



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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April 24, 2002

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

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

Re: Declaration of EMERGENCY
 Written Determination
 Contract ROF-REM3
 PIN 82602WTCROF3

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 **ROOFTOP AND FACADE REMEDIATION IN SECTOR THREE IN THE VICINITY OF THE WORLD TRADE CENTER SITE**. (Contract "ROF-REM3"). On March 19, 2002, oral approval was provided by the Comptroller and by the Corporation Counsel. The Declaration of EMERGENCY was signed by former DEP Commissioner Joel A. Miele Sr., P.E. on March 20, 2002. On April 2, 2002, written approval was provided by the Comptroller and 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. Although many buildings were found to be free of debris, the assessments found some buildings containing debris with various dispersal patterns, including isolated debris areas at the perimeters of roofs, at the base of parapet walls and in gutters. Debris was also visible on horizontal surfaces on building facades. This debris, characteristic of debris from the impact of the September 11th attacks, seemed to have reformed into dense caked masses. Samples collected from buildings visited indicated that asbestos-containing material may be present.

DEP, in conjunction with EPA, determined that an expedited clean-up of approximately 250 debris-containing buildings is necessary to protect the health and safety of the public. Such clean-up will require the services of asbestos remediation firms. In order to perform the clean-up work as expeditiously as possible, it was decided to divide the area to be cleaned into three sectors, and therefore, three separate contracts were let. The instant contract, ROF-REM3 is for those buildings included in Sector 3.



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Procurement: DEP's Bureau of Environmental Compliance identified fourteen contractors able to perform the scope of work required for the emergency asbestos remediation, and established the following bidder list:

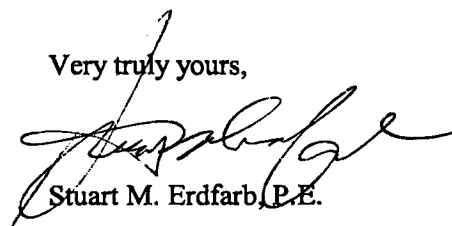
- Benjamin Kurzban & Son Control, Inc.
- Mazzocchi Wrecking, Inc.
- PAL Environmental Safety Corp.
- Hazardous Elimination Corp.
- Asbestos Removal, Corp.
- Safeway Environmental Corp.
- Pinnacle Environmental Corp.
- Fiber Control, Inc.
- Air Tech Lab, Inc.
- Kiss Construction Co., Inc.
- Complete Environmental Services, Inc.
- Empire Control Abatement
- LVI Environmental Services, Inc.
- Trio Asbestos Removal Corp.

On March 28, 2002, the solicitation documents were provided to the fourteen firms. Nine bids were received, and all opened on the April 12, 2002 due date. **The lowest bid, \$955,650, was submitted by Trio Asbestos Removal Corp. ("Trio").**

A review of the VENDEX database shows one caution for Trio concerning a denial of pre-qualification from the School Construction Authority ("SCA") due to the conviction of a minority shareholder in Trio of mail fraud. In response to a request from DEP, Trio sent copies of letters explaining the denial of pre-qualification in 1998, and SCA's reinstatement of its pre-qualification in 1999. Further, the convicted share holder no longer holds any shares of Trio. Trio is currently pre-qualified with the SCA, and is in good standing with that agency. The prior PQL denial is therefore not a bar to award, and Trio has been determined to be a responsible bidder.

If you require any additional information I may be reached at (718) 595-3300.

Very truly yours,



Stuart M. Erdfarb, P.E.

cc: Ward, Chapin, Hoffer, Fenves, Schiano, Avaltroni, Gilsenan, Smyth, Singleton



**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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TO: Michael 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: March 27, 2002

**RE: DECLARATION OF EMERGENCY
EXPEDITED CLEAN-UP OF APPROXIMATELY 250 DEBRIS-CONTAINING
BUILDINGS AND CONCURRENT MONITORING OF THE AIR IN THE
VICINITY OF THE WORLD TRADE CENTER SITE
Request for Written Approval for Use of
EMERGENCY PROCUREMENT PROCEDURES**

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 APPROXIMATELY 250 DEBRIS-CONTAINING BUILDINGS AND PERFORM CONCURRENT AIR MONITORING IN THE VICINITY OF THE WORLD TRADE CENTER SITE**. To this end, a **DECLARATION OF EMERGENCY** was signed by Commissioner Joel A. Miele Sr., P.E. on March 20, 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 Comptroller and the Corporation Counsel on March 19, 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 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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- 2 -

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. 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.

I hereby acknowledge receipt of this Declaration of Emergency on 4/2/02 and concur that the facts set forth constitute an emergency within the meaning of Section 315 of the New York City Charter.

Steve Stein Cuda
Acting Corporation Counsel

APR 02 2002

DATE



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

DATE FILED: 4/24/02

Approved *[Signature]*

DECLARATION OF EMERGENCY

WHEREAS, on September 11, 2001, an unforeseen terrorist attack resulted in the tragic destruction of the World Trade Center; 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, although many buildings are now free of debris, the assessments found some buildings containing debris with various dispersal patterns, including isolated debris areas at the perimeters of roofs, at the base of parapet walls and in gutters; and

WHEREAS, debris was also visible on horizontal surfaces on building facades; and

WHEREAS, the above-referenced debris, characteristic of the debris from the impact of September 11, 2001, seems to have reformed into a dense caked mass; and

WHEREAS, samples collected from the buildings visited indicated that asbestos-containing material may be present; and

WHEREAS, NYCDEP, in conjunction with USEPA, has determined that an expedited clean-up of approximately 250 debris-containing buildings is necessary to protect the health and safety of the public; and

WHEREAS, such clean-up will require the services of asbestos-remediation firms and an air monitoring firm; and

WHEREAS, the area earmarked for such clean-up shall be divided into three sectors, each requiring a remediation contract; and

WHEREAS, one air monitoring Contract is anticipated to cover all three sectors; and

WHEREAS, funding for such clean-up shall 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 affect the health and safety of the public;

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 immediately remediate the debris in the affected area, and to monitor and ensure the air quality of the City of New York.

Dated: March 20, 2002

[Signature]
JOEL A. MIELE SR., P.E.
Commissioner