



# Engineers and Environmental Consultants

7012 MacCorkle Avenue, SE, Charleston, WV 25304 • (304)342-1400 • FAX (304)343-9031; www.potesta.com

March 12, 2009

Mr. Chuck Bowman  
West Virginia Department of Administration  
Purchasing Division  
2019 Washington Street East  
P.O. Box 50130  
Charleston, West Virginia 25305

RECEIVED

2009 MAR 12 AM 11:43

WV PURCHASING  
DIVISION

RE: Request for Quotation Number DEP14601  
POTESTA Project No. 0101-09-0089

Dear Mr. Bowman:

Attached is Potesta & Associates, Inc.'s (POTESTA) bid submittal for the above referenced Request for Quotation. POTESTA has included the following attachments with this submittal:

- A. DEP14601 RFQ with Bid Schedule, Vendor Preference Certificate, and Purchasing Affidavit
- B. Addendum No. 1
- C. Resumes of Key Personnel
- D. Contractor License Exemption

As per the requirements outlined in the RFQ, POTESTA's personnel to be assigned to this project have completed the mandatory 40-hour OSHA Hazardous Waste Operations training and are current with 8-hour refresher training. The individuals also meet the following requirements as outlined in the RFQ:

- 1) At least 5 years of experience in UST removals according to West Virginia State regulations and Federal regulations.
- 2) At least 5 years of petroleum environmental site assessments.
- 3) Knowledge of proper UST closure procedures in accordance with WVDEP closure policies, state and federal regulations.
- 4) Knowledge of 47CSR50 "Monitoring Well Regulations" and 47CSR60 "Monitoring Well Design Standards."

Should you have any questions or comments, please contact me at (304) 342-1400 or by e-mail at [djcorsaro@potesta.com](mailto:djcorsaro@potesta.com).

Sincerely,  
POTESTA & ASSOCIATES, INC.

David J. Corsaro  
Senior Scientist

DJC/mh

Attachments

**POTESTA & ASSOCIATES, INC.**

Charleston, West Virginia • Morgantown, West Virginia • Winchester, Virginia



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER:  
 DEP14601

PAGE:  
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 CHUCK BOWMAN  
 304-558-2157

RFQ COPY  
 TYPE NAME/ADDRESS HERE

Potesta & Associates, Inc.  
 7012 MacCorkle Avenue, SE  
 Charleston, WV 25304

ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 ENVIRONMENTAL REMEDIATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/19/2009				

BID OPENING DATE: 03/12/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		946-20	\$60.00 / hour	\$30,000.00
<p>OVERSIGHT/QAQC SERVICES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE OVERSIGHT/QAQC SERVICES FOR THE REMOVAL OF UNDERGROUND STORAGE TANKS (UST) AND ASSESSMENTS AT VARIOUS LOCATIONS IN WEST VIRGINIA PER THE FOLLOWING SPECIFICATIONS, BID REQUIREMENTS, TERMS &amp; CONDITIONS, AND THE ATTACHED BID SCHEDULE.</p> <p>DUE TO THE EXPEDITIOUS MANNER IN WHICH THIS CONTRACT MUST BE EVALUATED, AWARDED, AND ADMINISTERED, THE AGENCY MUST REQUIRE THAT ALL SUBMISSIONS OF KEY PERSONNEL RESUMES BE INCLUDED WITH THE BID SUBMISSION. PLEASE REFER TO THE ATTACHED VENDOR CHECKLIST.</p> <p>FURTHERMORE; IT IS PREFERRED THAT ALL CERTIFICATES OF INSURANCE, LICENSES, ETC., REQUIRED PRIOR TO THE ISSUANCE OF THE PURCHASE ORDER/CONTRACT BE SUBMITTED BY THE SUCCESSFUL VENDOR(S) WITHIN 48 HOURS OF THE INITIAL REQUEST.</p> <p>A FORMAL QUESTION/COMMENT PERIOD WILL EXTEND UNTIL 4:00 PM, FRIDAY, FEBRUARY 28, 2009. ALL REQUESTS MUST BE DIRECTED TO THE BUYER IN WRITING PRIOR TO THE DEADLINE NOTED ABOVE. PLEASE SEE THE THE ATTACHED SPECIFICATIONS FOR DETAILED INSTRUCTIONS FOR QUESTION &amp; COMMENT SUBMISSIONS.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-342-1400	DATE March 11, 2009
TITLE President	FEIN 31-1509066	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

**GENERAL TERMS & CONDITIONS  
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B: destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
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 DEPARTMENT OF  
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<p>PLEASE THOROUGHLY REVIEW THE FOLLOWING SPECIFICATIONS AND BID REQUIREMENTS AS WELL AS THE ATTACHED AGENCY RFQ SPECIFICATIONS WITH REGARD TO THE VENDOR BID SUBMISSION CHECKLIST.</p> <p>EXHIBIT 3:</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-342-1400	DATE March 11, 2009
TITLE President	FEIN 31-1509066	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN</p>						

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<p>THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>EXHIBIT 10</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NOS.:</p> <p>NO. 1 ..... X .....</p> <p>NO. 2 ..... .....</p> <p>NO. 3 ..... .....</p>						

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LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
NO. 4						
NO. 5						
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p>.....SIGNATURE</p> <p>Potesta &amp; Associates, Inc. ....COMPANY</p> <p>March 11, 2009 .....DATE</p> <p>REV. 11/96</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY</p>						

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<p>PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: ..... Potesta &amp; Associates, Inc. ....</p> <p>CONTRACTORS LICENSE NO.: ..... See Attached Certificate .....</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION          PURCHASING DIVISION          BUILDING 15          2019 WASHINGTON STREET, EAST          CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: CB-23</p> <p>RFQ. NO.: DEP14601</p>						

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BID OPENING DATE:				03/12/2009		
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
				304-343-9031		
CONTACT PERSON (PLEASE PRINT CLEARLY):						
				David J. Corsaro		
***** THIS IS THE END OF RFQ DEP14601 ***** TOTAL:						\$30,000.00

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DEP14601  
RFQ SPECIFICATIONS

The West Virginia Department of Environmental Protection (DEP) is releasing this request for quotations (RFQ) to qualified vendors to conduct oversight of contractors during implementation of the removal of underground storage tanks (USTs) and assessments of leaking underground storage tanks (LUST) throughout the entire state of West Virginia. Contracts will be issued to up to three (3) vendors.

**As part of this RFQ, a question and comment period will extend until 4pm on Friday, February 27, 2009.** All questions or requests for clarification are to be sent in writing to the State Purchasing Division Buyer responsible for the advertisement of this Request for Quotation. **Vendors shall not contact the agency at any time during this advertisement.** Any new or clarifying information concerning the RFQ will result in an addendum being issued by the Buyer.

Please send all inquiries to: Chuck Bowman, Buyer Supervisor  
West Virginia Purchasing Division  
2019 Washington Street, East  
PO Box 50130  
Charleston, WV 25305  
FAX: 304.558.4115  
e-mail: [charles.a.bowmanjr@wv.gov](mailto:charles.a.bowmanjr@wv.gov)

#### Background of the Program

The West Virginia Department of Environmental Protection (WVDEP), Division of Land Restoration (DLR), Office of Environmental Remediation (OER) is responsible for oversight of Corrective Action at Leaking Underground Storage Tank (LUST) facilities. Under certain conditions WVDEP may use funds from the U.S. EPA to take action to protect human health and the environment when no owner or operator can be found or the owner/operator is not willing or able to take action. Sites that pose the greatest threat to health and the environment will be addressed to protect the citizens of West Virginia from the potential environmental harm caused by leaking underground storage tanks. It is the intent of this contract to have vendor to oversee limited site assessments and proper closure of abandoned petroleum leaking underground storage tank sites.

#### Scope of Work

On-site contractor is a contractor hired by WVDEP to perform tank removals and limited site assessment work. Vendor shall receive a copy of the on-site contractor assigned work directive and notice to proceed.

The vendor shall oversee the implementation of the removal of USTs and limited assessments performed by on-site contractors in accordance with their assigned work directives.

- A. Observe UST removal activities being performed by on-site contractor which include and may not be limited to:
- The removal and proper disposal of petroleum contaminated water, rinsate and / or product.
  - The transportation of petroleum contaminated water, rinsate and / or product to a disposal facility.
  - Purging vapors from the UST's to < 10% LEL.
  - Excavation and extraction of UST / piping from the ground.
  - Cutting openings and cleaning sludges from the UST.
  - Disposing / scrap cleaned UST's, disposal of tank cleaning sludges.
  - The proper stockpiling and confinement of petroleum contaminated soils.
  - Properly disposing of non-hazardous materials.
  - Backfilling excavations.
- B. Observe the collection and proper preservation of soil and water samples from the UST pit.
- C. Observe direct push activities and other assessment activities conducted by the on-site contractor.
- D. Observe all other activities by the on-site contractor according to their assigned work directives.
- E. Keep record of daily field activities which include but not limited to: field notes, site sketches, digital pictures, record of quantities used, and time sheets.
- F. Confirm by using a DEP provided sworn statement form that all work has been performed and that the job has been completed according to the specifications and time frames as stated in the on-site contractor's assigned work directive.
- G. Complete and submit a DEP provided on-site contractor evaluation form.

### Requirements

The vendor shall furnish all necessary and appropriate personnel, materials, and services needed for, or incidental to, overseeing the UST removals and assessments.

The vendor selected to carry out this contract will:

- Have all field personnel complete the mandatory 40 hour health and safety training course, with annual refresher, in accordance with the requirements of the Occupational Safety and Health Administration 29 CFR 1910.120.
- ***Submit with bid the names and qualifications/resume of key personnel (actual personnel performing the oversight) that will be assigned to work on this project).***

Also submit the name and contact information for who is responsible and accountable for the vendor's overall operations shall be designated as a contact for WVDEP.

Individuals working for the vendor must have background work and experience in the following areas (must submit this information in their qualifications/resume along with their bid):

- 1) At least 5 years of experience in UST removals according to West Virginia State regulations and Federal regulations.
- 2) At least 5 years of petroleum environmental site assessments.
- 3) Knowledge of proper UST closure procedures in accordance with WVDEP closure policies, state and federal regulations.
- 4) Knowledge of 47CSR59 "Monitoring Well Regulations" and 47CSR60 "Monitoring Well Design Standards".

### Bidding

Oversight Activities – A flat rate per hour will be the total charge to the state and will cover the full cost of all work hours including labor, travel and materials. The vendor will be contracted to provide "oversight" services on an "as needed" basis only.

### Invoicing

The vendor will invoice DEP on a monthly basis. All invoices must be accompanied by a sworn statement detailing actual hours worked.

### Vendor Registration

The apparent successful vendor must be registered prior to the award of an actual contract. To become a registered vendor you can call 304-558-2311 and obtain a Vendor registration and Disclosure Statement, Form WV-1.

### Oversight

Work and services to be performed under this contract shall be subject to continuous monitoring and inspection by the State's authorized representatives.

### Additional Information

Vendor shall be expected to oversee more than one project at a time. The contractor shall have sufficient staff to cover several work projects going on at the same time. Initially, DEP expects a high volume of projects to be performed in a limited amount of time.

Vendor/individual may not oversee a project in which their company is performing work as "on site primary or sub-contractor".

In accomplishing services to fulfill the requirements of this RFQ, the vendor/individual shall not create any adverse environmental effects, and shall be responsible for compliance with all

applicable local, state and federal environmental and occupational health and safety laws and regulations pertinent to the work.

WVDEP shall hold vendor harmless due to any negligence on part of the on-site contractor.

#### Ordering Procedure

- A. This is an indefinite quantity contract for QAQC services as specified in this RFQ for the period set forth herein. Delivery or performance shall be made in accordance with the provisions of this contract.
- B. Work will be ordered by WVDEP by issuance of a Work Directive which shall include the location of the project site and any and all other pertinent project information.
- C. A Work Directive may contain work directives for more than one site if the sites are in close proximity of each other.
- D. The Work Directive shall be awarded in the following manner:
  - To the first lowest awarded vendor.
  - The work directive will include an acceptance/refusal form that must be completed, signed and returned to the WVDEP by email or fax within specified time frames.
  - If the vendor accepts the work directive, then a work shall begin upon notice to proceed from DEP.
  - If the vendor refuses or does not return the acceptance/refusal form, the work directive will be offered to the 2nd awarded vendor and then to the next vendor in consecutive order of lowest bid until it is accepted and work is started.

#### Life of Contract

This contract becomes effective upon award and extends for a period of one (1) year or until such "reasonable time" thereafter as is necessary to obtain a new contract or renew the original contract. The "reasonable time" period shall not exceed twelve (12) months. During this "reasonable time" the vendor may terminate this contract for any reason upon giving the Director of Purchasing 30 days written notice.

This contract may be renewed upon the mutual written consent of the spending unit and vendor, submitted to the Director of Purchasing thirty (30) days prior to the expiration date. Such renewal shall be in accordance with the terms and conditions of the original contract and shall be limited to two (2) one (1) year periods.

## Vendor Bid Submission CHECKLIST

### RFQ# DEP14601

#### QA/QC & Assessment of Underground Storage Tanks (UST) and Leaking Underground Storage Tank (LUST) Removal

In an effort to aid the Department of Environmental Protection during the expedited evaluation and award period, the West Virginia Purchasing Division has developed the following vendor checklist for this advertisement. Please check-off the items below indicating your compliance.

**Vendors MUST complete this checklist, sign, and date it for inclusion with their bid submittal. Failure to include this checklist and the additional requirements noted herein may result in disqualification of the vendor's bid.**

- I have read & understand the scope of work as specified herein.
- I understand I may be required to oversee multiple project sites concurrently.
- I understand the method in which work directives will be issued as stated in the specifications.
- I have read & understand the mandatory requirements of the bid submission as specified herein.
- I have included the names and qualifications/resumes of key personnel who will be assigned to this project in accordance with the required criteria specified herein.
- I have or will have all field personnel complete the mandatory 40 hour health & safety training course in accordance with the requirements of OSHA 29 CFR 1910.120, prior to commencement of any issued work directive.
- I have entered my flat hourly billing rate inclusive of labor, travel, & materials in the space provided on the attached bid schedule.

**Company Name:** Potesta & Associates, Inc.

**Signature:** 

**Date:** March 11, 2009

013

**DEP14601**  
**Bid Schedule**

Company Name: Potesta & Associates, Inc.

Address: 7012 MacCorkle Avenue, SE

Charleston, West Virginia 25304

**The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.**

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	500 hours	Oversight/QAQC Services	60.00	\$ 30,000.00
		<b>TOTAL</b>		<b>\$ 30,000.00</b>

**Quantities listed above are for bid evaluation purposes only.**

# VENDOR PREFERENCE CERTIFICATE

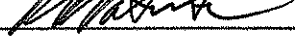
Certification and application\* is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,
- 2. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
- 3. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
- 4. **Application is made for 5% resident vendor preference for the reason checked:**  
 Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
- 5. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**  
 Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
- 6. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**  
 Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (*West Virginia Code*, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Potesta & Associates, Inc.      Signed:   
Date: March 11, 2009      Title: President

\*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.



STATE OF WEST VIRGINIA  
Purchasing Division015**PURCHASING AFFIDAVIT****VENDOR OWING A DEBT TO THE STATE:**

*West Virginia Code* §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

**PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:**

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun.

**ANTITRUST:**

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

**LICENSING:**

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:**

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (*West Virginia Code* §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: Potesta & Associates, Inc.Authorized Signature:  Date: March 11, 2009



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER  
 DEP14601

PAGE  
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 CHUCK BOWMAN  
 304-558-2157

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

Potesta & Associates, Inc.  
 7012 MacCorkle Avenue, SE  
 Charleston, WV 25304

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 ENVIRONMENTAL REMEDIATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/04/2009				

BID OPENING DATE: 03/12/2009 BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 01 *****						
ADDENDUM ISSUED FOR THE OVERSIGHT, ASSESSMENT, AND QA/QC OF UST REMOVAL AT VARIOUS LOCATIONS IN THE STATE OF WV, TO DISTRIBUTE THE Q/A RESULTING FROM THE FORMAL QUESTION/ANSWER PERIOD EXPIRING AT 4:00 PM 02/28/09.						
PLEASE SEE THE ATTACHED.						
BID OPENING DATE & TIME REMAIN UNCHANGED AS 03/12/09 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	EA		946-20	\$60.00 / hour	\$30,000.00
OVERSIGHT/QAQC SERVICES						
***** THIS IS THE END OF RFQ DEP14601 ***** TOTAL						\$30,000.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-342-1400	DATE March 11, 2009
TITLE President	FEIN 31-1509066	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

**GENERAL TERMS & CONDITIONS  
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

DEP14601

Addendum #1

Question #1:

"With respect to billing for this project, the RFQ states that "A flat hour rate per hour will be the total charge to the state and will cover the full cost of work hours including labor, travel, and materials." Will we be able to bill travel time and follow-up documentation time on this project or only time spent on site during removal activities?"

Answer:

Vendor will be paid only for work performed as per the terms, conditions and unit prices established in the contract. See RFQ specifications.

Question #2:

"How are we to handle overnight stays if there are any?"

Answer:

Vendor will be paid only for work performed as per the terms, conditions and unit prices established in the contract.

Question #3:

"Is this prevailing wage for the personnel other than the equipment operators and labors such as the Tech people?"

Answer:

As per the WV Division of Labor, prevailing wage rates do not apply to the oversight/QAQC services as detailed in this RFQ.

**EDUCATION**

M.S. Environmental Science, 2008  
Marshall University  
B.S. Safety Technology, 1999  
Marshall University

**CERTIFICATIONS**

Licensed Remediation Specialist (WV)  
Certified Monitoring Well Driller (WV)

**TRAINING**

OSHA 40-Hour HAZWOPER

**EMPLOYMENT HISTORY**

2000-Present Potesta & Associates, Inc.  
1997-2000 Clearon Corporation

**AREAS OF SPECIALIZATION**

Educational background, including undergraduate study in industrial safety and health and graduate study in environmental science. Project management and field experience includes Phase I, Phase II, Voluntary Remediation, and LUST site assessments, remediation of various types of commercial and industrial sites, and environmental emergency response.

**PROFESSIONAL EXPERIENCE**

- Numerous Phase I, Phase II, and Voluntary Remediation Environmental Assessments on many different types of sites. Responsibilities include internal management of projects, negotiation and coordination with WVDEP, development of field assessment, health and safety, and quality assurance plans, coordination and performance of field activities, and generation of reports.
- Oversight of removal of underground storage tanks in West Virginia and Michigan.
- Experience in all phases of Voluntary Remediation and Brownfields projects, from application to completion.
- Experience with many types of soil and groundwater remediation technologies, including dual phase extraction, soil vapor extraction, pump and treat, in-situ and ex-situ bioremediation, soil removal and disposal, and stabilization and containment techniques.
- Experience in management and performance of environmental emergency response activities related to highway and industrial incidents.
- Coordination and/or performance of field activities and reporting related to numerous types of projects, including characterization/remediation, emergency response, NPDES permit compliance, surface water mixing zone modeling, environmental impact studies (benthics and water quality), and indoor air quality.
- Health and Safety Director for several VRRRA projects and RCRA corrective action projects.

**EDUCATION**

B.S. Environmental Science  
University of Charleston 2002

B.S. Biology  
University of Charleston 2002

M.S. Environmental Science,  
Marshall University,  
expected 2009

**CERTIFICATIONS**

UST Class B Certification (WV)  
Certified Monitoring Well Driller (WV)

**TRAINING**

WV Licensed Asbestos Inspector  
OSHA 40-Hour HAZWOPER

**EMPLOYMENT HISTORY**

2005-Present Potesta & Associates, Inc.  
2005 ProSonic  
2002-2005 Potesta & Associates, Inc.  
1999-2000 United States Geological  
Survey, Water Resources  
Division

**AREAS OF SPECIALIZATION**

Conducting asbestos inspections and report writing. Remediation report writing and sampling, surveying, construction observation, and field work. Biological sampling, water chemistry sampling, Direct Push Technology sampling, conventional auger drilling, and field testing of materials.

**PROFESSIONAL EXPERIENCE**

- Oversight of removal of Underground Storage Tanks from approximately 20 sites in WV, OH, KY, MI, and IL.
- Water well surveys, including the sampling of wells, springs, and cisterns and interacting with close proximity landowners/residences.
- Performed maintenance and regeneration of residential water treatment systems.
- Phase I, Phase II, and Voluntary Remediation Environmental Assessments on many different types of sites.
- Performance of field activities and reporting related to numerous types of projects, including characterization/remediation, emergency response, NPDES permit compliance, surface water mixing zone modeling, and environmental impact studies (benthics and water quality).
- Soil sampling and classification experience using direct-push, auger drilling, and sonic drilling and sampling methods.
- Various methods of groundwater sampling, including the use of bailers and various types of pumps, low flow sampling techniques, and high-volume sampling.
- Operation and maintenance of dual phase extraction, pump and treat, and soil vapor extraction treatment systems.
- Performance of environmental emergency response activities related to highway incidents.
- Performed building inspections, proposals, report writing of more than 50 asbestos inspections in general accordance with the procedures contained in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) standard, Title 40 Code of Federal Regulations Series 61, Subpart M and West Virginia Title 64 Code of State Regulations Series 63, "Asbestos Containing Materials (ACM)".
- Experienced in land survey techniques.

**EDUCATION**

B.S. Environmental Science  
with Geology  
Concentration  
Marshall University, 2000

M.S. Environmental Science,  
Marshall University,  
expected 2009

**CERTIFICATION**

Certified Monitoring Well Driller  
(WV)

**TRAINING**

WV Licensed Asbestos Inspector  
OSHA 40-Hour HAZWOPER  
Troxler - Density  
Compaction/Radiation Training

**EMPLOYMENT HISTORY**

1999-Present Potesta &  
Associates, Inc.

**AREAS OF SPECIALIZATION**

Phase I and Phase II site assessments, asbestos inspections, construction monitoring Surveying, construction observation, biological sampling, water chemistry sampling, and field testing of materials.

**PROFESSIONAL EXPERIENCE**

- Performance of Phase I, Phase II, and Voluntary Remediation site investigations and report writing to assess potential environmental concerns.
- Experienced in soil and groundwater sampling techniques, including split-spoon sampling, direct-push sampling, and numerous groundwater sampling techniques.
- Performance of more than 50 asbestos inspections of industrial, commercial, mining, and residential properties in general accordance with the procedures contained in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) standard, Title 40 Code of Federal Regulations Series 61, Subpart M and West Virginia Title 64 Code of State Regulations Series 63, "Asbestos Containing Materials (ACM)", for the West Virginia Division of Highways, developers, and numerous other clients.
- Preparation of written Corrective Action Plans (CAPs) for recommending and comparing applicable remediation technologies.
- Lead paint inspections on business/facilities renovating, remodeling or demolishing.
- Oversight of the removal of underground storage tanks (USTs) and soil screening and sampling.
- Performance of Environmental Compliance Assessments for mining properties.
- Wetland delineation surveys for pipeline proposals and relocations.
- Opacity testing for Visual Emissions, Method 9.
- Leak detection and repair (LDAR) inspections for volatile organic carbons utilizing a flame ionization detector (FID) and visual confirmation techniques.
- Water well surveys, including the sampling of wells, springs, and cisterns and interacting with close proximity landowners/residences.
- Construction monitoring of Cabell County Water Line Extension projects.
- Construction observation of Cabell County Water Line Extension project, Contract No. 7, in Cabell county, West Virginia.
- Surveying for property transactions and proposed utility pipelines, highways, landfills, and developments.

**EDUCATION**

Chemical Engineering Major -  
Virginia Polytechnic Institute  
Continuing Education:  
Aboveground and Underground  
Storage Tank Regulations-  
Government Institutes  
Continuing Education:  
Environmental Law - American  
Bar Association

**CERTIFICATIONS**

- West Virginia Licensed  
Remediation Specialist
- OSHA Authorized 10 and 30-  
Hour General Industry Outreach  
Trainer
- OSHA 40-Hour HAZWOPER  
Training

**EMPLOYMENT HISTORY**

1997-Present Potesta & Associates,  
Inc.  
1993-1997 Terradon Corporation  
1988-1993 Go-Mart, Inc.  
1986-1988 Century Oils, Ltd./DA  
Lubricants Company  
1979-1986 Diamond Shamrock  
Refining and Marketing  
1965-1979 Witco Chemical  
Corporation

**AREAS OF SPECIALIZATION**

Environmental Site Assessment; Development and Implementation of Corrective Action Plans for the Remediation of Sites Contaminated with Organic and Inorganic Constituents; Environmental Audits; Waste Characterization; Health and Safety Plans; Compliance with RCRA, CERCLA and TSCA; Regulatory Review for Crude Oil/Natural Gas Production and Petroleum Refining and Marketing Industries; Expert Witness - UST Issues.

**PROFESSIONAL EXPERIENCE**

- Performance of numerous Phase I, Phase II and Phase III environmental site assessments for property transactions, legal proceedings, oil and gas properties, petroleum refineries, manufacturing facilities, coal mines, and aboveground and underground storage tank facilities.
- Oversight of removal of Underground Storage Tanks from approximately 30 sites in WV, OH, MI, IL, KY, and TN.
- Senior Project Coordinator for assessment and remediation of sites impacted with lead.
- Performing duties as the Licensed Remediation Specialist for three facilities impacted with PAH and arsenic in West Virginia.
- Environmental audit of equipment manufacturing facilities, steel manufacturing facilities, oil and gas production facilities in three states, coal mining facilities in three states, and underground storage tank facilities in six states.
- Conducted waste characterization activities involving identification, labeling and repackaging of materials, coordination with subcontractor for disposal, and submittal of hazardous waste disposal activity report to regulatory agency.
- Environmental oversight of chain of convenience stores with underground storage tanks, river terminal and petroleum refinery.
- Provide emergency response and site management services for clean-up of crude oil spills for oil and gas producer.
- Development of Asbestos Abatement Project Design plans for residential, commercial and recreational facilities.
- Provided asbestos abatement activity oversight.



# WEST VIRGINIA DIVISION OF LABOR

749-B Building 6 , Capitol Complex • Charleston, West Virginia 25305

Phone (304) 558-7890 • Fax (304) 558-3797

HTTP://WWW.LABOR.STATE.WV.US

JOE MANCHIN, III  
Governor



DAVID W. MULLINS  
Commissioner

## WEST VIRGINIA CONTRACTOR LICENSING BOARD

Building 6, Room B-749, Capitol Complex  
Charleston, West Virginia 25305

January 30, 2008

### EXEMPTION FROM THE REQUIREMENTS OF THE CONTRACTOR LICENSING ACT

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The following company has demonstrated through a letter of explanation that due to the nature of business being conducted, the company is exempt from provisions of the West Virginia Contractor Licensing Law.

Potesta & Associates, Inc.  
70122 MacCorkle Avenue, SE.  
Charleston, WV 25304

#### TYPE OF WORK PERFORMED....

“Engineering, permitting and environmental consulting services.”

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This exemption does not apply to work, which is subject to State Building Codes and National Fire Protection Association codes.

This exemption expires: **February 27, 2009**

  
\_\_\_\_\_  
Fran Cook  
Deputy Commissioner

\* To renew this exemption, please fax it to (304) 558-5174 \*

**RENEWAL OF CERTIFICATE OF EXEMPTION HAS BEEN REQUESTED  
TO DATE, HAS NOT BEEN RECEIVED**