



**Department of
Environmental
Protection**

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

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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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(718) DEP-HELP

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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. 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
Acting Corporation Counsel

APR 02 2002

DATE



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

DATE FILED: 4/02/02

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