



## **Lead Service Line (LSL) Implementation Workgroup Procurement Toolkit Draft for Request for Qualifications (RFQ)**

This document provides a draft scope for an RFQ that would identify consultants who have the requisite expertise to administer either individual aspects or the entirety of the federal and state Lead and Copper Rule Revisions (LCRR), including a lead service line (LSL) replacement program, on behalf of participating water utilities in New Jersey. Based on individual circumstances, each utility will choose the services that it requires. If a water utility prefers to issue a competitive contracting Request for Proposal (RFP), the text includes additional references that should be incorporated to ensure fair and comparable scoping. As noted at the end of this document, this includes a sample RFP evaluation rubric that could be used to ensure that proposals satisfy the desired specifications.

Disclaimer: The Jersey Department of Environmental Protection will be issuing a NJ-specific Lead and Copper Rule (LCR) anticipated in 2022. This RFQ will be updated to include the requirements of the NJ LCR once available. The samples below are for informational purposes only and should not constitute legal advice.

### **Lead and Copper Rule Revisions (LCRR) - Compliance Program Management**

\_\_\_\_ (Name of Water Utility) is seeking a qualified consultant/program manager to provide performance-based services to develop, implement, and manage compliance with Lead and Copper Rule Revisions (LCRR), including those adopted by the US EPA and pending from the NJ Department of Environmental Protection, as well as state legislation enacted in New Jersey in July 2021 ([P.L. 2021.c.183](#)), to replace all lead service lines (LSLs) in the next 10 years. \_\_\_\_\_ is seeking firms with expertise in regulatory compliance, program development and management, technical support, public outreach, stakeholder engagement, and related services to ensure robust, community-based outcomes.

### **Project Description and Background**

\_\_\_\_ has a population of \_\_\_\_ residents. There are \_\_\_\_ customer accounts, of which \_\_\_\_% are residential, and the remainder are commercial, industrial, and institutional. \_\_\_\_ operates and maintains \_\_\_\_ miles of distribution pipe that are composed of \_\_\_\_\_. Since \_\_\_\_\_ has provided service for \_\_\_\_ years, it can be expected that varying types of materials have been used over the historical course of operations within the service area. \_\_\_\_\_ is seeking a consultant/program manager to develop, implement, and manage a compliance program for the LCRR over the next \_\_\_\_ years.

*INSERT INFO ON INVENTORY AND AVAILABLE DATA*

It is anticipated that the selected consultant/program manager will be responsible for the following tasks. (This list, and the subtasks noted below, may not be all-inclusive. Additional tasks may be required as the compliance program is developed):

- o Program Management
- o Service Line Materials Inventory
- o Lead Service Line Replacement Program Plan
- o Sampling Monitoring Plan
- o Sampling Program for Schools and Child Care Facilities
- o Public Education and Outreach Program
- o Funding Assistance
- o Corrosion Control Treatment Review
- o Implementation of a Lead Service Line Replacement Program

It is expected that all tasks listed below will seek to develop community-based outcomes to ensure that the locality will benefit in a long-term, sustainable manner, including but not limited to:

- o Maximize minority-owned firm and community-based organization participation.
- o Focus on local hiring for all project phases.
- o Recruit and mentor minority-owned businesses for all phases of project management in a sustainable way and track this mentorship through quantifiable means.
- o Set community-driven project targets. (E.g., a certain portion of projects shall be led by community-based/minority-owned organizations.)
- o Arrange and support additional community benefit outcomes, including but not limited to: partnerships with schools, local business prioritization for materials, and work with local artists.

Details on associated subtasks and deliverables are listed below.

### **Program Management and Implementation**

This section includes overall program management and implementation of the tasks described below. The selected consultant/program manager will perform tasks including but not limited to the following:

- o An internal and external communication plan that includes a website, media events, reporting templates, data management plan, schedule/timelines, organization charts, risk management plans, and conflict resolution protocol.
- o Quarterly schedule updates, data transfer, health/safety plan, invoicing projections.
- o Track and report project milestones on a quarterly and annual basis.
- o Maintain current records, employing proper data management techniques.
- o Provide a data management solution within three months of the contract signature date, including a compliance tracking function that features pertinent data for various departments (e.g., information systems, public information, environmental.)
- o Make available a designated support team as a point of contact for technical support. \_\_\_\_'s information systems staff may assist the vendor in implementing the data management solution. (Due to other projects, their assistance may be limited.)
- o Provide a schedule for training of operational and technical staff to ensure that they can adequately use all of the system features that are pertinent to the LCRR program.
- o Provide documentation that \_\_\_\_ will retain ownership of the data collected and a clear description of how it would be able to acquire the data should the selected consultant discontinue services.

- o Coordinate with EPA and the State to interpret requirements and address related comments.
- o Assist with developing RFQs, RFPs, contract documents, etc. to select additional consultants and/or contractors to assist with the implementation of the various programs. [State what is required if the contract is an RFP (e.g., RFP for filters, contract documents for test pits or replacements, etc.).]
- o Other program consulting services as needed to implement and manage the compliance program. (State what is expected if the contract is an RFP.)

### **Service Line Materials Inventory**

This task will involve the development of an inventory of all existing service lines (i.e., known LSLs, suspected LSLs, service lines of unknown composition, and non-lead lines) based on a review of historical records and data compiled by \_\_\_\_’s field personnel. A strategy to determine the composition of “unknown” LSLs will be a key component.

Data sources include:

- *[The utility should list available sources of data to compile]*

Specific tasks will include, but will not be limited to, the following:

- o Develop a LSL database, including data “cleanup” support to gather, organize, and input data. Database shall be in GIS or equivalent system that can directly link to GIS for automatic transferring of new data in each direction. (If a water utility uses a particular format it should be listed here, as not all systems are compatible with each other.)
- o Research plumbing codes and ordinances related to service connections and identify timeframes most likely to have allowed installation of service lines of different materials.
- o Once all data is compiled, prepare a technical memorandum to summarize the initial inventory development, including documenting data sources and assumptions, and provide recommendations for methods to verify materials of the remaining service lines.
- o Include the following verification methods in the scope:
  - o Preparing an online self-reporting customer survey with directions for identifying service lines. The survey submission must include photographs. Design a postcard and flyer to encourage customers to report their service line on the website. Critically review the submitted responses and coordinate with the customer if more information is needed to make a determination. (Assume \_\_\_\_\_ postcards will be sent out and include printing and distribution in the scope.)
  - o Develop a standard operating procedure (SOP) for collecting data based on current field practices, including a mobile application that staff may use to report service line materials.
  - o Develop procurement documents for a contractor to perform vacuum excavations to identify up to \_\_\_\_\_service lines and assist \_\_\_\_\_ in reviewing the bids.
- o Employ predictive modeling algorithms to identify likely LSLs and likely non-lead lines, supplementing whatever information is available on known LSLs.
- o Provide a SOP to assist water utility field staff with efficiently verifying service line composition (e.g., LSLs, non-lead, etc.), including excavation services to investigate “unknown” service lines.
- o Provide a cloud-based system for internal (i.e., water utility staff) and third party users (i.e., public) to view and input material data by location, including a web-based map with limited information.

- o Train water utility staff to manage the database, including uploading/maintaining a web-based map.
- o Develop a replacement and identification protocol if “lead status unknown” lines are found to be LSLs.
- o Develop a plan for “site closure,” verifying that “lead status unknown” lines do not contain lead.
- o In relation to the service line inventory, prepare the language needed to notify property owners and consumers regarding the presence of lead and galvanized service lines and those whose composition is unknown..
- o Ensure compliance with state and federal guidelines as documented in the table below.

<b>Initial Deadline</b>	<b>Annual Deadline</b>	<b>Requirement</b>
Sept. 20, 2021		Submit to NJDEP an initial count of LSLs, lines of unknown composition, and the number to be replaced annually.
Jan. 22, 2022	July 10th of each year thereafter	Submit to NJDEP an initial and annual service line inventory estimating the likelihood of the presence of lead. Once the initial inventory is submitted, use every reasonable method to locate all LSLs, including visual inspections during planned maintenance, meter replacement, and main replacement projects and solicitation of customer input. Make the service line inventory available on a website.
Feb. 21, 2022		Send written notice, by certified mail, to each residential, commercial, or institutional address affected by a known LSL (state law requires NJDEP to determine the frequency with which these notices will be issued in the future).
July 22, 2022	July 10th of each year thereafter	Submit a more detailed, updated initial and annual service line inventory to NJDEP with supporting information detailing why a service line is believed to contain lead. Include information for each unknown service line on the steps taken to determine if a line contains lead. Update the inventory on a website.
July 22, 2022	July 10th of each year thereafter	LSR Progress report which details and progress of reporting and identifying LSLs from the previous year.
July 22, 2022	July 31st of each year thereafter	Water utilities will submit to NJDEP an initial plan for replacing all LSLs within their service area, describing the planned annual replacement of at least 10% of all LSLs that are known on the date the plan is submitted, as well as the replacement of all LSLs within the service area no later than 10 years after the bill’s effective date, whether such lines were known or unknown at the time of the initial plan.
September 1, 2022	August 20th of each year thereafter	Documents that notice of lead service line materials was provided to consumers served by LSLs

July 22, 2031	Replace all lead and galvanized service lines in 10 years.
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**Lead Service Line Replacement Program Plan**

This task will include the development of a program plan to replace any known LSLs, taking into consideration the rate of replacement required under the LCRR and NJ law, as well as a logistical plan for program implementation. The plan shall be submitted to NJDEP by July 22, 2022, and annual updates should be submitted until all LSLs within the system’s service area have been replaced and all service lines of unknown composition are identified.

Tasks will include, but will not be limited to, the following:

- o In compliance with NJ legislation, submit an initial plan by July 22, 2022 to replace all LSLs at an average annual replacement rate of at least 10%.
- o Ensure compliance with NJ legislation to submit annual reports to NJDEP detailing the progress of LSL replacement every year from 2022-2031. The lead service line replacement realized in 2021 must be included in the progress report.
- o Ensure compliance with NJ legislation to submit an updated LSL inventory and statement certifying compliance with the bill by July 22, 2023.
- o Develop a LSL replacement program plan that prioritizes the work (i.e., across affected dwellings, child care facilities, schools, with water main replacement programs, coordinating with annual paving contracts, etc.) and identifies best practices for implementation.
- o Assist \_\_\_\_\_ in responding to any program-related questions from the State, EPA, or the public.
- o Prepare cost estimates for LSL replacement to be included in \_\_\_\_\_’s Capital Improvement Program (CIP) budget.
- o Provide communication guidance and campaign templates for public communication.
- o Develop standard operating procedures (SOPs) to track service line replacement progress and provide real time dashboards, exportable reports, etc.
- o Provide workflow management templates and SOPs to track all program data, facilitate approvals, and report progress.
- o Identify local requirements (i.e., permits, paving, etc.) required to implement the plan.
- o Develop a program to track resident communications, such as letters, e-mails, and phone calls.
- o Develop SOPs to source, distribute, and track pitchers/filters and post-replacement samples when lead lines are identified and replaced on a scheduled or ad hoc basis.

**Sampling Monitoring Plan**

Under this task, a proposed sampling plan will be developed to monitor and manage sampling for LCR compliance and for post-LSLR sampling, including distribution of water sampling kits and water test results across the service area. Tasks will include, but will not be limited to, the following:

- o Create a database to order and track samples and to ship sampling kits (if desired by utility). (If actual shipping and analyzing of sampling is requested for an RFP, will need to include the total number of samples)

- o Create a sampling plan, which may include recommended adjustments to tier sites to improve sampling effectiveness.
- o Update sampling instructions to include new requirements in the LCRR.
- o Create a communications database to track notifications (e.g., to residents, regulatory agencies, etc.) and customer questions, provide educational materials, and coordinate with labs.
- o Provide a SOP for reporting results to customers and primacy agencies.
- o Provide a SOP to exchange data in alternate software systems (e.g., LIMS, GIS, billing), as necessary.

### **Sampling Program for Schools and Child Care Facilities**

Under this task, a proposed sampling plan will be developed to monitor and manage a school sampling program. This task will include, but will not be limited to, the following:

- o Identify schools and child care facilities that need to be sampled, including possible strategies for prioritizing LSL replacement requirements.
- o Provide a SOP to track the sampling and remediation of plumbing fixtures upon request from a school or child care facility.
- o Provide a database to track the sampling history at schools and child care facilities.
- o Mail printed notifications and provide alerts regarding program deadlines.
- o Develop instructions for school sampling, educational materials, and result notification templates.
- o Provide a program to train staff at schools and child care facilities.

### **Public Education and Outreach Program**

This task will include any functional replacement items and the timeframes required for customers (i.e., schools, residents, etc.) relating to LSL replacement activities. Tasks will include, but will not be limited to, the following:

- o Develop a public education/outreach plan that satisfies all requirements, including customer notification and educational materials for each program phase (e.g., inventory, replacement).
- o Develop a SOP for the required notifications to individual customers and the entire water system.
- o Develop a procedure for notifying residents that may have LSLs. Track required materials.
- o Develop public communications materials, including an accessible website, door hangers, flyers, and media events.

### **Funding Assistance**

Identify funding sources (e.g., federal/state) and prepare the funding application to help \_\_\_\_\_ implement various requirements and to assist property owners with LSL replacement. (For an RFP approach, state the number of applications.)

- o Funding sources may include:
  - o Recovery Act Funds
  - o Infrastructure Bill Funds through the State Revolving Fund program
  - o EPA WIIN Grants
  - o Other sources

### **Corrosion Control Treatment Review**

Under this task, review the existing corrosion control treatment to understand existing conditions and how the new sampling protocols in the LCRR will impact future compliance. This shall include:

- o Review of historic water quality data;
- o Review of historic lead and copper tap sample data;
- o Review of historic distribution system practices;
- o Guidance for sequential sampling or 5<sup>th</sup> liter sampling (if LSLs are present) and evaluation of results;
- o Guidance for harvesting LSLs if LSLs are present for scale analysis to determine elemental composition and mineralogy of existing scales;
- o Solubility modeling of existing conditions;
- o Assess the need for a more detailed evaluation of alternative corrosion control treatment options;
- o Prepare a technical memorandum summarizing the results and recommendations.

### **Implementation of a Lead Service Line Replacement Program**

This task includes the implementation of the aforementioned plan. Under this task, the selected consultant/program manager will perform the following services. (Under a RFP approach, provide additional details for expectations related to construction management services and inspection services.)

- o Assist in development of local ordinances to implement the plan, as needed.
- o Develop the right-of-entry and replacement agreement for property owners to sign.
- o Prepare construction package bid documents for the contracts planned for the program.
- o Develop an integrated digital Data and Construction Management System for recording, tracking, and visually displaying LSL replacement program management project and construction information in a cloud-based, near real-time solution. The program must integrate with existing data management systems, which include \_\_\_\_\_.
- o Provide bidding services, including preparation of a bid advertisement, printing hard copies of bid documents, maintaining a plan holders list, hosting a pre-bid meeting, preparation of addenda responding to bidders' questions, attendance at the bid opening, evaluation of the bids received, and issuance of a recommendation letter for award. Coordinate with NJDEP during the bidding process.
- o Provide construction management services, including but not limited to:
  - o Planning and conducting a pre-construction meeting and monthly progress meetings for each construction contract.
  - o Provide inspection services for the contractors' work, with individual inspection reports for each site linked to the data management system.
  - o Review and approve shop drawing submittals, respond to requests for information, prepare change orders, review proposed substitutions, and other construction management tasks.
  - o Review payment applications, including all quantities, and provide recommendations.
  - o Assist and coordinate with the contractors in performing customer notifications and updating the program website with general updates and address-specific updates.
  - o Prepare paving plans for impacted areas.
  - o Inspection restoration and recommend final payment.
  - o Perform on-going quality assurance/quality control (QAQC) of the work, comparing the inspectors' operations with the contractors'.

- o Provide a complete set of record drawings, including all updated electronic files.
- o Assist in closing out all permits and loans required.

*Listed below are helpful hints for converting this document to an RFP. These suggestions are not comprehensive.*

### **Sample Evaluation Criteria for RFPs**

Selection of the consultant(s) will be based on the following suggested criteria. Individual water utilities should reflect their relative importance of each evaluative criteria by attaching weighting percentages.

#### *Technical Criteria*

- o General approach for carrying out the scope of work
- o Familiarity with the rules and regulations of various agencies involved in the project
- o Availability to perform work

#### *Management Criteria*

- o Qualifications of the proposed project team
- o Past experience with and record of performance on similar projects, including quality of work and ability to meet schedules
- o Team members' exceptionally qualified experience
- o Level of partnerships with minority/women-owned organizations with good faith effort

#### *Cost Criteria*

- o Contract bid price, including rates for specific project team members.

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### **Legal Disclaimer**

*The information provided herein is not intended to constitute legal advice. All content in this document is for general information purposes only. Readers and users should contact their attorney to obtain advice with respect to any particular legal matter. All liability regarding actions taken or not taken related to this document are expressly disclaimed.*

### **About the Report**

#### **Jersey Water Works - Lead in Drinking Water Task Force**

*This publication was developed by [Jersey Water Works' Lead in Drinking Water Task Force](#), and specifically its Lead Service Line Implementation Workgroup, whose mission is to identify best practices. The Workgroup, which is composed of water utility officials, consultants, and public policy advocates, is chaired by Rich Calbi, Executive Director of Ridgewood Water, and Mike Furrey, owner of Agra Environmental and Lab Services. This report, authored by Suyog Padgaonkar,*

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*About Jersey Water Works*

*[Jersey Water Works](#) is working to transform New Jersey's inadequate water infrastructure through sustainable, cost-effective solutions that provide communities with clean water and waterways; healthier, safer neighborhoods; local jobs; flood and climate resilience; and economic growth.*

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