

Gilsenan, Michael

From: Erdfarb, Stuart
Sent: Friday, July 12, 2002 2:54 PM
To: Avaltroni, Robert; Gilsenan, Michael (ex); Smyth, Virginia; Radhakrishnan, Krish
Cc: Ward, Chris; Hoffer, Mark; Pecunies, Russ; Schiano, Frank; Fenves, Carol
Subject: Revised Trade Winds



TRADEWINDSemerg.wpd

I've made some changes after speaking to Steve Cushman at Corp Counsel. This is the final version.

-----Original Message-----

From: Erdfarb, Stuart **On Behalf Of** Erdfarb, Stuart
Sent: Friday, July 12, 2002 1:58 PM
To: Avaltroni, Robert; Gilsenan, Michael (ex); Smyth, Virginia; Radhakrishnan, Krish
Cc: Ward, Chris; Hoffer, Mark; Pecunies, Russ; Schiano, Frank; Fenves, Carol
Subject: Trade Winds

<< File: TRADEWINDSemerg.wpd >> This letter will be signed by me today.

July 12, 2002

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:

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

Tel (718) 595-3300
Fax (718) 595-3278
STUE@DEP.NYC.GOV

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.

bcc: Ward, Hoffer, Schiano, Avaltroni, Gilsean, Smyth, Radhakrishnan, Pecunies, Fenves