Athenica

Total Number of Apartments 1511
Test 420
Clean and Test 1091

Apartments Completed Cleaned and Tested 208 227
Test Only Completed 218

\# Cancellations 80 (resident cancelled + Athenica cancelled)

\# Buildings with HVAC issue 12 13
\# Resident request within each building

2 South End Avenue	21	
280 Rector Place	18	
380 Rector Place	39	
250 South End Avenue	31	
300 Albany Street	17	
350 Albany Street	20	
LR 345 South End Avenue	14	
355 South End Avenue	169	~~140~~ 114
LR 365 South End Avenue	17	15
375 South End Avenue	180	125
LR 385 South End Avenue	27	20
395 South End Avenue	138	90

Total: 691

333 Rector place → 90% done

Check

63 Clean & Test
19 complete
4 canc
40 left

7e
21
16
2
3 left

HVAC invoices 20

– No of whole bldgs req 140.

– How many completed (common)

114
125
90
329

14
15
20
$\boxed{49}$

– Schedule – Commonly
– apts
– Test only

ACADEMY OF CONTINUING EDUCATION PROGRAMS

3/6/03 John

Quad 8 2 done = 6 261 Brw
45

Quad 12 395

225 GWPL 6 Bld.

3 Towers

345 Southe → 7 story - most of the exhaust are affected.

John

2 South end - plans are to be richer

380 Rede - plans are available.

25

Gway Plaza - 3 month project.

345

Accessing the apts ↔ 3 times

John is going to make a two week schedule for Gateway Plaza.

300 Albny - plans.

350 Albny - left message.

Q van D

1/2

ACADEMY OF CONTINUING EDUCATION PROGRAMS

Sapir

3/6/03

Saprin -

225 Rec done

355

280 Next week.

355 Ready to clean except the exhaust system affected space.

300 Albany
350 Albany } schedule to & access
280 Rector } plans are reviewed

280 Rector + Gateway plaza } Next week

TOTAL HIAC 13

Tracking, Scheduling

- common areas are being done
- plan 10 to 15 apts/

Termon → John common area can be done quicker??

200 Rector - will be completely

~~199~~ - 145 - 3 = 142

Clean / Test ~~54~~ 5

Test 55-33-8=14

99 Batter C 101 - 88 = 23 → 13 left

T 17-12-2=3

50 Battery C 59 - 49 = 3 left

Test 19 - 13 - 4 = 2

TERMON CONSTRUCTION INC.
388 Third Ave.
Brooklyn, NY11215
(718) 694-0900

March 5, 2004

NYC DEP
Asbestos & Lead Control Program
59-17 Junction Blvd.
Corona, New York 11368
Attn: Krish Radhakrishnan

Re: Payment Issues

Dear Krish,

I trust that you have been able to review invoices 022, 023 and 024 sent to you after our meeting on January 24, 2004. We believe it is clear to see, invoices 022 and 024 contain billing for items that are not in dispute. Invoice 022 contains billing of $39,811.87 for apartment cleaning and $1,287.80 for Common Space cleaning; Invoice 024 contains billing of $4,062.89 for apartment cleaning and $14,588.50 for Common Space cleaning. Please advise if these invoices have been processed for payment and when we might expect a check. We understand that invoice 023 is on hold until the issue of cleaning of HVAC units inside apartments is resolved.

I would also request that you process payment in the amount of $19,795.00 for cleaning of HVAC systems at 385 South End Ave., which was billed for in invoice 011 and disallowed by Eric Wilson (see attached review by Eric). This work was accomplished and the appropriate back up was provided to EPA along with the application for payment. EPA has not disputed that the work was performed satisfactorily merely that insufficient documentation was provided. Attached is a copy of the verification by Athenica that the HVAC cleaning was performed. TCI provided similar documentation, which was adequate for all the other HVAC billing. TCI does not understand how Mr. Wilson would disallow this billing and not advise TCI that he was disallowing it, or even give TCI the opportunity to provide the back up when the bill was reviewed. This work was inspected by Athenica, Duct Dusters and EPA. Please assist TCI in getting paid for this work that was performed.

Attached is our invoice #025 in the amount of $2,659.92. This invoice represents billing for two (2) apartments (395 SEA Apt 2B and 350 SEA Apt 5H) which slipped through the cracks because TCI was not able to obtain copies of the cleaning checklists in a timely manner. Please assist TCI in receiving prompt payment for this invoice.

Lastly, in our letter to DEP dated January 21, 2004 (see attached letter), TCI requested payment for 4 apartments from invoices 006 and 018 that were inappropriately disapproved by Mr. Wilson. When might we expect payment for these outstanding items in the amount of $3,447.90?

It was discussed at the January 24, 2004 meeting, that our retention might be reduced from 10% to 5%. Can you please advise us if this is possible and what steps, if any, are necessary to accomplish this?

At our meeting, TCI explained our position with respect to compensation for disputed items of work, as well as, for additional work performed. TCI requested that DEP reconsider their earlier position that these items were not compensable, and allow for proper compensation to TCI, which we believe is allowed for under our contract. It was our understanding that DEP would review our request and advise TCI of their determination. Please advise TCI of your determination or when it might be forthcoming.

Thank you for your consideration in these matters.

Very Truly Yours

Thomas Heavey

Cc: John Tancredi, SSC

RE