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TRANSMITTAL FORM

Today's Date: 01/04/2022 Department: 000 - Hidalgo County
Contract No.: C-18-220-09-25 Effective Date: 09/25/2018
Description of Project: Amendment No.5 to C-18-220-09-25
Awarded Vendor: Terracon Consultants, Inc.
CC Approval on 12/14/2021 AI- 83574

Routing of documents:

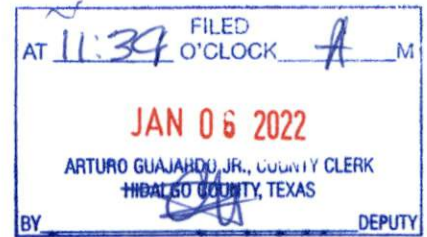
- ✓ 1. Executive Office – Attn: Monica Salinas
- 2. District Attorney's Office – Attn: Select ADA
- 3. County Judge's Office – Attn: Richard F. Cortez
- 4. County Clerk's Office – Attn: Arturo Guajardo, Jr.
- 5. Purchasing Department – Attn: Hector Garcia ext. 4857

ATTENTION COUNTY CLERK'S OFFICE:

Please do not attach the following to the minutes of this agenda due to the confidential nature of the information contained herein:

- Contract/Agreement
- Exhibit A – RFB Procurement Packet
- Exhibit B – Fee Schedule/Bid Page (Pgs. _____ to _____)
- Exhibit C – Certificate of Liability Insurance
- Other: _____

STATE OF TEXAS §
COUNTY OF HIDALGO §



**AMENDMENT No. 5
TO PROFESSIONAL SERVICES AGREEMENT FOR
CONSTRUCTION MATERIALS TESTING AND LABORATORY SERVICES
NEW HIDALGO COUNTY COURTHOUSE PROJECT
C-18-220-09-25**

This **AMENDMENT** to the Professional Services Agreement for Construction Materials Testing and Laboratory Services, New Hidalgo County Courthouse Project, between **HIDALGO COUNTY, TEXAS** (“**Owner**”) and **TERRACON CONSULTANTS, INC.** (“**Laboratory**”) is made effective the 14 day of December 2021 (the “**Amendment**”), as follows:

WHEREAS, Laboratory and Owner executed the Professional Services Agreement for Construction Materials Testing and Laboratory Services New Hidalgo County Courthouse Project on September 25, 2018, in which the Laboratory agreed to provide construction materials testing and laboratory services for the New Hidalgo County Courthouse Project located in Edinburg, Texas (together with all of its exhibits, attachments, Work Authorizations and Amendments, the “**Agreement**”);

WHEREAS, the Laboratory and Owner have agreed to increase the scope of services and corresponding compensation to provide certain environmental services with respect to the existing Hidalgo County Courthouse that is to be demolished; and

WHEREAS, the parties desire to amend the Agreement as hereinafter provided.

NOW THEREFORE, for and in consideration of the terms and provisions set forth herein, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Owner and Laboratory agree to the following Amendment to the Agreement.

1. Laboratory agrees to provide certain environmental services described in the Proposal for Environmental Services dated December ~~8~~, 2021, addressed to Oscar Garcia of Jacobs Engineering, which is attached as Exhibit A (“Proposal”).
2. The lump sum costs for the timely and proper completion of the tasks described in the Proposal that the Owner choses to have performed are stated on page 14 of the Proposal.
3. This Amendment excludes all terms and conditions stated in the Proposal, other than statements of scope of services and compensation, that purport to change or contradict any terms and conditions in the Agreement, and this provision expressly

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excludes from this Amendment the terms and conditions under "Agreement for Services" on pages 17 and 18 of the Proposal.

4. Except as modified by this Amendment, all terms and conditions of the Agreement shall remain in full force and effect, and Laboratory and Owner ratify and confirm the terms and provisions of the Agreement, as amended by this Amendment.

LIMITATIONS, ACCEPTANCE AND APPROVAL

This Amendment is hereby accepted and approved by Hidalgo County, Texas:

- a) Approval for Price greater than \$50,000.00: by Commissioners' Court on 12/14/2021 as indicated below by signature of the County Judge; or
- b) Approval for Price of \$50,000.00 or less: by Owner's Designated Representative. The Owner's Designated Representative consists of the individuals, appointed respectively by the County Judge and County Commissioners, when acting jointly with a simple majority as authorized by and on behalf of the Owner, subject to all limitations on the Owner's Designated Representative's authority as provided below. Any decision made by or act of the Owner's Designated Representative shall be in writing and signed by the designated individuals serving as members of the Owner's Designated Representative at the time of such decision or act signifying their joint agreement. Such individual members may be changed from time to time in the sole discretion of the County acting through the County Judge and County Commissioners by written notice. Such notice shall be comprised of a letter on the official County stationery of the County Judge or Commissioner, as applicable, stating: (A) that the County Judge's or such Commissioner's nominee to serve as a member of the Owner's Designated Representative is being changed, (B) the name and contact information of the new member, (C) the name of the member being replaced, and (D) the effective date of the change. Such notice shall be sent to all other members of the Commissioners' Court and the designated representatives of the Project Construction Manager, Program Manager, Architect and Construction Materials Testing and Laboratory.

The Owner's Designated Representative shall not have authority to make decisions or act on behalf of the Owner for: (A) Approval of the final Schematic Design drawings; (B) Approval of any additional funding to the Project in excess of the \$150,000,000 project budget; (C) Approval of any new contract in excess of \$50,000; (D) Approval of any Applications for Payment, Allowance Expenditure Authorizations, Work Authorizations, Change Orders, Agreement Amendments or other expenditure in excess of \$50,000; (E) Approval of any Work Authorizations, Change Orders or Agreement Amendments increasing the Agreement or Project duration; and (F) Approval of final payments and contract close-outs. The Owner's Designated Representative has only such authority as duly granted by the Commissioners' Court of the Owner.

[Signature page follows.]

Effective Date: _____

THE LABORATORY:
Terracon Consultants, Inc.

Jorge A. Flores

By: Jorge A. Flores, PG / Principal

THE OWNER:
Hidalgo County, Texas
(by and through Owner's Designated Representative)
(\$50,000.00 or less)

By: _____

By: _____

By: _____

By: _____

By: _____

ATTEST:

THE OWNER:
Hidalgo County, Texas
(by and through direct action of Commissioners' Court)
(more than \$50,000.00)

Arturo Guajardo Jr.
By: Arturo Guajardo Jr., County Clerk



Richard Cortez
By: Richard Cortez, County Judge

APPROVED BY
COMMISSIONERS COURT
ON: 12/14/21 *me*

December 13, 2021

Hidalgo County
Administration Building
2804 South Business Highway 281
Edinburg, Texas 78539

Attn: Mr. Hector Garcia
P: (956) 318-2157
E: hector.garcia1@co.hidalgo.tx.us

Re: Proposal For Environmental Services
Hidalgo County Courthouse Buildings
100 North Closner Boulevard
Edinburg, Texas
Terracon Proposal No. P88217300

Dear Mr. Garcia:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal to Hidalgo County ("client") to conduct the following environmental services at the above-referenced site:

- Phase I Environmental Site Assessment
- Hazardous Materials Survey
- Microbial Assessment
- Asbestos Consulting Services

Terracon is a national consulting firm providing geotechnical and environmental engineering, hydrogeology, asbestos, and construction materials testing services. We have over 5,500 employees working in more than 540 offices across the United States. For more information regarding Terracon, please visit our website at www.Terracon.com.

A. PROJECT INFORMATION

Terracon understands the client is seeking the above-mentioned services in connection with a site that is developed with the Hidalgo County Courthouse located on 100 North Closner Boulevard in Edinburg, Texas, as indicated on *Figure 1* below. Terracon understands the client will provide right-of-entry to the site. If this information is incorrect or you have additional information to provide, please contact us as soon as reasonably possible.

The Phase I ESA will be performed consistent with the procedures included in ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Assessment Process*. The purpose of this ESA is to assist the client in developing information to identify recognized environmental conditions (RECs - as defined below) in connection with the site as reflected by the scope of this proposal. The potential for vapor migration will be addressed as part of a Phase I ESA and will be considered by Terracon in evaluation of RECs associated with the site. If modifications to the scope of services are required, please contact us to discuss proposal revisions.

REC Definition

Recognized environmental conditions are defined by ASTM E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment, 2) under conditions indicative of a release to the environment, or 3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.”

Physical Setting

The physical setting for the site will be described based on a review of the applicable USGS topographic quadrangle map, USDA soil survey, and selected geologic reference information.

Historical Use Information

A review of selected historical sources, where reasonably ascertainable and readily available, will be conducted in an attempt to document obvious past land use of the site and adjoining properties back to 1940 or when the site was initially developed, whichever is earlier. The following selected references, depending on applicability and likely usefulness, will be reviewed for the site.

- Historical topographic maps
- Aerial photographs (approximate 10 to 15-year intervals)
- City directories (approximate 5-year intervals)
- Fire (Sanborn) insurance maps
- Property tax file information
- Building department records
- Zoning records
- Prior environmental reports, permits and registrations; or geotechnical report, if provided by the client.
- Site title search information, if provided by client
- Environmental liens, if provided by client

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Pursuant to ASTM E1527-13, the client should engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records (or judicial records where appropriate) for environmental liens and activity and use limitations currently recorded against or relating to the site. If the client is unable to provide land title records (or judicial records where appropriate), an abstract firm may be contracted by Terracon to perform a review of land title records (or judicial records where appropriate) for an additional fee. Documentation of environmental liens and activity and use limitations, if recorded, will be provided in the land title records (or judicial records where appropriate). Note, however, unless specifically requested within three days of project commencement, Terracon will rely on the client to provide land title records (or judicial records where appropriate). **If land title records (or judicial records where appropriate) are not provided for review in a timely manner, Terracon may conclude that the absence of records represents a data gap, which must be evaluated and documented in the final report.**

The client and the current owner or their representative will be interviewed to provide information regarding past uses of the site and information pertaining to the use of hazardous substances and petroleum products on the site. Additionally, a reasonable attempt will be made to interview past owners, operators, and occupants of the site to the extent that they are identified within the scope of the ESA and are likely to have material information that is not duplicative of information already obtained through the assessment process.

Regulatory Records Review

Consistent with ASTM E1527-13, federal, state, and tribal databases, where applicable and within ASTM-defined minimum search distances from the nearest property boundary, will be reviewed for indications of RECs. A database firm will be subcontracted to access governmental records used in this portion of the assessment. Additional federal, state, and local databases may be reviewed if provided by the database firm. Determining the location of unmapped facilities is beyond the scope of this assessment.

In addition to the database review and if customary practice for the site location, an attempt will be made to review reasonably ascertainable and useful local lists or records such as Brownfield sites, landfill/solid waste disposal sites, registered storage tanks, land records, emergency release reports, and contaminated public wells. A reasonable attempt will also be made to interview at least one staff member of any one of the following types of local government agencies: fire department, health agency, planning department, building department, or environmental department. As an alternative, a written request for information may be submitted to the local agencies.

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The scope of work proposed herein includes **up to two hours of regulatory agency file and/or records review, including client-provided reports and files.** If the results of this initial review appear to warrant a more extensive review of applicable regulatory agency files and/or records, a cost estimate will be provided to the client for pre-approval. Review of regulatory files and/or records, when authorized, will be for the purpose of identifying RECs. Please note that all requested files may not be available from regulatory agencies within the client's requested project schedule.

Site and Adjoining/Surrounding Property Reconnaissance

A site reconnaissance will be conducted to identify RECs. The reconnaissance will consist of visual observations of the site from the site boundaries and selected interior portions of the site. The site reconnaissance will include, where applicable, an interview with site personnel who the client has identified as having knowledge of the uses and physical characteristics of the site. Pertinent observations from the site reconnaissance will be documented including:

- Site description
- General site operations
- Aboveground chemical or waste storage
- Visible underground chemical or waste storage, drainage, or collection systems
- Electrical transformers
- Obvious releases of hazardous substances or petroleum products

The adjoining property reconnaissance will consist of visual observations of the adjoining/surrounding properties from the site boundaries and accessible public rights-of-way.

Report Preparation

A PDF-formatted copy of the final report will be submitted that presents the results of this assessment, based upon the scope of services and limitations described herein. The final report will be signed by an environmental professional responsible for the Phase I ESA, and the report will contain an environmental professional statement as required by 40 CFR 312.21(d). Recommendations will be developed as part of the Phase I ESA scope of services. Prior to final report issuance, the client may request paper copies at a charge of \$75.00 per report copy.

Services will be initiated upon receipt of the written notice to proceed. The final report will be submitted within 15-20 business days after receipt of your written notice to proceed, assuming site access can be obtained within three business days after the notice to proceed.

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In order to comply with the proposed schedule, please provide the following items at the time of notification to proceed.

- A signed Work Authorization evidencing acceptance of this scope of services.
- The completed ASTM E1527-13 User Questionnaire, supplied as an attachment to this proposal.
- Right of entry to conduct the assessment, including access to building interiors.
- Notification of any restrictions or special requirements (such as confidentiality, scheduling, or on-site safety requirements) regarding accessing the site.
- An accurate legal description and/or a diagram of the site such as a surveyor's plat map or scaled architect's drawing (if such diagrams exist).
- Current site owner, property manager, occupant information (including tenant list), and contact information for persons knowledgeable about the site history including current and historical use of hazardous substances and petroleum products on site (e.g., names, phone numbers, etc.).
- Copies of environmental reports, permits and registrations, and geotechnical reports that were previously prepared for the site.
- Information relating to known or suspect environmental conditions at the site, including commonly known or reasonable ascertainable information within the local community about the site that is material to RECs in connection with the site.
- Information about environmental liens and activity and use limitations for the site, if any.
- Specialized knowledge or experience that is material to RECs in connection with the site, if any.
- Knowledge that the purchase price of the site is significantly less than the purchase price of comparable properties.
- Land title records.

Please note that requested regulatory files or other information may not be provided to Terracon by the issuance date of the report. Consideration of information not received by the issuance date of the report is beyond the scope of this ESA.

Reliance

The ESA report will be prepared for the exclusive use and reliance of Hidalgo County. Reliance by any other party is prohibited without the written authorization of the client and Terracon.

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If the client is aware of additional parties that will require reliance on the ESA report, the names, addresses, and relationship of these parties should be provided for Terracon approval prior to the time of authorization to proceed. Terracon may grant reliance on the ESA report to those approved parties upon receipt of a fully executed Reliance Agreement (available upon request) and receipt of information requested in the Reliance Agreement. If, in the future, the client and Terracon consent to reliance on the ESA by a third party, Terracon may grant reliance upon receipt of a fully executed Reliance Agreement, requested information and receipt of an additional minimum fee of \$250 per relying party.

Reliance on the ESA by the client and all authorized parties will be subject to the terms, conditions, and limitations stated in the Work Authorization, sections of this proposal incorporated therein, the Reliance Agreement, and ESA report. The limitation of liability defined in the Work Authorization is the aggregate limit of Terracon's liability to the client and all relying parties.

Continued viability of the report is subject to ASTM E1527-13 Sections 4.6 and 4.8. If the ESA will be used by a different user (third party) than the user for whom the ESA was originally prepared, the third party must also satisfy the user's responsibilities in Section 6 of ASTM E1527-13.

The findings and conclusions presented in the final report will be based on the site's current utilization, the anticipated future use of the site, if provided to Terracon, and the information collected as discussed in this proposal. Please note that we do not warrant database or third-party information (such as from interviewees) or regulatory agency information used in the compilation of reports.

Phase I ESAs, such as the one proposed for this site, are of limited scope, are noninvasive, and cannot eliminate the potential that hazardous, toxic, or petroleum substances are present or have been released at the site beyond what is identified by the limited scope of this ESA. In conducting the limited scope of services described herein, certain sources of information and public records will not be reviewed. It should be recognized that environmental concerns may be documented in public records that are not reviewed. This ESA does not include subsurface or other invasive assessments, vapor intrusion assessments or indoor air quality assessments (i.e. evaluation of the presence of vapors within a building structure), business environmental risk evaluations, or other services not particularly identified and discussed herein. No ESA can wholly eliminate uncertainty regarding the potential for RECs. The limitations herein must be considered when the user of this report formulates opinions as to risks associated with the site. No warranties, express or implied, are intended or made.

An evaluation of significant data gaps will be based on the information available at the time of report issuance, and an evaluation of information received after the report issuance date may result in an alteration of our opinions and conclusions. We have no obligation to provide information obtained or discovered by us after the date of the report, or to perform any additional services, regardless of whether the information would affect any conclusions, recommendations,

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or opinions in the report. This disclaimer specifically applies to any information that has not been provided by the client.

Task 2 – Hazardous Materials Survey

We understand the purpose of this survey is to identify, assess and quantify asbestos-containing materials (ACM), lead-containing paint (LCP) materials, and other regulated hazardous components (mercury switches, PCB lighting ballasts, etc.) associated with the planned demolition of the Hidalgo County Courthouse Buildings.

Terracon's scope of services will consist of the following subtasks:

- Task 02.01: Asbestos Sampling
- Task 02.02: Lead-Containing Paint and Lead Containing Component Survey
- Task 02.03: Visual Survey for Regulated Materials
- Task 02.04: Lead TCLP Sampling

The following paragraphs describe each of the proposed tasks.

Task 02.01: Asbestos Sampling

Asbestos sampling will be performed on the interior and exterior (including the roof) of the buildings in an attempt to identify asbestos-containing materials (ACM). An AHERA accredited asbestos building inspector will conduct the asbestos sampling as required by US Environmental Protection Agency (USEPA) regulation 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAP). Suspect materials will be physically assessed for friability and evidence of damage or degradation. Samples of suspect ACM will be collected for laboratory analysis. Bulk sample collection will be conducted in general accordance with the sampling protocols outlined in USEPA 40 CFR 763.86.

We have not had the opportunity to visit the site, however based on a review of the provided drawings, our current understanding of the site, and experience with similar structures, we estimate up to 300 bulk material samples will be collected from the interior and exterior areas (including the roof) of the buildings. All the samples collected will be submitted for Polarized Light Microscopy (PLM) analysis at a Texas Department of State Health Services (TDSHS) licensed laboratory. The homogeneous material anticipated to be sampled in this investigation will include, but will not be limited to: ceiling tile, drywall construction, flooring, HVAC duct mastic, window caulk, window glazing, thermal system insulation, fire proofing insulation, roofing, and miscellaneous materials observed.

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The scope of the survey will be confined to areas which can be accessed on the days the survey work is conducted. The survey is intended to access all interior and exterior areas (including the roof) of the structures. Sampling cannot be conducted in areas that are not safe for inspection, and will not be conducted if the suspect materials are inaccessible due to physical barriers, confined spaces or if they cannot be safely reached with ladders or lift. Terracon will not dismantle equipment or sample electrical wiring as part of the scope of work.

A National Voluntary Laboratory Accreditation Program (NVLAP) accredited and TDSHS licensed laboratory will analyze the bulk material samples by visual estimation utilizing Polarized Light Microscopy (PLM) protocol. Each homogenous areas of floor tile determined to contain asbestos in quantities of less than 1% by initial PLM shall be verified by Transmission Electron Microscopy (TEM). When PLM sample results of friable materials are greater than zero but less than 10% asbestos, USEPA regulations recommend that the sample be re-analyzed using the more quantitative point counting technique, or that the material be considered ACM and subject to NESHAP regulations. If PLM analysis reveals the presence of friable asbestos within this range, Terracon will contact the client to discuss the merits of point count analysis. The approval will be obtained before authorizing re-analysis if additional costs will be incurred.

Sample collection will result in some isolated damage to building materials; however, attempts will be made to limit such damage to the extent necessary for sample collection. Terracon will not be responsible for repair or touch-up of sample locations. The client must therefore agree to defend and hold Terracon harmless from subsequent liability and damages that may result.

As part of the sampling procedure, it will be necessary for Terracon to cut into the roofing materials and remove the materials down to the roof deck or underlying substrate. Terracon will repair the roof by applying temporary patching at the sample locations. The Client and current building owner should understand that sampling of the roofing materials by cutting into these materials may void roof warranties that may be currently in effect. Terracon's patches are only temporary in nature and we recommend that the sample locations be permanently patched by a qualified roofing contractor. Terracon will not be responsible for leaks or damage as a result of the sample locations not being permanently patched. The Client must therefore agree to defend and hold Terracon harmless from subsequent liability and damages that may result.

Task 02.02: Lead-Containing Paint and Lead Containing Component Survey

Terracon will mobilize an Environmental Protection Agency (EPA) accredited and appropriately trained Lead Inspector to conduct sampling of suspect paint materials associated with the interior and exterior areas of the structure to identify areas of potential lead-containing paint (LCP) materials and to quantify all paint materials found to contain lead. The lead sampling will be conducted in general accordance with protocols established by the Texas Environmental Lead Reduction Rules (TELRR) and the US Department of Housing and Urban Development (HUD). Some isolated damage to structure surfaces will occur during sampling; however, Terracon will

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attempt to limit such damage to the extent necessary for sample collection. Terracon will not be responsible for the paint repair of sampled areas.

The Occupational Safety and Health Administration (OSHA) Federal Standard for Lead in the Construction Industry (29 CFR 1926.62 – Lead Exposure in Construction) defines specific training requirements, engineering controls and working practices for construction personnel subject to this standard. There are also federal and state regulations, which require characterization of demolition debris to determine the proper disposal procedures.

For the purpose of this sampling, lead-based paint (LBP) will be defined as paint or surface coating that contains 1.0 mg/cm² or more of lead. LBP is defined by the US Environmental Protection Agency (EPA) and the TDSHS as any paint that contains lead equal to or greater than 1.0 mg/cm², 0.5 percent by weight, or 5,000 parts per million (ppm).

We estimate that up to 40 bulk paint chip samples will be collected for analysis. Some isolated damage to building surfaces will occur during sampling. Terracon will not be responsible for the paint repair of sampled areas; however, Terracon will attempt to limit such damage to the extent necessary for sample collection.

The LCP inspection will be based on observable and accessible conditions. Terracon cannot guarantee a building or property to be "LBP free" as the possibility exists that LBP containing materials may be hidden from sight, in inaccessible locations, or the testing combinations that appear homogeneous may not be truly homogeneous.

Results of the sampling and analytical program are intended to give an indication of the presence, amount and condition of paint materials which contain lead.

Terracon personnel will perform interviews of on-site personnel knowledgeable of the facilities and will also perform visual observations in an attempt to identify lead-containing components (LCC) other than lead-based paint. These lead-containing components may include ceramic tile, lead acid batteries, and lead roof penetration boots.

Task 02.03 Visual Survey for Regulated Materials

Potentially hazardous materials other than ACM, LCP and LCC may be located in the buildings. These miscellaneous hazardous or regulated materials may include mercury in thermostats and fluorescent light tubes, polychlorinated biphenyls (PCBs) in electrical insulating fluid, stored chemicals, chlorofluorocarbons (CFC) in refrigeration and mechanical equipment, and hydraulic and hydrocarbon lubricants in equipment with moving parts. We will perform a visual survey for miscellaneous regulated materials in the building and/or suspect building components. The objective of this survey will be to attempt to identify potentially hazardous materials in the building and/or suspect building components which could be regulated by governmental agencies. This

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survey will consist of a visual observation of accessible building areas by qualified Terracon personnel. Our services do not include testing of the suspect hazardous materials identified.

Task 02.04 Lead TCLP Sampling

In conjunction with the asbestos and paint chip sampling, Terracon will collect up to three composite samples from materials expected to be demolished and disposed of during the demolition project. It is intended for this sample to represent the planned waste stream. The sample will be submitted for TCLP RCRA-8 analysis by EPA Method 1311 or equivalent. Should the results of the limited paint chip sampling identify the presence of lead paint, the TCLP sample will be submitted to a state-approved laboratory for analysis. Please note that destructive testing will be necessary to obtain accurate samples for lead TCLP analysis.

Report

Terracon will prepare a written report describing the survey and sampling methodologies and the results of the sampling and visual observations. The report will describe the number, type and location of samples collected, the analytical results, and the condition of materials sampled. The report will contain field drawings that identify our sample locations. Unless otherwise instructed, a PDF copy of the final report will be submitted to the Client.

The above scope of services may begin within five business days following receipt of a signed authorization. We anticipate our field services to require approximately two weeks to complete. Laboratory turn times will be one week for asbestos and paint chip samples. The final report will be submitted within twenty business days of receiving the laboratory report.

If conditions are encountered at the site which requires significant changes in the scope of services or a significant increase in the anticipated number of samples which will increase the cost of the survey, you will be contacted for discussion and approval of such changes before we proceed.

Task 3 - Microbial Assessment

Terracon has been requested to conduct a Microbial Assessment within Hidalgo County Courthouse Buildings that are proposed for demolition. If the above information is inaccurate, or if Terracon should be aware of additional information, please contact us as soon as possible so that we may consider any necessary revisions to this proposal.

The Microbial Assessment will be conducted in general accordance with state regulations from the Texas Department of Licensing and Regulation (TDLR) in the *Mold Assessors and Remediators Administrative Rules, 2017 (MARAR)*, and consensus guidelines from the American Conference of Governmental Industrial Hygienist (ACGIH®, *Bioaerosols; Assessment and Control, 1999*) and

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American Society of Testing and Materials (ASTM[®], *Standard Guide for Assessment of Fungal Growth in Buildings*, Method D7338-10).

The microbial assessment will be limited to a visual hygiene assessment within representative, accessible locations of up to four (4) Hidalgo County Courthouse buildings. In addition, measurements of temperature, and relative humidity will be conducted. If suspect fungal growth is observed surface samples may be collected.

Methods

The visual evaluation will be conducted in accordance with regulations from the TDLR, and consensus standards and guidelines from ACGIH, ASTM. Building materials that exhibit suspect fungal growth will be sampled by transparent tape lift and analyzed by bright field microscopy in accordance with ACGIH recommended protocols. Up to 35 tape lift samples may be collected as part of the evaluation. Sporulating fungi will be microscopically identified to genus or group based on morphology of reproductive structures. The samples will be submitted for analysis under chain of custody (COC) protocol to a TDLR-licensed Mold Analysis Laboratory.

Temperature and relative humidity will be measured with a TSI Q-Trak air quality monitor, or equivalent. Data will also be collected in the outdoor environment to provide comparison results.

Schedule

The above scope of services may begin within three working days following receipt of the executed Work Authorization.

Conditions

Items to be provided by the Client include:

- The legal right-of-entry to conduct the assessment.
- Any restrictions or special access requirements regarding the site shall be made known to Terracon prior to site mobilization.
- Any known environmental conditions at the site (i.e., hazardous materials or processes, specialized protective equipment requirements, unsound structural members, etc.) shall also be communicated to Terracon prior to site mobilization.
- Client will provide a point-of-contact during time on-site that will provide building access

Report

Terracon will prepare a written report describing the sampling methods and the results of the microbial assessment evaluation. Terracon will compare sampling results and site measurements to TDLR regulations and consensus standards and guidelines and provide recommendations for additional assessment or remedial actions considered warranted by sampling results and site observations. The report will not contain information, data, or professional opinions that pertain to the relative degree of risk associated with individual personal exposure to fungi. Unless otherwise instructed, an electronic version of the final report will be submitted to the email address indicated herein. The final report will be submitted to the Client within 20 working days after receipt of the analytical results.

Task 4 – Asbestos Consulting Services

Terracon Consultants, Inc. (Terracon) is pleased to submit this proposal to provide asbestos consulting services for the abatement phase of the project at the above referenced location. The scope of services is intended to meet state and federal requirements for asbestos abatement projects conducted prior to renovation/demolition operations in public buildings. Terracon understands the work will include the removal of assumed asbestos-containing materials from within portions of the referenced building. Additionally, Hidalgo County (Client) intends to use the cost estimate within this proposal for project budgeting. Terracon proposes to prepare abatement plans and specifications, conduct confirmation bulk ACM sampling, provide air monitoring/inspection/project management services during abatement and prepare project closeout documents following abatement operations as part of the scope of work in this proposal.

Asbestos Abatement Design

Terracon will develop a site specific set of asbestos abatement plans and specifications for the removal and disposal of the identified ACM from the facilities listed above. The specifications will be prepared by a TDSHS Licensed Individual Asbestos Consultant in accordance with current local, state, and federal regulations. An electronic copy of the document will be provided to the Client one of which will be provided to the Asbestos Abatement Contractor selected to perform the abatement work. The specifications will define abatement practices, procedures, and inspection protocols.

Project Implementation

Terracon will provide a Licensed Asbestos Consultant and Technician(s), who will be available for periodic inspections and air sampling throughout the duration of the removal project. The Asbestos Consultant will coordinate operations for the Client and provide abatement project management for the duration of the project. Terracon will also review all pre-job submittals pertaining to asbestos abatement prior to the beginning of the project. Critical visual inspections conducted prior to the start of work and at the completion of abatement, prior to encapsulation, will be conducted by the

Consultant or a qualified Project Manager delegated by the Consultant. Air monitoring will be conducted throughout the abatement activities and following the completion of abatement operations. It is estimated that the on-site visual inspections and air monitoring services provided on the project may require up to 90 days on-site for removal of the asbestos-containing materials identified in the facilities listed above. The air samples collected prior to and during the work periods will be analyzed on-site or off-site, as required by, Phase Contrast Microscopy (PCM) in accordance with the National Institute of Occupational Safety and Health (NIOSH) Method 7400. Final clearance air sampling will be conducted utilizing PCM methods as required by the Texas Asbestos Health Protection Rules (TAHPR).

Final Project Documentation

Once the project is completed, Terracon will prepare a final project report and provide an electronic copy to the Client. Report hard copies can be prepared for a cost of \$50 per copy. The final project report will include a description of the project, asbestos monitoring results, and a review of the abatement contractor’s documentation. Review of the abatement contractor’s documentation will include waste disposal manifests, worker documentation, OSHA monitoring results, and all project submittals.

The analysis, comments and recommendations presented in the written report will be based on the information collected as discussed in this proposal. If requested by the client, Terracon may provide a verbal report prior to completion of a final written report. The content of the final written report takes precedence over any verbal reports which may be provided. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. Terracon cannot guarantee a building or building components to be asbestos free.

C. COMPENSATION

Compensation shall be on **fixed fee basis** by task as outlined in the table below. Invoicing will be monthly based on percent complete of the tasks authorized below.

Environmental Services	FEE	Authorized by Client Yes / No
Task 1: Phase I Environmental Site Assessment	\$2,500	<input type="checkbox"/> Yes <input type="checkbox"/> No
Task 2: Hazardous Material Survey Services	\$44,985	<input type="checkbox"/> Yes <input type="checkbox"/> No
Task 3: Microbial Assessment	\$22,870	<input type="checkbox"/> Yes <input type="checkbox"/> No
Task 4: Asbestos Consulting Services	\$73,264	<input type="checkbox"/> Yes <input type="checkbox"/> No

Proposal for Environmental Services

Hidalgo County Courthouse Buildings ■ Edinburg, Texas
December 13, 2021 ■ Terracon Proposal No. P88217300



This proposal has been prepared for Hidalgo County, for use on the referenced project. The report prepared as part of the services herein shall be for the exclusive use and reliance of the Hidalgo County and shall not be conveyed to third parties without prior written authorization from them and Terracon.

If this proposal meets with your approval, project initiation may be expedited by forwarding a copy of the signed Work Authorization to Eloy Palacios via electronic mail at epalacios@terracon.com or fax at 956.283.8279. The terms, conditions and limitations stated in the Work Authorization (and sections of this proposal incorporated therein), shall constitute the exclusive terms and conditions and services to be performed for this project. This proposal is valid only if authorized within ninety (90) days from the proposal date.

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you should have any questions or comments regarding this proposal, please call.

Sincerely,

Terracon Consultants, Inc.

Eloy Palacios

Eloy Palacios
TDSHS Individual Asbestos Consultant
License No. 105727
epalacios@terracon.com

Jorge Flores

Jorge A. Flores, P.G.
Principal
jaflores@terracon.com

Attachment: Client/User Required Questionnaire
Work Authorization

Client/User Required Questionnaire

Person Completing Questionnaire	Name: Company:	Phone: Email:
Site Name	Hidalgo County Courthouse	
Site Address	100 North Closner Boulevard, Hidalgo County, Texas	
Point of Contact for Access	Name: Company:	Phone: Email:
Access Restrictions or Special Site Requirements?	___ No ___ Yes (If yes, please explain)	
Confidentiality Requirements?	___ No ___ Yes (If yes, please explain)	
Current Site Owner	Name: Company:	Phone: Email:
Current Site Operator	Name: Company:	Phone: Email:
Reasons for ESA (e.g., financing, acquisition, lease, etc.)		
Anticipated Future Site Use		
Relevant Documents?	Please provide Terracon copies of prior Phase I or II ESAs, Asbestos Surveys, Environmental Permits or Audit documents, Underground Storage Tank documents, Geotechnical Investigations, Site Surveys, Diagrams or Maps, or other relevant reports or documents.	
ASTM User Questionnaire		
<p>In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must respond to the following questions. Failure to provide this information to the environmental professional may result in significant data gaps, which may limit our ability to identify recognized environmental conditions resulting in a determination that "all appropriate inquiry" is not complete. This form represents a type of interview and as such, the user has an obligation to answer all questions in good faith, to the extent of their actual knowledge.</p>		
<p>1) Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state, or local law (40 CFR 312.25)? ___ No ___ Yes ___ Title search not completed (If yes, explain below and send Terracon a copy of the Chain of Title report.)</p>		
<p>2) Did a search of recorded land title records (or judicial records where appropriate) identify any activity and use limitations (AULs), such as engineering controls, land use restrictions, or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state, or local law (40 CFR 312.26)? ___ No ___ Yes ___ Title search not completed (If yes, explain below and send Terracon a copy of the Chain of Title report.)</p>		
<p>3) Do you have any specialized knowledge or experience related to the site or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the site or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business (40 CFR 312-28)? ___ No ___ Yes (If yes, explain below)</p>		
<p>4) Do you have actual knowledge of a lower purchase price because contamination is known or believed to be present at the site (40 CFR 312.29)? ___ No ___ Yes ___ Not applicable (If yes, explain below)</p>		
<p>5) Are you aware of commonly known or reasonably ascertainable information about the site that would help the environmental professional to identify conditions indicative of releases or threatened releases (40 CFR 312.30)? ___ No ___ Yes (If yes, explain below)</p>		
<p>6) Based on your knowledge and experience related to the site, are there any obvious indicators that point to the presence or likely presence of contamination at the site (40 CFR 312.31)? ___ No ___ Yes (If yes, explain below)</p>		
Comments or explanations:		