

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: August 9, 2021

SUBJECT: Authorization for Hiring of Cisco LLC to Remove Asbestos Containing Material Piles from 889 Farmington Avenue

Summary of Agenda Item:

The Town found that there are asbestos containing materials (ACM) mixed into the fill piles that were created from excavations from the Boulevard project. One of the fill piles is material removed from the 889 Farmington Avenue property portion of the path of the Boulevard project and the other pile is material removed from the parcel that the Town leased from Connecticut Department of Transportation (DOT) to complete the Boulevard connection into the parking lot at the Berlin Train Station. The chain of events that led to the discovery of asbestos containing materials in the piles started when Town crews went to the site to place tarps over the piles to properly contain the piles on-site while arrangements were being made for reuse on-site or disposal off-site. The Town crews identified the possibility that the piles contained ACM and the Town's environmental consultant for the site, Loureiro Engineering, tested the piles and confirmed the presence of ACM. At that time the Town initiated a process to implement an emergency disposal of the materials, in consultation with the Department Economic and Community Development (DECD).

Loureiro Engineering identified three potential contractors and solicited bids on behalf of the Town for removal of the materials. A site walk was arranged for the contractors with William Apostolidis of Loureiro and Public Works Director Michael Ahern. Instructions were given and three bids were received and in reviewing the significantly diverging bids, it was identified that the contractors assumed different quantities of material to be removed. The Town then engaged its surveyor for the project, Franklin Survey, to develop a determination of the quantity of materials in the piles. Franklin surveyed the materials and estimated that the volume was 1,040 cubic yards, 430 cubic yards in the pile removed from 889 Farmington Avenue and 610 cubic yards in the pile from the Connecticut DOT parcel. The three contractors were then asked to submit revised estimates based on the actual quantities. Ramco decided not to submit a revised proposal. Proposals were submitted by Cisco and Alloy Group.

While we were in the process of obtaining revised bids, the staff also pursued the idea of placing a portion of the materials under the liner at 889 Farmington Avenue. The Town and its consultant engaged in a dialogue with both Connecticut Department of Energy and Environmental Protection (DEEP) and with the TOD Developer, Newport Realty Group that has an agreement to buy 889 Farmington Avenue from the Town and to construct a 64-unit apartment building adjacent to the Berlin Train Station. The Town asked DEEP if the materials could be buried under the liner on 889 Farmington Avenue and if so, how would it be regulated. The question for Newport was how much material could be put under the liner based on

Newport's site grading plan and was the material structurally suitable for reuse on the site. Another consideration with respect to Newport's project was about the timing of removal of materials given that Newport plans to do sub-liner work in late 2021 to enable the Town to install the liner as prescribed in its Remedial Action Plan for the site and Engineered Control Variance, both as amended. DEEP indicated that there was a possible path to move the material under the liner and keep it on the site but that the site would then be considered a regulated landfill. As such, the Town would have to do appropriate future reporting and would need to provide additional indemnification to Newport. Newport indicated that at most about half the ACM fill could be put under the liner on the site but that was subject to demonstration that the fill would be structurally suitable for this use.

Based on these discussions, the Town had a dialogue with its consultant Loureiro Engineering. Under any scenario, a Department of Public Health (DPH) approved alternative work practice application must be approved in order to move the ACM fill piles. If the material is placed under the liner, that work would need to coordinate with Newport's subliner utility and foundations/footing work so it is unlikely that the material could be moved at one time into place under the liner. That being the case, each action to move a portion of a pile would need to be treated as an asbestos disturbance and subject to contractor licensing, containment, and asbestos project monitoring requirements outlined by the DPH in the AWP approval. Based on Loureiro's experience with management of ACM-impacted soils on other recent projects, the DPH is expected to require full time oversight by a licensed Asbestos Project Monitor during relocation of the soil piles (which can only be performed by DPH licensed Asbestos Abatement Workers). Therefore, the material handling costs will be significantly higher to dispose of the materials on site than off-site. On that basis, any savings from reduced off-site disposal costs for the portion of the materials that might be able to remain on-site will be largely offset by the material handling costs associated with on-site reuse. Given the forgoing analysis, the Town has concluded that the best course of action is to remove all of the ACM fill from the site for the following reasons.

- Achieving a definite solution that will not delay the TOD project.
- Avoiding a renegotiation of indemnification agreements with Newport.
- Avoiding future regulatory costs if the site is classified as a solid waste landfill.
- Avoiding extra material handling costs to keep material on site.
- Consideration of the limited capacity for on-site placement of materials and the questionable structural suitability of the materials.

DECD has authorized the Town to waive its bidding requirement and proceed with the emergency response and to hire Cisco LLC for a cost of \$210,006. Subsequently staff determined that the original bid did not include all required contract compliance items including payment and performance bond and prevailing wage provisions. Cisco has modified their bid by 4.29% to \$219,024 to include prevailing wages and payment and performance bonds. Quantity adjustments, if required, will be based on a unit cost per ton or cubic yard to be incorporated in the removal contract. Staff recommends a 23% contingency and a total contract authorization of \$269,568. Cisco is a qualified asbestos removal contractor under Connecticut DAS Contract 19PSX0249 and our Public Works Director and our environmental consultants have reviewed Cisco's proposal and find it to be reasonable.

Connecticut Department of Economic and Community Development has approved use of brownfields grants to fund removal of the piles. The proposed sources of funding for the contract are as follows:

- \$77,291 from the Regional Brownfields grant for 889 Farmington Avenue, Demolition & Environ. Remediation account # 540.10.1017.0.53961.00000 (this is the remaining unobligated balance in this grant account).
- \$192,277 from the Municipal Brownfields grant for 889 Farmington Avenue, Municipal Brownfields Grant, account # 540.10.1017.0.53961.00000.

Actions Needed:

Move to waive the bidding process and authorize the Town Manager to enter into a contract with Cisco LLC in the amount of \$219,024 and to execute change orders up to \$50,544 to be funded by \$77,291 from the Demolition & Environ. Remediation account and \$192,277 from Municipal Brownfields Grant account, as this is in the best interest of the Town.

Attachments:

Proposal from Cisco LLC

Prepared By:

Jim Mahoney, Economic Development Coordinator
Chris Edge, Economic Development Director
Michael Ahern, Director of Public Works

MSA

CISCO LLC
525 Ella Grasso Boulevard
New Haven, CT 06519

April 5, 2021

Mr. Michael Ahern, P.E.
Director of Public Works
Town of Berlin
240 Kensington Road
Berlin, CT 06037

RE: Proposal - Load and Dispose Asbestos Contaminated Soil - **REVISED 6/3/21**
889 Farmington Ave., Berlin

Dear Mr. Ahern:

Cisco LLC is pleased to provide this proposal for disposal of approximately 1,352 tons of asbestos contaminated soil currently stockpiled at the referenced site. The weight estimate is based off a soil volume calculated at 1,040 cubic yards and multiplying the volume by 1.3 tons per cubic yard. Cisco will provide labor, equipment and materials to perform the following:

SCOPE

- Notify Call Before You Dig
- Complete CT DPH Notification
- Establish a work/exclusion zone around the soil stockpiles
- Set up a decontamination shower
- Double line all trucks
- Load out soil contaminated with friable/non friable asbestos
- Seal trucks prior to leaving site
- Prepare all shipping documents (Soil characterization sampling by others)
- Transport and dispose of soil at a subtitle D landfill

COSTS

Load, Transport and Dispose		\$ 155.33 per ton
TOTAL ESTIMATE	1,352 tons @ 155.33 =	\$ 210,006.00

Alternate Pricing

Mobilization	\$ 2,202.00 LS
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Soil Loading	\$ 4,800 per day
Soil Transportation and Disposal	\$ 139.50 per ton

Estimate Assuming 1,352 tons

Mobilization	1 @ 2,200.00 =	\$ 2,202.00
Soil Loading	4 @ 4,800.0 =	\$ 19,200.00
Soil Transport and Disposal	1,352 @ 139.50 =	\$ 188,604.00

TOTAL ESTIMATE	\$ 210,006.00
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Thank you for the opportunity to submit this proposal. Please contact me at 203-509-0493 with any questions.

Sincerely

Chris Dickman
President

Terms and Conditions

- Cisco LLC will have free and easy access to the site.
- One weeks notice is required prior to the commencement of the project.
- Cancellations require 24 hours notice to avoid being charged the scheduled day's rate.
- A signed Cisco LLC agreement is required.
- Cisco LLC's payment terms to established customers are 30 Days NET upon receipt of invoice. All overdue invoices will accrue interest at a rate 1.5%.
- This proposal is subject to additional charges for concealed or unknown conditions. Off specification disposal charges are an unknown condition.

Proposal Acceptance

The above project scope, pricing and conditions are satisfactory and hereby accepted. I am commissioning this work as an authorized representative of _____ . Payment will be made as outlined in this proposal. My signature denotes a legal and binding contract. Client assumes full responsibility for all payment collection actions and associated fees. Please fax this signed acceptance proposal back to me at (203) 772-1084.

Acknowledge and Agree

Signature

Date

Title

Purchase Order Number