



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Agency Headquarters
700 NE Multnomah Street, Suite 600
Portland, OR 97232
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TTY 711

February 29, 2024

Mr. Ross McMakin, CHST, Program Manager
NWFF Environmental
33979 Texas Street SW
Albany, Oregon 97321
Via email: Ross@nwffenviro.com

Re: Incident Order Contract No. TCR-23-06, Change Order No. 1
Price Agreement # PO-10700-0007513
JH Baxter Time Critical Removal Action Services

Dear Ross:

Attached is a copy of Incident Order Contract No. TCR-23-06, Change Order No. 1, signed by DEQ. This Change Order provides for NWFF's previously performed work, approved in advance by DEQ, to replace a water line, abandon a septic tank, and remove and dispose of additional contaminated soil, and provides for NWFF to spread and regrade additional topsoil and to ensure necessary electrical grounding following water line replacement, at the JH Baxter Removal Action Area in Eugene, Oregon.

Please sign the enclosed Change Order. Once the fully signed copy is returned to DEQ electronically and updated performance bond and payment bond to meet the full contract amount of the IOC have been fully executed and submitted to DEQ's Contract Officer, your company is authorized to proceed.

Should you have any questions regarding this Incident Order, you may contact Danielle Johnson, Contract Officer, at (503) 229-5449; Ian Poellet, Contract Specialist, at (503) 880-0021; Don Hanson, Task Order Manager, at (541) 687-7349; or Sarah Eagle, Project Manager, at (971) 357-5275.

Sincerely,

Brian Boling

Brian Boling (Mar 1, 2024 14:11 PST)

Brian Boling, Administrator
Central Services Division

Enclosures

cc: Don Hanson, DEQ/WR/Eugene
Sarah Eagle, DEQ/WR/Eugene
Danielle Johnson, DEQ/HQ
Ian Poellet, DEQ/HQ

**INCIDENT ORDER CONTRACT EMERGENCY RESPONSE & TIME CRITICAL REMOVAL OF OIL
AND HAZARDOUS WASTE**

Incident Order Contract No.: TCR 23-06		Price Agreement No.: PO-10700-00007513	
Change Order No.: 1			
This Incident Order Contract ("IOC") is between <u>Oregon Department of Environmental Quality ("DEQ")</u> ("Authorized Purchaser" or "AP") and <u>NWFF Environmental</u> ("Contractor") and was issued under Price Agreement # <u>PO-10700-00007513</u> between the State of Oregon acting by and through its Department of Administrative Services, Procurement Services and Contractor.			
CONTRACTOR CONTACT: Ross McMakin		PHONE NUMBER: 800-942-4614	
FAX NUMBER:		MOBILE NUMBER: 541-231-2618	
AP PROJECT MANAGER: Don Hanson		PHONE NUMBER: 541-687-7349	
FAX NUMBER:		MOBILE NUMBER: 503-329-7391	

AP ON-SCENE COORDINATOR: Geoff Brown		PHONE NUMBER: 541-686-7819	
DIVISION/OFFICE: Eugene		MOBILE NUMBER: 541-501-2145	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	AUTHORIZED TO MAKE FIELD CHANGES WHICH CHANGE THE SCOPE OF THE IOC WORK.	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	AUTHORIZED TO MAKE FIELD CHANGES WHICH EXCEED THE TOTAL IOC AMOUNT.	

SITE INFORMATION

SITE NAME: JH Baxter Time Critical Removal Action Services			
ADDRESS/LOCATION: 242 Alva Park Drive, 240 Baxter Street			
NEAREST CITY: Eugene		COUNTY: Lane	
CHECK ALL THAT APPLY:		SUSPECTED SUBSTANCE(S):	
<input type="checkbox"/>	EMERGENCY RESPONSE ACTION	Dioxins (in soil)	
<input checked="" type="checkbox"/>	TIME CRITICAL REMOVAL ACTION		
<input type="checkbox"/>	DRUG LAB	ESTIMATED QUANTITY: 310 cubic yards of contaminated soil	

	HIGHWAY RELATED SPILL	ON-SCENE CONTACT PERSON AND AGENCY: Geoff Brown, DEQ: 541-501-2145
	ABANDONED WASTE MATERIAL	
	LEAKING CONTAINER	MANIFEST TO BE SIGNED BY:
	CONTAINED	
	OTHER	WASTE DISPOSITION: Landfill
	WAIVE ONE-HOUR MOBILIZATION	

SCOPE OF CHANGES:

RECITALS:

- 1.) **Contractor shall not contact neighborhood tenants without prior approval from DEQ.**
- 2.) AP will not pay Contractor any amount in excess of the Total Not-to-Exceed Amount of this IOC, and will not pay for Services performed before the Issue Date or after the expiration date of this IOC, without prior authorization from AP.
- 3.) Prior to performance of the Work authorized by this Change Order , Contractor shall provide to the DEQ Contract Officer a Performance Bond and Payment Bond rider each in the amount of the increase to the Contract Amount per this CO, and in each case in a sufficient amount so that the total bonded sum of the Performance Bond and the total bonded sum of the Payment Bond each equals or exceeds the total Contract Amount.

The above referenced IOC is hereby modified as follows by this Change Order:

- 1.) Contractor shall complete additional soil placement and regrading at 242 Alva Park (AP-01) and electrical inspection and, if necessary, grounding at 240 Baxter (SO-6), as described in the attached CO #1 Statement of Work ("CO SOW"), which is incorporated herein to this IOC.
- 2.) The Contract Schedule is extended, as detailed below and as reflected in the CO SOW:
- 3.) Costs of the required payment and performance bonds is added as an authorized expense, as detailed below:
- 4.) The Contract Amount is increased, as detailed below, in consideration of the additional soil placement, regrading and electrical inspections/ground services included in this CO, and the additional effort undertaken to successfully complete the earthwork activities at 240 Baxter due to the presence of a waterline and relic septic tank, as previously authorized by the DEQ Contract Officer and further reflected in this CO SOW.

LIST AUTHORIZED EXPENSES (or n/a):

Pursuant to this CO, the actual cost of the payment and performance bonds, including any rider, is included as an authorized expense, provided the Contractor submits supporting documentation to Owner with its invoice including the cost of such bonds, verifying the expense. If such documentation is not provided, the cost of the bonds will not be paid.

CO ISSUE DATE/TIME:

2/29/2024

IOC EXPIRATION DATE/TIME, as modified by this CO:

3/31/2025 (approximately one year from the date of substantial completion, to account for the 1-year warranty period)

SCHEDULE:

CO Start: By 3/4/2024

Substantial completion, as modified by this CO: By 3/22/2024

Final completion: By 5/3/2024

FUNDING SOURCE: **Orphan Site Account, QCat #47710, DEQ Fund Code 25-13300- 34377-491300**

PARTY RESPONSIBLE FOR SPILL/INCIDENT:

CONTACT INFORMATION:

ESTIMATED HOURS TO DATE: TBD	INITIAL IOC/CO ESTIMATED HOURS: TBD	TOTAL ESTIMATED HOURS: TBD
AMOUNT FOR SERVICES TO DATE: \$TBD	INITIAL IOC/CO AMOUNT FOR SERVICES: \$TBD	TOTAL AMOUNT FOR SERVICES: \$TBD
AMOUNT FOR EQUIPMENT TO DATE: \$TBD	INITIAL IOC/CO AMOUNT FOR EQUIPMENT: \$TBD	TOTAL AMOUNT FOR EQUIPMENT: \$TBD
EXPENSES (if approved) TO DATE: \$TBD	INITIAL IOC/CO EXPENSES (if approved): \$TBD	TOTAL EXPENSES (if approved): \$TBD
TOTAL AMOUNT TO DATE: \$180,000	TOTAL INITIAL IOC/CO AMOUNT: \$75,000	TOTAL NOT-TO-EXCEED AMOUNT: \$255,000

This IOC CO authorizes the above-described modifications only. Except as expressly amended by this CO, or as previously amended, all other terms and conditions of the IOC remain in full force and effect. Contractor shall contact the Authorized Purchaser Project Manager or On-Scene Coordinator immediately in the event of any uncertainty regarding the scope of cleanup required under this IOC.

APPROVED BY:

Authorized AP signature and date: <u>Brian Boling</u> <small>Brian Boling (Mar 1, 2024 14:11 PST)</small> 03/01/2024	Authorized Contractor signature and date: <u>Ross McMakin</u> <small>Ross McMakin (Mar 1, 2024 15:35 PST)</small> 03/01/2024
DAS, State Procurement Office signature and date: (required on IOC's \$150k and over) Approved per email from Jennifer Jolley dated 11/30/2023	Department of Justice signature and date: (required on IOC's \$150k and over) Approved for Legal Sufficiency for the State of Oregon per email from AAG Andrea Goodwin dated 2/29/2024

EMAIL FULLY-EXECUTED IOC TO:

- | |
|---|
| <ol style="list-style-type: none"> 1) Contractor 2) DEQ On-Scene Coordinator 3) DEQEXP@DEQ.OREGON.GOV 4) DEQ Cost Recovery: ISMERIO.DAWN@DEQ.OREGON.GOV |
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**INCIDENT ORDER CONTRACT NO. TCR-23-06
CHANGE ORDER NO. 1**

Price Agreement #PO-10700-00007513
JH Baxter & Co Eugene

**Time Critical Removal Action Services
STATEMENT OF WORK**

I. GOAL & OBJECTIVES

The goal of Incident Order Contract No. TCR-23-06 (“IOC”) is to conduct time critical removal (“TCR”) action services, including removal of contaminated soil at two residential properties and the city rights-of-way between the properties and the street, as applicable, which comprise two respective decision units (“DUs”), and spread mulch on bare soil at up to five other residential properties that had trees and vegetation removed, collectively, the “Removal Action Area” or “Site.” The Site is located near the former J.H. Baxter & Co. (“Baxter”) facility (“Facility”), located at 85 Baxter Street, Eugene, Oregon (“Facility site”). The overall purpose of the TCR action services is to protect public health and safety by reducing or eliminating the immediate risk of exposure to hazardous substances in soil at the residential properties.

In meeting this goal under this IOC Change Order (“CO”), Contractor (or “Earthwork Contractor” or “EC”) shall:

- Provide all work more particularly described in this CO SOW, including but not limited to, all materials, equipment, labor, transportation, services and incidentals necessary to successfully:
 - Spread additional soil and regrade the soil surface at 242 Alva Park Drive, and
 - Inspect the electrical grounding at 240 Baxter Street, and, if required install grounding. Inspections shall be conducted by a properly licensed electrician.

In addition, this CO SOW captures Contractor’s additional efforts, previously authorized by DEQ in accordance with the IOC, to successfully complete the excavation and earthwork activities.

Except as expressly modified by this CO SOW, or as previously amended, all other terms and conditions of the initial IOC SOW remain unchanged and in full force and effect.

II. BACKGROUND AND CHANGES IN WORK PREVIOUSLY AUTHORIZED BY DEQ

Site work for the TCR was initiated on January 22, 2024. The majority of the TCR earthwork was completed by January 31, 2024. During this time, however, additional Contractor resources were required on account of the following:

- A water line and a relic septic tank encountered at 240 Baxter Street

- Greater amounts of contaminated soil identified for removal than anticipated; and,
- More tree root protection efforts necessary than anticipated at 242 Alva Park Drive

In accordance with the IOC, DEQ provided Contractor with written authorization to proceed to address the above items as within the general scope of the contract, with the waterline removed and replaced, the septic tank pumped and filled in place, the additional amounts of contaminated soil removed, and additional field time provided to work around and protect the tree roots.

III. CHANGES IN WORK PURSUANT TO THIS CO

Task 1. **Project Administration (Task Amended)**

Task 1 is hereby amended as follows, new language is indicated by being in **bold** and underlined and deleted language is indicated by ~~strikethrough~~.

The Contractor shall provide project administration to manage and maintain control over the technical and financial aspects of this IOC until the work is complete. This Task includes preparing invoices, tracking project costs, preparing a schedule and maintaining schedules in accordance with the schedule provided herein, and responding to DEQ inquiries regarding project administration items. Changes to this SOW that are outside the scope currently contemplated herein, changes that would cause the total authorized budget to be exceeded, or changes that would present additional, different or increased risk not likely to be covered by insurance presently held by Contractor shall be accomplished via an IOC CO and executed prior to the Contractor's performance of work at the Site. For changes other than those described above, while an IOC CO should be executed prior to Contractor's performance of work, DEQ may provide written authorization for Contractor to proceed prior to execution of a formal IOC CO. Contractor, however, shall not proceed with any changed work prior to execution of either an IOC CO or written authorization by DEQ. This IOC shall expire on ~~February 29~~ **March 31**, 2025 (approximately one year from the scheduled date of substantial completion), to fully accommodate any corrective work that is required by the Contractor under the terms of the 1-year warranty on the work, pursuant to Section I.2 of the General Conditions.

Task 2. **RA Work Plan Implementation (Task Amended)**

Task 2 is hereby modified to include the following:

Contractor shall execute any necessary subcontracts and, with assistance from any necessary subcontractors, provide all work required to:

- At 240 Baxter Street: Contractor shall inspect the electrical grounding to ensure grounding meets the code requirements, following the previous waterline work replacement, and if not, install required grounding. All inspections must be conducted by a properly licensed electrician.

- At 242 Alva Park Drive: Because loam was used to backfill up to the final grade rather than approved topsoil to improve seeding success, Contractor shall add additional topsoil throughout the yard, using Rexius Primary Soil and re-grade the topsoil prior to seeding. Contractor shall also place Rexius Primary Soil around the septic tank lid in the backyard and taper it so that the top of the tank and the surrounding soil are flush (same elevation). Contractor shall conduct seeding as soon as possible after final grading of soil surface. Contractor shall remove and dispose of perimeter BMPs once clover seed is established.

IV. WORK SCHEDULE AS MODIFIED BY THIS CO:

Item/Event	Date/Calendar Days
DEQ issues CO #1 and conditional Notice to Proceed (“NTP”) with Tasks 1 and 2 to Contractor	February 29, 2024
Contractor accepts CO #1 and returns a signed copy to DEQ; NTP is effective	February 29, 2024
Contractor submits fully executed copies of all required bond riders to the DEQ Contract Officer	Prior to start of the construction work on Site included in this CO
<i>Substantial Completion: Contractor implements remaining aspects of TCR action, except any spring plantings</i>	March 22, 2024
Final Completion: Contractor completes all work, including all plantings	By May 3, 2024
IOC Expiration date	March 31, 2025