

Gilsenan, Michael

From: Erdfarb, Stuart
Sent: Friday, July 12, 2002 2:10 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



TRADEWINDSmer
g.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. Please be advised that, contrary to your assertion, this agency has made no *determination* regarding the qualifications of Trade-Winds Environmental Restoration, Inc. ("Trade-Winds"). Rather, a bidder list for an emergency procurement has been established in order to procure interior remediation services near the World Trade Center site pursuant to a Declaration of Emergency.

When contracted services are required to alleviate an emergency condition, neither public advertisement, established 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 as much competition as is possible and practicable, a bidder list for the specific emergency procurement is established. In doing so, reasonable criteria may be 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 established criteria are placed on the emergency procurement bidder 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 a bidder list for an emergency procurement is at the sole discretion of the agency, and there is no administrative appeal available.

The criteria for the subject bidder 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.