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Termon Construction Inc.

388 Third Avenue, Brooklyn NY 11215

Tel: (718) 694-0900

Fax: (718) 694-0200

Email: Termon2k@aol.com

Mr. Rajappan Radhakrishnan, Director
NYC Dept of Environmental Protection
Asbestos & Lead Control Program
59-17 Junction Boulevard
Corona, New York 11368

May 2, 2003
Send via fax: 718 595-3648

Re: WTC ARD - Frequency and Distribution of apartments

Dear Krish,

As requested, Termon Construction Inc. (TCI) respectfully furnishes information necessary to develop compensation for TCI's contract relative to working out of sequence and substantially different from our bid as formulated from the contract documents and pre bid meeting discussions. TCI bid this contract and made every necessary arrangement to provide and supply the project with manpower, supervision, equipment, materials and insurance needed to complete 20 apartments per day. Additionally, due to the demographics of Quadrant D, TCI bid this contract and fully expected to clean multiple apartments within the same buildings on the same day. TCI is requesting additional compensation for two situations:

1. TCI is requesting compensation of \$500.00 per day for every working day of the contract, after work started, when less than 10 apartments were scheduled in a given day and \$1000.00 per day for each day when no apartments were scheduled. This will pay for the overhead that was allotted for 20 apartments per day. Beginning October 21, 2002 (the first day workers and equipment were mobilized at the project), through April 24, 2003 there has been approximately 32 weekdays with no apartments scheduled. Additionally, there were approximately 85 days when less than 10 apartments were scheduled and cleaned. Applying the above requested values to these numbers would yield additional compensation in the amounts of, \$32,000 and \$42,500 respectively for a total of, \$74,500.
2. TCI is requesting compensation of, \$400.00 for the cost of a supervisor, for each occurrence where work was performed in any less than 3 apartments within the same building. This does not take into consideration the loss of efficiency and additional equipment required to mobilize various locations. Beginning October 21, 2002 (the first day workers and equipment were mobilized at the project), through April 24, 2003 there were approximately 210 occurrences when only 1 or 2 apartments were cleaned within the same building. Applying the requested compensation value of \$400 to 210 occurrences would yield additional compensation of, \$84,000.

Please take into consideration that there were a sufficient amount of apartments within each building to schedule multiple apartments on the same day. Additionally, given the number of apartments in the program, there should not have been any day with less than 20 apartments scheduled. Scheduling problems resulting from delays due to HVAC surveys or other reasons were completely outside of our control.

We believe this letter provides you with the necessary information needed for you to establish the requested change orders. Of course, should you have any questions, require additional information or want to schedule a meeting, just give us a call at 718 694-0900 or 917 873-7616.

Sincerely yours,

TERMON CONSTRUCTION, INC.

Thomas Heavey
Environmental & Construction Division

CC: Virginia Smyth, NYC DEP
Eric Wilson, US EPA
John Tancredi, SSC



**Hazardous Waste Management ♦♦ Asbestos ♦ Lead Paint ♦♦ Mold
♦ Contaminated Soil ♦♦ Reconstruction ♦**

Radhakrishnan, Krish

From: John Tancredi [jtancredi@sscenv.com]
Sent: Friday, May 02, 2003 12:55 PM
To: Termon2K@aol.com; 'Gerry Dennis'; js Skinner@sscenv.com
Cc: 'Krish'; Wilson.EricJ@epamail.epa.gov
Subject: Apartment Sizes

Stacey,

It has been verified with building management, at several properties in Battery Park, that the square footages of apartment are in excess of the definitions issued by DEP in the Change Order # 1. For example: 2 bedroom apartments at Gateway Plaza are 1100 square feet, which is in excess of the 1000 square feet limit, thus making it a 3BR. To date we have cleaned approximately 60 - 2 Bedroom apartments in the towers at Gateway. The difference between a 2 BR and 3 BR apartments is \$593.98. The adjustment to our billing would be \$35,640 for this item alone. Clearly the bedroom sizes were misidentified by Athenica and ourselves. We are in the process of verifying apartment sizes at all buildings in which we worked. As soon as we have the correct apartment sizes we will revise our invoices to reflect the correct amounts due. By copy of this e mail we are notifying DEP and EPA of this discrepancy. Please contact Virginia Smyth at DEP so she is aware of this situation.

John A. Tancredi
Specialty Service Contracting Inc.
845 Broad Avenue
Ridgefield, NJ 07657
Tel: (201)941-8292
Fax: (201)941-6992
Cell: (201)832-9448

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