

**591—13.3(455G) Contractor requirements.**

**13.3(1)** Any site included in the community remediation or packaged community remediation project may be subject to a bidding process on the work to be done. Any contractor who is or has worked on a site included in the community remediation or packaged community remediation project but who is not chosen for that ongoing work is required to supply any and all records of any work performed on that site. Failure to supply documentation requested will terminate any future payments to that contractor on any other work until the information requested has been received. After a community remediation or packaged community remediation contract award to a contractor, no further work can be done by the prior contractor on any site within a community remediation or packaged community remediation project without prior written authorization from the administrator.

**13.3(2)** Contracts for community remediation or packaged community remediation projects may be required to be subject to a bidding process. Contracts for community remediation or packaged community remediation may be bid among the contractors expressing an interest to the board or administrator when it is deemed by the board to be in the best interest of the program. The board may charge a fee to anyone requesting a copy of the request for proposal to cover the expense of providing the request.

*a.* Corrective action design, construction, monitoring and remediation, as defined in Iowa Code section 455G.2, shall be subject to public bid as much as practical.

*b.* The request for proposals for corrective action design, construction, monitoring and remediation shall include only sites which have jointly contributed to a plume of contamination as indicated by the site cleanup report.

*c.* Sites included in the site cleanup report phase of activity but which have not contributed to a common plume of contamination may participate in the corrective action community remediation or packaged community remediation project subject to written request, but only upon written approval by the administrator. Locations which are not in a common plume may also complete necessary corrective action subject to budget approval as provided in 591—Chapter 11.

*d.* Corrective action for emergency conditions, free product recovery or abandoned tanks found during the completion of required site cleanup reports shall not require a separate bidding because this corrective action is within the terms of the contract for the community remediation or packaged community remediation project. Should free product or abandoned tanks be found during completion of a site cleanup report in a community remediation or packaged community remediation project, the contractor shall be authorized, upon administrator approval, to remove free product and abandoned tanks.

**13.3(3)** The board is not required to select a contractor based solely on the low cost bid. The board may accept or reject any bid or waive any technical difficulty when the board determines it to be in the best interest of the community remediation project. Bids shall be subject to contract negotiation after a contractor has been selected.

**13.3(4)** A contractor which contracts with the board for work on a community remediation project must obtain prior budget approval from the administrator prior to undertaking work on the project. The administrator or designee will review and approve expenses associated with the project. Work performed which exceeds the scope of the work approved will not be paid unless the contractor can justify the reasons for the additional work.

**13.3(5)** The site cleanup report for a community remediation project must detail the overall finding of the community remediation project investigation including recommendations of whether the sites within a community remediation project should be classified as “high,” “low,” or “no action required” site as specified in Iowa Code section 455B.474, subsection 1, paragraphs “*d*” and “*f*.” There may be different sites within the community remediation project that are classified differently based on the contractor’s recommendation and DNR approval.

**13.3(6)** The selected contractor shall provide a bid bond, letter of credit or certified check equal to 10 percent of the bid on any community remediation or packaged community remediation project where 31 or more sites have been included in the proposal. The contractor may be required to provide the board with evidence of professional liability insurance as determined by the administrator. The contractor or consultant may be required to provide performance and payment bonds.