

**TOWN OF UNION, NEW YORK  
REQUEST FOR PROPOSALS  
PRE-REHABILITATION LEAD-BASED PAINT TESTING AND RISK ASSESSMENT AND POST-  
REHABILITATION CLEARANCE SERVICES**

**Intent and General Information**

The Town of Union is requesting proposals from qualified, licensed companies to perform lead-based paint risk assessments, soil sampling, dust-wipe sampling and clearance examinations for federally funded rehabilitation projects through the Town's Home Improvement Program on an as-needed basis. The firm will be called in to prepare a lead paint report/risk assessment for all units constructed prior to 1978. Fees for inspecting the property and preparing a risk assessment will be paid for with program funds. Inspectors will conduct post-rehabilitation clearance testing for issuance of certifications required under federal laws. The inspector shall provide services so as to comply with both federal and New York State lead paint laws and regulations. Inspection and clearance services must comply with the revised federal lead paint regulations (24 CFR Part 35 and Sections 1012 and 1013 (Title X) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and revisions) and EPA's Renovate, Repair and Paint Program.

The Town of Union Community Development office administers the Home Improvement Program which assists low-to-moderate income households by providing deferred loans to bring housing up to Housing Quality Standards to ensure the continued habitability and safety of properties. The program is financed with funds from the Community Development Block Grant (CDBG) program and federal CDBG regulations and rules apply to the expenditure of these funds. The program assists primarily single-family homes and projects can be used to complete general repairs and to address lead paint testing and interim controls efforts.

The project will consist of scattered-site, owner-occupied, single family homes built prior to 1978 throughout the Town of Union, New York. There may be some instances where properties will consist of multi-family housing. The properties will be occupied. The exact location and number of units to be inspected has not yet been determined, however, the town anticipates that inspections will be required for approximately ten (10) units per year.

The selected consultant shall be responsible for compliance with all federal, state, and local statutes and regulations. All services provided shall be consistent with the requirements and guidelines of the U.S. Department of Housing and Urban Development (HUD) Office of Healthy Home and Lead Hazard Control and the State of New York. The Town of Union encourages participation by Section 3, small, disadvantaged, minority, and woman-owned businesses.

**Qualifications**

All work must be performed by firms certified to perform risk assessments and by individuals certified and/or licensed to perform risk assessments by the EPA/HUD as applicable where the services are to be provided. If an X-ray fluorescence (XRF) instrument is used, all risk assessors must possess current training, certification, and licensing in the use of the XRF equipment under appropriate federal, state, or local authority. The Town of Union reserves the right to restrict the assignment of any individual, for any reasonable cause, as a risk assessor under the contract or any subcontract.

The firm and staff proposed to be assigned responsibilities on this project must be highly qualified and have extensive experience in all aspects of site and facility testing and inspection on similar projects. Qualifications shall include:

1. A minimum of five (5) years continuing experience in providing testing and inspection services.
2. Capability and experience in providing on-site inspections of similar facilities.
3. Capability and experience in providing materials sampling and testing as required for the project and in accordance with HUD requirements.
4. Required licenses and certifications to provide the specified services.
5. Experience in working with entities in the quality control of similar facilities.

### **Scope of Services**

The Town of Union is seeking to hire a consultant to inspect housing units for lead paint and provide, as applicable, a lead hazard screen test/risk assessment, and to provide specifications for recommended mitigation and/or abatement measures to be used. In circumstances where abatement is required, the consultant will re-inspect and provide clearance testing.

As part of the requested services, the Town of Union will require the selected consultant to prepare required notices and information for distribution by the town to occupants.

1. Lead-based paint risk assessment for pre-1978 housing selected for various rehabilitation projects within the Town of Union.
2. Lead-based paint clearance testing for all projects where assessment has been completed and lead-based paint was found to be present.
3. The Contractor shall provide all necessary facilities, materials, supplies, equipment, supervision, and personnel, and other items and services to perform the lead evaluation services as defined in this RFP. These services must be in accordance with applicable work practice standards of the state, EPA/HUD and as applicable where the services are provided. When more than one regulator provision applies to a condition or activity, the most stringent shall be used. Applicable regulations are those that are in force when and where the lead evaluation is conducted, including, but not limited to:
  - U.S. Department of Housing and Urban Development (HUD): 24 CFR 35
  - U.S. Occupational Safety and Health Administration (OSHA): 29 CFR 1926
  - U.S. Environmental Protection Agency (EPA): 40 CFR 745
  - Nuclear Regulatory Commission (XRF radiation sources)
  - State and local regulations

### **Inspection Report Type, Content, and Requirements**

Inspection report/risk assessment report/clearance report shall comply with the minimum requirements established by HUD/EPA where the services are provided. Reports shall contain at a minimum the following:

1. **Inspection/Risk Assessment Report:** When requested by the Town of Union, properties will be inspected to determine the locations of hazardous levels of lead as required by

Federal regulations. Results of this evaluation will be a written Federal Risk Assessment Report identifying all hazardous lead surfaces as loose paint, moveable, impactable, fixed window etc. showing the quantity and location of all hazardous levels of lead using an XRF paint analyzer. The report must include: a listing of components that tested positive, sections on regulatory compliance, overall scope of work, field procedures, laboratory and field quality control procedures, Substrate Equivalent Lead determination, data analysis and reduction, laboratory procedures, and application of HUD decision-making rules. The consultant shall also supply diagrammatic floor plans of each unit. The consultant shall submit all reports to the Town of Union via a digital (electronic) copy. If required, a copy of the report shall be mailed to the property owner, together with any forms requiring the occupant's signatures; original copies of these forms will be provided to the Town of Union.

2. **Summary of Risk Assessment:** An executive summary written in easy-to-understand English describing the on-site investigation conducted and the results. The summary must be in the basic format found at 24 CFR Part 35, Appendix B. It must include the names of all risk assessors performing services, the date the site was visited, and the samples collected. The summary must include all identified lead-based paint and/or lead-based paint hazards and their locations. In addition, it must include all treatment options for each hazard identified, clearly identified as either being interim control or abatement, a photograph of the front  $\frac{3}{4}$  view of the main house, and the homeowner phone number.
3. **Federal Lead Soil Testing:** The firm will be responsible for conducting lead soil tests for each rehabilitation case according to the requirements of Federal Protocol. Each case will be tested and remediated for lead hazards in the soil. The firm will conduct soil testing and stipulate the remediation that will be required to meet Federal Protocol. A written report will be submitted with results of the soil tests and must include: location of the failed soil and recommendations with dimensions and quantities to remediate the surface of the soil to achieve Federal Protocol.
4. **Clearance Report:** For any locations that tested positive for hazardous levels of lead, including soil, a clearance examination must be completed. Clearance inspections must meet Federal Protocol. Clearance report must include contact information, hazard reduction activities performed, LBP remaining, and clearance results.
5. **Notice of Hazard Reduction:** Completed copy of Notice of Evaluation Results suitable for distribution by the Town of Union to the occupants. Must include contact information, date of notice, hazard reduction activities performed, LBP remaining, and clearance results; this must be sent within 15 days of completion of hazard reduction

Reports must provide clear, legible, written records to the Town of Union to document the above services in a format that can be used to identify the location and quantity of lead and can be inserted into the work specifications by Town of Union staff. The selected consultant shall provide one (1) electronic copy of reports to the Town of Union and provide one (1) printed copy of the reports to the occupants along with notices and signature forms as necessary. Any items mailed to the occupants must cc the Town of Union.

### **Project Schedule**

Time is of the essence in the performance of the scope of work to be completed by the selected firm. Lead testing and clearance services are an integral component of the program and for that reason it is

imperative that services outlined in the RFP be completed in a timely manner. The anticipated duration of this contract is anticipated to be three years and is anticipated to begin immediately.

Initial Inspection Report and Invoice: must be completed and delivered to the Town of Union within 14 days (including weekends, excluding holidays) after the consultant has been sent the notice to proceed for each program participant. Extensions of time may be granted by the Director of Planning & Community Development upon receiving written documentation that the program participant was non-responsive to the selected firm's attempts to schedule or keep appointments.

Clearance Testing Report and Invoice: Clearance testing must be completed within 24-hours of rehabilitation work; report must be delivered to the Town of Union within seven (7) days (including weekends, excluding holidays) after the clearance testing has been performed. The testing results for each unit achieving Federal Protocol clearance (including soil remediation) must use words to clearly say that the property has achieved Federal Protocol. Extenuating circumstances will be considered by the Director of Planning and Community Development for a time extension.

### **Proposal Submission and Selection**

All proposals shall be submitted via Dropbox at the Town of Union office building at 3111 E. Main Street, Endwell, NY 13760 or in electronic format (PDF) to the following email address: Sara Zubalsky-Peer, Director of Planning & Community Development, [szubalsky@townofunion.com](mailto:szubalsky@townofunion.com). The envelope/email subject line should be clearly marked: "RFP Lead Paint Testing Services Attn: Planning Department". The Town of Union takes no responsibility for emails that are undeliverable or delayed; it is the responsibility of the submitter to get email confirmation.

**Proposals are due to the Town of Union by 4:00 PM on May 6th, 2021.**

All proposals will be timestamped as they are received. There will be no public reading or viewing of proposals. All proposals shall remain firm and cannot be withdrawn for a period of sixty (60) days after receipt. The selection will be based on qualifications, firm experience, and cost effective delivery of required services.

Proposals are encouraged from Section 3 and M/WBE individuals and firms.

### **Proposal Content**

1. Proposers must use the attached cost proposal form for submitting bids.
2. Proposers must include a Transmittal Letter signed by an authorized representative of the firm.
3. Proposals must include:
  - a. Qualifications- certifications and training as required by the State of New York/EPA/HUD
  - b. Related Experience- directly applicable experience in performing these services for comparable projects
  - c. At least three (3) references demonstrating firm experience with projects of similar size, scope, and duration
  - d. Work plan/technical approach including staffing plan
  - e. Statement of availability to provide services on an as needed basis
  - f. Testing facilities to be used and the type of accreditation
  - g. Sample of completed lead inspection/risk assessment from within the past six (6) months

- h. Sample of completed clearance test within the past six (6) months
  - i. Sample of Notice of Evaluation and Notice of Hazard Reduction from within the past six (6) months
  - j. Copies of applicable licenses
  - k. Proof of insurance
  - l. A copy of the firm's Section 3 Plan or certification if applicable, Affirmative Action Policy or Plan, if applicable, and its M/WBE plan or certification, if applicable.
4. Unit prices for the following:
- a. Develop and provide a complete EPA/HUD LBP Risk Assessment Report for each housing unit per the stated order
    - i. With the assumed amount of 100 XRF shots per report so as to include all painted surfaces
  - b. Develop and provide a complete EPA/HUD LBP Final Clearance Report for each completed housing unit per the stated order

### Evaluation of Proposals

The responsibility for the selection of the consultant lies with the Director of Planning & Community Development based upon the recommendation of an evaluation and selection advisory team.

Criteria to be used in the evaluation and selection process include the following:

- 1. Qualifications (maximum 20 points)**
  - a. For inspection/risk assessment/clearance testing, qualifications must include relevant certification and/or licensing by New York State/EPA
- 2. Experience and references (maximum 20 points)**
  - a. Experience in inspection/risk assessment similar to the housing units for which services are being sought
  - b. Experience in the planning, design, and monitoring of lead-based paint hazard interim control projects
  - c. Experience in collecting environmental samples and interpreting test results.
  - d. Collection and analysis of lead samples such as dust wipes, soil, paint chips XRF shots in housing environments
  - e. Experience in environmental report writing; ability to outline a lead hazard control strategy with an order of priorities and recommended methodologies
- 3. Quality of Proposed work plan/technical approach (maximum 10 points)**
  - a. Understanding and experience in using HUD Lead-Based Paint Testing and/or Risk Assessment Protocols are essential requirements
  - b. Staffing and organization
- 4. Cost (maximum 50 points)**
  - a. Proposers MUST submit prices on the attached form; additional price information may be attached to the form

### Comments

- Any cost incurred by respondents in preparation of or submission of a proposal shall be the respondents' sole responsibility.
- All responses, inquired, or correspondence relating to this RFP shall be in writing and shall become the property of the Town of Union upon receipt.
- Any specific questions regarding the RFP should be directed to Sara Zubalsky-Peer at (607) 786-2977 or [szubalsky@townofunion.com](mailto:szubalsky@townofunion.com). It is the responsibility of each firm responding to the RFP to confirm the Project Manager and that the Town of Union has accurate contact information for the firm/project manager.
- All proposals in response to this RFP are the sole property of the Town of Union. All materials associated with this procurement process are subject to the terms of state laws defining freedom of information and privacy, and all rules, regulations, and interpretations resulting from those laws.
- The Town of Union may amend the terms or cancel this RFP any time prior to the execution of a contract for these services if the Town deems it to be necessary, appropriate, or otherwise in the best interests of the Town. It is the consultant's responsibility to monitor the Town's website for amendments. Failure to acknowledge receipt of amendments may result in a proposal not being considered. As its option, the Town of Union may provide all consultants with a limited opportunity to remedy any technical deficiencies identified by the Town as a result of their initial review of proposals.
- The Town of Union must be notified of any additions, deletions or changes in the consultant's personnel assigned to this project. At its discretion, the Town may require the removal and replacement from the project of any of the consultant's personnel who do not perform adequately.
- All subcontractors hired by the consultant must have prior approval from the Town.
- The consultant represents and warrants that the proposal is not made in connection with any other consultant and is in all respect fair and without collusion or fraud.

### Rights Reserved by the Town of Union

1. The Town reserves the right to award in part, to reject any and all proposals in whole or in part for misrepresentation or if the Consultant is in default of any prior Town contract, or if the proposal limits or modifies any of the terms and conditions and/or specifications of the RFP. The Town also reserves the right to waive technical defects, irregularities and omissions if, in its judgment, the best interest of the Town will be served.
2. The Town reserves the right to correct inaccurate awards resulting from its clerical errors. This may include, in extreme circumstances, revoking the award of a contract already made to a Consultant and subsequently awarding the contract to another Consultant. Such action on the part of the Town shall not constitute a breach of contract on the part of the Town, as the contract with the initial Consultant is deemed to be invalid from the outset and of no effect, as if no contract ever existed between the Town and the Consultant.
3. During the evaluation process, the Town reserves the right to request additional information or clarification from vendors. At the discretion of the Town, firms submitting proposals may be requested to make an oral presentation as part of the evaluation process.

Other Requirements

**Indemnification**

The selected Consultant shall indemnify and hold harmless the Town of Union and its agents and employees from and against all claims, losses and expenses, including reasonable attorney's fees to the extent caused by the negligent acts, error or omissions of Consultant, or those for whom the Consultant is legally responsible in the performance of the work.

**Insurance**

The selected Consultant shall procure and maintain for the duration of the contract term minimum insurance as outlined by Article 11, attached.

### **Cost Proposal Form**

All paint testing will include paint testing and report. A “room” is defined as a room, hallway, or out building. Closets are considered part of the room to which they are accessory. Multiple hallways are each considered a room if fully demised (however a 2-story open hallway is considered a single room). Pantries would be considered a room only if they are a separate space from a kitchen or dining room and 50 square feet or larger.

#### **Risk Assessment with Full Paint Inspection**

All Risk Assessment shall include paint testing, report and full scope of work to correct hazards, a Notice of Evaluation and soil testing.

1. Fee for risk assessment of a housing unit:

\$ \_\_\_\_\_

2. Fee for a risk assessment for each additional unit at the property:

\$ \_\_\_\_\_

#### **Clearance Examinations**

All clearance examinations will include test wipes, visual assessment, clearance reports, and Notice of Hazard Reduction (with a 24-hour turn-around time).

1. Fee for Clearance Examination of a housing unit:

\$ \_\_\_\_\_

2. Fee for Clearance Examination for each additional unit in a multi-unit building:

\$ \_\_\_\_\_

#### **Other**

Fee for soil samples per sample: \$ \_\_\_\_\_

Abatement Plan for property: \$ \_\_\_\_\_

Abatement Plan for each additional unit: \$ \_\_\_\_\_

Management Plan for 1<sup>st</sup> unit: \$ \_\_\_\_\_

Management Plan for each additional unit: \$ \_\_\_\_\_

Hourly rate for Project Manager: \$ \_\_\_\_\_



Any items we did not ask for but you think may be relevant?

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I certify that all the information in this statement is true and complete to the best of my knowledge and belief.

Name of Individual Filing Proposal: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

REMINDER- PLEASE ATTACH ALL CURRENT CERTIFICATION FORMS AND INSURANCE CERTIFICATES

Present any other information with this proposal that you think is pertinent in evaluating your ability, experience, and cost.

Return complete proposal to the Town of Union at 3111 E. Main Street, Endwell, NY 13760 or via email to [szubalsky@townofunion.com](mailto:szubalsky@townofunion.com) by 4:00 PM on May 6<sup>th</sup>, 2021.

Thank you.