

⑤ WORLD TRADE CENTER

November 13, 2001



**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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Fax: (718) 595-3278
STUE@DEP.NYC.GOV

The Honorable Alan Hevesi
Comptroller
City of New York
1 Centre Street
New York, New York 10007
ATTN: Stanley Rosanoff (Muni Bldg)

The Honorable Michael Hess
Corporation Counsel
New York City Law Department
c/o Skadden Arps
4 Times Square
New York, New York 10036
ATTN: Steven Stein Cushman (109 E 16th St)

OFFICE OF
ENVIRONMENTAL PROTECTION
GENERAL COUNSEL'S OFFICE
RECEIVED
2001 NOV 15 P 12:20

Re: **Written Determination**
Contract WTC-AIR
PIN 82602WTCAIRM
Air Monitoring Services in the Vicinity of
the World Trade Center Site

Gentlemen:

The tragic events of September 11, 2001 created an immediate and serious need for **emergency round-the-clock air monitoring, sample collection, and analyses at twenty sites in the vicinity of the the World Trade Center site** that cannot be met through normal procurement methods. In order to define the areas containing asbestos (the "hot zone") and to continually shrink the size of the hot zone, such monitoring is required. Therefore, in accordance with Section 315 of the Charter, on September 21, 2001, Commissioner Joel A. Miele Sr., P.E. orally issued a Declaration of Emergency in order to be able to procure contracts pursuant to Section 3-06 of the Procurement Policy Board Rules ("PPB Rules"). Due to administrative delays resulting from the tragedy, the written Declaration of Emergency was not signed by Commissioner Miele until October 19, 2001. A list of specialized contractors was compiled specifically for this EMERGENCY procurement.



(718) DEP-HELP

-2-

- Staff from DEP's Bureau of Environmental Compliance solicited the following suppliers by telephone:

- Riverpoint Environmental Consultants
- Pednault Associates
- Independent Testing Labs
- Environmental Testing Labs
- National Testing Labs, Inc.

- Of the five companies listed above, bids were received from two firms:

- Riverpoint Environmental Consultants, and
- Pednault Associates.

- Riverpoint Environmental Consultants ("REC") submitted the lowest bid.

- The not-to-exceed amount of the Contract is \$400,000. REC's bid was \$1,900 per day plus \$80 for each Transmission Electron Microscopy ("TEM") sample.

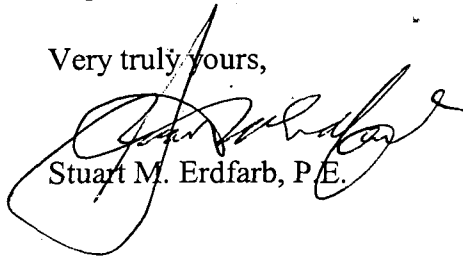
- The selected supplier is not on the VENDEX database and has not held a prior DEP contract.

- The agency has let the following two related emergency contracts:

- 1) Contract WTC-SCHL to provide daily emergency air sampling and monitoring at various schools in the vicinity of the World Trade Center site; and
- 2) Contract WTC-REM to provide emergency round-the-clock asbestos remediation, including clean-up and removal at various sites in the vicinity of the World Trade Center site.

On September 13, 2001 the Corporation Counsel and the Comptroller jointly issued a blanket approval for all emergency contracts related to the events of September 11, 2001.

Very truly yours,


Stuart M. Erdfarb, P.E.

Attach: Declaration of Emergency
Blanket Approval for WTC-related Emergencies

-3-

cc: Miele, Chapin, Hoffer, Fenves, Schiano, Avaltroni, Smyth, Singleton, Best (MOC)



DECLARATION OF EMERGENCY

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

WHEREAS, the City of New York remains committed to ensuring that the air quality of the affected area is as pure as possible and minimally compromised by said tragedy; and

WHEREAS, due to the tragedy, there is a need to provide emergency round-the-clock air monitoring at various sites in the affected area in downtown Manhattan; and

WHEREAS, in order to define the "hot zone" (areas containing asbestos) and continue to decrease the size of the "hot zone," such monitoring is required; and

WHEREAS, in order to perform such air monitoring with the frequency required over the next several months, it is necessary to retain the services of an outside contractor; and

WHEREAS, the results of the attack may be far reaching and are as of yet unknown and it is imperative that this monitoring take place; and

WHEREAS, on September 21, 2001, I orally declared that an emergency existed that required the implementation of emergency procurement procedures to perform such monitoring; and

WHEREAS, due to administrative delays resulting from the tragedy, the Emergency Declaration was not in written form until the date appearing hereon; and

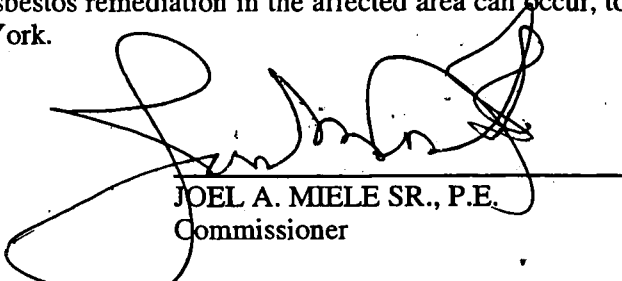
WHEREAS, the immediate action required cannot be met through normal procurement methods; and

WHEREAS, the aforementioned circumstances affect the health and safety of the 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: October 19, 2001


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



Michael P. Rennard, P.E.
CHIEF ENGINEER

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BUREAU OF ENGINEERING
1 CENTRE STREET, ROOM 650
NEW YORK, N.Y. 10007-1602

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ALAN G. HEVESI
COMPTROLLER

RECEIVED DEP ACCO

2001 OCT -5 P 2:24

October 3, 2001

Department of Environmental Protection
Stuart Erdfarb, P.E.
ACCO
59-17 Junction Boulevard, 18th Floor High Rise
Corona, NY 11368

Re: World Trade Center
Emergency Contracts

Dear Sir or Madam:

The Comptroller's Office and Corporation Counsel have issued a joint determination stipulating that the events of September 11, 2001 constitute an emergency (see attached letter). While this determination grants agencies prior approval to procure goods and services that are related to the emergency, please be advised that a written declaration will be required in order for the Comptroller's Office to register contracts and pay vendors expeditiously. As required by Procurement Policy Board Rules Section 3-06, the declaration must include specific information about the solicitation process used and the basis for supplier selection, the goods, services or construction procured, contract terms and prices, name(s) of supplier(s), performance history of the supplier, and other agency emergency contracts necessitated by the tragic events that occurred on September 11, 2001.

We would appreciate your forwarding us this information as soon as it is feasible for you to do so. Thank you for your attention to this matter.

Sincerely,

Michael P. Rennard, P.E.
Chief Engineer

Attachment

Em\ew\wtc.emergency

cc: E. Fitzpatrick
R. Esperon
R. Liwer
J. Graham
J. Rubin
S. Rosanoff



LAW DEPARTMENT
350 Jay Street - 8th Floor
Brooklyn, New York 11201

Michael Hess
Corporation Counsel

Date: September 13, 2001

The Corporation Counsel hereby declares that the events of September 11, 2001 constitute an emergency within the meaning of Section 315 of the Charter and Section 3-06 of the rules of the Procurement Policy Board. The Corporation Counsel therefore approves the emergency purchase of any and all goods, services, construction and construction-related services by any City agency that issues a Declaration of Emergency to alleviate the emergency condition and to ensure the proper function of government.

Rosaria R. Esperon
Deputy Comptroller for Claims, Adjudications
& Contract Administration

Acting Corporation Counsel