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NOTICE TO BIDDERS  
BOARD OF PUBLIC WORKS AND SAFETY  
RICHMOND, INDIANA

The City of Richmond, Indiana has received a grant from the Indiana Housing and Community Development Authority (IHCDA). The grant originated with the U.S. Department of Housing and Urban Development (HUD) under the Housing and Economic Recovery Act of 2008 (HERA) for a new national program called the Neighborhood Stabilization Program (NSP). The funds are considered a Community Development Block Grant (CDBG) program, following an expanded version of their rules, regulations and policies.

Notice is hereby given that **sealed proposals** will be received by the Board of Public Works and Safety of the City of Richmond, Indiana in the office of Purchasing in the Municipal Building of said City until the hour of 5:00 p.m. on the day of May 8, 2014 for furnishing the following in accordance with specifications on file in the office of Metropolitan Development in the Municipal Building, 50 North 5<sup>th</sup> Street, Richmond, Indiana 47374. All interested citizens are invited to attend. Should any citizen require special provisions, such as handicapped modifications or non-English translation personnel, the City will provide such provisions as long as the request is made by May 6, 2014, 4:00 p.m. (local time).

New Construction of One Single Family Home at 324 South 11<sup>th</sup> Street, Richmond, IN.

All proposals shall be properly and completely executed on Form No. 96 as prescribed by the State Board of Accounts of the State of Indiana. All proposals submitted shall be accompanied by an acceptable Bidder's Bond, Certified Check or Cashier's Check made payable to the City of Richmond, Indiana in the amount of 5% of the total bid price. If the bidder is from out-of-state, the Bidder's Bond must be secured by a Surety who is admitted to do business in Indiana. The successful bidder will be required to submit a Performance Bond in the amount of 100% of the bid price and a 100% Labor and Materials Payment Bond prior to commencing work. Bonds must be in full force and effect throughout the term period of the contract plus twelve (12) months from the date of final completion. Checks of the unsuccessful bidders will be returned on award of the proposals. **Specifications and bid forms may be viewed and purchased from the City of Richmond Inc., 50 North 5th Street, Richmond, Indiana 47374, (765) 983-7222 .** Specifications may be **viewed only** in the Dept. of Metropolitan Dev. Office, 50 North 5<sup>th</sup> Street, Richmond, IN. **All proposals should be placed in a sealed envelope marked "Confidential" and the title of the project on outside of envelope.**

**A pre-bid conference will be held April 24, 2014 at 3:30 p.m. in the Community Room on the second floor of the Richmond Municipal Building, 50 North 5<sup>th</sup> Street.**

Questions concerning this project should be directed to Sharon Palmer ([spalmer@richmondindiana.gov](mailto:spalmer@richmondindiana.gov)), 50 North 5th Street, Richmond, IN, (765) 983-7222. The final day for questions submitted to City of Richmond is April 28 at 4:00 p.m. Questions must be submitted in writing and accordance with the procedure set forth in the construction documents. All questions will be collated and answered in a final addendum to the construction documents, to be released by 5:00 PM on April 30, 2014 to all registered prospective bidders.

Construction for this project is tentatively scheduled to begin May 23, 2014. This project consists of, but is not limited to site work, masonry, carpentry, windows, roofing, interior build-out, finishes, equipment procurement by GC, and electrical / mechanical / plumbing by GC Design Build at one street address in Richmond, Indiana as shown on the bid specifications prepared by City of Richmond dated 20 April 2014.

All applicable laws, ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the project throughout.

The project shall be completed in accordance with all binding Federal, State, and local codes and requirements, including but not limited to the International Building Code (Indiana Amendments), and U.S. Environmental Protection Agency (EPA).

Bidder will be required to comply with all applicable Equal Employment Opportunity laws and regulations, including Section 504 of the Rehabilitation Act of 1983. There is a 10% goal for MBE/WBE participation in this project.

The Board of Public Works and Safety of the City of Richmond, Indiana reserves the right to reject any and all bids, parts of bids and re-advertise for the same and to waive informalities or errors in bidding. No bid may be withdrawn after the scheduled closing time for receipt of bids for at least ninety (90) days.

Each bidder is responsible for inspecting the project site(s) and for reading and being thoroughly familiar with the contract documents and specifications. The failure or omission of any bidder to do any of the foregoing shall in no way relieve any bidder from any obligation with respect to its bid.

Bidders on this work shall be required to comply with the provisions of the President's Executive Order No. 11246, as amended. The bidders shall also comply with the requirements of 41 CFR Part 60 - 4 entitled Construction Contractors - Affirmative Action Requirements. A copy of 41 CFR Part 60 - 4 may be found in the Supplemental General Conditions of the Contract Documents and Specifications.

In addition, the Contractor must meet guidelines and practices established by the Indiana Office of Housing and Urban Development (HUD) and appropriate Federal regulations including: 1) Executive Order 11246, 2) Section 3 of the Housing and Community Development Act of 1968, as amended, 3) Certification of Non-Segregated Facilities, 4) OMB Circular A-102, 5) Title VI of the Civil Rights Act of 1964, 6) Section 504, Rehabilitation Act of 1973, 7) Age Discrimination Act of 1975, 8) Executive Order 12138, 9) Conflict of Interest Clause, 10) Retention and Custodial Requirements for Records Clause, 11) Contractors and Subcontractors Certifications, and others that may be appropriate of necessary.

In addition, the Contract Division procurement is subject to the Federal Regulations contained in the OMB Circular A-102, Sections B and O and the State of Indiana requirements contained in IC-36-1-9 and IC-36-1-12.

Any contract(s) awarded under this advertisement for bids are expected to be funded in full by a grant from the Neighborhood Stabilization Program, as administered by Indiana Housing and Community Development Authority (IHCDA). Neither the United States nor any of its departments, agencies or employees is or will be a party to this advertisement for bids or any resulting contract.

Vicki Robinson, Chairperson  
Board of Public Works and Safety

Publish Dates: April 20 and 27, 2014

## OTHER BIDDING INFORMATION

The final day for questions submitted to the City of Richmond is April 28, 2014 at 4:00 pm (local time). Questions must be submitted in writing and in accordance with the procedure set forth in the construction documents. All questions will be collated and answered in a final addendum to the construction documents, to be faxed and/or emailed/mailed by 5:00 pm on April 30, 2014 to all registered prospective bidders.

Two (2) copies of all required bid documents, completed with original signatures, including Form 96 and bid sheet is required. Bids received after state date and time will be returned unopened.

The General Contractors (CG) shall submit, with bids, the additional documentation below per Construction Specification Manual, including but not limited to:

- 1 record of three (3) previous projects of similar complexity and scope (historic) as the above mentioned project with contact information for a reference;
- 2 proof of appropriate Licensing, Bonding, and Insurance for the duration of the project;
- 3 start and stop dates;
- 4 Completed Affirmation Action Certification for DBE form to fulfill a goal of 10% for Minority (MBE) Business Enterprise and/or Woman (WBE) Business Enterprise;

The bids to be submitted of work to be performed shall include sufficient and proper sums for all general construction, waste removal, mechanical/electrical conditions, labor, materials, permits, licenses, insurance, general conditions, GC profit and so forth incidental to and required for the construction of the facilities. See also bid submission requirements/ forms available in the construction documents specifications.

Bonds are in full force and effect throughout the term of the construction contract plus a period of twelve (12) months from the date of final/substantial completion.

Construction contracts equal to or greater than \$150,000,00 must comply with the Common Construction Wage Law. Contractor(s) shall comply with all provisions of the Indiana Code 5-16-7 Common Construction Wage Law, and shall during all contractor's work provide the City with complete and accurate certified payroll documents. Certified payroll must be current with the period of pay requested. The Common Construction Wage Scale for this project is included in this package.

Each bidder is responsible for inspecting the project site and for reading and being thoroughly familiar with the contract documents and specifications. The failure or omission of any bidder to do any of the foregoing shall in no way relieve any bidder from any obligation with respect to its bid.

Award will be made to the lowest most responsive and responsible bidder. The lowest most responsive and responsible bidder must be approved by Indiana Housing and Community Development Authority (IHCDA).

Project needs to be completed by Sept 30. Contractor will submit weekly certified payrolls. \$100,000 must be submitted in payroll and allowances by July 1, 2014.

General Decision Number: IN140019 01/03/2014 IN19

Superseded General Decision Number: IN20130019

State: Indiana

Construction Type: Residential

County: Wayne County in Indiana.

Modification Number 0 Publication Date 01/03/2014

ELEC0153-008 06/03/2013

	Rates	Fringes
ELECTRICIAN.....	\$ 20.45	12.21

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ENGI0103-011 06/01/2013

	Rates	Fringes
POWER EQUIPMENT OPERATOR:		
(1) Bobcat/Skid Steer/Skid Loader and Grader/Blade.....	\$ 32.80	13.43
(2) Roller.....	\$ 31.85	13.43

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\* PLUM0136-012 10/01/2013

	Rates	Fringes
PLUMBER.....	\$ 33.91	15.51

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TEAM0414-002 07/01/2012

	Rates	Fringes
TRUCK DRIVER (Water Truck).....	\$ 25.16	589.68/WK

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\* TEAM9999-003 01/01/2013

	Rates	Fringes
TRUCK DRIVER (Lowboy Truck).....	\$ 29.07	10.76

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SUIN2012-004 08/13/2012

	Rates	Fringes
CARPENTER.....	\$ 16.00	0.51
CEMENT MASON/CONCRETE FINISHER...	\$ 16.00	0.00
HVAC MECHANIC: DUCT INSTALLATION.....	\$ 15.13	0.00
LABORER: Common or General.....	\$ 21.72	8.89
PAINTER: Brush Only.....	\$ 12.00	0.00
PAINTER: Roller.....	\$ 12.00	0.00

PAINTER: Spray.....\$ 12.00 0.00

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters , PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable , i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued

as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

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WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

Form No. 96 (Revised 2005)

BID OF

(Contractor)

(Address)

FOR  
PUBLIC WORKS PROJECTS  
OF

Filed

Action taken



### CONTRACTOR'S BID FOR PUBLIC WORK – FORM 96

#### PART I

(To be completed for all bids. Please type or print)

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

1. Governmental Unit (Owner): \_\_\_\_\_

2. County: \_\_\_\_\_

3. Bidder (Firm): \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_

4. Telephone Number: \_\_\_\_\_

5. Agent of Bidder (if applicable): \_\_\_\_\_

Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of \_\_\_\_\_ (Governmental Unit) in accordance with plans and specifications prepared by \_\_\_\_\_ and dated \_\_\_\_\_ for the sum of \_\_\_\_\_ \$ \_\_\_\_\_

The undersigned further agrees to furnish a bond or certified check with this bid for an amount specified in the notice of the letting. If alternative bids apply, the undersigned submits a proposal for each in accordance with the notice. Any addendums attached will be specifically referenced at the applicable page.

If additional units of material included in the contract are needed, the cost of units must be the same as that shown in the original contract if accepted by the governmental unit. If the bid is to be awarded on a unit basis, the itemization of the units shall be shown on a separate attachment.

The contractor and his subcontractors, if any, shall not discriminate against or intimidate any employee, or applicant for employment, to be employed in the performance of this contract, with respect to any matter directly or indirectly related to employment because of race, religion, color, sex, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

#### CERTIFICATION OF USE OF UNITED STATES STEEL PRODUCTS (If applicable)

I, the undersigned bidder or agent as a contractor on a public works project, understand my statutory obligation to use steel products made in the United States (I.C. 5-16-8-2). I hereby certify that I and all subcontractors employed by me for this project will use U.S. steel products on this project if awarded. I understand that violations hereunder may result in forfeiture of contractual payments.

ACCEPTANCE

The above bid is accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, subject to the following conditions: \_\_\_\_\_

Contracting Authority Members:

_____	_____
_____	_____
_____	_____

PART II

(For projects of \$100,000 or more – IC 36-1-12-4)

Governmental Unit: \_\_\_\_\_

Bidder (Firm) \_\_\_\_\_

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

These statements to be submitted under oath by each bidder with and as a part of his bid. Attach additional pages for each section as needed.

SECTION I EXPERIENCE QUESTIONNAIRE

1. What public works projects has your organization completed for the period of one (1) year prior to the date of the current bid?

Contract Amount	Class of Work	Completion Date	Name and Address of Owner

2. What public works projects are now in process of construction by your organization?

Contract Amount	Class of Work	Expected Completion Date	Name and Address of Owner

3. Have you ever failed to complete any work awarded to you? \_\_\_\_\_ If so, where and why?

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4. List references from private firms for which you have performed work.

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### SECTION II PLAN AND EQUIPMENT QUESTIONNAIRE

1. Explain your plan or layout for performing proposed work. (Examples could include a narrative of when you could begin work, complete the project, number of workers, etc. and any other information which you believe would enable the governmental unit to consider your bid.)
2. Please list the names and addresses of all subcontractors (i.e. persons or firms outside your own firm who have performed part of the work) that you have used on public works projects during the past five (5) years along with a brief description of the work done by each subcontractor.
3. If you intend to sublet any portion of the work, state the name and address of each subcontractor, equipment to be used by the subcontractor, and whether you will require a bond. However, if you are unable to currently provide a listing, please understand a listing must be provided prior to contract approval. Until the completion of the proposed project, you are under a continuing obligation to immediately notify the governmental unit in the event that you subsequently determine that you will use a subcontractor on the proposed project.
4. What equipment do you have available to use for the proposed project? Any equipment to be used by subcontractors may also be required to be listed by the governmental unit.
5. Have you entered into contracts or received offers for all materials which substantiate the prices used in preparing your proposal? If not, please explain the rationale used which would corroborate the prices listed.

### SECTION III CONTRACTOR'S FINANCIAL STATEMENT

Attachment of bidder's financial statement is mandatory. Any bid submitted without said financial statement as required by statute shall thereby be rendered invalid. The financial statement provided hereunder to the governing body awarding the contract must be specific enough in detail so that said governing body can make a proper determination of the bidder's capability for completing the project if awarded.

SECTION IV CONTRACTOR'S NON - COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to include anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

SECTION V OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
(Name of Organization)

By \_\_\_\_\_

\_\_\_\_\_  
(Title of Person Signing)

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

Before me, a Notary Public, personally appeared the above-named \_\_\_\_\_ and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

County of Residence: \_\_\_\_\_

**ADDENDA**

The Bidder acknowledges receipt of the following Addenda:

Addendum # \_\_\_\_\_ Dated \_\_\_\_\_      Addendum # \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum # \_\_\_\_\_ Dated \_\_\_\_\_      Addendum # \_\_\_\_\_ Dated \_\_\_\_\_

**BIDDER INFORMATION**

Bidder Company Name: \_\_\_\_\_

Bidder Company Address: \_\_\_\_\_  
\_\_\_\_\_

Bidder Company Phone: (\_\_\_\_\_) \_\_\_\_\_

Bidder Company Fax: (\_\_\_\_\_) \_\_\_\_\_

Bidder Primary Contact: \_\_\_\_\_

Primary Contact E-Mail: \_\_\_\_\_ @ \_\_\_\_\_

**BIDDER STATEMENT**

- I, the undersigned, am prepared to complete the above mentioned Project, Addenda, and Alternates in the Time Schedule allotted for the stipulated sum(s) indicated.
- I, the undersigned, have completed the Bid Bond Requirements, and am prepared to complete the work in accordance with requirements of the local, state, and federal agencies.
- I, the undersigned, have reviewed and prepared this bid statement using the MBE, WBE, and Local Participation Goals set forth in the Project Summary.

Signed Name: \_\_\_\_\_ This date of \_\_\_\_\_

Printed Name: \_\_\_\_\_

# THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

## Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we \_\_\_\_\_  
(Here insert full name and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and \_\_\_\_\_  
(Here insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of \_\_\_\_\_  
as Surety, hereinafter called the Surety, are held and firmly bound unto \_\_\_\_\_  
(Here insert full name and address or legal title of Owner)

as Obligee, hereinafter called the Obligee, in the sum of

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_),  
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by  
these presents.

WHEREAS, the Principal has submitted a bid for \_\_\_\_\_  
(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
(Witness) { \_\_\_\_\_ (Principal) (Seal)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Witness) { \_\_\_\_\_ (Surety) (Seal)

\_\_\_\_\_  
(Title)

## Section 3 Clause

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of the Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set for minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the anticipated date the work shall begin.
- D. The contract agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indiana housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7 (b) requires that to the greatest extent feasible (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

## Chapter 3 – Lead Based Paint Requirements

### Background

The primary cause of childhood lead poisoning is deteriorating lead-based paint and lead-contaminated dust and soil in older housing units. Although lead was banned from residential house paint in 1978 by the Consumer Product Safety Commission (CPSC), an estimated 57 million older homes still contain some lead-based paint. Of these, some 3.8 million dwellings are thought to have both lead-based paint hazards and young children as residents.

The amount of lead-based paint in housing is significant. Tens of millions of housing units contain at least some lead-based paint. Children living in homes with lead-based paint become exposed to lead by directly eating chips of lead-based paint or chewing on protruding surfaces painted with lead-based paint. The more common route of exposure, however, is the ingestion of lead-bearing dust that is generated by the paint when it deteriorates, chinks, or is disturbed through renovation or even abrasion from the opening and closing of windows. Even in this less direct way, lead-based paint can be a source of lead poisoning. Lead poisoning can cause learning disabilities, behavioral problems, and at very high levels, seizures, coma, and even death. Children between 12 and 36 months of age have a lot of hand to mouth activity, so if there is lead in their homes, they are more likely to take it in than are older children.

According to recent CDC estimates, 890,000 U.S. children age 1-5 have elevated blood lead levels, and more than one-fifth of African-American children living in housing built before 1946 have elevated blood lead levels. These figures reflect the major sources of lead exposure: deteriorated paint in older housing, and dust and soil that are contaminated with lead from old paint and from past emissions of leaded gasoline. For more information, talk to your pediatrician or call the National Lead Information Clearinghouse toll free at 1-800-424-LEAD (1-800-424-5323).

### General Education Requirements

IHCDA requires all recipients to participate in educating the public on the hazards of lead poisoning. The following material must be posted or distributed to the parties indicated regardless of project activity:

1. "Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work" - This brochure must be distributed to every contractor and sub-contractor participating in a NSP assisted housing program. Documentation of the distribution of this brochure to the contractors and sub-contractors must be maintained in the project file. The recipient must create a receipt form for the contractor to sign to document receipt of the brochure. This brochure can be ordered from the National Lead Information Center at (800) 424-5323.
2. "Protect Your Family from Lead in Your Home" - This EPA brochure must be distributed to every family participating in any housing activity. Documentation of the distribution of this brochure to beneficiaries must be maintained in each project file. Additionally, all tenants during the affordability period must also receive this brochure: e.g. rental and migrant seasonal farm worker housing.
3. "Protect Your Children from Lead Poisoning" - This poster must be displayed at the offices of the local unit of government, sub-recipient, award administrator, and any administrative organization involved in a federally assisted project. IHCDA encourages local officials to post these posters at any public facility located in the jurisdiction.

## *Exemptions to the Lead Based Paint Requirements*

- Residential structures built after January 1, 1978
- Rehabilitation that does not disturb paint
- Emergency action activities
- Areas where state and local governments banned lead-based paint prior to January 1, 1978
- Properties found not to have lead-based paint during earlier testing that meets the requirements of prior evaluations
- Properties where all lead-based paint has been identified and removed using approved methods
- Unoccupied units that will be demolished
- Property not suitable for human residential habitation
- Zero-room dwelling units where child occupancy is unlikely
- Elderly and disabled housing (as defined by 24 CFR Part 35.110 and Part 35.115)
  - This refers to housing designated exclusively for persons with disabilities or housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program. It does not refer to single-family homes owned or occupied by elderly persons or persons with disabilities.

## *General Lead Based Paint Guidelines*

### **Notification Requirements**

- Property owners must provide purchasers and lessees with available information or knowledge regarding the presence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.
- **Notice of Evaluation.** The administering agency must notify occupants about the results of the lead hazard evaluation within 15 days after the results have been determined. The notification must provide the following information:
  - (a) The presence and location of lead-based paint or the presumption of lead based paint.
  - (b) A description of how occupants can get further information including the full report of the testing methods and results.
  - (c) An explanation of the decision to forego evaluation and presume that lead-based paint and/or hazards exist. You must notify occupants of the reasons for making this presumption.
- In single-family buildings, recipients can provide this information to the homeowner directly.
- In multi-family buildings, recipients can either distribute this information to each household or post it in a central location where all residents can access it.
- The results and methods of all evaluations must be summarized in a report that is made available to residents if they request. Program staff can prepare the report; however, in some cases the paint inspector or risk assessor may be the most qualified person to write the report.
- Occupants must receive the results of the hazard reduction and clearance test within 15 days of completion.
- **Notification of hazard reduction and clearance** must be within 15 days of completion and includes:
  - (a) A summary of the hazard reduction activities and clearance results.
  - (b) A contact name, address, and telephone number for further information.
  - (c) The locations of remaining lead-based paint surfaces and lead hazards.

## Evaluation and Technical Certifications

- Evaluation must be conducted by a licensed professional:
  - (a) Paint testing must be conducted by a licensed lead-based paint inspector or risk assessor.
  - (b) Risk assessments must be conducted by a licensed risk assessor.
  - (c) All paint testing samples and risk assessment samples must be analyzed by an approved laboratory.
  - (d) Clearance Test must be conducted by a licensed lead-based paint inspector, risk assessor or clearance technician.
  - (e) Safe Work Practices must be completed by contractors that are supervised by a licensed abatement supervisor or contractors trained in a HUD approved lead based paint worker course.
  - (f) Visual Assessments must be conducted by person that have completed HUD's online visual assessment training located at:  
[www.hud.gov:80/lea/training/visualassessment/h00100.htm](http://www.hud.gov:80/lea/training/visualassessment/h00100.htm)

## Lead Hazard Reduction

- (a) **Paint Stabilization:** Includes repairing disturbed paint and applying a new coat of paint. Paint stabilization must be done by a certified abatement worker or by a contractor who is supervised by a certified abatement supervisor.
- (b) **Interim Controls and Standard Treatments:** Includes addressing friction and impact surfaces, creating smooth and cleanable surfaces, encapsulation, removing or covering lead-based paint components, and paint stabilization. Interim controls and standard treatments must be completed by a certified abatement worker, by a contractor who is supervised by a certified abatement supervisor or by workers trained in a HUD approved lead based paint worker course.
- (c) **Abatement:** Abatement involves permanently removing lead-based paint hazards, often through paint and component removal, and enclosure. Abatement work must be done by a licensed abatement supervisor along with certified abatement workers.
- (d) **Safe Work Practices.** Safe work practices must be used for all work on all lead-based paint surfaces. Safe work practices are required on deteriorated interior surfaces (i) larger than 2 square feet, (ii) over 10% of any building component (e.g., window or door trim) and (iii) on deteriorated exterior surfaces larger than 20 square feet.
- (e) **Pre-Construction Conference:** For activities where a licensed Lead-Based Paint Abatement Supervisor is utilized, a pre-construction conference for all contractors and workers that will be involved in disturbing lead-based paint is required. The supervisor will be required to explain safe work practices and review the work specification for each particular job site. The supervisor must explain the entire process to contractors, including possible increase in job cost, use of HEPA vacuums, clearance test, relocation, and retainage. Additionally the supervisor must be located within a 2 hour radius of the job site. Award recipients are required to keep documentation of minutes and attendees of the pre-construction conference. IHCD staff will document this requirement at monitoring.

## Clearance

- **Performance of Clearance.** The purpose of clearance is to make sure that the unit is safe for occupants to return. Occupants are not permitted in the work area until it has passed clearance. Clearance must be performed at least one hour after work has been completed. During clearance, a certified professional will take dust samples and have them tested for lead. *Clearance tests are not required when work areas is smaller that a total of 2 square feet per room, 10 percent of the total surface area of interior components, such as window sills, or smaller than 20 square feet on the exterior (DeMinimus).*
- **Clearance Examiner.** Clearance inspections must be conducted by a licensed professional. The clearance examiner must be independent from the individual or entity that conducted the paint stabilization or other lead hazard reduction, unless they are employees of the administering agency. Note: If agency employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.
- **Before Clearance.** Prior to the clearance inspection, the contractor and program staff should ensure that the worksite is ready for inspection.
  - (a) Be sure that all required work has been complete.
  - (b) Be sure that all the lead hazard reduction measures have been completed.
  - (c) Remove debris, paint chips, and dust from all surfaces, especially horizontal surfaces.
  - (d) Remove debris and chips for the ground surrounding the building.
  - (e) No less than one hour after work has been completed; perform a final check of all surfaces for dust and chips. Check where dust tends to settle such as window troughs and sills, the tops of doorframes, and baseboards.
- **Clearance Tasks.** During clearance, the clearance professional will complete the following tasks.
  - (a) Conduct a visual assessment of the unit and worksite to identify dust, debris, and deteriorated paint.
  - (b) Take dust samples from floors, interior windowsills, and window troughs.
  - (c) If work was done to the exterior, visually assess the soil near the worksite.
  - (d) Submit the samples to an NLLAP-recognized laboratory for analysis.
  - (e) Write a report presenting the results of the clearance examination.

	Floors ( $\mu\text{g}/\text{ft}^2$ )	Interior Window Sills ( $\mu\text{g}/\text{ft}^2$ )	Window Troughs ( $\mu\text{g}/\text{ft}^2$ )
Lead in Dust (as measured by a dust wipe sample)	40	250	400

- **Final Payment to Contractor.** A minimum of 10% of the total contract must be held from the contractor until you receive a clearance report detailing that the levels of lead are within the acceptable range.

## Relocation

Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

- (i) Treatment will not disturb lead-based paint hazards or soil-lead hazards;
- (ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other opening in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;
- (iii) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g. exposed live electrical wiring, release of toxic fumes, or site-disposal of hazardous waste); or
- (iv) Treatment of the interior will be completed within 5 calendar days, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health, or environmental hazards and, at the end of work on each day, the worksite and the area within at least 10 feet (3 meters) of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

If it is determined those occupants must be relocated from the lead premises then the occupants must remain away from the unit until the unit passes clearance.

## On-Going Lead Based Paint Requirements

### ◆ On-Going Requirements for NSP rental properties

- The following are specific maintenance activities required:
  - (a) Regular maintenance and evaluation of the lead hazard reduction work must be performed. The owner is responsible for:
    - A visual inspection of lead-based paint at unit turnover or at least annually;
    - Repair of all unstable paint; and
    - Repair encapsulated or enclosed area that are damaged; and
    - Performing a clearance examination. Repairs are considered complete after the work site passes clearance.
  - (b) Owners should request, in writing, that the occupants of rental units monitor lead-based paint surfaces and inform the owner of potential hazards.
- Owners must inform current and new occupants of the lead hazard reduction methods that took place and where lead-based paint exists in their units. "Protect Your Family From Lead in Your Home" must be provided to new occupants.
- Owners must continue to comply with the notification requirements when additional lead hazard evaluation and hazard reduction activities are performed.

Rehabilitation Programs

**STEP 1 Calculating the Level of Rehabilitation Assistance**

- Determine the approach to Lead Hazard Evaluation and Reduction by calculating the level of assistance.
- The level of assistance is determined by taking the lower of the per unit rehabilitation hard costs, or per unit federal assistance.
- The following costs are not counted when calculating the level of assistance for a project.
  - (a) Soft Costs
  - (b) Administrative Costs
  - (c) Relocation Costs
  - (d) Program Delivery Costs
  - (e) Environmental Reviews
  - (f) Acquisition of the Property
  - (g) Lead Hazard Evaluation and Reduction Costs\*

\*Lead hazard evaluation and reduction costs associated with site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributed to lead-based paint reduction.

- In multi-family projects that include both federally-assisted and non-assisted units, use the following formula:

[(Rehabilitation hard costs for all assisted dwelling units (not including common exterior areas/number of federally-assisted units in the project) + (rehabilitation hard costs for common areas and exterior surfaces/total number of units in the project)]

**STEP 2 Lead Hazard Evaluations for Rehabilitation Activities**

- Each unit must be evaluated to identify lead hazards. The required method of evaluation depends on the level of rehabilitation assistance that was calculated in Step 1. The chart below outlines the various requirements according to the level of assistance identified.
- Rehabilitation program managers have the option to forego paint testing and presume the presence of lead-based paint.
- Rehabilitation costs up to and including \$5,000 requires paint testing of surfaces that will be disturbed during the rehabilitation process.
- Work over \$5,000 requires paint testing and a risk assessment of the entire unit and of surfaces to be disturbed during rehabilitation.

	< \$5,000	\$5,000 - \$25,000	> \$25,000
<b>Approach to Lead Hazard Evaluation and Reduction</b>	1. Do no harm	3. Identify and control lead hazards	4. Identify and abate lead hazards
<b>Notification</b>	Yes	Yes	Yes
<b>Lead Hazard Evaluation</b>	<ul style="list-style-type: none"> <li>◦ Paint testing of surfaces disturbed by rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>◦ Paint testing of surfaces to be disturbed by rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>◦ Paint testing of surfaces to be disturbed by rehabilitation</li> </ul>

		<ul style="list-style-type: none"> <li>◦ Risk assessment</li> <li>◦ Interim controls</li> <li>◦ Safe work practices</li> <li>◦ Clearance of unit</li> </ul>	<ul style="list-style-type: none"> <li>◦ Risk assessment</li> <li>◦ Abatement</li> <li>◦ Safe work practices</li> <li>◦ Clearance of unit</li> </ul>
<b>Lead Hazard Reduction</b>	<ul style="list-style-type: none"> <li>◦ Repair surfaces disturbed during rehabilitation</li> <li>◦ Safe work practices</li> <li>◦ Clearance of work site</li> </ul>		
<b>Ongoing Maintenance</b>	For NSP rental properties	For NSP rental properties	For NSP rental properties
<b>EIBLL</b>	No	No	No
<b>Options</b>	<ul style="list-style-type: none"> <li>◦ Presume lead-based paint</li> <li>◦ Use safe work practices on all surfaces</li> </ul>	<ul style="list-style-type: none"> <li>◦ Presume lead-based paint</li> <li>◦ Use standard treatments</li> </ul>	<ul style="list-style-type: none"> <li>◦ Presume lead-based paint</li> <li>◦ Abate all applicable surfaces</li> </ul>

**STEP 3 Notification of Evaluation**

**STEP 4 Project Set-up using Exhibit J, refer to Set-up Chapter**

**STEP 5 Lead Hazard Reduction**

- The level of hazard reduction required depends on the level of assistance identified and the result of the lead hazard evaluation.
- Pre-construction conference, if necessary.
- Undertake paint stabilization, interim controls, or abatement utilizing safe work practices.

**STEP 6 Clearance Test**

**STEP 7 Notifications of Hazard Reduction and Clearance**

**Acquisition/Rehabilitation Programs**

**STEP 1 Calculating the Level of Rehabilitation Assistance**

- The level of assistance is determined by taking the lower of the per unit rehabilitation hard costs, or per unit federal assistance.
- The following costs are not counted when calculating the level of assistance for a project.
  - (a) Soft Costs
  - (b) Administrative Costs
  - (c) Relocation Costs
  - (d) Program Delivery Costs
  - (e) Environmental Reviews
  - (f) Acquisition of the Property
  - (g) Lead Hazard Evaluation and Reduction Costs\*

\*Lead hazard evaluation and reduction costs associated with site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributed to lead-based paint reduction.

- In multi-family projects that include both federally-assisted and non-assisted units, use the following formula:

[[Rehabilitation hard costs for all assisted dwelling units (not including common exterior areas/number of federally-assisted units in the project) + (rehabilitation hard costs for common areas and exterior surfaces/total number of units in the project)]

- In order to determine the rehabilitation threshold, you must always compare the total CDBG dollars going into a property address against the total rehabilitation costs going into the project, please see the following table:

Acquisition Cost	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Rehabilitation Cost	<\$5,000	≥\$5,000	≥\$5,000 and < \$25,000	≥\$25,000	≥\$25,000
NSP Funds	≥\$5,000	<\$5,000	≥\$5,000	<\$25,000	≥\$25,000
Approach to Lead Hazard Evaluation & Reduction	Paint test of surfaces to be disturbed/or presumption	Paint Test of surfaces to be disturbed/or presumption	Identify & Control Lead Hazards	Identify & Control Lead Hazards	Identify & Abate Lead Hazards

- Once the approach is determined by comparing acquisition cost to rehabilitation cost, follow the appropriate rehabilitation guidelines for lead hazard evaluation.

#### STEP 2 Lead Hazard Evaluations for Acquisition/Rehabilitation Activities

- Each unit must be evaluated to identify lead hazards. The required method of evaluation depends on the level of rehabilitation threshold that was calculated in Step 1. The chart under rehabilitation outlines the various requirements according to the level of assistance identified.
- Rehabilitation program managers have the option to forego paint testing and presume the presence of lead-based paint.

#### STEP 3 Notification of Evaluation

#### STEP 4 Project Set-up using Exhibit J (refer to Set-up Chapter)

#### STEP 5 Lead Hazard Reduction

- The level of hazard reduction required depends on the level of assistance identified and the result of the lead hazard evaluation.
- Pre-construction conference, if necessary.
- Undertake paint stabilization, interim controls, or abatement utilizing safe work practices.

#### STEP 6 Clearance Test

#### STEP 7 Notifications of Hazard Reduction and Clearance

*Lead Based Paint Exhibits*

- A. Paint Sample Standards
- B. Definitions
- C. Sample Disclosure Format for Target Housing Sales  
Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards
- D. Sample Disclosure Format for Target Housing Rentals and Leases  
Disclosure of Information on Lead-Base Paint and Lead-Based Paint Hazards
- E. Lead-Safe Housing Rule – Applicability Form
- F. Summary Inspection Notice Format
- G. Summary Notice of Lead-Based Paint Risk Assessment
- H. Summary Presumption Notice
- I. Hazard Reduction Completion Notice

➤ Lead Hazard Evaluation Results

*Paint Sample Standards*

Surface	Threshold
Lead-Based Paint	<ul style="list-style-type: none"> <li>▪ 5,000 µg/gram, or</li> <li>▪ 1 mg/cm<sup>2</sup>, or</li> <li>▪ 5,000 ppm. or</li> <li>▪ 0.5%</li> </ul>

*Dust Sample Standards*

Surface	Risk Assessment	Lead Hazard Screen	Clearance
Floors	40 µg/ft <sup>2</sup>	25 µg/ft <sup>2</sup>	40 µg/ft <sup>2</sup>
Interior Window Sills	250 µg/ft <sup>2</sup>	125 µg/ft <sup>2</sup>	250 µg/ft <sup>2</sup>
Window Troughs	N/A	N/A	400 µg/ft <sup>2</sup>

*Soil Samples*

Surface	Threshold
Play areas used by children <6	400 µg/gram
Other areas > 9ft <sup>2</sup> per dwelling	1,200 µg/gram
Abatement required	5,000 µg/gram

### *Definitions*

Abatement is a measure or a set of measures designed to eliminate lead-based paint hazards or lead-based paint permanently. Permanent is defined to have an effective life of at least 20 years.

Abatement strategies include the removal of lead-based paint, enclosure, encapsulation, replacement of building components coated with lead-based paint, removal of lead-contaminated dust, and removal of lead-contaminated soil or overlaying of soil with a durable covering such as asphalt.

There are four basic methods of abatement for building components with lead-based paint.

- **Component Replacement** – is the removal of building components that contain lead-based paint. It is most appropriate for removal items such as doors, windows, trim, and cabinets.
- **Paint removal** – is the separation of paint from the substrate using safe heat, chemical, or abrasive methods. It may be done on- or off-site. Because it can create a great deal of dust, it is the most hazardous, and thus least preferable, of the approved methods and requires the greatest care and most careful cleanup. It is most appropriate for small surfaces.
- **Enclosure** – involves the installation of a barrier (such as paneling) that is mechanically attached to the building component, with all edges and seams sealed to prevent escape of lead-based paint dust. It is most appropriate for large surfaces such as walls, ceilings, floors, and exteriors.
- **Encapsulation** – involves a liquid or adhesive material that covers the component and forms a barrier that makes the lead-based paint surface inaccessible by relying upon adhesion. It is most appropriate for most kinds of smooth surfaces but it cannot be used effectively on friction surfaces, surfaces in poor condition, or surfaces that may become wet. It also must be compatible with existing paint.

There are three basic methods for abating lead-contaminated soil.

- **Soil Removal** – is the removal of at least the top six inches of topsoil and is adequate for most projects. In areas with heavy contamination, up to two feet may have to be removed, and must be disposed of using proper waste management techniques that comply with local requirements. The maximum lead concentration in replacement soil shall not exceed 200 µg/g. Sodding or seeding of the new soil should occur. Waste disposal, site control, and weather delays can affect costs.
- **Soil Cultivation** – is the mixing of low lead soil with high lead soil, and is an appropriate method if the average lead concentration of the soil to be abated is below 1,500 µg/g. Thorough mixing is required, and pilot testing of various techniques may be needed to ensure that thorough mixing does occur. (Rototilling is often not an acceptable method of soil cultivation). Site control and weather delays can affect cost.
- **Paving** – is covering soil with high quality concrete or asphalt. Paving is common in high traffic areas but is not appropriate in play areas. The need for uncontaminated replacement soil is eliminated as are waste disposal costs. Paving often turns out to be the most economical recourse, despite its aesthetic disadvantages.

### **Clearance**

- Involves a visual assessment and dust testing to determine if:

- (a) The area is safe for unprotected workers to enter
- (b) The area is a safe place for young children to live
- The visual assessment serves to check that work was completed and properly done.
- The dust testing serves to identify lead-contaminated dust. If clearance results show lead-contaminated dust above the clearance standard is present, the unit has not been adequately cleaned and places children at risk.
- If a unit fails clearance, it must be re-cleaned. The unit must pass clearance before it can be reoccupied.

#### **Disclosure**

- Disclosure requires most property owners of pre-1978 housing disclose the presence of lead-based paint and provide prospective buyers/tenants with all documentation on known lead-based paint and lead-based paint hazards in the dwelling unit.
- Recipients/subrecipients/award administrators must provide purchasers and lessees with information regarding any existence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.
- Sellers must allow purchasers 10 days to inspect the dwelling for lead-based paint or lead-based paint hazards.
- Violations of these disclosure requirements should be reported to the Federal Lead Clearinghouse at (800) 424-LEAD (800-424-5323).

#### **EIBLL (Environmental Intervention Blood Lead Level)**

- It is a measure of the lead level in a persons blood. A confirmed concentration of lead in whole blood equal to or greater than 20 micrograms per deciliter for a single test or 15 – 19 micrograms per deciliter for two tests taken at least 3 months apart.

#### **Interim Controls**

- Interim controls are a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include repairs, maintenance, painting, temporary containment, specialized cleaning, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
- Unlike abatement, interim controls require periodic monitoring and reevaluation to ensure that they remain effective in preventing the creation of lead hazards.
- Even though interim controls are only a temporary solution to lead-based paint hazards, they will significantly reduce the risk of lead poisoning among housing residents.
- Interim controls can be performed as part of regular maintenance activities with limited additional effort or cost.
- Interim control methods include:
  - (a) Paint Stabilization – Deteriorated paint can be controlled by removing the paint, repainting the surface, or repairing loose or deteriorated substrate materials.
  - (b) Friction and Impact Surface Treatments – Friction and impact surfaces that create lead dust, such as windows, doors, stair treads and floors, can be treated by re-hanging doors and

placing rubber stoppers along impact surfaces, and cushioning window tracks with plastic liners to reduce friction.

- (c) Dust Controls – Lead-contaminated dust can be temporarily controlled by cleaning surfaces to reduce lead dust levels.
- (d) Soil Treatments – Lead-contaminated soil can be controlled by limiting resident access to it. Two methods include:
  - Covering contaminated surfaces with grass, mulch or other appropriate material; and
  - Land use controls such as fencing or signs.

#### ➤ An Example of Interim Controls

- (a) Suppose a window is painted with lead-based paint. While the entire window is often replaced during abatement, an effective interim control would be to install plastic sash track liners. This prevents the generation of leaded dust until the window can be removed and replaced. This method is both relatively easy and inexpensive to implement.
- (b) Individuals performing interim controls must be trained or certified. The new regulation gives several options for meeting the training/certification requirement.
- (c) All interim control strategies require worksite preparation, cleanup, waste disposal, clearance testing, recordkeeping, and monitoring.

**Lead Based Paint Inspection** is a surface by surface investigation to determine the presence of lead-based paint. It includes a report that explains the results of the investigation.

#### **Paint Stabilization**

- Is a way to control the hazard presented by deteriorated paint.
- It involves removing deteriorated paint using wet methods to reduce dust, repairing loose or deteriorated substrate materials, and applying new paint. The cause of deteriorated paint must also be corrected.
- It helps to reduce the production of lead-contaminated dust and the accessibility of lead-contaminated paint chips. However, it is a temporary measure that requires ongoing monitoring to be successful.

#### **Paint Testing**

- Is a process of determining the presence or absence of lead based paint, deteriorated paint surfaced or painted surfaces to be disturbed or replaced..
- It is conducted with an X-ray florescence (XRF) analyzer, or through analysis of paint samples by a lead-accredited lab or a comparable testing technique.
- Testing must be performed by a licensed professional.
- The results of the paint testing must be documented in writing.

#### **Risk Assessment**

- Is a thorough examination of a dwelling unit or a property to identify lead-based paint hazards that are present.
- It involves testing of dust, soil, and deteriorated paint and includes a visual inspection for deteriorated paint and other hazardous conditions. A risk assessment also includes an investigation of the age and history of the housing and occupancy by children under age six.

- A report is written that explains the results and identifies acceptable abatement and interim control strategies based on specific conditions and the owner's capabilities for controlling identified lead-based paint hazards.
- It is performed by a certified risk assessor.

#### Standard Treatments

- Are a set of treatments – abatement or interim controls – that are performed routinely in housing units to address conditions that are likely to create lead-based paint hazards. Standard treatments do not require any upfront evaluation to identify existing lead-based paint hazards.
- When performing treatments the following steps are taken:
  - (a) Safely Repair Deteriorated Paint. This is described under “paint stabilization.”
  - (b) Provide Smooth and Cleanable Horizontal Surfaces. For example, recoat hardwood floors with polyurethane, replace or recover worn-out linoleum floors, and cover interior window sills with metal or vinyl. Rough, pitted, and porous surfaces trap lead dust and make it difficult to clean these surfaces thoroughly. Smooth horizontal surfaces to make it possible for occupants' regular housekeeping to reduce exposure to lead dust.
  - (c) Correct Conditions in Which Painted Surfaces are Rubbing, Binding, or Otherwise Produce Dust. For example, re-hang binding doors, install door stops to prevent doors from damaging painted surfaces, and repair and replace loose windows. By correcting conditions that cause rubbing, binding, or other damage to painted surfaces, the integrity of the paint is protected and the generation of lead dust is reduced.
  - (d) Cover or Restrict Access to Bare Residential Soil. For example, cover bare soil with gravel, mulch, or sod; or physically restrict access to bare soil.
  - (e) Specialized Cleaning. Conduct specialized cleaning of work areas using HEPA vacuums and lead-specific detergents upon completion of treatments above.
  - (f) Clearance. After work is completed, clearance examination must be performed in accordance with HUD clearance requirements.

#### Visual Assessment

- Serves to identify deteriorated paint. Because it does not involve any testing to determine the presence of lead, it is not considered a “lead hazard evaluation” method under the regulation. However, it is used in many situations as a simple method to determine whether a unit is suitable for program funding and to identify necessary repairs.
- A visual assessment is an assessment of interior and exterior surfaces for signs of paint deterioration and potential hazards. Housing Quality Standards (HQS) inspectors, or other inspectors trained to identify potential hazards, or licensed risk assessors can perform this assessment.
- The assessment is similar to the visual paint inspection performed as part of the HQS inspection with a few additional elements.
- The assessment identifies:
  - (a) Deteriorated Paint. Deteriorated paint creates chips and dust.

- (b) **Structural Problems.** Leaks, rotting walls, and other structural defects may cause painted surfaces to deteriorate and create chips and dust.
- (c) **Evidence of Chewing on Paint Surfaces.** Children may chew on otherwise intact surfaces and ingest lead-based paint.
  - Individuals performing visual assessment must be trained to identify deteriorated paint.
  - The inspector should pay particular attention to surfaces that are known to have lead-based paint.
  - If any potential lead-based paint hazards are identified, they should be noted on the unit inspection or visual assessment report forms.
  - Without paint testing or dust testing, a visual assessment can only identify conditions that may pose lead-based paint hazards because the lead content of the paint is still unknown. Generally, if surfaces have not been tested for lead-based paint, grantees should assume areas contain lead-based paint and have them safely repaired.

## FEDERAL CONTRACT PROVISIONS

All contracts (including small purchases), awarded with Indiana Housing and Community Development Authority Neighborhood Stabilization Program (NSP) funds must contain the following provisions:

1. *Equal Employment Opportunity*

The contractor and any subcontractors shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. *Rights to Inventions Made Under a Contract or Agreement*

Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Invention Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

3. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended*

For contracts and subcontracts of amounts in excess of \$100,000 the contractor or subcontractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Agency (BPA).

4. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

5. *Debarment and Suspension (E.O.s 12549 and 12689)*

No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.