NYC 9/11 Public Portal Document

The City of New York
Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York
11373-5108

Christopher O. Ward
Commissioner

September 6, 2002

Hon. Jane Kenny
Regional Administrator
United States Environmental Protection
Agency, Region II
290 Broadway
New York, New York 10007

Re: United States Environmental Protection Agency (USEPA) / City of New York (City) / New York City Department of Environmental Protection (DEP) / USEPA World Trade Center Indoor Dust Cleaning Program (Program)

Dear Jane:

As we discussed yesterday, in order to expedite moving ahead with the Program, we are asking the selected contractors to provide additional security to protect the interests of USEPA and the City against claims stemming from alleged theft, damage or destruction of personal property by contractor personnel. In addition to maintaining an insurance policy against employee dishonesty, the contractors will be required to authorize DEP to deduct and retain additional retainage (above and beyond the standard 10% contract retainage) as security for the contractors' obligation to pay and satisfy all such claims. In the case of air monitoring contractors, the additional retainage will total $75,000 per contractor; in the case of cleaning contractors, it will total $100,000 per contractor. We have been advised by Brad Gair of the Federal Emergency Management Agency (FEMA) that he concurs in this approach.

In order to implement these measures, we agree that all claims for theft, damage or destruction of personal property asserted by building owners/apartment owners with respect to work under the Program should be directed to the contractor with a copy to DEP (Attention: Virginia Smyth), and we agree that USEPA's project completion form to be executed by individual building owners/apartment owners upon completion of work should instruct the owner to forward any such claims directly to the contractor with a copy to DEP. DEP will assume the responsibility of communicating with the contractor and, if the contractor does not honor its obligation to satisfy such claims, DEP will apply the additional retainage as appropriate. We would expect and request that any claims presented by building owners/apartment owners to USEPA be

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forwarded promptly to DEP.

We look forward to the Program moving ahead successfully.

Sincerely,

CHRISTOPHER O. WARD

cc: R. Avaltroni
V. Smyth
M. Hoffer
F. Schiano
R. Pecunies

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** Transmit Conf.Report **

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