



**Department of  
Environmental  
Protection**

59-17 Junction Boulevard  
Corona, New York  
11368-5107

**Joel A. Miele Sr., P.E.  
Commissioner**

**Stuart M. Erdfarb, P.E.  
AGENCY CHIEF CONTRACTING OFFICER**

Tel (718) 595-3300  
Fax (718) 595-3278  
STUE@DEP.NYC.GOV

November 23, 2001

The Honorable Alan Hevesi  
Comptroller  
City of New York  
1 Centre Street  
New York, New York 10007  
**ATTN: Stanley Rosanoff (Muni Bldg)** ←

The Honorable Michael Hess  
Corporation Counsel  
New York City Law Department  
c/o Skadden Arps  
4 Times Square  
New York, New York 10036  
**ATTN: Steven Stein Cushman (109 E 16<sup>th</sup> St)**

**Re: Written Determination  
Contract WTC-AIR  
PIN 82602WTCAIRM  
Air Monitoring Services in the Vicinity of  
the World Trade Center Site  
REVISED LETTER**

Gentlemen:

**THIS DETERMINATION DESCRIBES THE SOLICITATION  
PROCESS IN MORE DETAIL THAN PREVIOUSLY  
DESCRIBED AND SUPERSEDES AND REPLACES THE  
DETERMINATION OF NOVEMBER 13, 2001.**

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The tragic events of September 11, 2001 created an immediate and serious need for **emergency round-the-clock air monitoring, sample collection, and analyses at twenty sites in the vicinity of the World Trade Center site** that cannot be met through normal procurement methods. Immediately following the tragedy, staff from DEP's Bureau of Environmental Compliance (the "BEC") determined that it was necessary to procure the services of an outside contractor to monitor the air for the presence of hazardous materials. In order to define the areas containing asbestos (the "hot zone") and to continually shrink the size of the hot zone, such monitoring is required. Initially, it was estimated that the dollar value of such services would fall within the Small Purchase Limits and five bids were solicited pursuant to §3-08 of the Procurement Policy Board Rules ("PPB Rules"). Further, inasmuch as five bidders were solicited, there was no need to use the Emergency procurement provisions of the PPB Rules and City Charter.



[www.nyc.gov/dep](http://www.nyc.gov/dep)

(718) DEP-HELP

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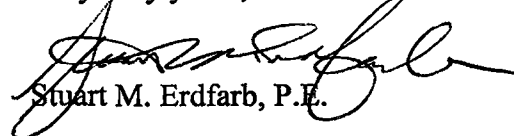
A list of specialized contractors was compiled specifically for this procurement. Staff from the BEC solicited the following contractors by telephone:

RIVERPOINT ENVIRONMENTAL CONSULTANTS  
 PEDNAULT ASSOCIATES  
 INDEPENDENT TESTING LABS  
 ENVIRONMENTAL TESTING LABS  
 NATIONAL TESTING LABS, INC.

- Two bids were received:
  - RIVERPOINT ENVIRONMENTAL CONSULTANTS, AND
  - PEDNAULT ASSOCIATES.
- Riverpoint Environmental Consultants ("REC") submitted the lowest bid.
- REC's bid was \$1,900 per day plus \$80 for each Transmission Electron Microscopy sample. The maximum amount of the contract was \$25,000. However, during the course of work and given the magnitude of the tragedy, DEP soon realized that costs would exceed the Small Purchase limit of \$25,000. Therefore, in accordance with Section 315 of the Charter, on September 21, 2001, Commissioner Miele orally issued a Declaration of Emergency. Due to administrative delays resulting from the tragedy, the written Declaration of Emergency was not signed by Commissioner Miele until October 19, 2001. After I consulted with the Law Department and the Comptroller's Chief Engineer, I informed the BEC that, based upon the low bid that REC submitted, REC could continue to perform work pursuant to the Declaration of Emergency, up to a maximum contract amount of \$400,000.
- DEP has let the following two related emergency contracts:
  - 1) Contract WTC-SCHL to provide daily emergency air sampling and monitoring at various schools in the vicinity of the World Trade Center site; and
  - 2) Contract WTC-REM to provide emergency round-the-clock asbestos remediation, including clean-up and removal at various sites in the vicinity of the World Trade Center site.

On September 13, 2001 the Corporation Counsel and the Comptroller jointly issued a blanket approval for all emergency contracts related to the events of September 11, 2001.

Very truly yours,



Stuart M. Erdfarb, P.E.

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Attach: Declaration of Emergency  
Blanket Approval for WTC-related Emergencies

cc: Miele, Chapin, Hoffer, Fenves, Schiano, Avaltroni, Gilsenen, Smyth, Singleton, Best (MOC)



# **DECLARATION OF EMERGENCY**

WHEREAS, on September 11, 2001, an unforeseen terrorist attack resulted in the tragic destruction of the World Trade Center; and

WHEREAS, the City of New York remains committed to ensuring that the air quality of the affected area is as pure as possible and minimally compromised by said tragedy; and

WHEREAS, due to the tragedy, there is a need to provide emergency round-the-clock air monitoring at various sites in the affected area in downtown Manhattan; and

WHEREAS, in order to define the "hot zone" (areas containing asbestos) and continue to decrease the size of the "hot zone," such monitoring is required; and

WHEREAS, in order to perform such air monitoring with the frequency required over the next several months, it is necessary to retain the services of an outside contractor; and

WHEREAS, the results of the attack may be far reaching and are as of yet unknown and it is imperative that this monitoring take place; and

WHEREAS, on September 21, 2001, I orally declared that an emergency existed that required the implementation of emergency procurement procedures to perform such monitoring; and

WHEREAS, due to administrative delays resulting from the tragedy, the Emergency Declaration was not in written form until the date appearing hereon; and

WHEREAS, the immediate action required cannot be met through normal procurement methods; and

WHEREAS, the aforementioned circumstances affect the health and safety of the inhabitants of the City of New York.

NOW, THEREFORE, for the aforementioned reasons, pursuant to the authority conferred by Section 315 of the New York City Charter and Section 3-06 of the Procurement Policy Board Rules, I hereby determine that an emergency exists; and

I FURTHER DETERMINE that emergency contract(s) must be let in the most expeditious manner possible to ensure that necessary asbestos remediation in the affected area can occur, to monitor and ensure the air quality of the City of New York.

Dated: October 19, 2001

  
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 JOEL A. MIELE SR., P.E.  
 Commissioner



Michael P. Rennard, P.E.  
CHIEF ENGINEER

THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BUREAU OF ENGINEERING  
1 CENTRE STREET, ROOM 650  
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RECEIVED DEP ACCO

ALAN G. HEVESI  
COMPTROLLER

2001 OCT -5 P 2: 24

October 3, 2001

Department of Environmental Protection  
Stuart Erdfarb, P.E.  
ACCO  
59-17 Junction Boulevard, 18th Floor High Rise  
Corona, NY 11368

Re: World Trade Center  
Emergency Contracts

Dear Sir or Madam:

The Comptroller's Office and Corporation Counsel have issued a joint determination stipulating that the events of September 11, 2001 constitute an emergency (see attached letter). While this determination grants agencies prior approval to procure goods and services that are related to the emergency, please be advised that a written declaration will be required in order for the Comptroller's Office to register contracts and pay vendors expeditiously. As required by Procurement Policy Board Rules Section 3-06, the declaration must include specific information about the solicitation process used and the basis for supplier selection, the goods, services or construction procured, contract terms and prices, name(s) of supplier(s), performance history of the supplier, and other agency emergency contracts necessitated by the tragic events that occurred on September 11, 2001.

We would appreciate your forwarding us this information as soon as it is feasible for you to do so. Thank you for your attention to this matter.

Sincerely,

Michael P. Rennard, P.E.  
Chief Engineer

Attachment

Em\ew\wtc.emergency

cc: E. Fitzpatrick  
R. Esperon  
R. Liwer  
J. Graham  
J. Rubin  
S. Rosanoff



**LAW DEPARTMENT**  
 350 Jay Street - 8th Floor  
 Brooklyn, New York 11201

**Michael Hess**  
*Corporation Counsel*

Date: September 13, 2001

The Corporation Counsel hereby declares that the events of September 11, 2001 constitute an emergency within the meaning of Section 315 of the Charter and Section 3-06 of the rules of the Procurement Policy Board. The Corporation Counsel therefore approves the emergency purchase of any and all goods, services, construction and construction-related services by any City agency that issues a Declaration of Emergency to alleviate the emergency condition and to ensure the proper function of government.

A handwritten signature in cursive script, appearing to read "Rosaria R. Esperon".

Rosaria R. Esperon  
 Deputy Comptroller for Claims, Adjudications  
 & Contract Administration

A handwritten signature in cursive script, appearing to read "Michael Hess".

Acting Corporation Counsel