



STATE OF WISCONSIN

Department of Safety and Professional Services

DIVISION OF INDUSTRY SERVICES

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PECFA UPDATE #51

January 3, 2013

USUAL & CUSTOMARY COST SCHEDULE #13 IMPORTANT CHANGE TO CLAIM SUBMITTAL REIMBURSEMENT COSTS ELECTRONIC CLAIM SUBMITTALS U&C SCOPE OF WORK APPROVALS

USUAL & CUSTOMARY COST SCHEDULE #13

Usual & Customary Cost Schedule #13 and the associated Standardized Invoice #13 are now available, and are to be used for work performed **beginning January 1, 2013**. There have been no rate adjustments at this time and no new tasks have been added.

Usual & Customary Cost Schedule #13 can be accessed on the PECFA website at:

<http://dsps.wi.gov/Documents/Industry%20Services/ERS/PECFA/ER-PECFA-UsualandCustomaryCostScheduleNumber13.pdf>

Usual & Customary Standardized Invoice #13 can be accessed on the PECFA website at:

http://dsps.wi.gov/Documents/Industry%20Services/ERS/PECFA/ER-PECFA-STANDARDIZED_INVOICE_SCHEDULE_13.xls

IMPORTANT CHANGE TO CLAIM SUBMITTAL REIMBURSEMENT COSTS

As part of the PECFA agent process, we have been allowing consultants to submit claims every 90 days and charge for a claim submittal, (Task 27 on the U&C Schedule), every 90 days. PECFA [Update #42](#) dated March 25, 2010, allowed all sites, whether there was an agent or not, to submit claims every 90 days as well.

Since we have enacted this policy we are finding:

- Milestones are not being met and claims are being submitted merely when a scope of work has been completed;
- Claims are being submitted less than 90 days apart;
- The maximum claim prep charge, currently \$558 on the U&C Schedule, is being claimed for each claim submitted.

It appears that there is some confusion as to what constitutes an actual claim submittal milestone versus a scope of work. To avoid these issues, PECFA is reversing this policy and is reverting back to the allowance of a full claim prep charge (\$558), *only when* a milestone is met per SPS 347.355. The completion of a scope of work does not necessarily constitute a claim submittal milestone.

In an effort to limit interest or outstanding liabilities, you may submit a claim every 90 days where a milestone is not met and PECFA will allow the claim prep cost, Task 27, as follows:

1. Once annually, (Jan. 1st to Dec. 31st) if the site is in an annual monitoring phase per SPS 347.355(2)(c)6., where multiple scopes of work are approved and closure is not obtained or,
2. You may claim a portion of the claim prep allowance every 90 days (when no milestone is met); i.e. you could claim \$139.50 every 90 days.

Note: Sites that have an approved scope of work through the public bidding process must adhere to the line-item cost submitted in the winning bid for claim prep, and would apply to the final claim submitted upon completion of the scope of work.

Below is the list of allowable claim submittal milestones per SPS 347.355(2) where a U & C maximum can be claimed:

(b) *Closure.* Payments shall be made for closed remedial actions.

(c) *Progress payments.* All requests for progress payments shall be accompanied by a completed Remedial Action Fund Application form (ERS-8067). The department may conduct field or financial audits or inspections to verify completion of each phase of remediation prior to payment. Progress payments may be made only at the following times:

1. Completion of an emergency action.
2. After completion of an investigation and receipt of written approval by the department to submit the investigation claim.
3. Approval of a closed remedial action.
4. Approval of natural attenuation as a final remedial response or at the end of each one-year cycle of the monitoring necessary to show that remediation by natural attenuation will occur.
5. At the end of each one-year cycle of monitoring required for off-site contamination.
6. After implementation and 1 year of actual operation, or monitoring, or combination thereof, and every 1 year thereafter.
7. For sites selected by the department for progress payments based upon extreme life safety and environmental risk and where the claimant has demonstrated to the department's satisfaction that he or she does not have the financial means to conduct a remediation without progress payments: the department shall be the sole determiner of whether progress payments are to be allowed, and an appeal of the decision to the department is not allowed.

(d) *Other interim payments.* The department shall also make awards at the following points:

1. When a lender terminates a funding relationship with a claimant and requests reimbursement for the funds expended. A completed Assignment of PECFA Reimbursement form (ERS-8523) shall be submitted to the department prior to payment and the check shall be jointly paid to the claimant and the lender.
2. When a claimant has incurred eligible expenses equal to the occurrence maximum plus the applicable deductible.
3. When the conditions prescribed in s. 101.143 (4) (a) 2. b., Stats., occur.

Note: Section 101.143 (4) (a) 2. b., Stats., reads as follows: "The department

shall issue an award if the owner or operator or the person has incurred at least \$50,000 in unreimbursed eligible costs and has not submitted a claim during the preceding 12 months."

4. When there is a change in responsible party, if the previous responsible party files a claim.
5. When there is a change in consulting firms working on the project.
6. When there is a change in lenders for the project.
7. When the department directs filing a claim, in an effort to reduce interest costs to the program.

ELECTRONIC CLAIM SUBMITTALS

Recently PECFA began allowing electronic claim submittals via email to help facilitate the Department's paperless initiative. Initially there were some issues with the .pdf files being too large and some of the emails were rejected. The mailbox size limit has now been increased in an effort to eliminate this problem.

When sending claims electronically please be sure to send the entire claim electronically and don't split it up between partial paper and partial electronic submittal. If for some reason you need to send something in hard copy then please send the entire claim in hard copy.

U&C SCOPE OF WORK APPROVALS

We have seen many instances of tasks and sub-tasks being claimed even though the specific task was not included in the approved scope of work. Please be aware that if the U&C cost approval does not include a specific task or sub-task that you are trying to claim, that cost will not be reimbursed, even if the amount claimed is less than the approved scope of work total. All anticipated tasks should be included when requesting an approval for a scope of work. This will ensure that those tasks can be reimbursed at claim review in the event that work needs to be performed.