



**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 19, 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-REM
PIN 82602WTCREM1
Cleanup and Removal of Asbestos
Contaminated Material in the Vicinity of the
World Trade Center Site

Gentlemen:

The tragic events of September 11, 2001 created an immediate and serious need for **emergency round-the-clock asbestos remediation, including clean-up and removal, at various sites in downtown Manhattan** that could not be met through normal procurement methods. In order to enable to opening of streets and buildings below 14th Street, such asbestos remediation was required at a specific frequency for several weeks following the tragedy. To perform the remediation at the required frequency, it was necessary to retain the services of a contractor. Therefore, in accordance with Section 315 of the Charter, on September 21, 2001, Commissioner Joel A. Miele Sr., P.E. orally issued a Declaration of Emergency in order to be able to procure contracts pursuant to Section 3-06 of the Procurement Policy Board Rules ("PPB Rules"). Due to administrative delays resulting from the tragedy, the written Declaration of Emergency was not signed by Commissioner Miele until October 17, 2001. A list of specialized contractors was compiled specifically for this EMERGENCY procurement.



www.nyc.gov/dep

(718) DEP-HELP

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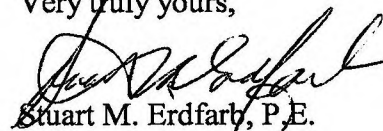
- Staff from DEP's Bureau of Environmental Compliance solicited the following suppliers by telephone:

National Environmental Safety Co.
Safeway Environmental Corp.
Vision Environmental Corp.
Asbestos Contracting Services, Inc.
EWT Contracting, Inc.

- Of the five companies listed above, bids were received from two firms:
 - National Environmental Safety Co.
 - Asbestos Contracting Services, Inc.
- Asbestos Contracting Services ("ACS") submitted the lowest bid.
- The total amount of the Contract is \$95,250. ACS has completed work on the Contract.
- The selected supplier is not on the VENDEX database and has not held a prior DEP contract.
- The agency 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-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, 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 asbestos remediation, including clean-up and removal, at various sites in the affected area in downtown Manhattan; and

WHEREAS, in order to enable the opening of streets and buildings below 14th Street, such remediation is required; and

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

WHEREAS, in order to perform such asbestos remediation with the frequency required for several weeks following the tragedy it is necessary to retain the services of a contractor; and

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

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

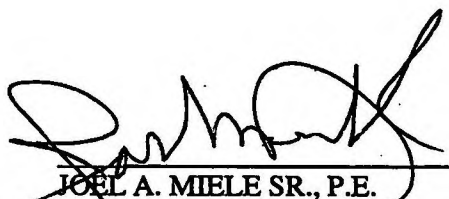
WHEREAS, the immediate action required cannot be met through normal procurement methods; and

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

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 17, 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
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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,

A handwritten signature in black ink, appearing to read "Michael P. Rennard".

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