



Recommendation for Action

File #: 21-1115, **Agenda Item #:** 9.

2/18/2021

Posting Language

Authorize negotiation and execution of an amendment to the professional services agreements with Baer Engineering & Environmental Consulting, Inc. (WBE); Ferkam Management Corporation (MBE); and Terracon Consultants, Inc.; for asbestos, lead paint, and mold consultant services for the 2017 Asbestos, Lead Paint, & Mold Consultant Services Rotation List in the amount of \$1,500,000 for a total contract amount not to exceed \$4,800,000, divided among the firms.

[Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with no goals attached to the contract.]

Lead Department

Capital Contracting Office

Managing Department

Building Services Department

Fiscal Note

Funding is available in the Capital and/or Operating and Maintenance Budgets of the various departments requiring services.

Purchasing Language:

Three contracts were awarded through a qualifications-based selection process.

Prior Council Action:

August 3, 2017 - Council approved professional services agreements for the 2017 Asbestos, Lead Paint, & Mold Consultant Services Rotation List.

For More Information:

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or AgendaOffice@austintexas.gov <<mailto:AgendaOffice@austintexas.gov>>.

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749 or Beverly Mendez, 512-974-3596.

Additional Backup Information:

As a standard business practice, the City routinely engages the services of professional engineering firms to perform analysis, design and support services associated with construction or improvement of City capital assets. Rotation List contracting allows the City to always have a group of qualified consultants available to perform a specific type of recurring work in a timely manner to meet the project and operational needs of the City.

The City has also adopted an Asbestos Control Policy that, in part, states "...no City employee shall undertake

any work that may disturb asbestos-containing material unless specifically required, trained, and equipped to do so. This includes all repair; remodeling; renovation; demolition; additions; and Operations and Maintenance (O & M) for any City owned or leased facility.” To comply with this policy and the Texas Asbestos Health Protection Rules, applicable Occupational Health and Safety Administration (OSHA) rules, and the Environmental Protection Agency National Emissions Standards for Hazardous Air Pollutants (NESHAPs), the City requires the timely services of licensed firms and/or persons that engage in asbestos related activities including, but not limited to, inspection; damage assessment; design of abatement plans and specifications; on-site air monitoring and analysis; on-site project management of asbestos abatement; O & M operations; and the ability to respond to emergency notifications.

In addition to its efforts to comply with Texas Mold Assessment and Remediation Rules (TMARR), and other applicable standards and regulations, the City and Austin Energy are establishing the means to control and minimize staff and public exposure to mold by regulating the assessment and remediation of mold activities in city-owned or leased public buildings, industrial facilities, target housing, child-occupied facilities, and other associated facilities. To comply with these existing regulations on a timely basis, the City and Austin Energy require the services of qualified and licensed firms and individuals that engage in mold related activities including, but not limited to, inspection; damage assessment; risk assessment; design of abatement plans and specifications; on-site air monitoring; on-site project management of mold remediation; and the ability to respond to emergency notifications.

The 2017 Asbestos, Lead Paint, & Mold Consultant Services Rotation List supports the asbestos, lead, and mold management program for the City and Austin Energy. The program safeguards the health and safety of all occupants of City buildings, including City staff and the public, by controlling their potential exposure to asbestos, lead, and mold containing materials. The work performed under this contract is in compliance with the current and future versions of the Texas Asbestos Health Protection Rules (TAHPR), TX Civil Statutes, Article 4477-3a, as amended, the Texas Environmental Lead Reduction Rules (TELRR), TX Civil Statutes Article 9029, as amended and the Texas Mold Assessment and Remediation Rules, 25 TAC 295.301 - 338 as well as all OSHA and EPA regulations that minimize exposure to asbestos and lead-based paint.

The remaining authority under this contract will soon be expended and will not meet the needs required by the asbestos, lead, and mold management program. Due to the additional duties required of the Building Services staff because of the COVID pandemic, the solicitation of a new rotation list for these services was delayed. Therefore, the Capital Contracting Office is requesting additional authorization to meet the needs of the program. The additional authority will support the program for the time needed to solicit and execute contracts to replace the current rotation list.

This amendment is pending review by the City’s Change Control Committee. The Change Control Committee was established to comply with Council Resolution No. 20120126-048, which required the establishment of consistent criteria and process to evaluate contractual changes for all contracts administered by the Capital Contracting Office. The Change Control Committee is comprised of management-level subject matter experts.

Strategic Outcome(s):

Government that Works for All; Safety; Health and Environment