NYC 9/11 Public Portal Document

The City of New York
Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York
11373-5108

Christopher O. Ward
Commissioner

Carol E. Fenves
ACTING AGENCY CHIEF
CONTRACTING OFFICER

Tel (718) 595-3225
Fax (718) 595-3278
CAROLF@DEP.NYC.GOV

October 2, 2002

William H. Thompson, Jr.
Comptroller
Municipal Building
One Centre Street
New York, New York 10007
ATTN: Charles Trusch

Michael A. Cardozo
Corporation Counsel
59 Maiden Lane
New York, New York 10038
ATTN: Steven Stein Cushman

Re: Declaration of EMERGENCY
Written Determination
Contract WTC-ARD
PIN 82603WTCIARD

Gentlemen:

This letter shall serve as the Written Determination required by §3-06(c)(3) of the Procurement Policy Board Rules ("PPB Rules") for the procurement conducted pursuant to §3-06 of the PPB Rules under a Declaration of EMERGENCY for **THE INDOOR DUST CLEANING PROGRAM IN THE VICINITY OF THE WORLD TRADE CENTER SITE - QUADRANT D.** (Contract "WTC-ARD"). On May 6, 2002, oral approval was provided by the Comptroller and on May 7, oral approval was provided by the Corporation Counsel. The Declaration of EMERGENCY was signed by Commissioner Christopher O. Ward on May 7, 2002. On May 28, 2002, written approval was provided by the Comptroller and on May 31, written approval was provided by the Corporation Counsel.

The following narrative is provided pursuant to §3-06(e)(3) of the PPB Rules.

Introduction: As a result of the terrorist attacks on September 11, 2001, buildings in the area surrounding the World Trade Center site were damaged and destroyed. In the aftermath of the attacks, in order to minimize further destruction and implications of the attack, various remediation activities were immediately instituted. As a follow-up to such activities performed in October and November, 2001, DEP, in conjunction with the United States Environmental Protection Agency ("EPA") and the New York State Department of Labor ("DOL"), performed site visits at buildings in the surrounding vicinity.

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DEP, in conjunction with EPA, found that buildings containing debris characteristic of the debris from the impact of the collapse of the WTC were identified and remediation was commenced. Debris removal from the immediate areas of destruction in the WTC complex has been completed, and the remaining unoccupied buildings identified as potentially contaminated must be rid of debris. As local residents are concerned that apartments may contain debris from the WTC catastrophe, it was deemed necessary to establish a call center to provide residents a means of obtaining professional cleaning services and testing. USEPA has determined that an expedited clean-up of buildings containing debris is in the public interest and it is necessary to ensure the air quality of the affected area is as pure as possible. The area designated for such clean-up was divided into four quadrants, each requiring remediation and air monitoring.

Procurement: DEP's Bureau of Environmental Compliance identified 25 contractors able to perform the scope of work required for the emergency cleap-up and established a bidder list:

On August 12, 2002, the solicitation documents were provided to the 25 firms. Eleven bids were received and opened on the August 27, 2002 due date. **The lowest bid, $4,199,499.40 was submitted by Termon Construction Inc.**

A review of the VENDEX database shows no cautions for **Termon Construction Inc.**

If you require any additional information I may be reached at (718) 595-3225.

Very truly yours,

Carol E. Fenves
Acting Agency Chief Contracting Officer

cc: Tweedy, Hoffer, Fenves, Schiano, Avaltroni, Gilstenan, Smyth , Singleton

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DECLARATION OF EMERGENCY

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

WHEREAS, as a result of said catastrophe, buildings in surrounding areas were damaged, if not destroyed; and

WHEREAS, in the aftermath, to minimize further destruction and implications of the attack, various remediation activities were immediately instituted; and

WHEREAS, as a follow-up to such activities performed in October and November of 2001, the New York City Department of Environmental Protection ("NYCDEP"), in conjunction with the United States Environmental Protection Agency ("USEPA") and the New York State Department of Labor ("NYSDOL"), performed site visits at buildings in the surrounding vicinity; and

WHEREAS, buildings containing debris characteristic of the debris from the impact of the collapse of the WTC were identified and remediation was commenced; and

WHEREAS, debris removal from the immediate areas of destruction in the WTC complex is nearing completion and the remaining unoccupied buildings identified as potentially contaminated must be rid of debris; and

WHEREAS, as local residents are concerned that apartments may contain debris from the WTC catastrophe, it has been deemed necessary to establish a "call center," to provide residents and residential building owners a means of obtaining professional contractor clean-up and testing; and

WHEREAS, USEPA has determined that an expedited clean-up of buildings containing debris is in the public interest, and is necessary to ensure that the air quality of the affected area is as pure as possible; and

WHEREAS, such clean-up is required to help protect against any adverse effects on air quality or public health and safety; and

WHEREAS, the clean-up process will require technical services, as well as the services of asbestos-remediation and air monitoring firms; and

WHEREAS, the area designated for such clean-up shall be divided into four sectors, each requiring asbestos-remediation and air monitoring contracts; and

WHEREAS, funding for such clean-up will be provided by the Federal Emergency Management Agency ("FEMA"); and

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

WHEREAS, the aforementioned circumstances may 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: May 7, 2002

CHIRSTOPHER O. WARD
Commissioner

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Department of Environmental Protection
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Christopher O. Ward
Commissioner

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

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

TO: Michael A. Cardozo, Corporation Counsel
ATTN: Steven Stein Cushman, Office of the Corporation Counsel

TO: William H. Thompson Jr., Comptroller
ATTN: Stanley Rosanoff, Office of the Comptroller's Chief Engineer

RECEIVED
MAY 15 2002
BUREAU OF ENGINEERING
OFFICE OF THE COMPTROLLER

FROM: Stuart M. Erdfarb, P.E.

DATE: May 8, 2002

RE: **Request for Written Approval for Use of EMERGENCY PROCUREMENT PROCEDURES**
DECLARATION OF EMERGENCY
EXPEDITED CLEAN-UP OF INTERIOR OF RESIDENTIAL BUILDINGS, CONCURRENT MONITORING OF THE AIR AND ESTABLISHMENT OF A CALL CENTER FOR AFFECTED RESIDENTS IN THE VICINITY OF THE WORLD TRADE CENTER SITE

In accordance with § 315 of the City Charter and § 3-06 of the Procurement Policy Board Rules ("PPB Rules"), the Department of Environmental Protection ("DEP") will utilize **EMERGENCY** procurement procedures to perform an **EXPEDITED CLEAN-UP OF INTERIOR OF RESIDENTIAL BUILDINGS, CONCURRENT MONITORING OF THE AIR AND ESTABLISHMENT OF A CALL CENTER FOR AFFECTED RESIDENTS IN THE VICINITY OF THE WORLD TRADE CENTER SITE**. To this end, a **DECLARATION OF EMERGENCY** was signed by Commissioner Christopher O. Ward on May 7, 2002. A copy of the Declaration is enclosed.

Pursuant to §3-06(c)(2) of the PPB Rules, DEP obtained oral approval to use the **EMERGENCY** procurement procedures from the Corporation Counsel on May 6, 2002, and from the Comptroller on May 7, 2002. This letter confirms that oral approval, and requests confirmatory written approval from your respective offices.

Pursuant to §3-06(f) of the PPB Rules, within 15 calendar days after Contract Registration, Notice of Award of the contract(s) used to remediate the emergency will be published in The City Record. The notice will include:

- Summary determination of the basis for the Emergency
- Agency Name
- Procurement Identification Number
- Title and Brief Description
- Name and address of vendor(s)
- Dollar Value of the contract
- Procurement Method by which the contract(s) was let
- Justification of procurement method (Charter §315)

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In accordance with §§3-06(c)(3) and 3-06(e)(3) of the PPB Rules, DEP will submit to the Comptroller and Corporation Counsel **at the earliest practicable time,** a written determination of the basis of the **EMERGENCY**, and the selection of the contractor(s). The written determination will include:

- The date the emergency first became known
- Procurement Method by which the contract(s) was let
- The name of all persons solicited
- The basis of Contractor selection(s)
- The past performance listing of the selected contractor(s)
- A listing of prior/related emergency contracts
- Procurement Identification Number

Your immediate written confirmation of your previous oral approval to fulfill the needs of the **DECLARATION OF EMERGENCY** is requested.

Michael Bennett

CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

DATE FILED: 5/28/02

cc: Ward, Chapin, Sturcken, Avaltroni, Fenves, Gilsenen, Smyth, Hoffer, Schiano, Resnick, Radhakrishnan

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The City of New York

Department of Environmental Protection

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Christopher O. Ward
Commissioner

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

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TO: Michael A. Cardozo, Corporation Counsel
ATTN: Steven Stein Cushman, Office of the Corporation Counsel

TO: William H. Thompson Jr., Comptroller
ATTN: Stanley Rosanoff, Office of the Comptroller's Chief Engineer

FROM: Stuart M. Erdfarb, P.E.

DATE: May 8, 2002

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- Name and address of vendor(s)
- Dollar Value of the contract
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- Justification of procurement method (Charter §315)

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In accordance with §§3-06(c)(3) and 3-06(e)(3) of the PPB Rules, DEP will submit to the Comptroller and Corporation Counsel **at the earliest practicable time**, a written determination of the basis of the **EMERGENCY**, and the selection of the contractor(s). The written determination will include:

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- The name of all persons solicited
- The basis of Contractor selection(s)
- The past performance listing of the selected contractor(s)
- A listing of prior/related emergency contracts
- Procurement Identification Number

Your immediate written confirmation of your previous oral approval to fulfill the needs of the **DECLARATION OF EMERGENCY** is requested.

I hereby acknowledge receipt of this Declaration of Emergency on 5/13/02 and concur that the facts set forth constitute an emergency within the meaning of Section 315 of the New York City Charter.

Steve Stein Cush
Acting Corporation Counsel

5/13/02
DATE

cc: Ward, Chapin, Sturcken, Avaltroni, Fenves, Gilsenen, Smyth, Hoffer, Schiano, Resnick, Radhakrishnan

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