



**Department of
Environmental
Protection**

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**Christopher O. Ward
Commissioner**

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October 2, 2002

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

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-ARA
PIN 82603WTCIARA

OFFICE OF
ENVIRONMENTAL PROTECTION
GENERAL COUNSEL'S OFFICE
RECEIVED
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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 **THE INDOOR DUST CLEANING PROGRAM IN THE VICINITY OF THE WORLD TRADE CENTER SITE - QUADRANT A.** (Contract "WTC-ARA"). On May 6, 2002, oral approval was provided by the Comptroller and on May 7, oral approval was provided by the Corporation Counsel. The Declaration of EMERGENCY was signed by Commissioner Christopher O. Ward on May 7, 2002. On May 28, 2002, written approval was provided by the Comptroller and on May 31, written approval was provided 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.

DEP, in conjunction with EPA, found that buildings containing debris characteristic of the debris from the impact of the collapse of the WTC were identified and remediation was commenced. Debris removal from the immediate areas of destruction in the WTC complex has been completed, and the remaining unoccupied buildings identified as potentially contaminated must be rid of debris. As local residents are concerned that apartments may contain debris from the WTC catastrophe, it was deemed necessary to establish a call center to provide residents a means of obtaining professional cleaning services and testing. USEPA has determined that an expedited clean-up of buildings containing debris is in the public interest and it is necessary to ensure the air quality of the affected area is as pure as possible. The area designated for such clean-up was divided into four quadrants, each requiring remediation and air monitoring.

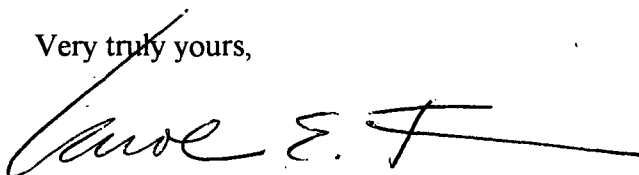
Procurement: DEP's Bureau of Environmental Compliance identified 25 contractors able to perform the scope of work required for the emergency clean-up and established a bidder list:

On August 12, 2002, the solicitation documents were provided to the 25 firms. Twelve bids were received and opened on the August 26, 2002 due date. **The lowest bid, \$3,530,140, was submitted by Xaren Corp. ("Xaren").** Although requested to do so by DEP Xaren was unable to provide proof that it had obtained the required insurance. Its bid was deemed non-responsive. **Trio Associates ("Trio") submitted the second lowest bid of \$3,976,104.** Trio was able to provide proof of the required insurance.

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, for mail fraud, of a minority shareholder. The convicted shareholder no longer holds any shares in Trio and its pre-qualification at SCA was reinstated in 1999. Trio is currently working for DEP at the WTC site and its performance on that contract and other contracts with City agencies has been satisfactory.

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

Very truly yours,



Carol E. Fenves
Acting Agency Chief Contracting Officer

cc: Tweedy, ~~Hoffer~~, Fenves, Schiano, Avaltroni, Gilstenan, Smyth, Singleton