

591—13.4(455G) Contracts, change orders and final costs.

13.4(1) Contracts shall be negotiated and finalized by the administrator after award by the board but prior to the signing of a contract, based on the most accurate scope of work covering eligible community remediation or packaged community remediation owner/operators.

13.4(2) Change orders may be negotiated for:

a. Extraordinary costs, including:

- (1) Extensive rock drilling if not originally included in the request for proposal.
- (2) Unexpected vapor analysis in caverns, caves and sinkholes.
- (3) Confined space personal protection gear if required.
- (4) Additional drilling if the depth to the aquifer greatly exceeded the estimates in the request for proposals.
- (5) The completion of boreholes to monitoring wells when groundwater contamination is found during the project.
- (6) Additional borings or monitoring wells to define transition zones as requested by the DNR.
- (7) Any other situations where approved by the administrator or the board when authorized to do so.

b. A change in scope of work when:

- (1) Additional sites are found to be eligible for the project.
- (2) A site is found not to be eligible for benefits, except the board may include a site which was eligible at the start of the project but lost eligibility after the contract was initiated.
- (3) A site which had previously tested clean or was underwritten as provided in Iowa Code section 455G.11 is determined to have contamination and the DNR requires completion of a site cleanup report.
- (4) Free product or abandoned tanks are discovered during the course of completion of areawide site cleanup report.
- (5) A site requires additional testing to ascertain the type of contamination present.
- (6) A site requires testing different from the DNR normal testing requirements.
- (7) Other situations are approved by the administrator or the board when authorized to do so.

13.4(3) The request for proposals defines the scope of work for borings, completed wells, testing, and areas similar to these. Costs provided by those bidding on the overall scope of work are on a per unit basis and subject to renegotiation if there has been a significant change in scope.

13.4(4) When the amount of time and costs for services are determined by the bidder in order to meet the requirements included in the request for proposal, the costs will be paid on a cost-not-to-exceed basis, as outlined in the bidder's proposal.

13.4(5) The administrator may approve any single change order not to exceed 15 percent of the negotiated cost, without prior board approval, as outlined in rule 13.8(455G). If the cumulative total of all change orders on a given project exceeds 25 percent of the total initial negotiated cost, board approval is required on all subsequent change orders for the project. Board approval is not required when an increase occurs as a result of the addition of an eligible site. Neither is board approval required when an owner/operator elects to join a community remediation or packaged community remediation project after the contract is awarded.