



O'BRIEN & GERE

May 4, 2004

Ms. Dottie Norvik
Chief, Contracts and Payments Section
Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7010

APPROVED
R. Burger 5/26/04

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Re: Work Assignment #D004090-13
Spectrum Finishing Corp.
Site #1-52-029 Remedial Design
Revised Final Remedial Design Work
Plan

File: 10653/34101 #2

Dear Ms. Norvik:

O'Brien & Gere is pleased to present this revised final remedial design work plan for project activities connected with implementing the Remedial Design for the Spectrum Finishing Corp. Site, located in the Town of Babylon, New York. The scope of services is based on the above referenced State Superfund Work Assignment for this site.

The following tasks represent the scope of work for this project:

- Remedial Design Work Plan
- Plans and Specifications
- Citizen Participation
- Pre-Award Services
- Construction Management.

Following is a description of the scope of work, the Project Staffing Plan, a Minority/Women Owned Business Enterprise (M/WBE) Utilization Plan and the budget. In addition to this information, a project schedule is provided. A Field Activities Plan (FAP) describing pre-design investigations has not been developed, consistent with discussions with the Department. As pre-design investigations are not anticipated to be necessary, there is no need for a FAP.

SCOPE OF WORK

Task 1: Remedial Design Work Plan

O'Brien & Gere will submit a Remedial Design Work Plan (RDWP) to New York State Department of Environmental Conservation (NYSDEC) for review and approval. The RDWP will include a description of the tasks and subtasks to be performed, a detailed schedule with milestones and



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deliverables, a staffing plan, a budget, an M/WBE Utilization Plan, and a list of proposed subcontractors. O'Brien & Gere will identify its offices that will be involved with this project and the extent of their involvement.

Subtask 1.1: Background Review

O'Brien & Gere will review the following reports to gain a thorough understanding of the site conditions and components of the selected design:

- Final Focused Remedial Investigation Report, prepared by TAMS, dated December 2001
- Focused Feasibility Study, prepared by TAMS, dated March 2002
- Record of Decision (ROD), prepared by NYSDEC, dated March 2003.

These documents have been provided by NYSDEC to O'Brien & Gere for this review.

Subtask 1.2: Scoping Meeting and Preliminary Remedial Design Work Plan

O'Brien & Gere's Project Manager and Lead Design Engineer will participate in a scoping meeting at the site with NYSDEC representatives. This meeting was conducted on January 6, 2004.

A preliminary RDWP that included the scope of work given in the work assignment, a preliminary budget, a preliminary staffing plan, and a preliminary schedule was provided to the Department on January 20, 2004. The preliminary budget included the summary of work assignment price, 2.11 (a), the direct labor hours budgeted, 2.11 (b), and the monthly cost control report, 2.11 (g).

Subtask 1.3: Remedial Design Work Plan

O'Brien & Gere will submit a draft RDWP. The purpose of the draft RDWP is to: (1) provide sufficient detail to this scope of work to support O'Brien & Gere's level of effort estimates in the project budget; (2) provide and justify recommendations for changes to the conceptual design that O'Brien & Gere judges to be necessary or advisable; and (3) present a work assignment budget and a schedule for completion of the work assignment. Subcontractor costs will be included, if possible, or estimated with the intention of obtaining the necessary bids as soon as possible. The draft RDWP was submitted on March 12, 2004.

Consistent with the Work Assignment, the draft RDWP included the following:

- (1) The complete scope of work.
- (2) A complete budget package for the entire work assignment including schedules, details of O'Brien & Gere costs for the work assignment, and estimates for subcontracted services.
- (3) A work assignment progress schedule with milestones and deliverables.
- (4) A Project Staffing Plan identifying key management and technical staff to be assigned to conduct the work elements, along with their areas of responsibility and NSPE grade levels.

- (5) Identification of areas of subcontracting and a list of proposed subcontractors, including an M/WBE and Equal Employment Opportunity (EEO) Utilization Plan; an outline of the FAP summarizing the number and location of the environmental samples to be obtained in conjunction with the design program is not being provided, as it has been decided following discussions with the NYSDEC project manager that it is not necessary to obtain environmental samples in conjunction with the design program.

The final RDWP reflected the comments received from NYSDEC on the draft RDWP and was submitted on March 19, 2004. This revised final RDWP reflects comments received from NYSDEC on the final RDWP 2.11 budget forms. O'Brien & Gere will wait for receipt of a Notice to Proceed (NTP) from NYSDEC prior to implementing the remainder of the work assignment.

Task 2: Plans and Specifications

Upon receipt of the NTP, O'Brien & Gere will prepare detailed plans and specifications for the purpose of competitively bidding the construction of the selected remedy in conformance with New York State and applicable federal laws, rules, regulations, and guidelines. The documents will conform to the selected remedy in the ROD. O'Brien & Gere will utilize NYSDEC's standard construction contract clauses and format (issued 4/2002) to prepare the contract documents. Included in this task will be the development of minimum requirements for the Construction Quality Assurance/Health and Safety Plans (the plans themselves will be prepared by the construction contractor). O'Brien & Gere assumes that no meetings will be necessary to accomplish this task. Communication with NYSDEC regarding plan and specification preparation is assumed to be via conference call.

O'Brien & Gere will obtain necessary surveys to allow NYSDEC to obtain temporary and long-term easements. O'Brien & Gere assumes that one site survey will be necessary. The survey will provide property boundaries, right of ways, and existing easements.

Subtask 2.1: Preliminary Design

O'Brien & Gere will submit three copies of preliminary construction plans and specifications to NYSDEC when the design is 30% complete. O'Brien & Gere will verify the existing field conditions, such as the location of drainage structures, property lines, and such conditions that would affect the implementation of the selected remedy. Supporting data, documentation, and design calculations will be provided with the design documents defining the functional aspects of the project and how it complies with applicable regulations (air permit calculations, wastewater discharge requirements, etc.). County deed records (to the extent necessary and currently available) will be searched and reviewed to identify potentially impacted property owners, and/or those parties with property rights, and the latest available tax map will be provided to NYSDEC. A preliminary listing of temporary and permanent easements, rights-of-way, and permits necessary to implement the proposed remedial design and associated operation and maintenance will be provided, with the understanding that NYSDEC will obtain the easements.

O'Brien & Gere assumes up to seventeen technical specifications and four drawings will be prepared. These are assumed to be:

| Specifications: | Drawings: |
|--|--|
| Clearing and Grubbing Field Services Erosion Sediment Control Plan Construction Quality Control Plan Construction Water Management Plan Air Monitoring and Dust Control Plan (to include community air monitoring) Health and Safety Earthwork Rock and Concrete Removal Selected Fill Structural Excavation, Backfill and Compaction (including shoring) Soils Excavation, Dewatering and Disposal Sampling and Analysis Plan Restoration of Surfaces Bituminous Concrete Pavements Topsoil and Seeding Ground Water Monitoring Well Installation | Cover sheet Site Plan Excavation Plan Details |

Additionally, non-property permits with which the design must be in substantive compliance (e.g. Article 15, Air Pollution Permit) will be identified. The preliminary design will also demonstrate substantive compliance when necessary. O'Brien & Gere will develop a schedule for meeting the critical access and permit requirements to allow bidding the project in cooperation with the NYSDEC Project Manager, and an agreement will be reached as to who (NYSDEC or O'Brien & Gere) will be responsible for obtaining required permits, completing applications, and obtaining access agreements. In the event that O'Brien & Gere is to obtain permits or complete permit applications and provide supporting data/information, a separate budget will be provided based on the anticipated level of effort.

The permit schedule information will be updated as appropriate in subsequent design submissions. O'Brien & Gere will coordinate with the NYSDEC Project Manager to allow NYSDEC to secure the necessary access agreements, rights-of-way, and permits for the completion of the design and preparation of final bid documents.

O'Brien & Gere assumes that a single consolidated set of written comments will be provided by NYSDEC describing changes required to complete the design.

Subtask 2.2: Final Design

Upon completion of the design documents, O'Brien & Gere will submit three copies of the final plans and specifications to NYSDEC for review.

O'Brien & Gere assumes that a single consolidated set of written documents will be provided by NYSDEC describing the changes required to consider the plans and specifications acceptable for bidding.

O'Brien & Gere will utilize NYSDEC's boiler plate to complete the Final Design and will include a schedule, M/WBE goals, and the necessary bid forms. After approval of the Final Design by NYSDEC, O'Brien & Gere will submit one copy of the final plans and specifications for NYSDEC review. Upon the return of this copy to O'Brien & Gere, seventy-five signed and stamped copies of the plans and specifications will be submitted to NYSDEC for bidding. The Final Design will bear the seal and signature of a professional engineer registered to practice in New York State.

In addition to the Final Design, O'Brien & Gere will submit a Limited Site Data Summary Report that will be issued along with the site documents to bidders for their information. This report will include a brief summary of the site conditions and analytical data available to help bidders understand the requirements of the project. O'Brien & Gere assumes this Limited Site Data Summary Report will be in letter format.

Subtask 2.3: Operation, Maintenance and Monitoring Requirements

Along with the Final Design submission, O'Brien & Gere will prepare for NYSDEC approval the following documents:

- (1) An operation, maintenance and monitoring (OM&M) manual for ground water monitoring in accordance with Section 6.0 of the draft DER- 10 technical guidance document for site investigations and remediation, dated December 2002.
- (2) A Soils Management Plan (SMP). The objective of the SMP is to set guidelines for management of soil material during future activities that would breach the cover system. The SMP will address future disturbance/use of residually contaminated soil left on the site, after other elements of the remedy have been implemented.

Subtask 2.4: Project Cost Estimate

At the Final Design stage, O'Brien & Gere will prepare a pre-bid construction, operation, and maintenance cost estimate for the project. The pre-bid estimate will be supported by quantity take-off sheets and the basis for development of unit and lump sum prices used in the estimate.

Task 3: Citizen Participation

Upon written authorization from NYSDEC to proceed, O'Brien & Gere will assist NYSDEC in citizen participation activities such as public meetings, as requested by NYSDEC. O'Brien & Gere will prepare summary documents, maps, sketches and other handouts for these meetings. O'Brien & Gere assumes attendance at one public meeting as part of these activities. O'Brien & Gere will answer questions raised at the public meeting that concern the design of the project, construction techniques, and the project scheduling. O'Brien & Gere will record questions and comments raised at the public meeting and submit the list of questions and comments to NYSDEC within two working days of the public meeting.

Task 4: Pre-Award Services

O'Brien & Gere will provide support services to NYSDEC for the purpose of competitively bidding the remediation contract. O'Brien & Gere will assist NYSDEC in advertising the project in a manner consistent with New York State Procurement laws and regulations. O'Brien & Gere assumes that NYSDEC will place the advertisements.

Subtask 4.1: Pre-Bid Conference

O'Brien & Gere will conduct one mandatory pre-bid conference with prospective bidders. At the pre-bid conference O'Brien & Gere will emphasize to the prospective bidders important items of the project, assist NYSDEC with a tour of the project site, answer questions, and prepare minutes of the meeting. O'Brien & Gere assumes one written set of consolidated comments will be provided by NYSDEC prior to finalizing and issuing the meeting minutes.

Subtask 4.2: Addenda

O'Brien & Gere will prepare necessary addenda to the plans and specifications in response to questions from prospective bidders. O'Brien & Gere assumes one addendum up to two pages in length with up to one drawing revision will be prepared and transmitted to the prospective bidders.

Subtask 4.3: Bid Review

O'Brien & Gere will review bids submitted by the bidders. The bids will be evaluated for completeness, accuracy, and potential problems such as unbalanced bids. It is assumed that up to five bids will be reviewed. Bid review will be summarized in a status table and comments will be provided in letter format that includes a recommendation for contract award.

Task 5: Construction Management

Upon receipt of written authorization from NYSDEC, O'Brien & Gere will provide construction management services, as outlined below.

Subtask 5.1: Pre-construction Meeting

O'Brien & Gere will hold one pre-construction meeting with NYSDEC, the Contractor. OBG will complete a review of the Scope of Work and Health and Safety Plan submitted with the bid, and the project schedule. O'Brien & Gere assumes that the Lead Design Engineer, Construction Administrator, and Field Inspector will attend the pre-construction meeting. It is assumed the pre-construction meeting will be held in Babylon, NY. Additionally, lines of communication and reporting will be established concerning technical and contractual issues. O'Brien & Gere will prepare and distribute meeting minutes for the pre-construction meeting.

Subtask 5.2: Review of Submittals

Prior to construction commencement, O'Brien & Gere will obtain written submittals and shop drawings as required by the Contract. O'Brien & Gere will review these for general conformance with contract documents and will be authorized to accept, reject, or require modifications. Proposals made by the Contractor, which constitute a significant change in the work, will be discussed with the NYSDEC Project Manager. O'Brien & Gere will obtain and review shop drawings, discharge monitoring results, and as-built drawings for the duration of the project and will make recommendations for acceptance/rejection of these to NYSDEC.

O'Brien & Gere will monitor the Contractor's progress, review the Contractor's progress schedule bi-weekly, notifying the Contractor of its status, and require the Contractor's proposed actions to get back on schedule, if needed. O'Brien & Gere will sign manifests and bills of lading for disposal of hazardous and non-hazardous waste on behalf of NYSDEC.

O'Brien & Gere will review and make recommendations for approval or modification of requests for payment submitted by the Contractor. O'Brien & Gere will sign off on the Contractor's payment requests and forward them to NYSDEC on a monthly basis.

Subtask 5.3: Construction Inspection

O'Brien & Gere will provide an experienced on-site inspector during the construction activities to observe the Contractor's work relative to the requirements of the contract. O'Brien & Gere will notify the Contractor and NYSDEC in the event that the Contractor fails to perform the work as specified in the contract and will recommend to NYSDEC the acceptance, disapproval or rejection of the Contractor's work. O'Brien & Gere will issue instructions, field orders, interpretations and clarifications of contract language to the Contractor. In the event that a change order is required, O'Brien & Gere will negotiate, develop, and submit the change order and recommendations documented with an independently developed, detailed cost estimate and other pertinent information, as needed, to NYSDEC. O'Brien & Gere will document, evaluate, and recommend a course of action for disputes and claims with the Contractor. O'Brien & Gere assumes that up to two change orders will be negotiated. O'Brien & Gere assumes that construction activities will have a six-week duration.

O'Brien & Gere will maintain records associated with construction and related activities during the project at the site. These records and reports will consist of information on the following:

- Maintenance of a daily log book
- Daily work completed, on-site visitors, and important conversations (*e.g.* notice of claim)
- Contractor's daily use of personnel, material, and equipment
- Records documenting Contractor's deviation from work, as specified in the contract, and instructions issued regarding deviations
- Unusual circumstances such as weather conditions, labor disputes, or environmental health and safety hazards encountered
- Contractor's site visitor's log, security and health logs, drum logs, air monitoring log, sampling log, and the Contractor's assurance that these are accurate and up-to-date
- Progress relative to the work schedule submitted by the Contractor (*e.g.* approvals or rejections)
- General files including correspondence, and other documentation related to the project
- Job meetings
- Records of Contractor submittals, including shop drawings, change orders, soil tests, material tests, and actions taken
- Construction photos
- Weekly narrative status reports which will be submitted to the NYSDEC Project Manager
- Telephone conversations
- Changed field conditions and claims by the Contractor of such conditions.

Subtask 5.4: Final Inspections and Payment Reviews

O'Brien & Gere will regularly inspect work to document compliance with contract requirements and to evaluate the degree of completion. O'Brien & Gere will also:

- (1) Conduct an inspection upon substantial completion of the work; and
- (2) Conduct a final inspection upon project completion.

If applicable, O'Brien & Gere will prepare a detailed list of unfinished work items and an estimate of the value of the work that must still be completed. O'Brien & Gere will participate in the final inspection to evaluate whether the work is completed and meets the requirements of the construction contract. Once this inspection has been performed, O'Brien & Gere will deliver to NYSDEC a written notice regarding the disposition of the project. If O'Brien & Gere determines that the project has been satisfactorily completed as specified in the contract plans and specifications, certification to this fact will be made to NYSDEC by a licensed professional engineer employed by O'Brien & Gere.

Files, reports, and documentation will be turned over to NYSDEC at the completion of the project including one microfilm copy. The microfilm copy of reports will be reproduced on 16mm x 100' x 5 mil thick safety-base fine grained high contrast silver microfilm meeting ANSI/AIIM standards and will have a M-type cartridge.

Subtask 5.5: Final Remediation Report

O'Brien & Gere will document construction results in a report that summarizes the work assignment, provides "as-built" drawings, and includes the Subtask 5.3 oversight records and the confirmatory sampling results, if generated, in appendices. The report will describe the variations from the Contract Documents (including change orders), surveys, and a summary of the wastes and their disposition.

PROJECT STAFFING PLAN

The general responsibilities of key project personnel are listed below:

- Program Manager: Douglas M. Crawford, P.E. will be responsible for overall State Superfund Standby Contract (#D004090) program management, including administration and financial issues. Mr. Crawford is NSPE level IX.
- Project Manager: Clare F. Leary, P.E. will be responsible for overall management of the Spectrum Finishing Corp. site work assignment under the State Superfund Standby Contract (#D004090-13). Responsibilities will include coordinating the design, field activities, and report completion. Ms. Leary is NSPE level V.
- Technical Advisor: David T. Farber, P.E. will provide technical oversight. Mr. Farber is NSPE level VI.
- Project Officer: James R. Heckathorne, P.E. will be the Professional Engineer of record and be responsible for reviewing and signing the RDWP, the design, and other related documents. Mr. Heckathorne is NSPE level IX.

Lead Design

Engineer: Bradley A. Kubiak, P.E. will be responsible for design activities. Mr. Kubiak is NSPE level III.

Field Coordinator: Bradley A. Kubiak, P.E. will be responsible for coordination of field activities.

Construction

Administrator: Ralph M. Whedon will be responsible for construction administration. Responsibilities will include review of payment documentation, coordination of change orders, and coordination of construction oversight. Mr. Whedon is a NPSE level VI.

Field Inspector: Thomas C. Bold will be responsible for field inspection. Mr. Bold is NSPE level III.

Documentation

Support: Support for documentation of site activities will be provided by the following individuals:

- Report Development – Bradley A. Kubiak, P.E, Nathyn M. Knipe. Mr. Knipe is NSPE level II.
- Drafting – Nicholas M. Janosky. Mr. Janosky is NSPE level I.

The individuals identified above have been approved for work under the Superfund Standby Contract.

LIST OF PROPOSED SUBCONTRACTORS

The following activities are identified to be completed by the corresponding proposed subcontractors:

- Deed and title searching: Munoz Engineering
- Site survey: Munoz Engineering
- Microfilm production: ImageMax
- Reprographics: To be determined.

Estimated subcontractor costs for deed and title searching, surveying, and microfilm are identified in the work assignment budget schedules provided in Attachment 1 of this revised final RDWP. A summary of the contractor bids obtained to date is provided separately. Costs for reprographics will be provided upon better identification of the exact work scope.

MINORITY & WOMEN BUSINESS ENTERPRISE UTILIZATION

O'Brien & Gere anticipates utilizing minority and women business enterprises (M/WBE) for the following activities:

| <i>Task Description</i> | <i>Type</i> | <i>M/WBE bidding firms</i> |
|-------------------------|-------------|----------------------------|
| Deed searching | MBE | Munoz Engineering |
| Surveying | MBE | Munoz Engineering |
| Reprographics | | To be determined |

In addition to the activities identified above, construction oversight is being considered as a task that may be completed by a M/WBE. KAP Environmental and Iyer Environmental Group, PLLC are being considered for this task.

WORK ASSIGNMENT BUDGET

The following State Superfund Standby Contract schedules are included in Attachment 1:

- Schedule 2.11(a) Summary of Work Assignment
- Schedule 2.11(b) Direct Labor Hours Budgeted
- Schedule 2.11(b-1) Direct Administrative Labor Hours Budgeted
- Schedule 2.11(c) Direct Non-Salary Costs – In-House, Field Supplies, and Travel
- Schedule 2.11(d-5) Consumable Supplies
- Schedule 2.11(f) Unit Price Subcontracts
- Schedule 2.11(g) Monthly Cost Control Report – Fiscal Information (Summary and Each Individual Task)
- Schedule 2.11(h) Monthly Cost Control Report – Labor Hours (Summary and Each Individual Task)

The costs presented in the Schedule 2.11 consist of those incurred since project inception and estimated costs to complete the above-described tasks. These costs represent our estimate based on the current status of the project and available information and assumptions stated in this revised final RDWP. The costs of the project may be affected by additional information or issues raised during execution of the project. Out of scope efforts will be estimated and presented to NYSDEC for approval prior to execution.

PROJECT SCHEDULE

The project schedule identifying submittals and other milestones is presented as Figure 1. The schedule assumes that NYSDEC will complete its review of submittals and offer consolidated comments, if any, within two weeks of receipt. If additional time is required by NYSDEC to complete any review, the schedule presented for subsequent events may be delayed by as much time.

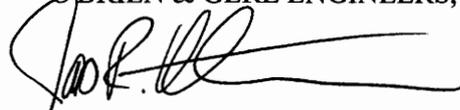
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We appreciate the opportunity to provide continued services to NYSDEC. Should you have any questions regarding this scope of work, schedule, or ~~associated costs~~, please do not hesitate to contact Clare Leary or me at your convenience.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

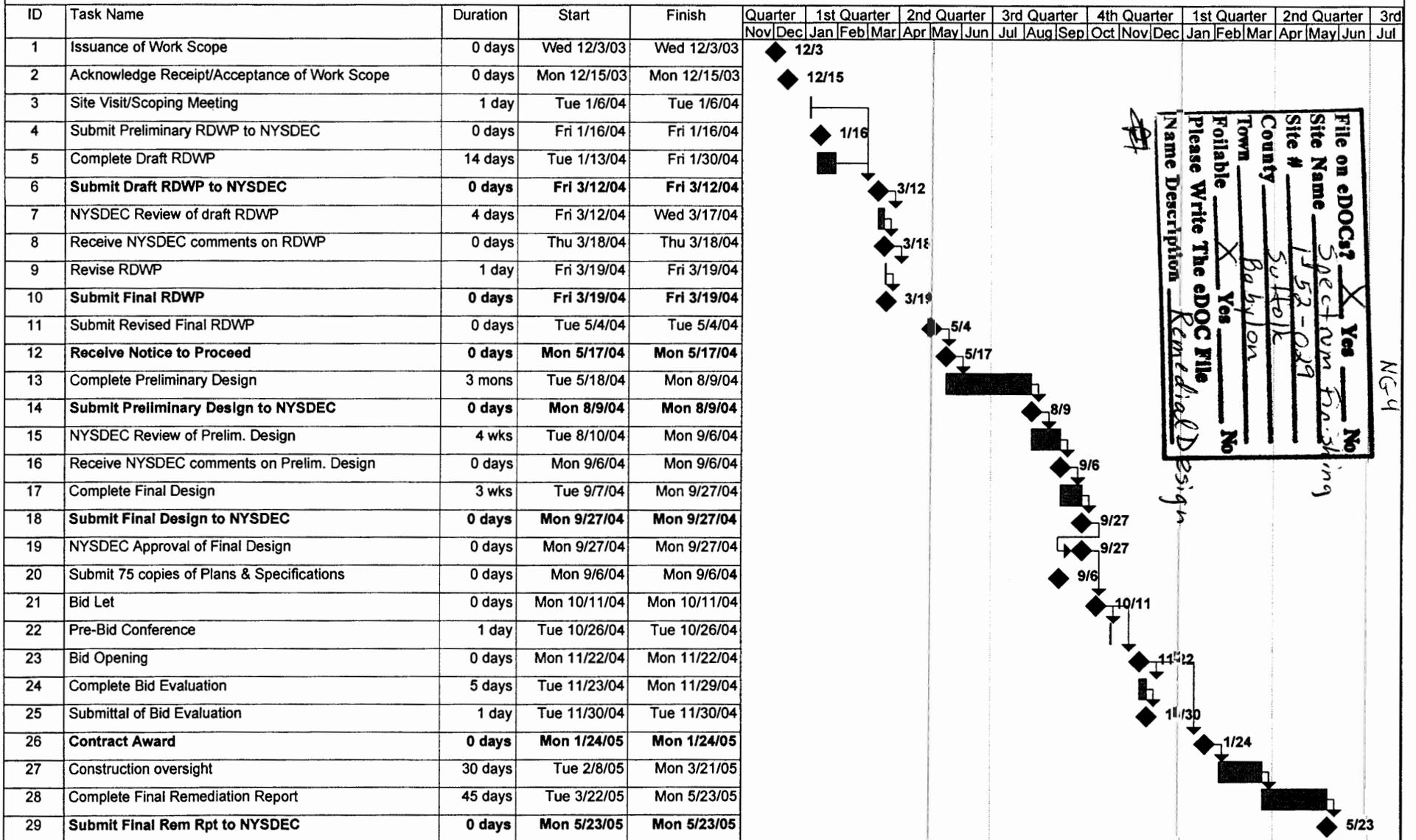


James R. Heckathorne, P.E.
Vice President

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cc: Douglas Crawford, P.E. (O'Brien & Gere)
Bradley A. Kubiak, P.E. (O'Brien & Gere)
Clare Leary, P.E. (O'Brien & Gere)

Figure 1
 New York Department of Environmental Conservation
 Spectrum Finishing Corp. - WA - #D004090-13
 Site# 1-52-029



File on eDOCs? Yes No

Site Name Spectrum Finishing

Site # 152-029

County Suffolk

Town Babylon

Fileable Yes No

Please Write The eDOC File

Name Description Remedial Design

NG-4

| | | | | | | |
|--|----------|--|-----------------|--|--------------------|--|
| Project: Revised Final Project schedul Date: Tue 5/4/04 | Task | | Milestone | | External Tasks | |
| | Split | | Summary | | External Milestone | |
| | Progress | | Project Summary | | Deadline | |