

ITEM 15202.10XX M - REMOVAL AND DISPOSAL OF ASBESTOS CONTAINING ASPHALT

CONCRETE PAVEMENT (SQUARE METERS)

ITEM 15202.11XX M - REMOVAL AND DISPOSAL OF ASBESTOS CONTAINING ASPHALT CONCRETE PAVEMENT(FIXED PRICE, LUMP SUM)

DESCRIPTION

Under this item, the Contractor shall remove and dispose of asbestos containing pavement from the locations designated in the Contract Documents and/or where directed by the Engineer. All work shall be in accordance with: Industrial Code Rule 56 or, if indicated, an approved variance thereof promulgated by the New York State Department of Labor (NYSDOL); the National Emission Standards for Hazardous Air Pollutants (NESHAP), promulgated by the United States Environmental Protection Agency (USEPA); and the Occupational Safety and Health Act (OSHA).

A partial list of applicable OSHA requirements is indicated below:

29 CFR 1910.1001	29 CFR 1910.2
29 CFR 1926.58	29 CFR 1910.1200
29 CFR 1910.134	29 CFR 1910.145

Asbestos containing material shall be disposed of in accordance with 40 CFR Part 61 and all other requirement and laws, rules, and regulations of Federal, State or local agencies. Disposal sites which accept asbestos containing materials for disposal shall hold a valid permit to do so issued by the New York State Department of Environmental Conservation (NYSDEC). If disposed of out-of-state, the rules, regulations, and laws of that state shall apply.

Additional project specific requirements may be found on the plans or in the proposal in a note entitled "Asbestos Remediation Supplemental Requirements."

Definition:

Project Monitor. A person engaged by the State and certified by the New York State Department of Labor as a Project Monitor, other than the asbestos contractor or an employee or agent thereof, who oversees the scope, timing, phasing and/or remediation methods to be utilized on the asbestos project. There may not be a project monitor on every project.

MATERIALS

All materials used in the performance of the work shall comply with all applicable regulatory standards. Respirators and filters shall comply with NIOSH and MSHA standards. All electrical equipment shall utilize ground fault interrupters and shall be listed by the Underwriter's Laboratory. HEPA filtration systems shall comply with ANSI Z9.2-79.

CONSTRUCTION DETAILS

In addition to the requirements given above, the following shall also apply: Prior to beginning any work under this item, the Contractor shall supply the Engineer with proof that the firm performing the work has a valid asbestos handling license issued by the New York State Department of Labor; that its insurance coverage, whether provided by the Contractor or the Asbestos Subcontractor, is otherwise consistent with §107-06 and includes an asbestos specific occurrence type policy with no deductible or sunset clause; that its project supervisor is a NYSDOL certified asbestos project supervisor; that all employees engaged in the work are properly certified and have current physical examinations and respirator fit tests; and that the proper notification of work beginning on the asbestos project has been given to NYSDOL and USEPA. After the work is completed, the Contractor shall provide the Engineer with a written certification ("Waste Shipment Record") that the material was disposed of in an approved waste disposal site. The certification shall include

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the name and address of the waste disposal site or sites used.

Unless indicated otherwise, the Contractor shall arrange for air quality monitor. The firm and persons engaged shall be: properly licensed and certified; independent of the Contractor or the Asbestos Contractor performing the asbestos work; properly insured; and approved by the Engineer.

In the event of a conflict between these specification requirements and laws, rules and regulations of other Federal, State or local agencies, the more restrictive of the specification or the laws, rules or regulations shall apply.

Two copies of Daily logs, Visitor Logs, OSHA Air Monitoring record, and New York State Department of Labor compliance air monitoring records shall be provided to the Engineer.

METHOD OF MEASUREMENT. The quantity of asbestos containing material to be measured for payment will be determined by one of the following methods, as indicated:

A. **Square Meter.** The quantity to be measured will be the actual area, measured to the nearest one tenth square meter, of asbestos containing asphalt concrete pavement removed and disposed of in accordance with the contract documents, Industrial Code Rule 56, or an approved variance thereof.

B. **Lump Sum, Fixed Price.** The lump sum of money shown in the itemized proposal for this work will be considered the price bid even though payment will be made only for the actual work performed. The lump sum figure is not to be altered in any manner by the bidder. Should the bidder alter the amount shown, the altered figure will be disregarded and the original figure will be used to determine the total amount bid for the contract. Actual payments on contract will be based on one or both of the following:

1 **Agreed Price.** Based on a cost analysis submitted by the Contractor in accordance with the provisions of §109-05 of the Standard Specifications and agreed to by the State prior to performing the work. The submittal shall include a detailed estimate from the licensed asbestos removal contractor for the estimated cost of the removal and disposal.

2 **Force Account.** Payment of the actual and reasonable cost of doing the work in accordance with the provisions of §109-05 of the Standard Specifications. Separate force accounts will be maintained as directed by the Engineer.

BASIS OF PAYMENT. One of the following shall apply, as appropriate:

A. **Square Meter.** The unit prices bid per square meter for this work shall include the cost of air quality monitoring, unless indicated elsewhere in the Contract Documents. They shall also include all labor, materials, equipment, insurances and fees of all kinds necessary to remove asbestos containing asphalt concrete in accordance with the plans, specifications, and applicable Federal, State, and Local laws, rules, and regulations, except "jersey barrier" required under the variance will be constructed, measured and paid for under the item for Temporary Concrete Barrier.

Payment for 75% of the completed actual quantity will be made upon the Project Monitor's written concurrence with the Contractor's certification as to the following: that the building is visually free of asbestos; that the removal of the asbestos containing material was performed as required; that the final clearance air monitoring results meet the acceptable level specified in Industrial Code Rule 56; and, that the

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site(s) are certified by the Asbestos contractor to be available for normal Contractor operations. If there is no Project Monitor on the project, the Engineer's concurrence with the Certification will be necessary before any payments can be released.

The remainder of the payment for completed work will be made upon receipt by the Engineer of a certified statement from the disposal facility, signed by an official thereof, that the asbestos containing material has been accepted and disposed of in accordance with all applicable laws, codes, rules, and regulations.

B. Lump Sum, Fixed Price Item. The lump sum amount published in the proposal is an amount estimated by the State to be adequate to complete the work. The Contractor, however, will not be obligated to complete the work within the amount published nor will the State, by publishing the price, be obligated to pay over to the Contractor the whole or any of the amount published. Actual payments under this work will be made by the force account method, or by the agreed price method, or by a combination thereof, as agreed to by the State and the Contractor in writing prior to undertaking the work in accordance with §109-05. Actual payments may total less than the lump sum amount published in the proposal or, with an order-on-contract, may total more than the lump sum amount published in the proposal.

Payment for 75% of the completed actual quantity will be made upon the Project Monitor's written concurrence with the Contractor's certification as to the following: that the site is visually free of asbestos; that the removal of the asbestos containing material was performed as required; that the final clearance air monitoring results meet the acceptable level specified in Industrial Code Rule 56; and, that the site(s) are certified by the Asbestos contractor to be available for normal Contractor operations. If there is no Project Monitor on the project, the Engineer's concurrence with the Certification will be necessary before any payments can be released.

The remainder of the payment for completed work will be made upon receipt by the Engineer of a certified statement from the disposal facility, signed by an official thereof, that the asbestos containing asphalt concrete has been accepted and disposed of in accordance with all applicable laws, codes, rules, and regulations.

Asbestos specific insurance premiums will be reimbursed as the actual and identifiable cost of the portion of the premium attributable to the work under the lump Sum, Fixed Price Item. No overhead or profit will be allowed on asbestos specific insurance premiums. The reimbursement of other insurance premiums shall be as given in this specification and §109-05.

payment will be made under:

15202.1001 M	Removal and Disposal of Asbestos Containing Asphalt Concrete Pavement	Square Meters
15202.1002 M	Removal and Disposal of Asbestos Containing Asphalt Concrete Pavement (Blanket Variance 8)	Square Meters
15202.1101XX M	Removal and Disposal of Asbestos Containing Asphalt Concrete Pavement	Lump Sum, Fixed Price
15202.1102XX M	Removal and Disposal of Asbestos Containing Asphalt Concrete Pavement (Blanket Variance 8)	Lump Sum, Fixed Price