFA/SRCO	42	95%
NFAC	0	0%
NREQ	0	0%

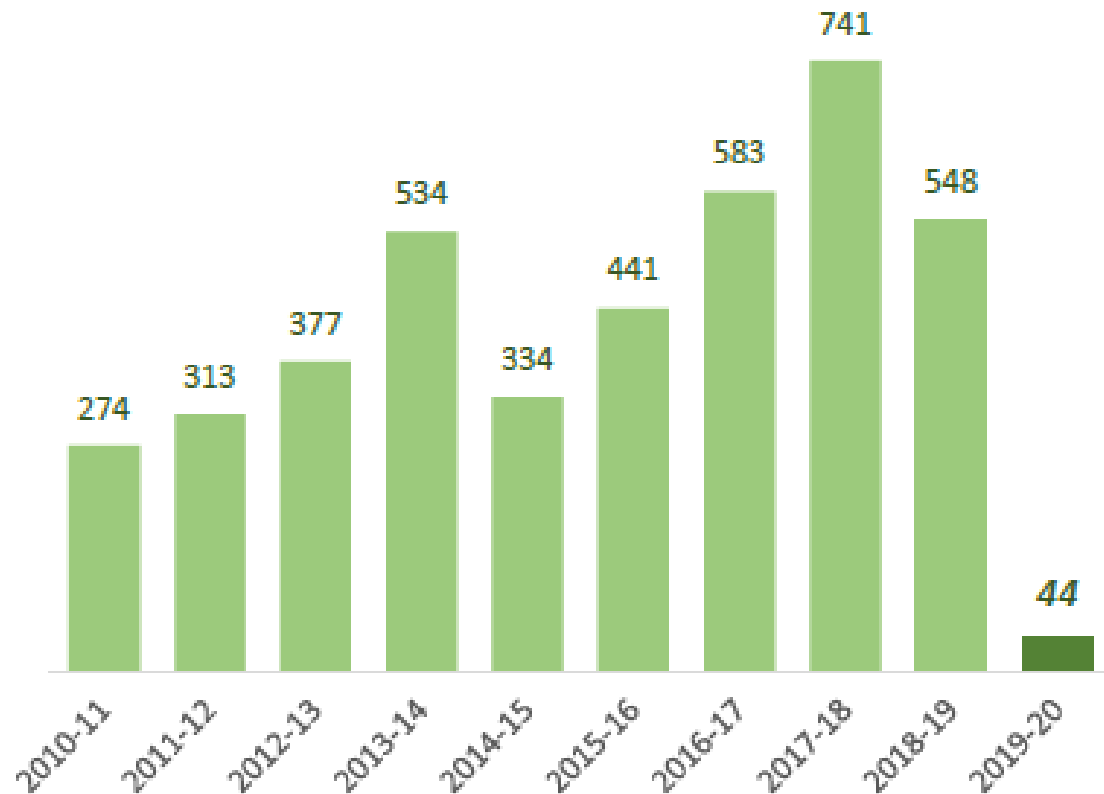
**36 additional discharges achieved cleanup status and are awaiting deductible payment*

Discharge Closures by Fiscal Year

as of August 7, 2019

Discharge Closures by Fiscal Year

as of August 7, 2019



PRP Monthly Dashboard update

Encumbrance Activity

FY 2019-20 Encumbrances by Month

Month	Available Funds	FY Projection	Encumbered	*Net Encumbered	Net Percent of Projection
July 2019	\$ 10,964,740	\$ 11,338,012	\$ 11,413,904	\$ 10,908,617	96%
August 2019	\$ 10,964,740	\$ 13,058,602	\$ 3,473,920	\$ 3,308,629	25%
September 2019	\$ 10,964,740	\$ 10,991,243	-	-	0%
October 2019	\$ 10,964,740	\$ 9,987,081	-	-	0%
November 2019	\$ 10,964,740	\$ 11,514,507	-	-	0%
December 2019	\$ 10,964,740	\$ 10,004,614	-	-	0%
January 2020	\$ 10,964,740	\$ 7,985,461	-	-	0%
February 2020	\$ 10,964,740	\$ 8,847,876	-	-	0%
March 2020	\$ 10,964,740	\$ 9,753,636	-	-	0%
April 2020	\$ 10,964,740	\$ 8,459,322	-	-	0%
May 2020	\$ 10,964,740	\$ 11,117,846	-	-	0%
June 2020	\$ 10,964,726	\$ 16,941,800	-	-	0%
Grand Total	\$ 131,576,866	\$ 130,000,000	\$ 14,887,824	\$ 14,217,247	11%



Program Updates

Innovative Technology

The ITECH site list is posted on the PRP ITECH webpage and available for review.

<https://floridadep.gov/waste/petroleum-restoration/content/itech-innovative-technology-initiative>

Please direct questions to Jack Roberts, PRP Team 1,
850-245-8865.



Program Updates

Priority Score Funding Threshold

Effective August 15, 2019 the priority score funding threshold is lowered from 12 to 11.

- Executed Purchase Orders (PO) proceed through completion.
- Prior to new PO the following items must be obtained if needed:
 - Deductibles
 - Limited Contamination Assessment Report
 - PCPP Cost Share Agreement
 - Site Access Agreements



PRP Contracts Updates

- New contract manager, Elizabeth Perison, joined Team 4.
- The new contract manager assignment list is posted on website. Effective 7/22/19.
- NELAP Certifications – Please remember to submit them to the site manager. They are only required for the lab you intend to utilize under the PO.



Work Not in Contracts

A Contract is a Contract

ATCs must assure work is properly scoped

THOROUGHLY REVIEW PO/SPI

The PRP cannot pay for work not approved in advance. Verify that all necessary line items are in place before work is done. Mobs or permits left off cannot be added after-the-fact. Check # and type of all units...# wells, # samples, type analyses, etc.



Work Not in Contracts

Example: Installation of remedial action construction activities were not performed according to the approved Remedial Action Plan, Scope of Work or Schedule of Pay Items.

Installation costs were denied and Corrective Action Plan was requested.

Do not deviate from the approved scope of work. If changes are needed work with the site manager to facilitate the necessary changes prior to beginning work.



Conflict of Interest

B. Department may seek recovery of the costs of cleanup of specific sites from any and all parties responsible for site contamination, and must anticipate the possibility of litigation arising from such efforts. To avoid a conflict-of-interest, or the appearance of a conflict-of-interest, Contractor shall notify Department in writing within five (5) days of Contractor's discovery of any present or anticipated contractual or other business relationship between Contractor, or any of its subcontractors, and any of the persons or entities who are, or may be, responsible for contamination of a site on which it is assigned work. Department may notify Contractor of potentially responsible parties for site contamination, if such information is available to Department.

Please review Section 30, Conflict of Interest Paragraphs A through F, located on pages 19-20 of 28.



Sampling Issues

Hold Times

Issue: Samples ran outside of hold-time.

- ATCs are responsible for complying with all State and Federal laws.
- Failure to comply will result in a forfeiture of payment on the lab analysis and the ATC will have to resample at their own cost.

Improper sampling

Issue: Samples collected improperly while in the field.

- The ATC contract has a list of guidance and forms (Appendix I, Section A).
- Failure to follow the correct sampling protocol will result in forfeiture of payment and the ATC will have to resample at their own cost.



RFC Discussion

- Reminder – Transportation and Disposal of Additional Soil Memorandum – 9/13/17
- Details procedure for requesting a RFC for unforeseen T&D costs not discovered until weight tickets are submitted.

- 1) The RFC must be received by the site manager within two working days of the date the additional soil (overage) was transported from the site.
- 2) The volume of soil requested in the RFC does not exceed 20% of the total volume authorized in the Purchase Order.

Excerpt from 9/13/17 T&D Memo.



RFC Discussion

No Cost RFCs

Evaluate PO due dates during the course of the PO.

Please extended all necessary due dates in one RFC.

Per the ATC Contract

Request for Modification of Time Frame	Submit at least 20 days prior to date action required (unless emergency conditions)
--	---

Restated ATC Contract, Attachment A Scope of Services page 79 of 82.

Remember the PRP will try to process date extension requests as quickly as possible, however extension requests made <20 days before the due date risk not being processed.



RFC Discussion

Quotes

- Double check quotes for confidentiality disclaimers prior to submittal to site managers. DEP Directive 301.

In-house quotes should be on the ATC Letterhead and not reference other sub-vendors. In-house quotes of \$2,500 or less require one additional quote from a separate vendor, those over \$2,500 require two additional quotes.

- a. For purchases whose aggregate value is \$2,500.00 or less, a single written quotation or proposal is required (electronic copies accepted). The price should be considered to be "fair and reasonable" by the Contractor and the DEP Project Manager. At the discretion of the DEP Project Manager, the Contractor may be directed to obtain additional quotations.



RFC Discussion

Quotes

- Please remember to instruct subs or vendors to copy the site manager concurrently on their response back to you.

b. For purchases above \$2,500.00, the Contractor, wherever possible, must obtain a minimum of three (3) responsive quotes or proposals, and select the one that best represents a reasonable price from a vendor of demonstrated competence and qualifications. The solicitation for quotes or proposals should specify the factors that will be used to determine demonstrated competence and qualifications. The Contractor shall also include in their solicitation instructions for the subcontractor or vendor to send a copy of the written quotation or proposal to the DEP Project Manager concurrent with their copy to the Contractor (electronic copies accepted).



Emailed Questions

- 1) “Report/deliverable clarification: I have asked my local program head and copied the contract manager about this and got the same non-answer from both. The issue is that there is no definitive guidance that I can find that determines exactly what maps are required with reports. Both the attached ATC Report Components Matrix and 62-780 are contradictory or vague.... The rule is vague, and by referencing the rule while leaving “plume maps” unchecked for non-assessment reports, the guidance is contradictory. Please clarify.”

Email submitted question from ATC dated 6-28-19.

The PRP Standard Specification Details - 08/5/19.

This document is intended for the use of both FDEP Site Managers and Agency Term Contractors performing work under contract with the Petroleum Restoration Program (PRP). It describes the general requirements and expectations for the various activities identified in the Scope of Work assigned under purchase orders. All work must be performed in accordance with the Purchase Order - Scope of Work, Chapters 62-160, 62-532, 62-777 and 62-780, F.A.C., all applicable FDEP and Water Management District guidance memoranda, standard industry procedures and as described in the Agency Term Contract (ATC).



Emailed Questions

As specified in the PRP Standard Specification Details page 25 of 26, of the NAM Report requirements.

F. Additional figures (with scale and legend) shall be provided depicting, as appropriate: off-site potable wells and potential receptors, a plume map showing the lateral and vertical extent of all contaminants of concern exceeding soil and/or groundwater CTLs and/or NADCs, groundwater elevation map with elevation contours and an interpretation of the groundwater flow direction, groundwater map with elevations calculated for each MW, piezometer and compliance well, contamination map illustrating the degree of soil and/or groundwater contamination at each boring and well location with sampling dates and analytical data, OVA map depicting highest OVA reading for each boring location;



Emailed Questions

2)

“EDI sites with contamination in the FDOT right of way: We are the ATC for a program site where the source site soil and groundwater is all below CTLs. However, in the early 2000s, the FDOT widened the roadway and it now covers the former UST and dispenser locations. Wells in the area now under the roadway were last sampled between 1996 and 2001, and some of those has concentrations >NADCs. To date, the only options within FDEP rules and guidance are: 1) Never get closure if the property owner does not want to agree to conditional closure; or 2) Property owner must consent to diminish their property value by agreeing to conditional closure. We have proposed installation of vertebrae wells under the roadway for groundwater monitoring, but have been told the FDEP will not accept the results for comparison to CTLs.”

Email submitted questions from ATC dated 6-28-2019.

This is a “Site specific” answer. Work with FDEP and or the Local Program to determine the best path forward.



Upcoming Topics & Training

- Upcoming PRP topics:
 - Working on standardized quote forms to streamline quoting process.
 - Drafting guidance on the storage and submittal of electronic tables and figures.
- PRP will be hosting training webinars.
- Please recommend topics for webinars to, prp.contracts@dep.state.fl.us
- Planned PRP training webinars
 - Contractor Performance Evaluations (CPEs) -TBD



Reminders

- **PG Certification of Annual NAM / PRM Reports**
- Up to 2 labor hours of 21-2 for a PG can be used for a PG to review an Annual PARM Report rather than the line item 21-36 PE Review.
- Resurfacing:
- Only the areas disturbed during cleanup activities.

4. Perform general site restoration as close as practicable to conditions that preceded remedial action.

DEP Restated Agency Term Contract, Attachment A (Scope of Services), Page 6 of 82.



Reminders

Title Searches

The PRP will be using one of FDEP's contracted title companies to perform title work at state funded sites.

A title report is typically needed for risk-based closures, noticing, and certain types of agreements, e.g. demolition agreements.



Reminders

Invoices

- All subcontractors/vendors paid directly by the ATC for costs must be listed on the subcontractor utilization form.
- **Including subcontractors used for reimbursable items.**
- Payment to subcontractors/vendors for expenses such as gas for vehicles, road tolls, drinks, etc. are considered indirect costs and should not be listed on the Subcontractor Utilization Form.
- **All subcontractors providing quotes must be quoting for services and products that their business provides as a normal course of business.**



Links

- <https://floridadep.gov/waste/petroleum-restoration/documents/prp-standard-specification-details>
- <https://floridadep.gov/waste/petroleum-restoration/content/dep-atc-contract-manager-lists>
- <https://floridadep.gov/waste/petroleum-restoration/documents/transportation-and-disposal-additional-soil-memo>



Contacts

Blake Miller, Team Leader,
850-245-8821,
Blake.Miller@floridadep.gov

Jamie Lopez, Contract Manager,
850-245-8925,
Jamie.L.Lopez@floridadep.gov

Carol Carnley, Contract Manager,
850-245-8916,
Carol.Carnley@floridadep.gov

Chuck Williams, Contract Manager,
850-245-8863,
Charles.Williams@floridadep.gov

Tim Foster, Contract Manager,
850-245-8874,
Tim.Foster@floridadep.gov

Elizabeth Perison,
Contract Manager, 850-245-7612,
Elizabeth.Perison@floridadep.gov



Discussion / Questions?