

NYC 9/11 Public Portal Document

Virginia / mike fyi
Krish 4/8/03

Termon Construction Inc.

388 Third Avenue, Brooklyn NY 11215

Tel: (718) 694-0900

Fax: (718) 694-0200

April 7, 2003

Mr. Rajjapan Radhakrishnan

NYC DEP

59-17 Junction Boulevard

Corona, NY 11368

FAX: 718 595-3648

Re: Additional Cost due to Disposal of Large Items

Dear Krish:

On or about January 28, 2003 the American Red Cross issued a letter, formalizing a reimbursement program for residents of lower Manhattan who dispose of furnishings that may have been impacted by WTC dust. The letter, distributed to residents by Athenica Environmental during their pre-inspections, prior to cleaning is a noble one, but one that has a negative financial effect relative to the waste removal portion of Termon Construction Inc.'s contract. Since the reimbursements are quite generous to residents, i.e., \$1000.00 for a queen mattress, residents have taken this opportunity to refurnish their apartments with new beds, couches, chairs, etc. thus increasing the volume of disposal. We approximate that the disposal is 20 times greater than originally bid and agreed to by Termon Construction Inc. and the DEP in the contract.

Currently, Termon Construction Inc.'s contract (TCI) is incurring additional costs for disposal, labor, time and materials to remove these items off site, using additional waste removal vehicles. In some instances, we are not provided with the agreed upon 24 hour notification to dispose of these additional items, which forces our company to double handle the waste and, in some instances, forces the company to provide temporary storage of the additional disposed items, until they can be safely removed off site. This change along with the increase in items to be disposed causes our company to incur additional costs over and above our agreed contractual price.

Since these additional disposal requests are not part of our contractual agreement, we request that you review and then make the following adjustments:

- a. *Termon Construction, Inc. must be given prior notice (24 hours) for large items so that we can arrange for proper and safe disposal of same.*
- b. *Termon Construction Inc. respectfully requests that DEP consider this additional disposal a change in conditions of the contract and reimburse TCI for all additional costs associated with this work.*

Note: In the pre-bid meeting attended by the DEP, EPA and bidding contractors for the project, concerns were raised by bidding contractors regarding the removal and disposal of furnishings. The EPA and DEP representatives stated that there would be, if any at all a very limited reimbursement program offered without placing dollar values, so not to create the massive removal and disposal situation that presently exists. It was also stated that should such a situation arise it would be addressed. Subsequent to this meeting, the ground rules changed whereby reimbursement to residents have been generously granted for the removal and disposal of said items, yet no such reimbursement has been granted to the contractors responsible for the safe and timely removal and disposal of these items. The sheer volume of items being removed by the contractor (TCI), is placing a grave financial burden and hardship to the company because the contractor is forced to absorb labor, materials, waste hauler fees, etc. Again

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this procedural change is not part of the contractual agreement and should be revisited by all parties so that change orders can be developed to retroactively reimburse the company for these additional responsibilities.

We respectfully request a meeting to address and resolve the above to the satisfaction of all concerned. Please give me a call at 718-694-0900, as soon as possible.

Sincerely,



Thomas R. Heavey
Environmental and Construction Division

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

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Mr. Krish Rajjapan Radhakrishnan

NYC Dept. of Environmental Protection

59-17 Junction Boulevard

Corona, NY 11368

FAX: 718 595-3648

**Re: Additional Carpet Removal and Disposal
WTC-ARD; World Trade Center Indoor Dust Cleaning Program Quadrant D, Manhattan**

Dear Krish:

By this letter, we are requesting that the DEP provide us with a change order for additional removal of wall-to-wall carpeting and its associated materials that are not part of the original WTC-ARD; World Trade Center Indoor Dust Cleaning Program Quadrant D, Manhattan contract for the following reasons:

Attached is a our letter dated 4/7/03 regarding the additional disposal of items for the WTC-ARD; World Trade Center Indoor Dust Cleaning Program Quadrant D, Manhattan contract as it pertains to the Red Cross reimbursement waste removal program and it's negative effect on Termon Construction Inc.'s (TCI) contract. Recently, the announcement of this program generated a wave of requests from residents impacted by the WTC disaster for carpet removal, which is being addressed and honored.

It is TCI's position that the new Red Cross program has changed the frequency of requests for disposal of carpet that we might have otherwise encountered. Removal of wall-to-wall broadloom, padding, tackless glue, underlayment such as; dash patch, adhesive, staples, nails and possibly damaged substrate such as; wood, concrete and terazzo etc. was clearly not addressed nor was it factored into the contract price. The addition of this type of removal is very labor-intensive, costly to remove and is not part of the agreed upon scope of work.

TCI and its' subcontractor received verbal direction by the DEP and EPA to perform this work and to date complied with these requests, incurring additional costs for labor, time, materials and waste removal arrangements even though our request for additional compensation for the additional work has not yet been resolved.

We would very much like to meet with you to discuss the resolution of this deeply concerning issue. I can be reached at 718 694-0900 or 917 873-7616.

Thank you, for your anticipated prompt attention in this matter.

Sincerely,

TERMON CONSTRUCTION, INC.



Thomas R. Heavey

Environmental and Construction Division

CC: Virginia Smyth, NYC DEP

Eric Wilson, U.S. EPA

John Tancredi, SSC

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