



The City of New York
Department of Environmental Protection

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

Christopher O. Ward
Commissioner

Stuart M. Erdfarb, P.E.
 AGENCY CHIEF CONTRACTING OFFICER

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⑤ WORLD TRADE CENTER -
 RESIDENTIAL APARTMENTS

July 12, 2002

DEPARTMENT OF
 ENVIRONMENTAL PROTECTION
 GENERAL COUNSEL'S OFFICE
 RECEIVED

2003 JUL 15 P 4:17

Michael O'Reilly
 President
 Trade-Winds Environmental Restoration, Inc.
 100 Sweeneydale Avenue
 Bay Shore, New York 11706

Re: Bidder List
 Emergency Procurement
 World Trade Center Site
 Interior Remediation

Dear Mr. O'Reilly:

I write in response to your letter of June 21, 2002 to Commissioner Christopher O. Ward. Pursuant to a Declaration of Emergency, a *bidder list for an emergency procurement* (the "list") has been established in order to procure interior remediation services near the World Trade Center site. As you wrote your letter, Trade-Winds Environmental Restoration, Inc. ("Trade-Winds") has not been included on the list.

When contracted services are required to alleviate an emergency condition, neither public advertisement, standing bidder lists, nor pre-qualified lists are required. Instead, the City may use any procurement method which will allow for such competition as is possible and practicable in order to meet the needs of the emergency. In order to solicit bids, and to obtain sufficient competition, a bidder list for this specific emergency procurement has been established. In doing so, reasonable criteria have been set forth to make certain that neither lack of integrity, poor past performance, lack of experience, or lack of the qualifications unnecessarily delay the start of work after the bid opening. Only firms that fully meet the criteria have been placed on the list.

Based upon a review of Trade-Winds by our Bureau of Environmental Compliance, Trade-Winds was not selected to be solicited for the subject procurement. The decision to include or exclude firms from the list is at the sole discretion of the agency, and there is no administrative appeal available.

The criteria for the list are neither arbitrary nor capricious, and have a rational basis. The fact that 27 firms have been placed on the list attests to that fact. Further, the inclusion of 27 firms will provide the City with a pool of bidders sufficient to meet the needs of this emergency procurement.

Very truly yours,

Stuart M. Erdfarb, P.E.



www.nyc.gov/dep

(718) DEP-HELP

bcc: Ward (log 2002-0675), Hoffer, Schiano, Avaltroni, Gilsenan, Smyth, Radhakrishnan, Pecunies,
Fenves

JUN-24-2002 MON 10:53 AM North Atlantic Labs

FAX NO. 6319510410

F. 02 02/04

TRADE-WINDS

CW
2002-0675

June 21, 2002

Christopher Ward
DEP Commissioner
New York City DEP
59-17 Junction Blvd.
Flushing, NY 11373

Post-It* Fax Note	7671	Date	6/27/02	# of pages	2
To	Russ	From	Krish		
Co./Dept.		Co.			
Phone #		Phone #	3718		
Fax #		Fax #			

Dear Commissioner Ward,

We have been informed that Trade-Winds does not meet the criteria for selection as a contractor to perform dust clean-up in apartments affected by the World Trade Center Catastrophe. I take exception to this decision for the reasons outlined below, and I respectfully request your attention.

I have been involved with the asbestos abatement industry since 1985 (pre- New York City regulations), directing thousands of projects. In fact, when the New York City regulations were being established, I provided testimony at the public hearing representing the EPA Asbestos Training Program. My testimony was solicited largely in part to the degree of expertise which qualified me to teach at Tufts University. My core curriculum as a part of the EPA sponsored training center, was abatement methods, which I taught to other professionals for four years.

During this time period, I had personally overseen some of the largest and most extensive projects in New York State, including the largest project at a 10 million square foot facility on Long Island. I have been responsible for over 35,000 environmental remediation projects in commercial, industrial and residential facilities and have never been sued or required to go to court for any issues related to work performance or health and safety. Some of our major legal clients, in their review of both the DEP and EPA records, have shown that no other contractor has as good a record in terms of violations as Trade-Winds.

This year Trade-Winds will perform in excess of \$30 Million in environmental remediation work. Further, our workman's comp. rating is virtually unachievable in our industry. We have earned a highly regarded reputation with the New York City Hazardous Waste, Asbestos and Lead Workers Union where we rank in the top five (5) of their Contractors (copy of letter enclosed).

ENVIRONMENTAL RESTORATION INC.

100 Sweeneydale Avenue, Bay Shore, NY 11706 • 631-435-8900 • Fax: 631-435-4337 • 1-800-282-8701

NYC DEP BAN Hazmat Exec Fax: 7185953744
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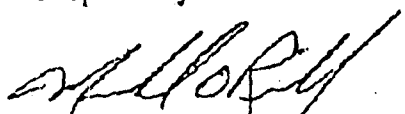
Our insurance company, AIG, is the largest in the environmental market. The President of AIG Environmental, Joe Boren, had in a letter to you, attested to the quality of our work, performed at their own facilities after the events of 9/11, which he described as "superb."

I find particular frustration with the basis for the selection of contractors, as it is reflective of the amount of New York City filed projects of a certain size. Much of this type of work has been unattractive to a company of our size and scope for quite some time, due to the level of the competition and the "low bid" philosophy.

I think it interesting to note that even though we were included in a panel convened by Congressman Nadler and that this hearing helped the city to obtain the funding to correct the dust problem, we have been excluded from qualification by your department. This is despite the fact that we were called upon to testify as a contractor who performed work in a safe and proper manner.

Finally, I believe that this criterion for qualification in the apartment program cannot go unchallenged. I must say that the DEP is missing key criterion in qualifying those contractors on the approved list. This is ultimately not good for the inhabitants of the affected apartments and a disservice to highly qualified contractors such as Trade-Winds. It is efforts such as ours that contributed to the recovery in the first place.

Respectfully



Michael O'Reilly
President and CEO
Trade-Winds Environmental Restoration, Inc.

cc: John Lander, Esq.
David Yudelson, Esq., Sive, Paget and Riesel
Paul Casowitz, Esq., Sive, Paget and Riesel
Andrew Werbrock, Office of Congressman Steve Israel
Linda Rosenthal, Office of Congressman Gerrold Nadler
Resi Cooper, Office of Senator Hillary Rodham Clinton

P.S. On September 12, 2001 and the weeks and months following, we mobilized upwards of 2000 trained asbestos workers to assist our clients with "Non Notified Work" to decontaminate over 3 million square feet commercial, residential and government facilities. Clients included Con Edison, the Mayor's Office of Emergency Management as well as some of the critical banking institutions in our city that had to be able to reoccupy their facilities to support Wall Street and the national economy.

TRADE-WINDS ENVIRONMENTAL RESTORATION INC.

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