

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

Note: The following specifications are designed to assist the Local Education Agency (LEA) develop a public bid for AHERA three-year reinspections and Management Plan revisions. The goal of these model specifications is to ensure that consultants provide the LEA with a reinspection report and Management Plan that complies with the AHERA regulation. Please be advised that these specifications do not address the procurement requirements of M.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 AHERA reinspection and update the AHERA Management Plan to ensure compliance with 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 any citations or violations issued to the firm or any of its employees regarding performance of asbestos consulting services.
 - b) 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.
 - c) a copy of the firm's business certificate indicating that the firm is in good standing.
2. The firm selected will assign Inspectors and Management Planners who hold a current, valid license from the Massachusetts Department of Labor Standards as accredited Asbestos Inspectors and/or Management Planners.
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 and a current, valid Asbestos Inspector license issued by the Department of Labor Standards.
4. The reinspection shall be performed pursuant to 40 CFR 763.85(4)(b)(3)(i) through (vii), and at a minimum, the consultant(s) shall:
 - Visually reinspect and reassess, under 763.88, the condition of all friable known or assumed Asbestos-Containing Building Material (ACBM).
 - Visually inspect materials that were previously considered nonfriable ACBM and touch the materials to determine whether it has become friable since the last inspection or reinspection.
 - Identify any homogeneous areas with material that has become friable since the last inspection or reinspection.
 - (Optional-upon request of LEA) Collect bulk samples and submit the samples for analysis in accordance with 763.86 and 763.87 for each homogeneous area of newly friable material. All samples will be analyzed by a laboratory with current NVLAP (National Voluntary Laboratory Accreditation Program) accreditation.
5. The reinspection report will clearly indicate the date of inspection, shall be signed by each Inspector and Management Planner who contributes to the reinspection, and contain their accreditation number.

- 6.** The reinspection report will identify homogeneous areas consistent with the terms and intent of AHERA. For the purpose of satisfying the scope of work under this RFP, only materials that are uniform in color, texture and size will be considered homogeneous.
- 7.** The firm will submit the reinspection report in a user-friendly document that, when reviewed by parents, teachers or other interested parties, will clearly identify the types, locations, amounts and condition of the following:
- any material that is assumed to be ACBM,
 - any material that was sampled and determined to be non-asbestos containing, and
 - any material that was sampled and determined to be ACBM.
- 8.** The firm will submit the reinspection report to the LEA within 30 days of the inspection, for inclusion into the updated Management Plan.
- 9.** The firm shall assign its properly licensed consultant(s) to update the Management Plan to verify that all AHERA required elements are present, pursuant to 763.93(e)(1) through (12).
- 10.** The firm shall ensure that response action recommendations described in the Management Plan are specific to the site and to the ACBM involved, and that the implementation schedule is clear. The firm shall assign its properly licensed consultant(s) to provide response action recommendations that are consistent with AHERA pursuant to 763.93(b) through (f). The firm shall provide an updated evaluation of resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.
- 11.** 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 complies with EPA guidance for the in-place management of the types, amounts, locations and condition of the ACBM and presumed ACBM present in each school building.
- 12.** The firm shall assign its properly licensed consultant(s) to verify that all recordkeeping requirements are met, pursuant to 763.94. The firm shall notify the LEA which, if any, of these documents are missing from the Management Plan.
- 13.** 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 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 ACBM in routine maintenance areas
 - Failure to notify outside contractors
 - Failure to provide annual notification
 - Failure to maintain copies of bulk sample reports and abatement records
 - Failure to perform or document periodic surveillance
 - Response action records
 - Bulk sample reports
- 15.** The firm will provide two complete copies of the reinspection report and updated Management Plan for each school within the LEA.