



**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

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November 21, 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 16th St)

Re: Written Determination
Contract WTC-SCHL
PIN 82602WTCSCHL
Air Sampling and Analyses at Four Public
Schools in the Vicinity of the World Trade
Center Site

Gentlemen:

The tragic events of September 11, 2001 created an immediate and serious need for **daily emergency air sampling and monitoring at four public schools in downtown Manhattan**. In order to perform such air sampling and monitoring with the frequency required over the next several months, it was necessary to retain the services of an outside contractor. Therefore, in accordance with Section 315 of the Charter, on October 19, 2001, Commissioner Joel A. Miele Sr., P.E. issued, in writing, a Declaration of Emergency for this EMERGENCY procurement. A list of specialized contractors was compiled specifically for this EMERGENCY procurement.

In order to comply with PPB Rule §3-06(d) which stipulates that the source selection procedure shall assure that the required items are procured in time to meet the emergency, DEP's Bureau of Environmental Compliance ("BEC") performed a telephone solicitation and advised all bidders to submit their bids by FAX. The following contractors were telephoned and requested to submit bids:



www.nyc.gov/dep

(718) DEP-HELP

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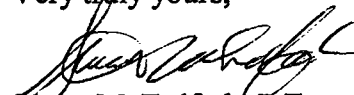
Bidder List

JLC Environmental Consultants, Inc.
 Enviro Techniques, Inc.
 Airteck Environmental Corp.
 Athenica Environmental Services, Inc.
 Kam Consultants Corp.
 Hygienetics Environmental Services, Inc.

- FAX bids were received from all six bidders.
- Identical low bids of ***\$1,300 per day plus \$45 for each Transmission Electron Microscopy sample*** were received from JLC Environmental Consultants, Inc. ("JLC") and from Enviro Techniques, Inc. JLC's fax bid had the earliest date/time stamp. BEC staff broke the tie by selecting the fax bid with the earliest date/time stamp of the two tied bidders, that of JLC. BEC has since been informed by my office that §3-02(p) of the PPB Rules provides for tie-breaking procedures. However, since this was an emergency situation, the Operating Bureau's rush to expedite the emergency bid process is understandable. JLC's bid was \$1,300 per day plus \$45 for each Transmission Electron Microscopy sample.
- The Contract maximum amount was set at \$50,000.00.
- JLC has not held a prior DEP contract, and there is no information on JLC on the VENDEX database.
- The agency has let the following two related emergency contracts:
 - 1) Contract WTC-REM to provide round-the-clock asbestos remediation including clean-up and removal at various sites in the vicinity of the World Trade Center; and
 - 2) Contract WTC-AIR to provide emergency air monitoring 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.

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

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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, the Office of Emergency Management has recently defined a need to provide daily emergency air sampling and monitoring at various schools in downtown Manhattan; 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

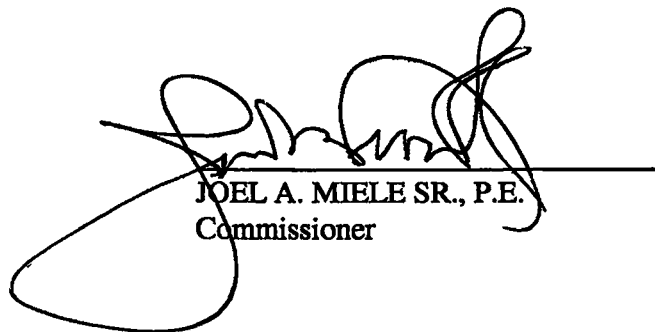
WHEREAS, the immediate action required cannot be met through normal procurement methods; and

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 air sampling in the affected area can occur, to monitor and ensure the air quality of the City of New York.

Dated: October 19, 2001


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
NEW YORK, N.Y. 10007-1602

TELEPHONE: (212) 380-2250
FAX NUMBER: (212) 380-2253

ALAN G. HEVESI
COMPTROLLER

RECEIVED DEP ACCO

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 dark ink, appearing to read 'Rosaria R. Esperon'.

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

A handwritten signature in dark ink, appearing to be a stylized name.

Acting Corporation Counsel