



The City of New York
Department of Environmental Protection

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Christopher O. Ward
Commissioner

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October 2, 2002

DEPARTMENT OF
 ENVIRONMENTAL PROTECTION
 GENERAL COUNSEL'S OFFICE
 RECEIVED

2632 OCT -3 A 11:51

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-ARB
 PIN 82603WTCIARB

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 B.** (Contract "WTC-ARB"). 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, 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.

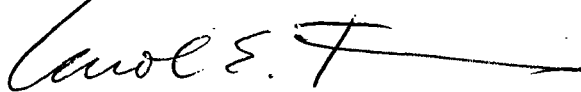
Procurement: DEP's Bureau of Environmental Compliance identified 25 contractors able to perform the scope of work required for the emergency clean-up and established a bidder list:

On August 12, 2002, the solicitation documents were provided to the 25 firms. Thirteen bids were received and opened on the August 26, 2002 due date. **The lowest bid, \$4,154,170, 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. **JBH Environmental Inc. ("JBH") submitted the second lowest bid of \$4,505,600.** JBH was able to provide proof of the required insurance.

A review of the VENDEX database shows no cautions for JBH Environmental Inc.

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