



**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: **EMERGENCY Contract ROF-REM2 File**

From: Stuart M. Erdfarb, P.E.

A handwritten signature in black ink, appearing to read "Stuart M. Erdfarb".

Date: April 12, 2002

Re: Lifting of Stay of Award and
Determination to Proceed with Procurement Without Delay
**Emergency Contract ROF-REM2, for the EMERGENCY ROOFTOP AND
FACADE REMEDIATION AT THE WORLD TRADE CENTER SITE**

The solicitation for Contract **ROF-REM2**, for the **EMERGENCY ROOFTOP AND FACADE REMEDIATION AT THE WORLD TRADE CENTER SITE** (the "Contract") was conducted under a Declaration of Emergency. PAL Environmental Safety Corp., the apparent low bidder at the time of the bid opening, has been determined to be a non-responsive bidder.

Inasmuch as the procurement was conducted under a Declaration of Emergency (copy attached), it is my determination that proceeding with the procurement without delay is necessary to protect substantial City interests. Therefore, the stay of award of the Contract is hereby lifted. The responsible contractor submitting the lowest responsive bid will be ordered to commence the work required under the Contract immediately.

This determination is made pursuant to §2-08(e)(3) of the Procurement Policy Board Rules.

cc: Ward
Chapin
Alvatroni
Schiano
Fenves
Smyth



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(718) DEP-HELP



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

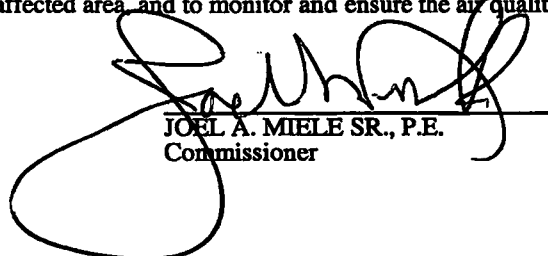
WHEREAS, the immediate action required cannot be met through normal procurement methods; and

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


JOEL A. MIELE SR., P.E.
Commissioner