

Sample RFP Specs for AHERA Re-Inspection and Management Plan Updates

Sample RFP Specifications for an LEA's Professional Services Contract for AHERA reinspection and management plan update

Note: The following specifications are designed to assist the Local Education Agency (LEA) when developing a public bid for AHERA three-year reinspections and management plan revisions. The goal of these model specifications is to assist the LEA in limiting the number of deficiencies typically observed during AHERA audits, and promote due diligence on the part of the consultant(s) when conducting inspections and reviewing Asbestos Management Plans. Please be advised that these specifications do not address the procurement requirements of G.L. chapter 30B or other legal requirements. The awarding authority should consult the Office of the Inspector General (617-722-8852) and the Inspectional Services Division (617-720-3139) with questions regarding procurement of services and related legal requirements.

Scope of Work: to conduct a 3-year reinspection and update the management plan to ensure compliance with 454 CMR 28.00 and 40 CFR 763, subpart E to Appendix C, Asbestos Hazard Emergency Response Act (AHERA).

1. The firm selected will submit to the awarding authority:

- a) a copy of the firm's license, and licenses of all employees of the firm who are assigned to conduct reinspections and develop management plans in Massachusetts.
- b) a copy of any citations or violations issued to the firm or any of its employees who are authorized to conduct reinspections and develop management plans in Massachusetts.
- c) a copy of professional liability insurance for errors and omissions in the amount of \$1 million to cover the Asbestos Inspectors and Asbestos Management Planners in its employ.
- d) a copy of the firm's business certificate indicating that the firm is in good standing.

2. The firm will assign only those consultant(s) who are bona-fide employees of said firm to perform the functions specified under this RFP. Any consultant(s) assigned to provide services under the terms of the contract must hold a valid, current license in the appropriate discipline(s) issued by the authorized Massachusetts agency.

3. Upon arrival, and prior to initiating the reinspection, the Asbestos Inspector(s) shall present to the Designated Person, a current, valid form of identification, a current training certificate and a current, valid Asbestos Inspector license issued by the authorized Massachusetts agency.

4. The reinspection shall be performed pursuant to 454 CMR 28.13, and at a minimum, the consultant(s) shall:

- Visually reinspect and reassess, under 454 CMR 28.13(6), the condition of all friable and nonfriable known or assumed Asbestos-Containing Material (ACM).
- Visually inspect materials that were previously considered nonfriable ACM and touch the material to determine whether it has become friable since the last inspection or reinspection.

- Any remaining ACM that is present and was previously unidentified, and is now accessible and visible will be included in the reinspection and provided a physical assessment.
- Visually inspect and assess under 454 CMR 28.13(5) any materials which are considered suspect and assumed to be ACM.
- (Optional-upon request of LEA) Collect bulk samples and submit the samples for analysis in accordance with 454 CMR 13(3) and (4). All samples will be analyzed by a laboratory with current a current MA Class A certification and NVLAP (National Voluntary Laboratory Accreditation Program) accreditation.

5. The reinspection report will clearly indicate the date of inspection, and shall be signed by each inspector and/or management planner who contributes to the reinspection and the review or revision of the management plan. A copy of the current training certificate along with a copy of a current asbestos inspector/management planner license will be submitted with the reinspection.

6. The reinspection report will identify homogeneous areas consistent with the terms and intent of 454 CMR 28.13 and AHERA. For the purpose of satisfying the scope of work under this RFP, only materials that are uniform in color, texture, size and applied approximately the same time will be considered homogeneous.

7. The firm will submit the reinspection report in a user-friendly document, such as the Standardized Reinspection Report form that, when reviewed by parents, teachers or other interested parties, will clearly identify the types, locations, amounts and condition of the following:

- any suspect material that is assumed to be ACM,
- any material that was sampled and determined to be non-asbestos containing, and
- any material that was sampled and determined to be ACM

8. The firm will submit to a reinspection report and revised management plan that is consistent with the industry standard and demonstrates a state of the art work product that reflects current technology and best practices. Reporting formats shall comply with templates that may be required by state or federal agencies.

9. The firm will submit the reinspection report to the LEA within 30 days of the inspection, for inclusion into the updated management plan.

10. The firm shall ensure that response action recommendations described in the management plan are specific to the site and to the ACM involved, and that the implementation schedule to begin and complete the recommendation is clear. Any damaged ACM will be clearly identified by location and quantity.

11. The firm shall assign its properly licensed consultant(s) to review the management plan, any previous inspection or reinspection report(s) and any response action records to verify that the quantities and locations of ACM are updated.

12. The firm shall assign its properly licensed consultant(s) to update the management plan, organize the plan in the standardized format, and verify that all AHERA required recordkeeping elements are present, pursuant to 454 CMR 28.13(9) and (10), including:

- A current designated person statement
- Dated copies of annual notifications and method of notification*
- Training records

- Periodic surveillance records
- Response action records
- Bulk sample reports
- Operations & Maintenance Program
- Fiber release episodes
- Outside contractor notification*

13. The firm shall notify the LEA in writing which, if any, required documents are missing from the management plan.

**The firm will consult with the Designated Person on methods to be used by the LEA for annual notification and outside contractor notification, so that the plan reflects the actual methods employed by the LEA.*

14. The firm shall assign its properly licensed consultant(s) to review the adequacy of the Operations and Maintenance Program (O&M) and make updates or revisions as necessary. The firm shall ensure that the O&M program is site-specific, and incorporates best practices and/or industry standards for the in-place management of the types, amounts, locations and condition of the ACM identified or assumed to be present in each school building. The firm shall ensure that any analytical reports for bulk sample analysis are included in the O&M program.

15. The firm shall assign its properly licensed consultant(s) to provide response action recommendations that are consistent with AHERA pursuant to 454 CMR 28.13(6) and with the assessments in 454 CMR 28.13(5). The firm shall provide an updated evaluation of resources needed to complete the recommended response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.

16. The firm will advise the LEA, in writing, of any non-compliance that is within the LEAs authority to correct, including but not limited to:

- Failure to designate a person to ensure AHERA requirements are fulfilled
- Failure to train the designated person or maintenance/custodial personnel
- Failure to implement a response action
- Failure to post warning labels adjacent to friable and nonfriable ACM in routine maintenance areas, and if the signs are not readily visible upon entry and read as required under AHERA.

17. The firm will provide two complete copies of the reinspection report and updated management plan for each school within the LEA.