



**Department of
Environmental
Protection**

59-17 Junction Boulevard
Flushing, New York
11373-5108

**Christopher O. Ward
Commissioner**

**Carol E. Fenves
AGENCY CHIEF CONTRACTING OFFICER**

Tel (718) 596-3225
Fax (718) 596-3278
CFENVES@DEP.NYC.GOV

March 26, 2003 DEPARTMENT OF
ENVIRONMENTAL PROTECTION
GENERAL COUNSEL'S OFFICE
RECEIVED

2003 MAR 27 A 11:48

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

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-LBC
PIN 82603WTCLBC

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 **UNOCCUPIED BUILDING CLEAN-UP AND AIR MONITORING PROGRAM AT 114 LIBERTY STREET, IN THE VICINITY OF THE WORLD TRADE CENTER SITE.** (Contract "WTC-LBC"). On May 6, 2003, oral approval was originally provided by the by the Corporation Counsel, and on May 7, oral approval was originally approved by the Comptroller. The Declaration of EMERGENCY was signed DEP Commissioner Christopher O. Ward on May 7, 2002. On March 7, 2003, written approval for the clean-up at 114 Liberty Street was provided by the Corporation Counsel, and on March 26, 2003, written approval for the 114 Liberty Street clean-up was provided by the Comptroller.

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

Introduction: As a result of the terrorist attacks of September 11, 2001, and the destruction of the World Trade Center, buildings in the surrounding areas were damaged, if not 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, the New York City Department of Environmental Protection ("DEP"), in conjunction with the United States Environmental Protection Agency ("EPA") and the New York State Department of Labor ("DOL"), performed site visits to buildings in the vicinity. Buildings containing



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debris characteristic of the debris from the impact of the collapse of the World Trade Center were identified for remediation and such remediation was commenced. As debris removal from the immediate area of destruction in the World Trade Center complex is completed, the remaining unoccupied buildings identified as potentially contaminated must be rid of debris. EPA determined that an expedited clean-up of buildings containing debris (including the unoccupied building at 114 Liberty Street) is in the public interest and necessary to ensure that the air quality of the affected area is as pure as possible.

Procurement: DEP's Bureau of Environmental Compliance identified eight contractors able to perform the scope of work required for the **EMERGENCY CLEAN-UP**, and established the following bidder list:

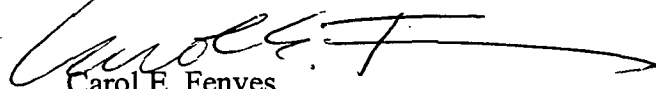
- Benjamin Kurzban & Son Contracting, Inc.
- Fiber Control, Inc.
- Kiss Construction, Inc.
- New York Insulation
- Trio Asbestos Removal Corp.
- Air Tech Lab
- ETNY Environmental
- ETS Contracting, Inc.

On February 11, 2003, the solicitation documents were provided to the eight firms. Six bids were opened on the February 24, 2003 due date. **The lowest bid, \$778,800, was submitted by ETS Contracting, Inc. ("ETS").**

A review of the VENDEX database shows no cautions for ETS.

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

Very truly yours,



Carol E. Fenves
Agency Chief Contracting Officer

cc: Tweedy, ~~Hoffer~~, Avaltroni, Gilsenan, Smyth, Singleton, Schiano



John Graham
Assistant Comptroller
Office of Contract Administration

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

Telephone: (212) 669-2797
Facsimile: (212) 669-3069
Email: jgraham@comptroller.nyc.gov

William C. Thompson, Jr.
COMPTROLLER

March 26, 2003

Christopher O. Ward
Commissioner
City of New York
Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373-5108

Re: Emergency Request #03033
Clean-Up of Interior of 114 Liberty St., Manhattan
Cost Estimate: \$877,000

Dear Commissioner Ward:

This letter confirms the Comptroller's Office's oral approval and serves as written approval for the emergency procurement of asbestos abatement and monitoring contractors to clean the interior of 114 Liberty Street due to the collapse of the World Trade Center. Approval is based upon your representation that World Trade Center related dust and debris could pose a risk to the building's occupants and to the public in Lower Manhattan.

Approval is conditional upon adherence to the requirements contained in the Procurement Policy Board (PPB) Rules Section 3-06 and Section 315 of the New York City Charter. Specifically, the agency should ensure that such competition as is possible and practicable under the circumstances be obtained and that written documentation detailing the basis for the emergency and the selection of the supplier be submitted at the earliest practicable time. In addition, Section 2-12 of the PPB Rules requires a copy of the contract and related materials to be submitted to the Comptroller's Office within thirty (30) business days of award.

If you have any questions or require additional information, please contact me at (212) 669-2797.

On behalf of Comptroller William C. Thompson, Jr., I am pleased to be of assistance in this matter.

Yours truly,

A handwritten signature in dark ink, appearing to read "John Graham", written over a horizontal line.

John Graham

cc: Greg Brooks

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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: John Graham, Office of Contract Administration

FROM: Carol E. Fenves

DATE: February 27, 2003

RE: **Request for Written Approval for Use of
EMERGENCY PROCUREMENT PROCEDURES
DECLARATION OF EMERGENCY
AS AMENDED FEBRUARY 24, 2003
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 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. 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 3/7/03 and concur that the
facts set forth constitute an emergency within the
meaning of Section 315 of the New York City Charter.

Alan Stein Cushman
Assistant Corporation Counsel
3/7/03
DATE

114 Liberty Street



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

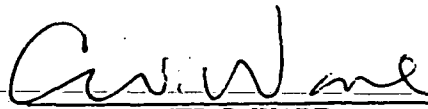
WHEREAS, the immediate action required cannot be met through normal procurement methods; and

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


 CHRISTOPHER O. WARD
 Commissioner

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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 3/7/03 and concur that the
facts set forth constitute an emergency within the
meaning of Section 315 of the New York City Charter.

Stuart Stein Cushman
Assistant Corporation Counsel
3/7/03
DATE

114 Liberty Street



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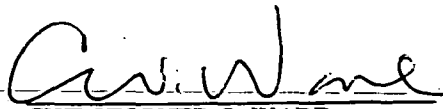
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Dated: May 7, 2002


 CHRISTOPHER O. WARD
 Commissioner