



RFP No. 2024-09-001
September, 2024

Subject: Demolition of Structures at 154 Banks Drive

Proposals Due: September 23, 2024

Submit Proposals to:

City of Livingston
Community Development Department
200 W. Church St.
Livingston, Texas 77351

City of Livingston
200 W. Church St.
Livingston, Texas 77351

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APPENDICES

1. Asbestos Inspection Report
2. City Council Order of Abatement
3. District Court Confirming Order and of Dismissal of Appeal

1. PROPOSER'S CHECKLIST

- ☐ Provide Pricing Information - Sec. 5
- ☐ Demonstration of Experience form completed - Sec. 6
- ☐ List of Machinery and Equipment form completed - Sec 7
- ☐ Proposer Profile form completed - Sec. 8
- ☐ Proposal Response Form - Sec. 9 ****IMPORTANT** Failure to sign and return this form will result in immediate disqualification.**
- ☐ References provided - Sec. 10
- ☐ Deviation or Compliance form completed, if applicable - Sec. 11
- ☐ Release and Indemnification form completed and signed - Sec. 12
- ☐ Non-Collusion Acknowledgment form completed and signed - Sec. 13
- ☐ Suspension or Debarment Certificate completed and signed - Sec. 14
- ☐ Cooperative Purchasing form filled and signed, if applicable - OMITTED; Not Applicable
- ☐ Conflict of Interest Questionnaire (CIQ) form, completed and returned with submission - Sec. 16
If no conflicts exist, write N/A on the "Name of Officer" line.
- ☐ Disclosure of Interested Parties Form 1295, if applicable - Sec. 17
- ☐ W-9 form completed and returned with your submission - Sec. 18

Important Notes:

Question deadline is September 16, 2024 at 5:00 PM. Any questions submitted after this time will not be answered.

Questions should be submitted in writing via email to Josh Mohler, Code Enforcement Officer at firemarshal@livingstontx.gov.

Persons signing subsequent sections of the Proposal shall have the authority to sign the Proposal on Proposer's behalf and shall be an officer or person authorized to bind the entity they represent to this Proposal.

Proposers shall submit pricing in accordance with Section 5 of this RFP.

THIS IS A REQUEST FOR PROPOSAL
RFP No. 2024-08-001

Date Issued: September 1, 2024

Subject: Demolition of structures located at 154 Banks Drive, Livingston, Texas 77351

Proposal Due Date: September 23, 2024

Time Due: 5:00 P.M.

Tentative Contract Award Date: October 8, 2024

2. STANDARD TERMS AND CONDITIONS

- 2.1 General Description of Work** - The City of Livingston, Texas (the "City") seeks proposals from qualified Contractors to provide demolition for all structures located at 154 Banks Drive within the City's corporate limits (the "Project" or the "Work").
- 2.2** This Request for Proposal ("RFP") shall be on file in the City of Livingston Community Development Department, from 8:00 A.M. until 5:00 P.M., Monday through Friday (excluding holidays), and available to interested individuals and entities ("Proposers") from the date issued until the Due Date and Time.
- 2.3** All general information questions should be directly emailed to Josh Mohler, Code Enforcement Officer, at firemarshal@livingstontx.gov.
- 2.4** Proposers are expected to examine all documents that make up this RFP. Proposers shall promptly notify the City of any omission, ambiguity, inconsistency, or error that they may discover upon examination of the RFP. The City assumes no responsibility for errors or misrepresentations that result from the use of incomplete proposals.

READ THIS RFP FULLY AND CAREFULLY. PROPOSALS SHALL BE COMPLETE UPON SUBMISSION, INCLUDING ALL FORMS AND ATTACHMENTS REQUIRED HEREIN. FAILURE TO STRICTLY COMPLY WITH THESE STATED TERMS OF SUBMISSION MAY RESULT IN REJECTION OF THE PROPOSAL.

- 2.5** All responses to this RFP shall be submitted on the attached response forms. Proposals must be received at City of Livingston Community Development Department at or before 5:00 P.M. on September 23, 2024. Each Proposal must be properly identified with the subject title and date and time due.

**FAXED OR E-MAILED PROPOSALS AND/OR LATE SUBMISSIONS
WILL NOT BE ACCEPTED.**

2.6 All Proposals shall be addressed as shown below:

Request for Proposal: Demolition at 154 Banks Drive

Reference RFP No. 2024-09-001

Due Date and Time: September 23, 2024 at 5:00 PM

- 2.7** During the pendency of this RFP, Proposer shall not contact any City staff except those designated herein this RFP or subsequent addendums or correspondence. Any questions or concerns should be submitted in writing by email to Josh Mohler, Code Enforcement Officer, at firemarshal@livingstontx.gov no later than 5:00 P.M. on September 16, 2024. Please reference the above designated RFP number and the section number being referenced. Non-compliance with this provision may result in rejection of the Proposal. No phone calls related to RFP will be accepted.
- 2.8** *Omitted*
- 2.9** All information required of the proposer, unless otherwise specified, must be completed on the forms provided by the City. Failure to sign the Proposal Response Form will disqualify Proposer. Persons signing the Proposal shall have the authority to sign the Proposal on Proposer's behalf and shall be an officer or person authorized to bind the entity they represent to this Proposal.
- 2.10** Each and every deviation from the terms, conditions, specifications, or performance requirements of this RFP shall be listed on the Deviation Form upon submission of your Proposal. Listing of deviations is an integral and required part of your Proposal. Any deviations not listed on the Deviation Form upon submission of your Proposal will not become part of the contract awarded by the City pursuant to this RFP.
- 2.11 PRE-PROPOSAL Meeting: A Pre-Proposal Meeting will be conducted on site at 2:00 P.M. on September 16, 2024 at 154 Banks Drive, Livingston, Texas 77351. All interested parties planning to submit a Proposal should attend this Meeting as this is the only time the buildings will be made available for inspection.**
- 2.12** Proposals will be opened on September 24, 2024 at 9:00 A.M. at the City of Livingston City Hall at 200 W. Church St., Livingston, Texas 77351. **The details of all submitted proposals after opening will not be announced publicly nor to other Proposers, but will be evaluated by City staff.** Proposals cannot be altered or amended after the deadline. Alterations made before opening must be signed by the Proposer or Proposer's agent. No Proposal may be withdrawn after the date and time of opening without approval of the Project Manager, Josh Mohler.
- 2.13** The City, in its sole discretion, may negotiate changes to any submitted Proposal, including price, after submitted Proposals have been opened.
- 2.14** The City reserves the right to accept and/or reject any and all submitted Proposals or any part thereof, waive immaterial errors, and award the contract to the responsible Proposer whose proposal is determined to be the most advantageous to the City, considering the relative importance of price and

the other evaluation factors included in this RFP and whose proposal would provide services in the best interest of and the best value to the City.

2.15 The City shall be sole interpreter of the terms, conditions, specifications, and performance requirements of this RFP.

2.16 An opened Proposal may not be changed to correct any error by the Proposer or Proposer's agent.

2.17 It is not the policy of the City to award a contract on the basis of price alone. The City reserves the right to award the contract to the Proposer with the Proposal that is determined to be the best value to and most advantageous to the City considering the relative importance of price and other evaluation factors, including, but not limited to: (a) the proposed price, (b) the reputation of the Proposer and of the Proposer's services, (c) the quality of the Proposer's services, (d) the extent to which the Proposer's services meets the City's needs, (e) the Proposer's past relationship with the City, (f) the impact on the ability of the City to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities, (g) the total long-term cost to the City to acquire the Proposer's services, and (h) any other relevant criteria specifically listed in this Request for Proposals.

2.18 If, at any time, the successful Proposer fails to fulfill or abide by the terms, conditions, specifications, or performance requirements of this RFP, or any contract awarded and entered pursuant thereto, the City reserves the right to:

2.18.1 Purchase Building Demolition services on the open market and charge Proposer the difference between its contract price and new contractor's price;

2.18.2 Deduct charges from the successful Proposer the difference between its contract price and new contractor's price;

2.18.3 Terminate any awarded contract without penalty on the City, by furnishing written notice of termination to Proposer, and select another Proposer and award a contract to its Proposer pursuant to the terms thereof.

2.19 At the City's sole discretion and convenience, the City may terminate any awarded contract without regard to cause without penalty, and pay for the authorized services provided to the date of termination.

2.20 If it is determined that any benefit to secure favorable treatment was offered, elicited, or provided by Proposer or Proposer's employee, affiliate, representative, partner, subcontractor, or agent, to any officer or employee of the City, Proposer will be disqualified from consideration and/or the awarded contract will be terminated.

2.21 *This Section is omitted.*

- 2.22** All work must be in compliance with and conform to any and all applicable Federal, State or Local laws, ordinances, regulations, codes, rules, policies, and interpretations thereof.
- 2.23** Once a Proposal has been selected, items or processes may be substituted only by furnishing an equal or superior quality and/or grade product or process than originally specified at no additional cost to the City. Any such substitution shall be pre-approved by the City, and the acceptance of any such substitution shall be in the City's sole discretion.
- 2.24** Any contract awarded pursuant to this RFP shall not be assignable, and must be completed by the Proposer to whom the contract is awarded. No subcontracting of the contract shall be permitted.
- 2.25** The City is tax exempt under Tax Code, Subtitle E. SALES, EXCISE, AND USE TAXES, CHAPTER 151, section 151.309, as amended.
- 2.26** Invoices for partial payment must be approved in advance by the City Manager.
- 2.27** Proposer shall include a Material Safety Data Sheet (MSDS), if applicable.
- 2.28** Undisputed payments will be submitted to Proposer within forty-five (45) days from receipt of original invoice.
- 2.29** Any contract awarded pursuant to this RFP shall be governed by the Uniform Commercial Code, if applicable. Wherever the "Uniform Commercial Code" is used, it shall be construed as meaning the Uniform Commercial Code as adopted in the State of Texas effective and in force on the date of any such agreement between the City and Proposer.
- 2.30** Trade secrets and confidential information contained in a proposal are subject to the Texas Public Information Act. Pricing is not confidential information. Proposers who include information in a Proposal that is legally protected as a trade secret or confidential information must clearly indicate the specific protected information by highlighting that information and marking it "Trade Secret" or "Confidential" at the appropriate place. The City will not be responsible for any public disclosure of the trade secret or confidential information if it is not marked as provided above. An awarded Proposal in its entirety is not confidential. If a request is made under the Texas Public Information Act to inspect information designated as trade secret or confidential in a Proposal, Proposer shall, upon notification by the City, immediately furnish sufficient written reasoning as to why the information should be protected from disclosure in a timely manner to the Texas Attorney General for final determination at the address below:

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, TX 78711-2548

- 2.31** The obligations of the parties under a contract awarded through this RFP are primarily performable in Polk County, Texas and shall be governed by the laws of the State of Texas. Exclusive venue for

legal actions involving the contract shall be in Polk County, Texas with respect to state court, and the United States District Court for the Eastern District of Texas with respect to federal court.

- 2.32** The City may, at its option, offset any amounts due and payable under a contract awarded under this RFP against any debt (including taxes) lawfully due to the City from the successful Proposer, regardless of whether the amount due arises pursuant to the terms of the contract or otherwise, and regardless of whether or not the debt due to the City has been reduced to judgment by a court.
- 2.33** No member of the City Council or any City official or employee shall have any financial interests in the profits of any contract, service or other work performed by the Proposer(s) or personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company.
- 2.34** TEXAS GOVERNMENT CODE - PROHIBITION OF BOYCOTTING ISRAEL: As required by Texas Government Code §2271.002, City may not enter into a contract with an entity that boycotts Israel as that term is defined in Texas Government Code §2271.001 and §808.001, as amended. By signing a Proposal, the Proposer certifies that it does not boycott Israel and will not boycott Israel during the term of this contract.
- 2.35** TEXAS GOVERNMENT CODE - PROHIBITION OF BOYCOTTING FIREARM ENTITIES AND FIRM TRADE ASSOCIATIONS: As required by Texas Government Code §2274.002, City may not enter into a contract with an entity that has a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association, as defined in Texas Government Code §2274.001. By signing a Proposal, Proposer certifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, and will not so discriminate during the term of the contract.
- 2.36** TEXAS GOVERNMENT CODE - PROHIBITION OF BOYCOTTING ENERGY COMPANIES: As required by Texas Government Code § 2276.002, the City may not enter into a contract with an entity that boycotts energy companies as that term is defined in Texas Government Code §809.001. By signing a Proposal, Proposer verifies that it does not boycott energy companies and will not boycott energy companies during the term of the contract.
- 2.37** The awarded contract is subject to the appropriation of funds by the City Council in the City's budget adopted for any fiscal year for the specific purpose of making payments pursuant to the awarded contract for that fiscal year. The obligation of the City pursuant to the awarded contract in any fiscal year for which the awarded contract is in effect shall constitute a current expense of the City for that fiscal year only, and shall not constitute an indebtedness of the City of any monies other than those lawfully appropriated in any fiscal year. In the event of non-appropriation of funds in any fiscal year to make payments pursuant to the awarded contract, the awarded contract may be terminated.
- 2.38** The selected Contractor shall be an independent contractor for all purposes, with sole discretion and control regarding the time, place, and manner of the performance of its duties under the contract for the Project. Contractor and its officers, employees and agents are not, by the terms of the contract

or otherwise, agents, employees or representatives of the City in any manner. The Project is not a joint enterprise or a joint venture between the City and the Contractor.

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3. SPECIAL CONDITIONS

3.1 Insurance

The successful Proposer shall procure and maintain in force during the terms of any contract awarded pursuant to this RFP, at its own cost, the following minimum insurance coverage:

- A. Workers' Compensation and Employer's Liability:
 - a. State of Texas: \$1,000,000.00 Each Accident
 - b. Employer's Liability: \$100,000.00 Each Accident
\$500,000.00 Disease-Policy Limit
\$100,000.00 Disease-Each Employee
 - c. Waiver of Subrogation
- B. Commercial General Liability:
 - a. Bodily Injury and Property Damage
General Aggregate Limit: \$1,000,000.00
 - b. Personal and Advertising Injury Limit: \$500,000.00
 - c. Each Occurrence Limit: \$1,000,000.00

The policy shall be on an Occurrence Form and include the following coverage: Premises Operations; Personal and Advertising Injury; Medical Payments; Liability assumed under an Insured Contract; Independent Contractors; and Broad Form Property Damage. Coverage provided should be at least as broad as found in Insurance Services Office (ISO) form CG0001.

- C. Commercial Automobile Liability Limits:
 - a. Bodily Injury and Property Damage
General Aggregate Limit: \$1,000,000.00
 - b. Medical Payments: \$5,000.00 Per Person
 - c. Uninsured/Underinsured Motorist: \$100,000.00

Prior to the execution of any awarded contract by the City, the successful Proposer shall forward Certificates of Insurance to the City Manager. The required insurance policies shall be procured and maintained in full force and effect for the duration of the awarded contract. Certificate Holder shall be the City of Livingston, Texas at 200 W. Church St., Livingston, Texas 77351.

3.2 Damage Provision

If in performance pursuant to an awarded contract, successful Proposer, or Proposer's employee, affiliate, representative, partner, subcontractor, or agent, damages the City's real or personal property, Proposer shall compensate the City for the cost of repair or replacement, whichever the City determines is appropriate under the circumstances. In such event, the City will provide to successful Proposer an invoice stating the actual cost of repairing or replacing the damaged property. Successful Proposer shall provide payment of the invoiced amount within thirty (30) days of its receipt of said invoice. Should successful Proposer refuse to compensate the City for the damage incurred, said invoiced amount shall be withheld from the amount

payable to successful Proposer for services rendered pursuant to the awarded contract. This provision does not waive or diminish the City's right to pursue any and all legal remedies to collect for damages caused by Proposer, or Proposer's employee, affiliate, representative, partner, subcontractor, or agent.

3.3 Proposal Terms

By signing and submitting a Proposal, Proposer agrees:

3.3.1 To hold this Proposal open for sixty (60) days after the Due Date for review of the Proposal.

3.3.2 *This section is omitted.*

3.3.3 To furnish goods and services in strict compliance with the terms, conditions, specifications, and performance requirements of this RFP.

3.3.4 That payment(s) will only be made from an original invoice, not from any statement, and invoices for payment shall be submitted via e-mail to accountspayable@livingstontx.gov or via mail, courier, or personal delivery to:

City of Livingston, Texas
Attn: Accounts Payable
200 W. Church St.
Livingston, Texas 77351

3.3.5 Invoices shall not include Federal Excise, State, or City sales taxes, as the City shall furnish a tax exemption certificate.

3.3.6 The City shall notify the successful Proposer of any contested invoice(s) in writing, and the City and successful Proposer shall mutually resolve such disputed invoice(s) within sixty (60) days of successful Proposer's receipt of said notice of dispute.

3.3.7 The term of contract shall continue for a reasonable time period for the specific project and shall terminate upon project completion.

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3.4 Evaluation Criteria

It is not the policy of the City to award a contract on the basis of price alone. The City reserves the right to award the contract to the Proposer with the Proposal that is determined to be the best value to and most advantageous to the City considering the relative importance of price and other evaluation factors.

Proposal responses will be evaluated on the following criteria:

A. Proposer Relevant Experience and References - 30%

1. Experience in building demolition with specific experience in projects of the same or similar type, size, nature and class as the Project being proposed. Consideration will be given to the number of years of experience that a Proposer has.
2. The reputation and quality of the Proposer and of the Proposer's services.
3. Representative projects (dollar value and/or scope/size) must be submitted as references to include the project location, building size, and cost of the project. Provide valid contact information for the project owner. Consideration will only be given to projects which are complete.
4. The extent to which the Proposer's services meets the City's needs.
5. The Proposer's past relationship with the City
6. References provided in Section 10 of this document. References may be checked from customers other than those listed.
7. The impact on the ability of the City to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities.

B. Cost Proposal - 60%

1. The City will consider the total contract cost as part of its evaluation. The City shall have the right to accept alternates in any order or combination unless otherwise specifically provided in the Proposal Documents.
2. the total long-term cost to the City to acquire the Proposer's services.
3. The Proposer submitting the lowest proposed amount shall receive the highest number of points in the category, and the Proposer submitting the highest proposed amount shall receive the lowest number of points awarded in this category.

C. Proposed Time Schedule - 10%

1. Time is of essence to the City. Amount of time for completion of the Project, proposed by each Proposer, will influence the number of points awarded in this category.

3.5 Limit Award

The City's intent is to award a contract for all work described in the Request for Proposals to one proposer. The City reserves the right to award multiple contracts for portions of this work to others, based on the proposals submitted, if it is in the best interest of the City of Livingston.

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4. SCOPE OF WORK

4.A. DEMOLITION SPECIFICATIONS

The selected Proposer (hereinafter "Contractor") shall:

1. Secure all necessary permits from the City of Livingston and any Federal or State agency as required.
2. Keep dust to a minimum at demolition site. Use sprinklers or water trucks as necessary.
3. Properly notify utility providers of the pending demolition and request and ensure disconnection of Utilities, Water, Gas, Electric, Cable TV, Telecommunication and any other utility to the structures.
4. Provide to the City proof of disconnection of all utilities.
5. Demolish and remove main structure and outbuildings, but excluding concrete slabs.
6. Carefully clean and keep the project site clean from rubbish and refuse, as work progresses.
7. Remove all demolition materials, rubbish, or refuse from the project site daily; no material or debris may be buried on site.
8. Furnish to the City all documentation regarding the proper disposal of all materials, rubbish, soil, refuse and any other debris, including, but not limited to, manifests of delivery of all asbestos-containing materials to a landfill properly licensed and permitted to receive such materials.
9. Keep the surface of the sidewalks and streets affected by its work, including decking and temporary paving, in a clean, neat, and safe condition, limiting to the extent possible dust and smoke on and around the project site. The Contractor shall sprinkle with water or otherwise treat the site surface and surrounding area being used by the contractor (i.e. street, right-of way, etc.) sufficiently to keep down any dust generated during the progress of work.
10. Contractor must remove all piles of dirt or debris.
11. Ensure that NO fires of any kind or burning of any debris occurs.
12. Ensure that demolition work does not cause any increase of water velocity or damming of surface water as to create a water issue at adjacent or neighboring sites.
13. The subject site is bordered on two sides by the Livingston Housing Authority, and many residents are elderly or have children. The hours of operation of the demolition are limited to begin no earlier than 7:00 AM and must cease by 7:00 PM each day in order to keep noise and disturbance to the nearby residents to a minimum.

4.B. REGULATORY AND SAFETY REQUIREMENTS, PERMITS, FEES, AND NOTICES

1. The Contractor must possess all required Federal and State licenses required for the demolition and disposal of Hazmat materials, and shall comply with all Federal, State, and Local safety laws and regulations applicable to the execution of the Work including but not limited to: Texas Commission on Environmental Quality ("TCEQ"), Texas Department of State Health Services, and U.S. Environmental Protection Agency ("EPA") regarding the demolition of, handling, storing, transportation and disposal of toxic or hazardous substances and materials ("Hazmat"); Occupational Safety and Health Agency (OSHA); and other applicable Federal, State and Local codes laws and regulations regulating worker safety, transport and disposal of all such Hazmat materials.
2. Contractor shall post any applicable workplace notices as required by Law.
3. Contractor shall secure and shall pay for any required notifications, building or other permits applicable to completion of the Work.
4. Contractor shall coordinate all efforts required to obtain required permits. All permits and governmental fees, licenses, and inspections necessary for proper execution and completion of the Work shall be secured and paid for by Contractor.
5. Contractor shall comply with and give all notices required by laws, statutes, ordinances, rules, regulations, and lawful orders of public authorities bearing on performance of the work.

4.C. SITE AND WORK AREA PROTECTION, SECURITY AND WEATHER PROTECTION

1. The Contractor is responsible to protect and secure the demolition site using at minimum vinyl construction fencing sufficiently installed, secured and maintained to prevent unauthorized access to the site.
2. During execution of the Work, Contractor is solely responsible take necessary precautions not to disturb or damage any existing structures, landscaping, sidewalks, traffic signals, street lights, roads, trees, fencing, posts, poles, neighboring property walls, neighboring property lots, lawns, etc., or other items.
3. Contractor shall restore any damaged items to original condition, and as directed by the City. Contractor shall provide and erect acceptable physical barriers and solid barricades, fences, signs, and other vehicular and pedestrian traffic control devices to protect the work from the public, and to protect from damage or access adjacent properties, adjacent property items, and adjacent occupants and transient persons, as required by the City of Livingston Building Code and other applicable regulations.
4. Contractor shall be solely responsible to secure the building site, and replace and maintain any existing boarded up windows, doors, or other openings temporarily removed at the end of each work day.

5. Until the time of substantial completion, the building shall not be left open and the site shall not be left unsecured at any time the Contractor is not on site or the Work is being completed. Contractor is solely responsible to exercise special care, procedures to install physical, and or solid barriers, barricades or fencing to secure the site and prevent unauthorized access to any excavations or holes or cellars, resulting from demolition.
6. Any damages to Work site and neighboring property, including adjacent structures and items, caused by demolition activities shall be remedied by Contractor as directed by City, at Contractor's sole expense.
7. The Contractor shall take necessary precautions to avoid damage to existing utilities, infrastructure, vegetation, trees or other items to remain in place, to be reused, or to remain the property, or adjacent City property, right-of-way and alleys, including paved parking spaces, sidewalks and utility appurtenances.
8. Damaged items shall be repaired or replaced as required by City. Coordinate the work of this section with all other work indicated.
9. Contractor will construct and maintain shoring, bracing, and supports as required, and ensure that structural elements are not overloaded. Contractor will increase structural supports or add new supports as may be required as a result of any cutting, removal, or demolition work performed under the contract.
10. Pavements to remain as found.
11. The Contractor shall conduct Work in a safe, workmanlike manner providing suitable protection for the general public.
12. Before, during and after the demolition work the Contractor shall continuously evaluate the condition of the structures being demolished and take immediate action to protect all personnel working in and the general public around or near the demolition site.
13. Every excavation or area of demolition located five feet or less from the street or right of way line shall be enclosed with a suitable barrier to prevent the entry of unauthorized persons. Where located more than five feet from a street or property lot line, a barrier shall be erected, where required by the City Building Official.
14. All barriers shall be of adequate strength to resist wind pressure as specified by the Building Official.
15. No area, section, or component of floors, roofs, walls, columns, pilasters, or other structural element will be allowed to be left standing without sufficient bracing, shoring, or lateral support to prevent collapse or failure while workmen remove debris or perform other work in the immediate area.
16. Floors, roofs, walls, columns, pilasters, and other structural components that are designed and constructed to stand without lateral support or shoring, and are determined to be in stable condition,

may remain standing without additional bracing, shoring, or lateral support until demolished, unless directed otherwise the Building Official.

17. Contractor to ensure that no elements determined to be unstable are left unsupported and place and secure bracing, shoring, or lateral supports as may be required as a result of any cutting, removal, or demolition work performed under the contract.
18. The Contractor shall install temporary barriers or barricade(s) at the Contractor's expense to control the spread of debris or foreign objects which may cause potential damage to adjacent properties. Temporary barriers shall include netting or fabric designed to stop the spread of debris and foreign objects. Temporary barricade shall include a fence covered with a fabric designed to stop the spread of debris and foreign objects. Temporary barricade fence and/or fabric will be anchored to prevent displacement by winds. Barricade to be removed when no longer required.
19. Contractor shall comply with all applicable U.S. Environmental Protection Agency, Texas Commission on Environmental Quality and Texas Department of State Health Services requirements as required to complete the Work.
20. The use of fire, burning or incineration at the project site for the disposal of refuse and debris is strictly prohibited. The use of explosives is strictly prohibited.

4.D. ARCHAEOLOGICAL AND HISTORICAL RESOURCES

All items having any apparent historical or archaeological interest, which are discovered in the course of any demolition, construction or other activities related to the Work, shall be carefully preserved and reported immediately to City for determination of appropriate actions to be taken.

4.E. POLLUTION CONTROLS

Under the authority of Section 112 of the Clean Air Act (42 U.S.C. Chapter 85, §7401 et seq. as amended), the Administrator of the United States Environmental Protection Agency (EPA) promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP). Asbestos was designated a hazardous air pollutant, and standards were set for its use and control. Demolition of certain buildings and structures was determined to be a significant source of asbestos emissions. Contractors are required under the Clean Air Act to allow EPA personnel to freely enter facilities or demolition sites, review records, inspect any demolition method, and sample or observe any omissions. All demolition must be undertaken in compliance with the applicable provisions of the Clean Air Act and all applicable Federal Regulations. The Contractor is solely responsible to; provide dust control during demolition and debris removal; prevent the spread of dust and debris to neighboring sites and properties; and avoid the creation of any nuisance or hazard in the surrounding area.

4.F. BUILDING DEMOLITION REQUIREMENTS

All work shall be in accordance with applicable City of Livingston Building Codes. All street curbing, pavement and public walkways shall remain and be protected and repaired or replaced new if damaged

during demolition activities, as directed by City. Prior to commencing with building demolition, and as incidental to the Work, Contractor shall remove and lawfully dispose of:

1. Any existing vegetation, landscape shrubbery around the building perimeter as may be required to enable demolition of the buildings. Existing trees shall be protected as directed by City.
2. All private man-made structures, such as, but not limited to: wood and metal stair railings; wood decks and ramps; exterior light fixtures; or any structures or appurtenances associated with the buildings, except as otherwise noted in other sections herein or as directed by City.
3. Concrete slabs to remain - not part of demolition.
4. Any materials not specified above adjacent to or within building footprint discovered during the execution of the Work.
5. All perimeter and interior walls, roofing, supports beams, columns and exposed pilings shall be removed from the site entirely, and lawfully disposed in compliance with all applicable regulations.

4.G. DISPOSITION OF MATERIALS

1. All building contents, rubbish, materials and equipment removed, including items allowed to be salvaged by the Contractor in related Sections, shall become the property of the Contractor and shall be removed from the property.
2. Title to materials resulting from demolition, and materials and equipment to be removed, is vested in Contractor upon approval by City of Contractor's demolition and removal procedures, and authorization to proceed by City to begin demolition. City will not be responsible for the condition or loss of, or damage to, such property after contract award.
3. Materials and equipment shall not be viewed by prospective purchasers or sold on the site. Except as specified elsewhere, no specific materials and equipment have been identified to be reused and may be removed at the discretion of the Contractor.
4. Concrete, masonry, and other noncombustible material shall be removed from the site.
5. Debris, rubbish, scrap, and other non-salvageable materials resulting from removal operations shall be disposed in compliance with all applicable Federal, State, and local regulations as contractually specified off the Site.
6. Burning of any materials generated in conjunction with the Work is strictly prohibited.

4.H. TRAFFIC CONTROL AND PROTECTION

1. Contractor shall be responsible for furnishing, installing, maintaining, relocating and removal of all signs, signals, pavement markings, traffic cones, barricades, warning lights, flagmen, and other traffic control devices which are used for the purpose of regulating, warning or directing traffic during the demolition process.
2. Contractor shall be responsible to maintain the appropriate signs and caution lights at all times of the day and night.
3. Traffic control and protection shall be considered incidental to the Contract, and shall be the sole responsibility of the Contractor.

4.I. UTILITIES

1. It shall be the Contractor's sole responsibility to locate all buried utilities when the possibility exists of a conflict with utilities and the work to be done under the Contract.
2. Hand-digging in proximity to buried utilities may be required and shall be considered incidental to the Contract.
3. SEWER LINE LOCATING, CAPPING AND MARKING - The Contractor shall locate all sanitary sewer lines from the structures to all receiving manholes (whether one or more), and shall excavate and permanently cap off the sewer lines either at the property line(s) or at the receiving manholes, each way, to prevent infiltration into the manholes and the City's sanitary sewer system. A permanent marker will be placed at the site of each line capping for future locating. Prior to such excavation and capping, the Contractor must contact the City's Public Works Department and a representative of such Department must review, coordinate and observe such excavation, capping and marking.

4.J. WATER

City water for purposes necessary to complete the Work will be available to the Contractor at no cost. The Contractor shall obtain City water from a source determined by the City.

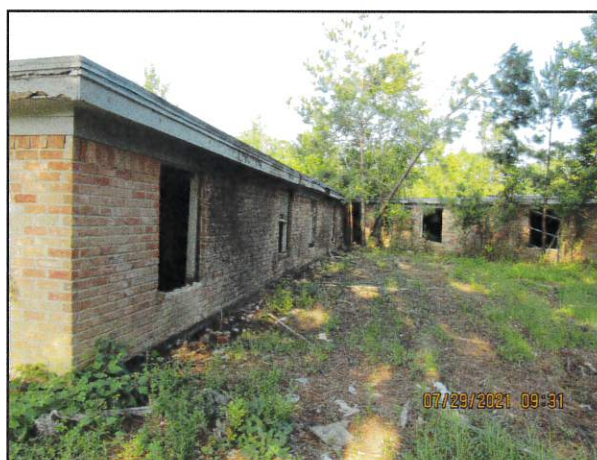
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4.K. BUILDING INFORMATION

Address: 154 Banks Drive, Livingston, Polk County, Texas
Polk Central Appraisal District ID No. 45735 and Geo ID No. C1000005500
Described in deed recorded in Volume 1981, Page 306 of the Official Public Records of Polk County, Texas

Occupancy: Vacant

Asbestos Survey: Completed by Fern Environmental LLC and asbestos was detected. A copy of this report is attached.



The site is a called 3.489 acres, more or less. The structures were originally constructed and used as a nursing home, but ceased to be used as such sometime in the late 1990's or early 2000's. It has changed hands several times, sometimes by delinquent tax sales, and has fallen into serious disrepair and dilapidation. A disc containing pictures and videos taken of the structure is attached and included in this RFP packet.

The most recent owner was Robert Hill, who passed away in 2016, and is now owned by his heirs.

The City of Livingston instituted a dilapidated building enforcement proceeding against the building, and by an Order of Abatement dated September 14, 2021, the building was declared dilapidated, unsafe and a public nuisance and ordered to be demolished by the City Council. A copy of this Order of Abatement is attached. An appeal of this Order of Abatement was made to the Polk County District Court, and by a final Order dated October 4, 2023, the City Council's Order of Abatement was affirmed by the 258th District Court. A copy of this Order is attached.

The property and structure is still privately owned, and this demolition sought will be performed in accordance with the City Council's Order of Abatement as affirmed by the District Court's Order.

– ALL FOLLOWING FORMS TO BE RETURNED WITH PROPOSAL –

5. PRICING

The undersigned hereby declares: to have carefully examined the contract documents, including all addenda; have a clear understanding of said documents and premises; propose to provide the necessary tools, machinery, apparatus and other means of maintenance; and to furnish all labor, materials and services specified in the contract or called for in the contract documents for the prices as indicated below.

5.A. CONTRACT PRICE:

Demolition of all structures at 154 Banks Drive as specified in Section 5 \$ _____

5.B. CONTRACT COMMENCEMENT: The Proposer agrees, if awarded the Contract, to commence work within _____ (_____) calendar days after receipt of a Notice of Award.

5.C. TOTAL CALENDAR DAYS FOR COMPLETION: If awarded the Contract, the Proposer agrees to complete the demolition within _____ (_____) calendar days from the date of commencement of demolition.

5.D. DOCUMENTS: The undersigned Proposer, by submittal of the RFP response, represents and warrants that it is satisfied as to the requirements and provisions of the RFP for this project and the documents describing the scope of work, has submitted any questions Proposer may have had and has received satisfactory answers to such questions.

Proposer:

By: _____
Signature

Printed Name

Title

Date

6. DEMONSTRATION OF EXPERIENCE

Proposer's Name: _____

Years in business under present business name: _____

Total years of experience in work of the type called for in this contract: _____

List in table below the contracts of similar scope and scale to the City's RFP that your organization completed. List most recent FIRST:

Contract Amount	Type of Work	Date Completed	Owner's Name & Contact Info

List in the table below what contracts your organization currently has:

Contract Amount	Type of Work	Projected Date of Completion	Owner's Name & Contact Info

If you have any additional experience or work that you would like to submit, please provide separate additional documentation upon submittal

Have you ever failed to complete any contract awarded to you?

☐ Yes ☐ No

Are you at present in any major litigation or lawsuits involving work of any type?

☐ Yes ☐ No

If "Yes" please explain by attaching an explanation to your proposal.

Remainder of Page intentionally left blank

7. LIST OF MACHINERY AND EQUIPMENT

It is represented as part of this proposal that the equipment listed below is available for use on the work covered by the Scope of Work.

As a part of the proposal evaluation a team from the Public Works Department may inspect the availability and capability of the equipment of the Contractor submitting the winning proposal.

Units	Types of Equipment

8. PROPOSER PROFILE

Company Name: _____

Any D/B/A: _____

Address: _____

Telephone Numbers

Phone: _____

Fax: _____

Contacts

Corporate Contact for this Proposal:

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Website: _____

If local contact is the same as Corporate Contact, check here ☐

or

Local Contact for this Proposal:

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Number of years Proposer has been in business under this name: _____

Other names used with dates, from/to:

_____	From: _____	To: _____
_____	From: _____	To: _____
_____	From: _____	To: _____
_____	From: _____	To: _____
_____	From: _____	To: _____

Remainder of Page intentionally left blank

9. PROPOSAL RESPONSE FORM

By signing and submitting this proposal, Proposer acknowledges that Proposer has inspected the specifications, is capable and willing to perform and/or provide the required services and/or products, and will complete this project within the amount of time and dollar amount specified. The undersigned certifies that the prices contained in this Proposal have been carefully checked and submitted as correct and final. The undersigned is authorized to bind themselves or the entity they represent to a contract.

Proposer is:

- ☐ An individual proprietorship
- ☐ A partnership
- ☐ A corporation chartered under the laws of the State of _____, acting by its officers pursuant to its by-laws or authorized by a resolution of its Board of Directors
- ☐ A limited liability company, organized under the laws of the State of _____, acting by its Member or Director pursuant to its Certificate of Organization.
- ☐ Other: _____

Signature

Printed Name:

Title:

Date

10. REFERENCES

Proposer shall submit a list of at least three (3) references for which Proposer has provided like products or services. References will include contact name and telephone number. Proposals submitted without three references may be disqualified from consideration.

Company: _____
Contact name: _____
Phone number: _____
Email: _____

Company: _____
Contact name: _____
Phone number: _____
Email: _____

Company: _____
Contact name: _____
Phone number: _____
Email: _____

Company: _____
Contact name: _____
Phone number: _____
Email: _____

Company: _____
Contact name: _____
Phone number: _____
Email: _____

11. DEVIATION OR COMPLIANCE FORM

11.A. DEVIATIONS: In the event the Proposer intends to deviate from the general terms, conditions, special conditions or specifications contrary to those listed in the “Terms and Conditions” and other information attached hereto, all such deviations must be **LISTED ON THIS PAGE**, with complete and detailed conditions and information also being attached (*attach additional pages as necessary*).

11.B. NO DEVIATIONS: In the absence of any deviation entry on this page, Proposer assures the City of Proposer's compliance with the Terms, Conditions, Specifications, and information contained in this RFP.

[illegible]

12. RELEASE AND INDEMNIFICATION

TO THE MAXIMUM EXTENT PERMITTED BY LAW, PROPOSER HEREBY AGREES AND CONSENTS FOR ITSELF, INDIVIDUALLY, AND ON BEHALF OF THE BUSINESS ENTITY, TO FULLY AND UNCONDITIONALLY RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF LIVINGSTON, TEXAS, INCLUDING ITS OFFICERS, AGENTS AND EMPLOYEES, AND TO DEFEND AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, ATTORNEY FEES, CLAIMS, SUITS, DEMANDS, LOSSES, OR LIABILITY FOR INJURIES TO REAL OR PERSONAL PROPERTY AND INJURIES TO PERSONS INCLUDING DEATH, INCLUDING PROPOSER'S EMPLOYEES, AFFILIATES, REPRESENTATIVES, PARTNERS, AGENTS, OR THOSE WORKING ON PROPOSER'S BEHALF, FROM ANY AND ALL OTHER COSTS, EXPENSES, ATTORNEY FEES, CLAIMS, SUITS, DEMANDS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION WITH ANY CONTRACT AWARDED PURSUANT TO THIS RFP AND IN THE PERFORMANCE THEREOF, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE, SAVE AND EXCEPT THE SOLE AND EXCLUSIVE NEGLIGENCE OF THE CITY. THIS PROVISION SHALL APPLY TO ALL IMPUTED OR ACTUAL JOINT ENTERPRISE AND JOINT VENTURE LIABILITY, IF ANY.

Proposer Company Name

Signature:

Printed Name

Title

Date

13. NON-COLLUSION ACKNOWLEDGMENT

The undersigned Proposer affirms that they are duly authorized to execute this Proposal, that this company, corporation, firm, partnership or individual has not prepared this Proposal in collusion with any other Proposer, and that the contents of this Proposal as to prices, terms and conditions thereof have not been communicated by the undersigned Proposer, nor by Proposer's employee, affiliate, representative, partner, subcontractor, or agent, to any other individual or entity engaged in this type of business prior to the official opening of this RFP.

Proposer Company Name

Signature:

Printed Name

Title

Date

14. SUSPENSION OR DEBARMENT CERTIFICATE

Proposer certifies and represents to the City that Proposer is not currently debarred or suspended from contracting with the State of Texas or any agency of the State by the Texas Comptroller of Public Accounts under §2155.077 of the Texas Government Code and Title 34, Part 1, Chapter 20, Subchapter G of the Texas Administrative Code.

Proposer Company Name

Signature

Printed Name

Title

Date

15. COOPERATIVE PURCHASING

This Section is omitted

16. CONFLICT OF INTEREST AND QUESTIONNAIRE

Please sign, if applicable

The Texas Ethics Commission adopted the attached Conflict of Interest Questionnaire (Form CIQ) pursuant to Texas Local Government Code Chapter 176, as amended. For questions about these forms, please see the Texas Ethics Commission at:

<https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>

If the Proposer has a business relationship with any City officer or official as set forth below, as defined in the CIQ form, Proposer shall answer each question in the attached Form CIQ in relation to the following individuals and submit a completed form with its Proposal:

Local Government Officer	Title	Local Government Officer	Title
Judy B. Cochran	Mayor	Alan Cook	Alderman
Raymond Luna	Alderman	Elgin Davis	Alderman
Bobby Jackson	Alderman	Billy S. Wiggins	City Manager
Ellie Monteaux	City Secretary/Asst. City Manager	Scott Ferguson	City Attorney
Matt Parrish	Police Chief	Linnette Barker	Finance Director
Stacy Edwards	Human Resource Coordinator	Hec Long	Public Works Director
Julie Miller	Utility Billing Director	Jeff Hunter	Community Development Coordinator/Code Enforcement
Josh Mohler	Fire Marshal/Code Enforcement Officer	Derrick Richardson	Electric Department Supervisor
Jason Britton	Waste Water Compliance Coordinator	Keith Foxworth	Maintenance Director
Lynn Riley	Main Street/Special Events Director	Priscilla Emrich	Library Director

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

17. DISCLOSURE OF INTERESTED PARTIES

(if applicable)

Prior to entering into a contract that is at least \$1 million dollars in value, the Proposer must file with the City and with the Texas Ethics Commission a "Certificate of Interested Parties" Form 1295, in accordance with Texas Government Code §2252.908 as amended.

Additional information on Form 1295 may be found on the Texas Ethics Commission website at:

https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php

18. W-9 FORM

Please complete and submit with the Proposal a current W-9 Form, as attached, or as may be found as a fillable PDF form at:

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

**Request for Taxpayer
Identification Number and Certification**

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	1	Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	2	Business name/disregarded entity name, if different from above.	
	3a	Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) _____ Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) _____	
	4	Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)	
	3b	If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions. <input type="checkbox"/>	
	5	Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
	6	City, state, and ZIP code	
7	List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
or										
Employer identification number										

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date
-----------	--------------------------	------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier.

What Is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all U.S. account holders that are specified U.S. persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you are no longer tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

• **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note for ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040 you filed with your application.

• **Sole proprietor.** Enter your individual name as shown on your Form 1040 on line 1. Enter your business, trade, or "doing business as" (DBA) name on line 2.

• **Partnership, C corporation, S corporation, or LLC, other than a disregarded entity.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

• **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. Enter any business, trade, or DBA name on line 2.

• **Disregarded entity.** In general, a business entity that has a single owner, including an LLC, and is not a corporation, is disregarded as an entity separate from its owner (a disregarded entity). See Regulations section 301.7701-2(c)(2). A disregarded entity should check the appropriate box for the tax classification of its owner. Enter the owner's name on line 1. The name of the owner entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For

example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, enter it on line 2.

Line 3a

Check the appropriate box on line 3a for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3a.

IF the entity/individual on line 1 is a(n) ...	THEN check the box for ...
• Corporation	Corporation.
• Individual or	Individual/sole proprietor.
• Sole proprietorship	
• LLC classified as a partnership for U.S. federal tax purposes or	Limited liability company and enter the appropriate tax classification:
• LLC that has filed Form 8832 or 2553 electing to be taxed as a corporation	P = Partnership, C = C corporation, or S = S corporation.
• Partnership	Partnership.
• Trust/estate	Trust/estate.

Line 3b

Check this box if you are a partnership (including an LLC classified as a partnership for U.S. federal tax purposes), trust, or estate that has any foreign partners, owners, or beneficiaries, and you are providing this form to a partnership, trust, or estate, in which you have an ownership interest. You must check the box on line 3b if you receive a Form W-8 (or documentary evidence) from any partner, owner, or beneficiary establishing foreign status or if you receive a Form W-9 from any partner, owner, or beneficiary that has checked the box on line 3b.

Note: A partnership that provides a Form W-9 and checks box 3b may be required to complete Schedules K-2 and K-3 (Form 1065). For more information, see the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

If you are required to complete line 3b but fail to do so, you may not receive the information necessary to file a correct information return with the IRS or furnish a correct payee statement to your partners or beneficiaries. See, for example, sections 6698, 6722, and 6724 for penalties that may apply.

Line 4 Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third-party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space on line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2).

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third-party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))**	The grantor*

For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing Form 1041 or under the Optional Filing Method 2, requiring Form 1099 (see Regulations section 1.671-4(b)(2)(i)(B))**	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name on line 1, and enter your business or DBA name, if any, on line 2. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

*Note: The grantor must also provide a Form W-9 to the trustee of the trust.

** For more information on optional filing methods for grantor trusts, see the Instructions for Form 1041.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information, such as your name, SSN, or other identifying information, without your permission to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax return preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity, or a questionable credit report, contact the IRS Identity Theft Hotline at 800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Appendix No. 1

Asbestos Inspection Report

Fern Environmental, LLC

Asbestos Inspection Report
Vacant Building
154 Banks Dr.
Livingston, Texas 77351



By:
FERN Environmental, LLC
10103 Fondren Rd., Ste. 425
Houston, TX 77096
(832) 797-3059 Fax: (713) 202-4717
DSHS Asbestos Consultant Agency Lic. #100455 Exp:2/15/26
DSHS Asbestos Laboratory Lic. #300482 Exp:11/17/24
TDLR Mold Assessment Company Lic. #ACO1147 Exp:12/16/24
DSHS Lead Firm Lic. #2110668 Exp:11/30/24



Project No.: 0124-118

February 7, 2024

Handwritten signature of Gregory Lall in black ink.

Gregory Lall

TDSHS Asbestos Consultant Lic. #10-5216 Exp:02/29/26
TDSHS Lead Risk Assessor Lic. #2070478 Exp:12/28/24
TDLR Mold Consultant Lic. #MAC0239 Exp:01/11/26

February 7, 2024

Mr. Josh Mohler
Fire Marshal, CFI
Code Enforcement Officer
City of Livingston
200 West Church St.
Livingston, TX 77351
P: 936-328-5167 F: 936-327-7784
firemarshal@livingston.net

RE: Asbestos Inspection
Vacant Building
154 Banks Dr.
Livingston, Texas 77351
Project No. 0124-118

Dear Mr. Mohler,

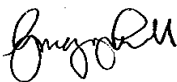
Pursuant to your request, FERN Environmental, LLC (FERN) performed asbestos testing at the above-referenced site on January 24, 2024. The inspection covered accessible, suspect asbestos-containing materials (ACM) in the building. The inspection report is attached.

Asbestos Was Detected in representative samples collected from gypsum board ceilings.

Asbestos was not detected in samples of floor tile and associated mastic, gypsum board wall, or roofing materials collected in the building.

We appreciate the opportunity to provide our environmental services. Should you have any questions, please feel free to contact us at (832) 797-3059.

Sincerely,
FERN Environmental, LLC



Gregory Lall
DSHS Lic. Consultant #105216

Attachment: Asbestos Inspection Report

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1.1 BACKGROUND

FERN Environmental, LLC (FERN) performed testing for asbestos-containing materials in the vacant dilapidated building located at 154 Banks Dr., in Livingston, Texas.

Due to the health effects associated with exposure to asbestos dust, building materials are tested for asbestos content prior to their disturbance. If an asbestos inspection reveals the presence of asbestos-containing materials, they must be properly handled by trained workers prior to renovation. Federal, state and local regulations apply to work involving Asbestos Containing Materials (ACM).

1.2 PURPOSE

The objective of the testing was to provide general information for specific areas of this facility regarding the presence of accessible and/or exposed building materials which commonly contain asbestos. Materials which contain more than one percent (1%) asbestos are considered to be ACM according to Environmental Protection Agency (EPA) and Texas Department of State Health Services (DSHS) regulations.

1.3 WARRANTY

The information contained in this report is based upon data furnished by the Client and observations and test results provided by FERN. Certain findings are time dependent, and subject to changing site conditions, and revisions to Federal, state, and local regulations.

These findings have been prepared in accordance with generally accepted practices in the asbestos testing and abatement industry. Building materials such as thermal insulation in pipe chases are typically inaccessible to the inspector. Roofs are not normally sampled due to concerns about voiding existing warranties. Occupied buildings should be revisited once they are vacated, and prior to commencing work, in order to evaluate formerly inaccessible materials/areas such as mirror mastic, multiple layered floor coverings, vapor barriers or pipe chases. If new materials are uncovered during demolition activities, the asbestos content of such materials may be assumed or verified by laboratory analysis.

This report has been prepared for the use of the Client for the described site. It is not an abatement specification and is not intended for the use or benefit of any other party and may not be reproduced, except in full, without written approval from FERN.

No other warranties are implied or expressed.

2.1 BACKGROUND

The scope of services included the performance of field and laboratory testing programs, and the preparation of a report detailing where and at what concentrations asbestos was found.

The inspection was conducted by Greg Lall, an EPA accredited Inspector and DSHS Licensed Asbestos Consultant (Lic. #105216), on January 24, 2024, to identify materials containing one percent or more ($\geq 1\%$) asbestos.

2.2 REGULATORY REQUIREMENTS

The visual inspection and asbestos sampling were conducted in general accordance with EPA/AHERA guidelines to determine the presence of asbestos in suspect asbestos-containing materials (ACM) which were accessible and/or exposed in the facility. Bulk samples obtained from the facility were delivered to the NVLAP accredited, and DSHS licensed (Lic. #30-0373) Environmental Analytical Services laboratory for analysis for asbestos by Polarized Light Microscopy (PLM) with dispersion staining in accordance with USEPA guidelines (EPA/600/R-93/116).

Asbestos-containing materials (ACM) that will be impacted during construction activities must be abated by trained and certified abatement workers.

An abatement specification is required for abatement projects in accordance with the regulations, and is typically prepared after the renovation scope is determined. Asbestos containing materials that will be impacted by the renovation are more extensively quantified during specification development.

Data tables containing a summary of results by building component are included in the Appendix of this report.

3.1 FIELD SURVEY

Inspection Procedures

Asbestos inspection and sample collection were performed by an EPA accredited and DSHS Licensed inspector. An initial facility walk-through was conducted to determine the presence of suspect materials which were accessible and/or exposed. Materials that are similar in appearance are grouped into 'homogeneous' sampling areas. Representative samples are collected from each homogeneous area.

Sampling Procedures

After a thorough visual examination, samples of suspect ACM were collected. Sampling is typically limited to materials that are accessible and do not involve destruction of floors, ceilings, roofs, physical barriers, etc. or the structural integrity of the item being tested.

EPA guidelines were used to determine the sampling protocol, and samples were collected from representative areas of each suspect material. A summary of the tested materials is presented in the appendix and includes information such as friability and condition (Good, Damaged or Significantly Damaged).

Inaccessible materials in locations such as pipe chases and behind walls, multiple layered floor covering, and any other materials which were not evaluated in this inspection may be assumed to be ACM or tested for asbestos if they are uncovered during renovation or other operations which may disturb them.

After each sample was extracted, a spray encapsulant and/or tape covering may have been applied to the sampled area to prevent potential fiber release.

Laboratory Methods

Analysis was performed by using the bulk sample for visual observation and slide preparations for microscopic examination and identification. The samples were mounted on slides and then analyzed for asbestos (chrysotile, amosite, crocidolite, anthophyllite and actinolite/tremolite), and fibrous non-asbestos constituents (mineral wool, paper, etc.) and non-fibrous constituents.

Asbestos is identified by Polarized Light Microscopy (PLM) in accordance with USEPA guidelines (EPA/600/R-93/116) for this method. The same method was used to identify the non-asbestos constituents. The microscopist visually estimates relative amounts of each constituent by determining the volume of each constituent in proportion to the total volume of the sample, using a stereoscope.

4.1 INSPECTION RESULTS

A material is considered to be asbestos containing if at least one sample collected from the material contains asbestos fibers at a concentration of one percent or more ($\geq 1\%$).

Asbestos Was Detected in samples collected from the following materials:

- Textured plaster on gypsum board ceiling (approx. 27,000 SF).

Asbestos was not detected in samples of floor tile and associated mastic, gypsum board wall, or roofing materials collected in the building.

AHERA CLASSIFICATION

In accordance with EPA AHERA regulations (40 CFR 763 Subpart E), Asbestos-Containing Material (ACM) identified in a survey should be classified into one of the following categories:

- (1) Damaged or significantly damaged thermal system insulation ACM
- (2) Damaged friable surfacing ACM
- (3) Significantly damaged friable surfacing ACM
- (4) Damaged or significantly damaged friable miscellaneous ACM
- (5) ACBM with potential for damage
- (6) ACBM with potential for significant damage
- (7) Any remaining friable ACBM or friable suspected ACBM

The AHERA classifications for the asbestos-containing materials at the site is 3.

These materials should only be disturbed by certified asbestos workers wearing appropriate personal protective equipment (PPE). Before commencing renovation or demolition activities, ACM's should be removed by certified asbestos abatement workers. ACM's must be disposed of at an approved landfill. Texas DSHS and OSHA regulations (29 CFR 1926.1101) apply to all work involving ACM. DSHS, NESHAP (40 CFR 61), and DOT regulations (49 CFR 171 and 172) apply to transportation and disposal.

These findings have been prepared in accordance with generally accepted practices in the asbestos testing and abatement industry. No other warranties are implied or expressed.

The laboratory analysis results are included in the Appendix.

APPENDIX 1

BULK ASBESTOS SAMPLE SUMMARY

BULK ASBESTOS SAMPLE SUMMARY

Vacant Building
154 Banks Dr.
Livingston, TX 77351
Project No. 0124-118

Sample #	Description/Location	Friable (F) / Non-friable (NF)	Condition	Analysis Result
01	Gypsum board wall / SE wing – inside room	F	SD	N.D.
02	Gypsum board wall / SE wing – inside room	F	SD	N.D.
03	Gypsum board wall / SE wing - hallway	F	SD	N.D.
04	Beige 12"x12" floor tile / SE wing – inside room	NF	SD	N.D.
05	Beige 12"x12" floor tile / SE wing – hallway	NF	SD	N.D.
06	Beige 12"x12" floor tile / SE wing – inside room	NF	SD	N.D.
07	Gypsum board ceiling with texture / SE wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
08	Gypsum board ceiling with texture / SE wing – inside room	F	SD	N.A.
09	Gypsum board ceiling with texture / SE wing – inside room	F	SD	N.A.
10	Gypsum board wall / SW wing – inside room	F	SD	N.D.
11	Gypsum board wall / SW wing – inside room	F	SD	N.D.
12	Gypsum board ceiling with texture / SW wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
13	Gypsum board ceiling with texture / SW wing – inside room	F	SD	N.A.
14	Beige 12"x12" floor tile / SW wing – inside room	NF	SD	N.D.
15	Beige 12"x12" floor tile / SW wing – inside room	NF	SD	N.D.
16	Gypsum board wall / W wing – inside room	F	SD	N.D.
17	Gypsum board wall / W wing – inside room	F	SD	N.D.
18	Gypsum board ceiling with texture / W wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
19	Gypsum board ceiling with texture / W wing – inside room	F	SD	N.A.

20	Beige 12"x12" floor tile / W wing – inside room	NF	SD	N.D.
21	Beige 12"x12" floor tile / W wing – hallway	NF	SD	N.D.
22	Gypsum board wall / NW wing – hallway	F	SD	N.D.
23	Gypsum board wall / NW wing – inside room	F	SD	N.D.
24	Gypsum board ceiling with texture / NW wing – inside room	F	SD	N.A.
25	Gypsum board ceiling with texture / NW wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
26	Beige 12"x12" floor tile / NW wing – inside room	NF	SD	N.D.
27	Beige 12"x12" floor tile / NW wing – hallway	NF	SD	N.D.
28	Gypsum board wall / NE wing – inside room	F	SD	N.D.
29	Gypsum board wall / NE wing – hallway	F	SD	N.D.
30	Gypsum board ceiling with texture / NE wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
31	Gypsum board ceiling with texture / NE wing – inside room	F	SD	N.D.
32	Beige 12"x12" floor tile / NE wing – hallway	NF	SD	N.D.
33	Beige 12"x12" floor tile / NE wing – inside room	NF	SD	N.D.
34	Gypsum board wall / E wing – hallway	F	SD	N.D.
35	Gypsum board wall / E wing – inside room	F	SD	N.D.
36	Gypsum board ceiling with texture / E wing – inside room	F	SD	(texture) 2% Chr. (sheetrock) N.D.
37	Gypsum board ceiling with texture / E wing – inside room	F	SD	N.A.
38	Beige 12"x12" floor tile / E wing – inside room	NF	SD	N.D.
39	Beige 12"x12" floor tile / E wing – hallway	NF	SD	N.D.
40	Roofing material / exterior	NF	SD	N.D.
41	Roofing material / exterior	NF	SD	N.D.
42	Roofing material / exterior	NF	SD	N.D.

43	Roofing material / exterior	NF	SD	N.D.
44	Roofing material / exterior	NF	SD	N.D.

Note: Chr. = Chrysotile Asbestos Was Detected
N.D. = Asbestos was Not Detected
N.A. = Not Analyzed due to previous positive result
Condition = Good (G), Damaged (D), Significantly Damaged (SD)

APPENDIX 2

LABORATORY ANALYTICAL RESULTS



Environmental
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13201 Northwest Freeway, Suite 520
Houston, Texas 77040
phone 713-343-4017 | fax 713-934-9942
www.easlabs.com | facebook.com/easlabs | info@easlabs.com

Test: EPA 600/R-93/116
Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
Houston, TX 77219

Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
01 24013118.01	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
01 24013118.01	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
02 24013118.02	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
02 24013118.02	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
03 24013118.03	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

These results are submitted pursuant to EAS' current terms of sale, including the company's standard warranty and limitation of liability provisions and no responsibility or liability is assumed for the manner in which the results are used or interpreted. Unless notified in writing to return the samples covered by this report, EAS will store the samples for a period of ninety (90) days before discarding. Percent ranges reported are estimates and not absolute percent range values.

Analyzed By:

Arthur Hernandez

Approved Signatory:

Arthur Hernandez



Environmental
Analytical
Services, LLC

13201 Northwest Freeway, Suite 520
Houston, Texas 77040
phone 713-343-4017 | fax 713-934-9942
www.easlabs.com | facebook.com/easlabs | info@easlabs.com

Test: EPA 600/R-93/116
Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
Houston, TX 77219

Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
03 24013118.03	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
04 24013118.04	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
04 24013118.04	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
05 24013118.05	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
05 24013118.05	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

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Analyzed By:

Arthur Hernandez

Approved Signatory:

Arthur Hernandez



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Houston, Texas 77040
phone 713-343-4017 | fax 713-934-9942
www.easlabs.com | facebook.com/easlabs | info@easlabs.com

Test: EPA 600/R-93/116 Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
Houston, TX 77219

Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
06 24013118.06	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
06 24013118.06	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
07 24013118.07	A	Tan/White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%
07 24013118.07	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
08 24013118.08		Not Analyzed Postive Stop				

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

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Arthur Hernandez

Approved Signatory:


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Test: EPA 600/R-93/116
Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
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Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
09 24013118.09		Not Analyzed Postive Stop				
10 24013118.10	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
10 24013118.10	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
11 24013118.11	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
11 24013118.11	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

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Analyzed By:

Arthur Hernandez

Approved Signatory:

Arthur Hernandez



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Test: EPA 600/R-93/116 Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
Houston, TX 77219

Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
12 24013118.12	A	Tan/White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%
12 24013118.12	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
13 24013118.13		Not Analyzed Postive Stop				
14 24013118.14	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
14 24013118.14	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

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Analyzed By:

Arthur Hernandez

Approved Signatory:

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Test: EPA 600/R-93/116
Polarized Light Microscopy

Client Information:

Fern Environmental
1900 West Gray, #131631
Houston, TX 77219

Phone: 832-797-3059

E-Mail: greg@fernenvironmental.com

Project:

154 Banks

0124-118

EAS Job: 24013118

Attn: Greg Lall

Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
15 24013118.15	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
15 24013118.15	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
16 24013118.16	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
16 24013118.16	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
17 24013118.17	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%

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Notes:

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
17 24013118.17	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
18 24013118.18	A	White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%
18 24013118.18	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
19 24013118.19		Not Analyzed Postive Stop				
20 24013118.20	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%

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Notes:

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
20 24013118.20	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
21 24013118.21	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
21 24013118.21	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
22 24013118.22	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
22 24013118.22	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
23 24013118.23	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
23 24013118.23	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
24 24013118.24		Not Analyzed Postive Stop				
25 24013118.25	A	White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%
25 24013118.25	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
26 24013118.26	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
26 24013118.26	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
27 24013118.27	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
27 24013118.27	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
28 24013118.28	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
28 24013118.28	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
29 24013118.29	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
29 24013118.29	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
30 24013118.30	A	White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%
30 24013118.30	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%

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Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
31 24013118.31		Not Analyzed Postive Stop				
32 24013118.32	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
32 24013118.32	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
33 24013118.33	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
33 24013118.33	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%

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Microscope: PLM Labomed LX
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Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
34 24013118.34	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
34 24013118.34	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
35 24013118.35	A	White Fibrous Joint Compound Homogeneous	NO	None Detected	Cellulose 2%	Binders / CaCO 98%
35 24013118.35	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
36 24013118.36	A	White Fibrous Ceiling Texture Homogeneous	YES	Chrysotile 2%		Binders / CaCO 98%

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Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
36 24013118.36	B	White Fibrous Sheetrock Non-Homogeneous	NO	None Detected	Cellulose 30%	Gypsum 70%
37 24013118.37		Not Analyzed Postive Stop				
38 24013118.38	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%
38 24013118.38	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
39 24013118.39	A	Beige Granular Floor Tile Homogeneous	NO	None Detected		Other Non-Fibrous 100%

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Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
39 24013118.39	B	Brown/Yellow Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Adhesive 98%
40 24013118.40	A	Black/Brown Fibrous/Granular/Tar Roofing Material Non-Homogeneous	NO	None Detected	Cellulose 40%	Asphaltic Matrix 60%
41 24013118.41	A	Black/Brown Fibrous/Granular/Tar Roofing Material Non-Homogeneous	NO	None Detected	Cellulose 40%	Asphaltic Matrix 60%
42 24013118.42	A	Black/Brown Fibrous/Granular/Tar Roofing Material Non-Homogeneous	NO	None Detected	Cellulose 40%	Asphaltic Matrix 60%
43 24013118.43	A	Black/Brown Fibrous/Granular/Tar Roofing Material Non-Homogeneous	NO	None Detected	Cellulose 40%	Asphaltic Matrix 60%

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Date Analyzed: 02/02/2024 05:19 PM

Date Received: 01/26/2024 09:00 AM

TAT Requested: 5 Days

Microscope: PLM Labomed LX
400P,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
44 24013118.44	A	Black/Brown Fibrous/Granular/Tar Roofing Material Non-Homogeneous	NO	None Detected	Cellulose 40%	Asphaltic Matrix 60%

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

These results are submitted pursuant to EAS' current terms of sale, including the company's standard warranty and limitation of liability provisions and no responsibility or liability is assumed for the manner in which the results are used or interpreted. Unless notified in writing to return the samples covered by this report, EAS will store the samples for a period of ninety (90) days before discarding. Percent ranges reported are estimates and not absolute percent range values.

Analyzed By:

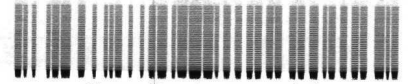
Arthur Hernandez


Approved Signatory:

Arthur Hernandez

**13201 Northwest Freeway Suite 520
Houston, Texas 77040
(713) 343 4017 • Fax (713) 934-9942
E-mail [easlabs@aol.com](mailto: easlabs@aol.com)
Lone Star Overnight Account #123757**

Job ID:24013118



Fern Environmental 1900 West Gray, #131631 Houston, TX 77219	Project Name 154 Banks	 Fern Environmental
Number & Type of Sample: 44 PLM	Project Number 0124-118	P.O. Number

☒ OTHER: Positive Stop
(Specify)

Special Instructions: E-mail greg@fernenvironmental.com

[illegible]

(signature) Date and Time: 1-26-24 2:05pm AM
Page 1 of 3

Kenn Young
(signature) Date and Time:
1-26-24 9:00

1-24-24
154 BANKS

- | | | |
|---|----|-------------------------------|
| 1 | 01 | GYPSUM BOARD WALL -- S. WING. |
| | 02 | " |
| | 03 | " |
| | 04 | BEIGE 12"x12" FLOOR TILE |
| | 05 | " |
| | 06 | " |
| | 07 | Textured plaster ceiling |
| | 08 | " |
| | 09 | " |
| 2 | 10 | Gypsum board wall |
| | 11 | " |
| | 12 | CEILING TEXTURE |
| | 13 | " |
| | 14 | BEIGE 12"x12" FLOOR TILE |
| | 15 | " |
| 3 | 16 | GYPSUM BOARD WALL |
| | 17 | " |
| | 18 | CEILING TEXTURE |
| | 19 | " |
| | 20 | Beige 12"x12" FLOOR TILE |
| | 21 | " |
| 4 | 22 | GYPSUM BOARD WALL |
| | 23 | " |
| | 24 | CEILING TEXTURE |
| | 25 | " |
| | 26 | BEIGE 12"x12" FLOOR TILE |
| | 27 | |



5	28	GYPSUM BOARD WALL
	29	"
	30	CEILING TEXTURE
	31	"
	32	BEIGE 12" X 12" FLOOR TILE
6	33	"
	34	GYPSUM BOARD WALL
	35	"
	36	CEILING TEXTURE
	37	"
	38	BEIGE 12" X 12" FLOOR TILE
	39	"
	40	ROOFING
	41	"
	42	"
	43	"
	44	"

APPENDIX 3
PHOTOGRAPHS

Photographs – 154 Banks Dr.



Sample 01



Sample 02



Sample 03



Sample 04



Sample 05



Sample 06

Photographs – 154 Banks Dr.



Sample 07



Sample 08



Sample 09



Sample 10



Sample 11



Sample 12

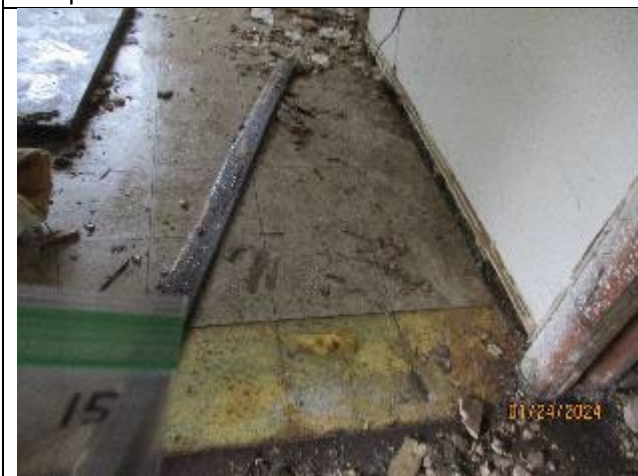
Photographs – 154 Banks Dr.



Sample 13



Sample 14



Sample 15



Sample 16



Sample 17



Sample 18

Photographs – 154 Banks Dr.



Sample 19



Sample 20



Sample 21



Sample 22



Sample 23



Sample 24

Photographs – 154 Banks Dr.



Sample 25



Sample 26



Sample 27



Sample 28



Sample 29



Sample 30

Photographs – 154 Banks Dr.



Sample 31



Sample 32



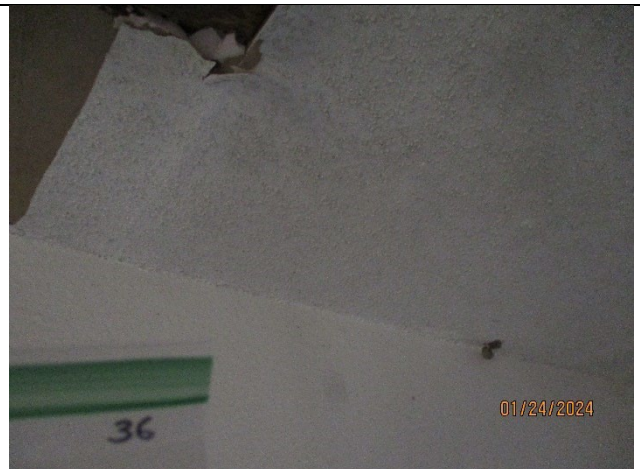
Sample 33



Sample 34



Sample 35



Sample 36

Photographs – 154 Banks Dr.



Sample 37



Sample 38



Sample 39



Sample 40



Sample 41



Sample 42

Photographs – 154 Banks Dr.

	
Sample 43	Sample 44
	
Interior	Interior
	
Exterior	Exterior

APPENDIX 4
CERTIFICATES



Texas Department of State Health Services

FERN ENVIRONMENTAL LLC

is certified to perform as an

Asbestos Consultant Agency

in the State of Texas and is hereby governed by the rights, privileges and responsibilities set forth in Texas Occupations Code, Chapter 1954 and Title 12, Texas Administrative Code, Chapter 295 relating to Texas Asbestos Health Protection, as long as this license is not suspended or revoked.



License Number: 100455

Expiration Date: 02/15/2026

Control Number: 97630

Jennifer Shuford, MD
Jennifer Shuford, MD, MPH,
Commissioner of Health

(Void After Expiration Date)

VOID IF ALTERED NON-TRANSFERABLE

SEE BACK

TEXAS DEPARTMENT OF HEALTH

BE IT KNOWN THAT

GREGORY M. LALL

is Licensed and authorized to perform as an

INDIVIDUAL ASBESTOS CONSULTANT

in the State of Texas within the purview of Texas Civil Statutes, Article 4477-3a, as amended, so long as this License is not suspended or revoked and is renewed according to the rules adopted by the Texas Board of Health.

Texas Department of State Health Services



Asbestos Individual Consultant

GREGORY M LALL

License No. 105216

Control No. 98333

Expiration Date: 28-Feb-2026

This certificate is void
after expiration date
without a current renewal
identification card
displayed here.

Joel R. Smith
Joel R. Smith, P.E.
Chief, Asbestos Programs Branch
Occupational Health Division

David R. Smith
David R. Smith, M.D.
Commissioner of Health

VOID IF ALTERED NON-TRANSFERABLE

09751



Texas Department of State Health Services

ENVIRONMENTAL ANALYTICAL SERVICES LLC

is certified to perform as an

Asbestos Laboratory

PCM, PLM

in the State of Texas and is hereby governed by the rights, privileges and responsibilities set forth in Texas Occupations Code, Chapter 1954 and Title 12, Texas Administrative Code, Chapter 295 relating to Texas Asbestos Health Protection, as long as this license is not suspended or revoked.



License Number: 300373

Expiration Date: 03/12/2025

Control Number: 96701

Jennifer Shuford, MD
Jennifer Shuford, MD, MPH,
Commissioner of Health

(Void After Expiration Date)

VOID IF ALTERED NON-TRANSFERABLE

SEE BACK

Appendix No. 2

City Council Order of Abatement

CAUSE NO. CE-2014012

AN ORDER OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS ORDERING THE ABATEMENT OF THE UNSAFE AND DILAPIDATED STRUCTURES LOCATED ON A 3.489 ACRE TRACT IN THE M. L. CHOATE SURVEY, ABSTRACT NO. 15 IN THE CITY OF LIVINGSTON, POLK COUNTY, TEXAS, LOCATED AT 154 BANKS DRIVE, LIVINGSTON, TEXAS, DESCRIBED IN DEEDS RECORDED IN VOLUME 1262, PAGE 739 ET SEQ. AND VOLUME 1981, PAGE 306 ET SEQ. OF THE OFFICIAL PUBLIC RECORDS OF POLK COUNTY, TEXAS

ORDER OF ABATEMENT

WHEREAS, on the 14th day of September, 2021, at 5:00 P.M., the City Council of the City of Livingston, Texas convened and opened a Public Hearing to hear testimony concerning the consideration of buildings and structures as public nuisances and as dilapidated and unsafe buildings, pursuant to Section 10-245 and Section 10-246 of the Code of Ordinances of the City of Livingston, Texas, and Chapter 54 and Chapter 214 of the Texas Local Government Code, as public nuisances in violation of Chapter 10 Article XI of the Code of Ordinances of the City of Livingston, Texas; and

WHEREAS, the buildings and structures made the subject of the Public Hearing are located on certain real Property within the City of Livingston, Texas (the "Property") described as:

a called 3.489 acre tract of land, more or less, and an appurtenant 0.062 acre access easement, situated in the M. L. Choate Survey, A-15, Polk County, Texas, as described in a deed dated April 12, 2002, from Richard R. Hubert and Virginia Hubert to Marvin Louis Hamilton, recorded in Volume 1262, Pages 739 et seq. of the Official Public Records of Polk County, Texas, and consisting of Lots 1 through 4 and Lots 7 through 10, Block 7 of the Livingston Cochran Addition (inclusive of streets) described in a deed dated January 15, 2015 from B. M. Burkhalter, Sr. and wife, Rita Burkhalter to Robert Hill, recorded in Volume 1981, Pages 306 et seq. of the Official Public Records of Polk County, Texas.

WHEREAS, all requirements of law, and of the Code of Ordinances of the City of Livingston concerning notices to all interested parties were complied with and all proper interested parties and any and all unknown persons claiming an interest in the Property were notified of the violations of the Ordinances and of the time and date of the Public Hearing by Certified Mail, Return Receipt Requested and by First Class Mail dated August 12, 2021, and by publication in the City of Livingston's official newspaper, the *Polk County Enterprise* on August 8, 2021 and August 19, 2021; and

WHEREAS, public notices of the Public Hearing were published twice in the City of Livingston's official newspaper, the *Polk County Enterprise*, on August 15, 2021 and August 26, 2021; and

WHEREAS, public notice of the Public Hearing was published on the City's official website *www.cityoflivingston-tx.com* on August 11, 2021 and remained so published through the date of the Public Hearing; and

WHEREAS, public notice of the Public Hearing was posted on the City's official bulletin board, a place convenient and readily accessible to the general public at all times, on July 27, 2021 and remained so posted through the date of the Public Hearing; and

WHEREAS, public notice of the Public Hearing was posted on the Property on July 29, 2021; and

WHEREAS, the Owners of the Property as purported heirs of Robert Hill, deceased, being Lavis Hill, Carrie Jeanette Hill, Robert Earl Hill, Jr., Pamela Hill and Shedale Hill, (the "Owners"), as well as all known lienholders on the Property, were notified of the Public Hearing either by Certified Mail, Return Receipt Requested, by US Postal Service First Class Mail dated August 23, 2021, and by publication in the City of Livingston's official newspaper, the *Polk County Enterprise* on August 8, 2021 and August 19, 2021; and

WHEREAS, Owners Lavis Hill and Carrie Jeanette Hill personally appeared at the Public Hearing, and advised the City Council that the record owner, Robert Hill, is deceased, having died in April, 2016, and that the heirs of Robert Hill were his children Lavis Hill, Carrie Jeanette Hill, Robert Earl Hill, Jr., Pamela Hill and Shedale Hill; and

WHEREAS, the City Council proceeded to hear evidence and testimony in this cause by Code Enforcement Officers Josh Mohler and Jeff Hunter, and received testimony from Owners Lavis Hill and Carrie Jeanette Hill. The City Council took notice of and incorporates all evidence presented to the City Council, including the issuance of notices, for its consideration of this matter and incorporates the same into this Order for all purposes; and

WHEREAS, based upon the evidence presented, the City Council of the City of Livingston, Texas finds:

1. the purported Owners of the Property are Lavis Hill, Carrie Jeanette Hill, Robert Earl Hill, Jr., Pamela Hill and Shedale Hill as heirs of Robert Hill, deceased;
2. the Ordinance violations relate to the public health and safety;
3. the buildings and structures on the Property consist of an abandoned and vacant multi-winged structure formerly used as a nursing home, and a unattached storage building, and are unoccupied and are not secured against unauthorized entry;
4. the buildings and structures on the Property contain nuisance violations that constitute hazards to the health, safety and welfare of the public, are likely to endanger persons and property, and are public nuisances in violation of City Ordinances, as follows:

- (a) the stress in any material, member or portion thereof due to all imposed loads including dead loads exceeds the stress allowed in the International Building Code for new buildings;
 - (b) the buildings, structures, or portions thereof are manifestly unsafe or unsanitary for the purpose for which they are being used;
 - (c) the buildings, structures or portions thereof as a result of decay, deterioration or dilapidation have fully or partially collapsed, and are likely to continue to do so;
 - (d) the buildings, structures or portions thereof have been maintained in violation of a specific requirement of the International Building Code, Section 116 and International Fire Code, Section 111 or of a City, County, or State law or ordinance or regulation;
 - (e) the buildings, structures or portions thereof are in such a condition as to constitute public nuisances;
 - (f) the buildings, structures or portions thereof are unsafe, unsanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use, constitutes hazards to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment; and
5. the Property and buildings and structures on the Property made the subject of this action are located within the territorial limits of the City of Livingston, Polk County, Texas and were properly identified; and

WHEREAS, based on the evidence presented at the hearing, the City Council find that the buildings and structures located at 154 Banks Drive in the City of Livingston, Texas, described as:

a called 3.489 acre tract of land, more or less, and an appurtenant 0.062 acre access easement, situated in the M. L. Choate Survey, A-15, Polk County, Texas, as described in a deed dated April 12, 2002, from Richard R. Hubert and Virginia Hubert to Marvin Louis Hamilton, recorded in Volume 1262, Pages 739 et seq. of the Official Public Records of Polk County, Texas, and consisting of Lots 1 through 4 and Lots 7 through 10, Block 7 of the Livingston Cochran Addition (inclusive of streets) described in a deed dated January 15, 2015 from B. M. Burkhalter, Sr. and wife, Rita Burkhalter to Robert Hill, recorded in Volume 1981, Pages 306 et seq. of the Official Public Records of Polk County, Texas,

are dilapidated, substandard, unsafe and public nuisances, that the conditions described in the testimony of Josh Mohler exist and there is a danger to the life, health, property or safety of the public, are in violation of City ordinances, and that it is not feasible to make repairs to the buildings and structures.

IT IS THEREFORE ORDERED that Lavis Hill, Carrie Jeanette Hill, Robert Earl Hill, Jr., Pamela Hill and Shedale Hill and any and all other owners of the Property, known or unknown, within forty-five (45) days, shall cause an inspection of the buildings and structures to be made by a person or firm authorized, licensed and permitted to perform asbestos inspections, to determine the presence of asbestos, and if asbestos is found in the buildings and structures, shall cause such asbestos to be removed and remediated in accordance with applicable Federal and State laws, rules and regulations, and removed to a properly licensed and permitted disposal site authorized to accept asbestos materials, and shall deliver proof of such authorized inspection, removal, remediation and disposal to the City of Livingston Community Development Department.

IT IS FURTHER ORDERED that Lavis Hill, Carrie Hill, Robert Earl Hill, Jr., Pamela Hill and Shedale Hill and any and all other owners of the Property, known or unknown, within forty-five (45) days, shall demolish or cause to be demolished the buildings and structures, and shall remove all demolition debris within forty-five (45) days. All such debris must be taken to the Polk County Landfill or other authorized and permitted disposal site for disposal, and delivery tickets from the Landfill or other site evidencing such disposal be presented to the City's Community Development Department within forty-five (45) days.

IT IS FURTHER ORDERED that if the asbestos inspection and any required asbestos removal, remediation and disposal not be so performed as ordered, and if the buildings and structures are not demolished and all debris removed as ordered, the City of Livingston shall cause the asbestos inspections and any required removal, remediation and disposal to be performed, and the buildings and structures to be demolished, all debris removed, and the City of Livingston shall place a lien on the Property to recover the City's costs.

ENTERED as the action of the City Council of the City of Livingston, Texas as of the 14th day of September, 2021.


JUDY B. COCHRAN, Mayor

ATTEST:


ELLIE MONTEAUX, City Secretary



Appendix No. 3

Order Confirming Order of Abatement and Dismissal of Appeal

258th District Court
Polk County, Texas

No. CV21-0294

CARRIE J. HILL, Petitioner	§	IN THE 258th DISTRICT COURT
vs.	§	OF
CITY OF LIVINGSTON, TEXAS	§	POLK, COUNTY, TEXAS
Respondent		

ORDER CONFIRMING ORDER OF ABATEMENT AND DISMISSAL OF APPEAL

On the 9th day of June, 2023, came on to be heard before the Court a hearing on the Petition to Appeal an Order of Abatement. Petitioner, CARRIE J. HILL appeared in person. Respondent CITY OF LIVINGSTON appeared by and through its City Attorney, James W. Wright.

STATEMENT OF FACTS

1. On September 14, 2021, the City Council of the City of Livingston, Texas, after due notice, held a Public Hearing to hear testimony from any and all owners or other interested parties regarding a purported dilapidated and unsafe structure ("Structure") located at 154 Banks Drive in the City of Livingston, and located upon the following real property ("Property"):

a called 3.489 acre tract of land, more or less, and an appurtenant 0.062 acre access easement, situated in the M. L. Choate Survey, A-15, Polk County, Texas, as described in a deed dated April 12, 2002, from Richard R. Hubert and Virginia Hubert to Marvin Louis Hamilton, recorded in Volume 1262, Pages 739 et seq. of the Official Public Records of Polk County, Texas, and consisting of Lots 1 through 4 and Lots 7 through 10, Block 7 of the Livingston Cochran Addition (inclusive of streets) described in a deed dated January 15, 2015 from B. M. Burkhalter, Sr. and wife, Rita Burkhalter to Robert Hill, recorded in Volume 1981, Pages 306 et seq. of the Official Public Records of Polk County, Texas.
2. Petitioner appeared at the Public Hearing and gave testimony to the City Council.
3. Following the Public Hearing, the City Council issued its Order of Abatement finding the Structure was unsafe, dilapidated and a public nuisance, and ordering the abatement of the nuisance and the demolition of the Structure within forty-five (45) days.

4. On November 3, 2021, Petitioner, as one of the purported owners of the Structure and Property, filed her verified Petition to Appeal the Order of Abatement under Sec. 214.0012(a) of the Texas Local Government Code.
5. No other owner, lienholder or mortgagee of record of the Structure and Property has filed a verified Petition to Appeal the Order of Abatement under Sec. 214.0012(a) of the Texas Local Government Code.
6. Respondent City of Livingston was never served with citation of the filing of the Petition to Appeal.
7. On April 11, 2022, Respondent filed its Motion For Issuance of a Writ of Certiorari under Sec. 214.0012(b) of the Texas Local Government Code.
8. At a hearing on October 20, 2022, the Court orally issued its Writ of Certiorari ordering Respondent to submit to the Court sworn or certified copies of the evidence upon which the City Council of the City of Livingston based its Order of Abatement.
9. On November 11, 2022, the Respondent, pursuant to the Court's October 20, 2022 oral Writ of Certiorari, under Sec. 214.0012 (c) of the Texas Local Government Code, filed with the Court sworn or certified copies of all evidence presented to the City Council that was the basis for issuance of the Order of Abatement, as well as other materials and facts under Sec. 214.0012(d) that may have been pertinent and material to show the grounds for the September 14, 2021 Order of Abatement.
10. The Court reviewed all evidence submitted by Respondent in response to the Writ of Certiorari, and held a hearing on November 15, 2022. Petitioner Carrie J. Hill and James W. Wright on behalf of Respondent were in attendance.
11. At the November 15, 2022 hearing, the Court ordered Petitioner and Respondent to submit to mediation.
12. Petitioner and Respondent attended a Mediation Conference on January 3, 2023 with Mediator Ray Burgess.
13. Respondent submitted its Request for Setting for a bench trial to the Court on April 11, 2023.
14. The Court scheduled a bench trial for June 9, 2023, and Petitioner and Respondent were so notified.
15. On June 9, 2023, Petitioner Carrie J. Hill and James W. Wright as attorney for Respondent were both present at the bench trial and announced ready.
16. The Court called the bench trial to order, and requested Petitioner to proceed with evidence.

17. At the June 9, 2023 bench trial, Petitioner stated to the Court that Petitioner is the owner of a twenty per cent (20%) interest in the Property and Structure.
18. At the June 9, 2023 bench trial, Petitioner offered no evidence nor witnesses in support of the Petition to Appeal the Order of Abatement.

CONCLUSIONS OF LAW

1. All persons, known or unknown, who may have had an interest in the Structure and Property were properly notified of the alleged condition of the Structure as dilapidated and unsafe by letter dated August 12, 2021, sent by Certified Mail, Return Receipt Requested and First Class Mail, and by publication twice in the Respondent's official newspaper, the Polk County Enterprise on August 8th and August 19th, 2021.
2. All persons, known or unknown, who may have had an interest in the Structure and Property were properly notified of the September 14, 2021 Public Hearing by letter dated August 12, 2021, sent by Certified Mail, Return Receipt Requested and First Class Mail, and by publication twice in the Respondent's official newspaper, the Polk County Enterprise on August 8th and August 19th, 2021.
3. Public Notice of the September 14, 2021 Public Hearing was published twice in the Respondent's official newspaper, the Polk County Enterprise on August 15th and August 26th, 2021.
4. Public Notice of the September 14, 2021 Public Hearing was posted on the Respondent's public bulletin board on July 27, 2021, which was a place accessible by the public twenty-four hours a day.
5. Public Notice of the September 14, 2021 Public Hearing was published on the Respondent's public website, *www.cityoflivingston-tx.com* on August 11, 2021.
6. Public Notice of the September 14, 2021 Public Hearing was posted at the Property at 154 Banks Dr. on July 29, 2021.
7. Petitioner was properly heard and gave testimony at the September 14, 2021 Public Hearing. Under Sec. 214.001(l) of the Local Government Code, Petitioner had the burden of proof to demonstrate the scope of work that may have been required to comply with the City ordinance and the time it would take to reasonably perform the work.
8. The City Council of the City of Livingston, based upon the evidence presented and testimony given at the September 14, 2021 Public Hearing, properly determined under Sec. 10-279 of the Code of Ordinances of the City of Livingston and Sec. 214.001(d) of the Local Government Code, that the Structure was unsafe, dilapidated and a public nuisance, and properly ordered the demolition of the Structure.

9. Petitioner had the burden of proof under the Petition to Appeal the Order of Abatement.
10. The Court's review of this proceeding was conducted under the substantial evidence rule.

ORDER

After reviewing the evidence submitted by Respondent to the Court on November 10, 2022, the Court is of the opinion that there exists substantial evidence to support the September 14, 2021 Order of Abatement issued by the City Council of the City of Livingston determining that the Structure at 154 Banks Drive in the City of Livingston, Texas, is unsafe, dilapidated and a public nuisance, and ordering its demolition.

Accordingly, the September 14, 2021 Order of Abatement of the City Council of the City of Livingston is AFFIRMED.

As no evidence nor witnesses were presented to the Court by Petitioner at the June 9, 2023 bench trial in support of Petitioner's Petition to Appeal Order of Abatement, the Petition is DISMISSED.

Signed on the 4th day of October, 2023.




TRAVIS E. KITCHENS, JR.
Judge Presiding

Travis E. Kitchens, Jr.
Judge, 258th Judicial District

FILED FOR RECORD
2023 OCT -4 PM 12:14
JOBBYE J. CHRISTOPHER
DISTRICT CLERK
POLK COUNTY, TEXAS

Approved as to Form only:

A handwritten signature in black ink, appearing to read "James W. Wright", is written over a horizontal line.

James W. Wright

Attorney for Respondent

City of Livingston, Texas

Dated: August 18, 2023


Carrie J. Hill

Petitioner

Dated: _____

Certificate of Service

I certify that a copy of the foregoing Order Confirming Order of Abatement and Dismissal of Appeal was served on August 18, 2023 upon Petitioner Carrie J. Hill by personally delivering a copy to Petitioner Carrie J. Hill and by filing through the eFileTexas.gov, the Court's electronic filing system and by email to carriehill77@gmail.com.


James W. Wright
Attorney for Respondent City of Livingston

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

James Wright on behalf of James W. Wright

Bar No. 22041500

cityattorney@livingston.net

Envelope ID: 80055652

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Enter Order Confirming Order Without

Hearing 2023-09-28

Status as of 9/28/2023 4:53 PM CST

Associated Case Party: City of Livingston

Name	BarNumber	Email	TimestampSubmitted	Status
Jim Wright		cityattorney@livingston.net	9/28/2023 3:04:58 PM	SENT

Associated Case Party: Carrie Hill

Name	BarNumber	Email	TimestampSubmitted	Status
Carrie JHill		carriejhil77@gmail.com	9/28/2023 3:04:58 PM	SENT