

**ADDENDUM NO. 4**  
**March 27, 2023**  
**225107**

**RE: ALBURGH VILLAGE WATER TANK REPLACEMENT**

**FROM: DuBOIS & KING, INC.**  
P.O. Box 339  
Randolph, Vermont 05060  
(802) 728-3376

**TO: Prospective Bidders**

This Addendum forms part of the Contract Documents and modifies the original Bidding Documents issued by the Village of Alburgh, Vermont, for the Alburgh Village Water Tank Replacement project dated February 10, 2023. **Acknowledge receipt of this Addendum in the space provided on Page 1 of the Bid Form. Failure to do so will subject the Bidder to disqualification.**

## **I. Questions & Answers**

**The following addresses questions received by phone and email.**

**Question 1: Addendum 2, Answer 35 indicates the Contractor must comply with the VOSHA lead in construction standard. Are those standards the “Vermont Regulations for Lead Control, VSA Title 18, Chapter 38?”**

**Answer 1:** Vermont Regulations for Lead Control, VSA Title 18, Chapter 38 apply to removal of lead-based paint (equal to 1.0 mg/cm<sup>2</sup> or 0.5 percent by weight or greater) and lead-contaminated dust, permanent containment or encapsulation of lead-based paint, replacement of lead-painted surfaces or components, and removal or covering of lead-contaminated soil. Based on the ATC sampling results, the tested surfaces are not considered lead-based paint and VSA Title 18, Chapter 38 may not apply.

**Question 2: Are Vermont OSHA Standards the same as the standard OSHA 1926.62 requirements?**

**Answer 2:** Vermont OSHA Standards are not the same as the OSHA 1926.62 requirements.

**Question 3: According to Page 11, Section 2.2.26, Lead-Based Paint is defined as containing 0.5%, which = 5,000 ppm. This tank has way less than 5,000 ppm, so do lead-based paint requirements in OSHA 1926.26 apply?**

**Answer 3:** It is the Engineer’s understanding that OSHA Standard 1926.62 - Lead applies to all construction work where an employee may be occupationally exposed to lead, at any level, but regulatory interpretations of OSHA Standards should be directed to OSHA regulators.

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**Question 4: What do you the engineer/overseeing officer of this contractor expect in regards to lead-based paint? From the lead report provided, the highest result is .016%, or 160 ppm. We have looked up the definition of lead-based paint in the Vermont regulations for lead control title 18 chapter 38.2.2.26 lead-based paint. Lead-based paint means paint or other surface coatings that contain lead in excess of 1/2% by weight. So by that definition 0.016 is considerably lower than .5%, and therefore does not even qualify as lead-based paint.**

**Answer 4:** It is the Engineer's understanding that the Occupational Safety and Health Administration (OSHA) does not acknowledge any quantitative threshold for a lead-based paint. Paint with a detectable amount of lead, regardless of the level, is recognized as a Lead Containing Paint. Applicable OSHA Standards for lead containing paint shall be followed.

**Question 5: Will you the Owner/Engineer handling this project require lead based paint (LBP) abatement on the cut lines prior to torch cutting? Our standard tank dismantle procedure is based on torch cutting the steel with the paint intact. Workers will be wearing proper personal protection equipment, including PAPRs and disposable clothing, and utilizing engineering controls (long torches and minimal cutting). On multiple projects across the country, we have not had to remove the LBP from any of these projects. OSHA does not require paint removal prior to torch cutting. If you, the Engineer/ Project Manager were to require it, a standard dismantle price would get multiplied by (5) five. Are you the engineer okay with this method? Or do you feel the paint needs abated prior to torch cutting?**

**Answer 5:** The possible exposure hazard to workers impacting these coated surfaces should be assessed by the Contractors and their employees must adhere to OSHA Lead in Construction Standards. Specifically, Contractor and Subcontractors are required to comply with 29 CFR 1926.62 Lead Exposure on Contractors Interim Final Rule and 29 CFR 1926.59 Hazard Communication for the Construction Industry. Worker safety is the responsibility of the Contractor and Subcontractors.

**Question 6: In Addendum 3, D&K revised C10 but C10 does not appear to reflect the information that was clarified on C10 in Addendum 2. Is the information provided on C10 in Addendum 2 still correct?**

**Answer 6:** Yes, the information provided in Addendum 2 still applies. Fully conformed plans will be provided at Contract Signing. The revisions made to C10 are as noted in the revision block, and were not intended to be all-inclusive revisions conforming the Plans to prior Addenda.

**This document constitutes Addendum 4 for this project.**