

Agenda Item - C - 11

VILLAGE OF ROYAL PALM BEACH

Agenda Item Summary

AGENDA ITEM:

Approval and authorization for the Village Manager to execute Change Order No. 4 with Palm Beach Grading for Royal Palm Beach Commons (PR0701) in the amount of \$109,500.00. Funds to come from Account No. 303-7200-572-63-90.

ISSUE:

The total of the change order exceeds the \$15,000.00 threshold for the Village of Royal Palm Beach purchasing guidelines. Funds will be encumbered from 303-7200-572-63-90. The changes in the contract are a result of the former golf course irrigation system piping containing asbestos and is in conflict with proposed improvements. The proposed change order includes removal of up to 6000 L.F. of Transite pipe (containing asbestos) with diameters ranging from 4.0" thru 12.0" in accordance with Exhibit B.

RECOMMENDED ACTION:

Staff recommends a motion to approve.

Initiator:	Village Manager	Agenda	Village Council
	Approval:	Date:	Action:

Village Engineer	November 5, 2009
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CHANGE ORDER

No. 4

DATE OF ISSUANCE 10/26/20

EFFECTIVE DATE _____

OWNER Village of Royal Palm Beach

CONTRACTOR Palm Beach Grading, Inc

Contract: PR0701

Project: Royal Palm Beach Common

OWNER's Contract No. _____

ENGINEER's Contract No. _____

ENGINEER Christopher Marsh, P.E.

You are directed to make the following changes in the Contract Documents:

Description:

) Removal of up to 6000 L.F. of Transite pipe (containing asbestos) with diameters ranging from 4.0" thru 12.0" in accordance with Exhibit B.

Reason for Change Order:

The former golf course irrigation system piping contains asbestos and is in conflict with proposed improvements.

Attachments: (List documents supporting change)

Exhibit B, Cost Tabulation Sheet

CHANGE IN CONTRACT PRICE:
Original Contract Price <u>\$1,811,215.20</u>
Net Increase (Decrease) from previous Change Orders No. <u>2</u> to <u>3</u> : <u>\$271,542.50</u>
Contract Price prior to this Change Order: <u>\$2,082,757.70</u>
Net increase (decrease) of this Change Order: <u>-\$109,500.00</u>
Contract Price with all approved Change Orders: <u>\$2,192,257.70</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>5/11/2010</u> Ready for final payment: <u>6/10/2010</u> (days or dates)
Net change from previous Change Orders No. <u>2</u> to No. <u>3</u> : Substantial Completion: <u>30</u> Ready for final payment: <u>30</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>6/10/2010</u> Ready for final payment: <u>7/10/2010</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>0</u> Ready for final payment: <u>0</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>6/10/2010</u> Ready for final payment: <u>7/10/2010</u> (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____ By: _____
ENGINEER (Authorized Signature) OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: _____ Date: _____ Date: _____

Village of Royal Palm Beach, FL
 Planning & Engineering Department
 Royal Palm Beach Common -Phase 1 PR0701
 October 26, 2009

Change Order # 4 - Cost Tabulation

Item No.	Description	Quantity	Unit	Unit Cost	Cost	Days
CO-4-110-1	Removal and Disposal of Transite Pipe (containing asbestos) w/ diameters ranging from 4.0" thru 10.0"	6000	LF	\$18.25	\$109,500.00	0
Totals					\$109,500.00	0

EXHIBIT B

WORK PLAN FOR ASBESTOS ABATEMENT

Tradition Golf Club
900 Royal Palm Beach Boulevard
Royal Palm Beach, Fl 33411-2854

Owner:
Village of Royal Palm Beach

1050 Royal Palm Beach Boulevard
Royal Palm Beach, Fl 33411
Contact: Mr. Chris Marsh
Telephone: (561) 790-5162

Consultant (Owner's Representative):
Eco Advisors, LLC/REP Associates, Inc. an Eco Advisors LLC company
Operating under REP Associates, Inc. License ZA0000088

3932 RCA Boulevard, Suite 3204
Palm Beach Gardens, Florida 33410
Contact: Laura Toomey, Project Designer
Karen M. Meyer, CIH, FLAC (AX0000033)

September 10, 2009 (revised and reviewed September 15, 2009)

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ASBESTOS

PART 1.0 – GENERAL REQUIREMENTS

2.3 SUMMARY OF WORK

The Tradition Golf Club is located at 900 Royal Palm Beach Boulevard in Royal Palm Beach, Florida. During site renovation their Contractor discovered Transite piping (approximately 3,500 LF).

1.1.1 Description

The work specified herein shall be the removal of asbestos-containing material by persons knowledgeable, qualified, trained, and experienced in the removal, treatment, handling, and disposal of asbestos-containing material, and the subsequent cleaning of the affected environment. The Contractor must hold a current DPBR (FL) Asbestos Business Organization License, comply with all federal, state, and local regulations and mandated work practices, and shall be capable of performing the work in the Contract.

1.1.2 Scope of Work

The work under this contract comprises the satisfactory completion of all items specified herein, within the time period specified herein, including the following:

- A Obtain/pay for all notifications, inspections and permit required to perform the work.
- B Furnish all labor, tools, materials, equipment, and waste disposal services necessary for and reasonably incidental to the completion of removal and disposal of all asbestos-containing material as indicated herein

1.1.3 Project Completion

The project shall be termed complete and Contractor released upon satisfaction of all terms and conditions of this specification, including:

- A All required forms, work plans, logs, and satisfactory site inspection by Consultant
- B A release letter provided to Contractor by Consultant
- C Asbestos-containing material disposal manifests provided to Consultant by Contractor

1.1.4 Project Specific Requirements

Upon receipt of notification to proceed with project by Owner, Contractor must file all notices to the applicable regulatory agencies, and obtain all required permits to perform the asbestos abatement, and send copies to the Owner and Owner's Consultant. It is the Contractor's responsibility to determine whether permits are required by Palm Beach County and/or Royal Palm Beach. At a minimum complete and submit the Notice of Demolition or Asbestos Renovation form to the Palm Beach County Health Department a minimum of 10 working days prior to the start of abatement activities. Upon

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commencement of work, Contractor must complete the project within the time specified herein.

2.4 CONTRACTOR RESPONSIBILITIES

Contractor must furnish all permits, labor, material, services, insurance, tools, equipment, and notifications in accordance with EPA, OSHA, State, and all other applicable agencies to complete removal of ACM. There will be a final walk-through of the site and discussion of the following plans, anticipated problems, and areas of special concern.

- A. Preparation of work area
- B. Personal protective equipment
- C. Abatement methods and procedures
- D. Handling and disposal procedures for ACM
- E. Final decontamination and cleanup procedures
- F. Sequence and schedule of work
- G. Emergency procedures
- H. Respiratory Protection Program including evidence of respiratory protection training and current respirator fit tests
- I. Owner's Safety requirements
- J. Any site specific owner requirements

Consultant will randomly inspect the work area and at intervals during the course of the project to confirm these conditions. It is Contractor's responsibility to ensure that:

- A Work area is properly prepared for removal of ACM
- B Asbestos-containing materials are being properly removed and disposed
- C Employees of Contractor are properly protected
- D Removal and disposal of all asbestos-containing materials in accordance with the procedures contained in this Work Plan
- E It is the sole responsibility of the Contractor to correct any subsequent discoveries of inadequate initial cleaning, preparation, work procedures, or remaining ACM encountered after an inspection, regardless of the outcome of such an inspection.
- F The Contractor must have an accredited Supervisor at each job site at all times, from mobilization to completion. Contractor shall not begin work until an accredited Supervisor is present, and shall cease all work when Supervisor leaves the work site.
- G The actual determination of quantities and measurements of the asbestos-containing materials, related debris and contaminated materials within this site will be the responsibility of the Contractor with confirmation by the Consultant. All related costs shall be included in the basic contract price.

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1.3 SUBMITTALS

Two copies of each of the following shall be submitted to the Consultant for review and approval prior to commencing any work.

1.3.1 Asbestos Abatement Plan

Plan shall include sequencing of asbestos related work, disposal plan, type of wetting agent, air monitoring procedures and a detailed description of the method to be employed in order to control pollution. Include a schedule for the removal and disposal of materials containing asbestos. This plan must be accepted by the Consultant prior to the start of any asbestos work.

1.3.2 Testing Laboratory

Contractor will be responsible for collecting and analyzing Contractor 8-hour personal air samples. Persons reading the samples must have successfully completed NIOSH 582 Fiber Counting Course or an approved equivalent and participate in the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) Program.

1.3.3 Landfill Plan

Submit written evidence for the name of the landfill and approval to accept asbestos by the USEPA.

1.3.4 Supervisory Personnel Listing

Submit the name, work, home, and cellular telephone numbers of each full-time asbestos abatement project supervisor who will be working on the project; and **original and refresher Project Supervisor certificates.**

1.3.5 Notifications of Regulatory Agencies

Submit copies of all asbestos abatement notification forms sent to regulatory agencies as specified herein.

1.3.6 Material Safety Data Sheets

The Contractor shall submit the Material Safety Data Sheet, or equivalent, in accordance with the OSHA Hazard Communication Standard (29 CFR 1910.1200) for each surfactant, encapsulating material, spray glue, or other chemical products used on the work. Include a separate attachment for each sheet indicating the specific worker protective equipment proposed for use with the material indicated.

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2.5 PROJECT COORDINATION

1.4.1 Administrative and Supervisory Personnel

The Contractor shall provide a full-time Asbestos Abatement Project Supervisor who is experienced in administration and supervision of potentially friable Transite projects including work practices, protective measures for environmental and personnel, disposal procedures, etc. This person must have successfully completed an EPA accredited course in the supervision of asbestos abatement projects, have had a minimum of two (2) years on-the-job training, and meet any additional requirements set forth in 29 CFR 1926.1101(o) for a "Competent Person."

1.4.2 Daily Log

The Project Supervisor shall keep a daily logbook used to describe in writing each day's activities, in addition to all special events as noted below. The log shall include times of work, names of persons entering work sites, discussions with Owner's Representatives and Consultant, and all other such matters relating to the ongoing work.

These work logs must include:

- The name of each worker and the type of respiratory protection worn
- Descriptions of meetings or discussions regarding the job, special or unusual events, records of daily containment inspections as required by 1926.1101(o)(2), records of waste removal from containment, the recording manometer chart, and OSHA air monitoring compliance results.
- Consultant shall examine Contractor's daily work log for completeness and sign each page at the end of each shift.
- A copy of this daily work log signed by Supervisor shall be turned over to Consultant at the end of the project as a condition for completion and prior to final payment for work performed.

1.4.3 Notifications

In accordance with OSHA 29 CFR 1926.1101(k), the Contractor shall notify all other entities at the job site of the nature of the asbestos abatement activities, location of asbestos-containing materials, requirements relative to asbestos set forth in these specifications and applicable regulations. The records of all such notifications shall be maintained in the Contractor's daily log.

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2.6 PERSONNEL TRAINING AND PROTECTIVE EQUIPMENT

This section describes the minimum standards for equipment and procedures required for use by the Contractor in protecting workers against asbestos contamination and other workplace hazards.

1.3.1 Personnel Training

The Contractor shall train all workers by requiring each of them to successfully complete an EPA accredited asbestos worker training program prior to beginning this work and annually from the date of first training thereafter.

The Contractor shall train all general superintendents by requiring each of them to successfully complete an EPA accredited program on the supervision of asbestos abatement projects prior to beginning this work, and annually from the date of training thereafter.

1.3.2 Respiratory Protection

The Contractor shall instruct and train each worker involved in asbestos abatement or maintenance and repair of friable asbestos-containing materials in proper respiratory equipment use and require that each worker always wear a respirator, properly fitted on the face in the work area from the start of any operation which may cause airborne asbestos fibers until the work area is completely decontaminated. Use respiratory protection appropriate for the fiber level encountered in the work place and with a protection factor capable of providing less than 0.1 f/cc inside the worker's respirator, or as required for other toxic or oxygen-deficient situations encountered.

The Contractor shall provide fit tests for workers and provide them with respiratory equipment in accordance with 29 CFR 1926.1101(h), as suitable for the asbestos exposure during any activity, which could cause the release of asbestos fibers in the work area. Unless the Contractor can supply the Consultant with acceptable historical personal air monitoring data for similar ACM (similar asbestos material, mineral composition and concentration), initial respirator selection must be based on the assumption that fiber concentrations are in excess of 100 times the permissible exposure limit (PEL) until it is shown to be otherwise by personal air monitoring. If acceptable historical air monitoring data is not submitted, this will require at a minimum, the initial use of full face powered air-purifying respirators (PAPR) for employees doing the work.

The Contractor shall have a copy of his written respirator protection program available on the job site at all times. This program shall comply with ANSI Z88.2-1980 "Practices for Respiratory Protection" and OSHA 29 CFR 1910 and 1926.

Standards:

Except to the extent that more stringent requirements are written directly into this contract document, the regulations and standards cited in Section 1.4 have the same force and effect (and are made a part of this contract document by reference) as if copied directly into this contract documents, or as if published copies were bound herewith. Where there is a conflict in requirements set forth in these regulations and standards, meet the more stringent requirement.

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1.3.3 Medical Examinations and Records

The Contractor shall provide medical examinations for all workers who may encounter an airborne fiber level of 0.1 f/cc or greater for an 8-hour time weighted average. In the absence of specific airborne fiber data provide medical examination for all workers who will enter the work area for any reason. Examination shall as a minimum meet OSHA requirements as set forth in 29 CFR 1926.1101(m) and, in addition, provide an evaluation of the individuals' ability to work in environments capable of producing heat stress in the worker.

1.3.4 Protective Clothing

The Contractor shall provide work clothes consisting of disposable full body coveralls, disposable head covers, disposable footwear, hard hats, goggles, and gloves as required by OSHA for the complete protection of the workers.

The Contractor may provide non-disposable work boots for workers to wear over disposable clothing while in the work area. These boots shall be considered contaminated however, and shall not be allowed outside of the contaminated work site at any time, unless double bagged and sealed in the same manner as asbestos waste. At the completion of the project, such non-disposable clothing shall either be disposed of regularly as asbestos waste, or kept double bagged to be opened only within a future contaminated asbestos abatement work site.

Provide a sufficient number of each article of protective clothing for all required changes, for all workers in the work area.

Appropriate NIOSH/MSHA approved respirators, disposable coveralls, head covers, footwear covers, hard hats, goggles and gloves shall be provided by the Contractor for the Owner's Representatives, Consultant, and other authorized representatives who may inspect the job site.

The Contractor shall provide worker protection as required by the most stringent OSHA and/or EPA standards applicable to the work. The procedures specified herein are minimums to be adhered to regardless of fiber count in the work area.

Each time the work area is entered, the workers shall remove all street clothes and put on new disposable coverall, new head cover, new footwear cover, new gloves, and a clean respirator.

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PART 2.0 – EXECUTION

2.1 CONTRACTOR’S RESPONSIBILITIES

- 2.1.1 The Contractor shall be responsible for any damage to the adjacent property, resulting from leakage or spillage of water, or from any other intentional or negligent acts or omissions. Any such damage shall be repaired by the Contractor at his own expense and replaced with materials of equal or better quality.
- 2.1.2 Operations shall be discontinued immediately and the Consultant and Construction Manager contacted any time visible emissions are observed emanating from the work area, or if asbestos airborne fiber concentrations exceed 0.1 fiber/cc. If sampling results are found to be in excess of 0.1 fiber/cc, the Contractor shall perform whatever action is necessary to reduce these fiber concentrations to accepted levels, and additional samples shall be made in other adjacent areas as determined to be necessary by the Consultant.
- 2.1.3 The Contractor shall be responsible for any asbestos fiber contamination of adjoining properties, which occur because of the asbestos abatement activities. All equipment and/or materials within these areas and/or properties shall be totally decontaminated or disposed of and replaced by the Contractor with equipment and/or materials of equal or higher quality.
- 2.1.4 The Contractor shall agree to indemnify and save harmless the Owner, the Consultant, the Owner’s Representative, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name, and description brought for or on account of any injuries or damages received or sustained by any person, persons, or property by or from the said Contractor or by or in consequence of any neglect in safeguarding the work, or through the use of unacceptable materials in the course of the project, or by or on account of any act or omission, neglect, misconduct or negligence of the said Contractor.

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PART 3.0 – AIR MONITORING, ABATEMENT AND DISPOSAL

3.1 AIR MONITORING BY CONTRACTOR

- 3.1.1 The Contractor is responsible for the equipment (pumps and filters) and personnel selection for the 8 hour time weighted average sampling and the 30-minute Excursion Limit personal breathing zone air monitoring in accordance with and in addition to 29 CFR 1926.1101(f), including all amendments, and Appendix A of the OSHA standard within the work sites throughout all asbestos work site enclosure, material stripping, removal, cleaning encapsulation operations, or any other activities which might disturb asbestos-containing materials to insure that the workers are adequately protected at all times.
- 3.1.2 Samples shall be collected by calibrated pumps whose flow rates can be determined to an accuracy of plus or minus 5 percent. Calibrate pumps both prior to and after each use with a representative filter in line.
- 3.1.3 Air samples taken by the Contractor will be analyzed using NIOSH Method 7400 by a competent person who has successfully completed NIOSH Course #582, "Sampling and Evaluating Airborne Asbestos Dust," or an approved equivalent to insure that the Contractor is complying with applicable EPA and OSHA regulations.
- 3.1.4 All analytical results from the Contractor's air monitoring shall be posted at the work site entrance as soon as they become available and not more than 48 hours from the time in which the samples were taken. Copies of these results shall be presented to the Consultant and Owner's Representative as signed "Certificates of Analysis".
- 3.1.5 The Contractor shall maintain records of all air monitoring as required by the Occupational Safety and Health Administration.
- 3.1.6 With the exception of work site exterior and the first post-abatement clearance monitoring of each work site, and all cost of all air monitoring services are to be paid by the Contractor. Also, if post-abatement clearance testing fails in any work site and testing must be repeated, the Contractor shall pay for the additional laboratory fees and sample handling charges associated with all re-testing.

3.2 AIR MONITORING BY CONSULTANT

- 3.2.1 The Consultant shall be responsible for environmental air sampling during asbestos removal and cleaning activities as necessary to reasonably and periodically monitor the integrity of the Contractor's work procedures. These samples shall be collected in areas of highest risk of fiber release.
- 3.2.2 Copies of all analytical results from the Consultant monitoring shall be presented to the Owner's Representative and Contractor as signed "Certificates of Analysis" as they become available.

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3.2.3 All samples taken during Contractor's asbestos abatement activities by the Consultant shall be analyzed using PCM NIOSH Method 7400 by a competent person who has successfully completed NIOSH Course #582, "Sampling and Evaluation of Airborne Asbestos Dust," or proven equivalent. The laboratory utilized for the PCM analysis shall have been participating in the NIOSH PAT program.

3.3 ASBESTOS ABATEMENT OPERATIONS

3.3.1 Project Monitoring by Consultant

During all phases of the asbestos abatement activity, the Consultant will inspect the Contractor's work on a daily basis. The Consultant shall look for all items specified herein and determine if the Contractor is in compliance with this contract document. Consultant inspection schedule will be determined by contract with the Owner.

The Consultant shall complete a "Project Daily Checklist" after each inspection. A copy of this form may be found in ATTACHMENT A of these specifications. All items on this checklist must be checked off by the Consultant in order for the Contractor to proceed with the asbestos abatement activity.

3.3.2 Removal of Asbestos-Containing Material

A Transite Pipes

- Procedures in your work plan must provide for the protection of the surrounding environment and soils from contamination from ACM.
- Contractor shall maintain the asbestos containing material "adequately wet" during all removal activities to reduce fiber dispersal into the air.
- Remove asbestos-containing material in manageable sections. Do not allow material to become friable.
- The Contractor shall use work procedures that result in an 8 hour time weighted average (TWA) personal airborne fiber count less than 0.1 fibers/cc air and a 30-minute TWA personal airborne fiber count less than 1.0 fiber/cc of air. If airborne fiber counts exceed either of these levels, immediately mist the area with amended water to lower fiber counts and revise work procedures to maintain airborne fiber levels within the required limits.

EXHIBIT B

3.4 DISPOSAL OF ASBESTOS WASTE

3.4.1 Procedure

The procedure for hauling and disposal of asbestos waste shall comply with 40 CFR 61 (Subpart B), and OSHA regulations in 29 CFR 1926.1101 regional and local standards. The waste materials shall be covered, properly sealed for transport, and then disposed of in a facility which is EPA-approved for accepting such ACM waste.

The Contractor shall provide waste generator and DANGER labels and affix to containers of all asbestos materials, scrap, waste, debris and other products contaminated with asbestos. Waste generator labels shall list the generator's name, address and phone number along with the Contractor's name, address and phone number. Danger labels shall be of sufficient size to be clearly legible, displaying the following:

**DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
RQ (ASBESTOS)
CLASS 9, NA 2212, III**

When transporting properly bagged and labeled ACM waste from the work site(s) to the waste disposal vehicle, sealed containers such as garbage cans with sealed or locking lids, shall be used. Any other methods of waste transport through the building must have prior approval from the Consultant.

Do not store disposal bagged or wrapped material outside of the barricaded work area. Take bags or wrapped ACM from the work area directly to a sealed truck or dumpster without exiting barricaded area. For temporary storage, store sealed impermeable bags in approved asbestos waste containers (drums, skips, etc.) inside the barricaded work area.

Carefully load containerized waste on sealed trucks or other appropriate enclosed body vehicles for transport. Exercise care before and during transport, to insure that no unauthorized persons have access to the material.

NOTE: Alternate methods of waste handling shall be approved of by the Consultant prior to proceeding with them.

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3.4.2 Disposal - Landfill

This waste material shall be disposed of only at a USEPA approved sanitary landfill. The procedure for hauling and disposal shall comply with NESHAPS 40 CFR 61 (Subpart B), state, regional, and local standards. All asbestos waste must be accompanied by appropriate manifest shipping papers as required by the EPA NESHAPS (Nov. 20, 1990) final regulation to identify the waste, its origin, and its destination. No waste may be received at a disposal facility without these waste shipment documents. Sealed plastic bags must be hand placed from containers into the burial site unless the bags have been broken or damaged. Workers unloading containers shall wear appropriate respirators and personal protective equipment when handling asbestos materials at the disposal site.

3.4.3 Certificate of Disposal

The Contractor will submit copies of the signed certificates of receipt from the landfill, as well as copies of the NESHAP waste shipment manifests to the Consultant within one week after each load of asbestos waste is deposited in the landfill. **NOTE: Final payment to the Contractor shall not be made until all such certificates of disposal are presented to the Consultant as per the "Project Completion Report" requirements.**

This certificate shall list the quantity of materials delivered to the disposal site, a description of these materials, the location of the site and a statement attesting to the fact that the site is an EPA approved disposal location. The signatures of the Contractor, transporter and landfill operator must appear on the certificates.