

**MEMORANDUM OF COOPERATION BETWEEN THE CITY OF NEW YORK
THROUGH ITS NYC OFFICE OF EMERGENCY MANAGEMENT AND THE
ENVIRONMENTAL CONTRACTORS ASSOCIATION**

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The City of New York (the "City"), through its NYC Office of Emergency Management ("OEM" or "NYC OEM") and the Environmental Contractors Association ("ECA") representing its member organizations (collectively referred to as "the Parties");

WHEREAS, OEM, amongst other things is responsible for coordinating the City's response to significant emergency conditions and events which require a multi-agency response; and

WHEREAS, ECA members are full-service environmental abatement, emergency response and infectious disease control specialists. Amongst other things, ECA members provide environmental remediation services for commercial, mixed use, high-rise residential, institution and healthcare facilities throughout New York and vicinity, and,

WHEREAS, the parties recognize that the risk of a significant environmental incident remains high in New York City and the surrounding region; and

WHEREAS, the parties desire to collaborate, to the extent possible, in the development of various plans, tools, standards, training materials and exercises to enhance environmental emergency response on a local and regional level utilizing public and private remediation capabilities, as needed; and

WHEREAS, the City recognizes ECA's valuable contribution to a public-private partnership which addressed water damage and mold conditions in NYC homes impacted by Hurricane Sandy, leveraging industry expertise to help address these impacts.

NOW, THEREFORE, the Parties agree as follows:

**ARTICLE 1
General**

The Parties may cooperate in projects, programs and initiatives both local and regional to be mutually agreed upon, involving environmental emergency response and remediation within the terms of this Memorandum of Cooperation (hereinafter referred to as the "Memorandum"). Any projects, programs and initiatives contemplated between the parties to this Agreement with regard to the NY-NJ-CT-PA Regional Catastrophic Planning Team program ("RCPT") must be approved in writing by the RCPT prior to its commencement.

**ARTICLE 2
Cooperative Activities**

At the sole request of the City, cooperative activities under this Memorandum may be undertaken in the following subject areas.

- (a) The sharing of specialized and/or technical information so as to improve upon the City's existing environmental emergency response and remediation planning and protocols;
- (b) Contribution to training related to environmental response and remediation;
- (c) Contribution to exercises and drills and/or workshops related to environmental response and remediation
- (d) Sharing of knowledge and expertise related to equipment and technology utilized in environmental response and remediation; and
- (e) Contribution to the development of new standards or improvement of existing standards for emergency environmental responders.

ARTICLE 3 Forms of Cooperation

Forms of cooperative activities between the Participants may include:

- (a) Information exchange on environmental emergency response and remediation issues, to the extent legally permissible under law and NYC procurement rules and regulations;
- (b) Participation and/or contributions to technical meetings, joint seminars, workshops and exhibitions to the extent legally permissible under law and NYC procurement rules and regulations;
- (c) Participation in available public/- private sector initiatives involving environmental emergency response and remediation;
- (d) Provision of subject matter expertise in the evaluation of technology and equipment to support response and remediation operations; and
- (e) Other forms of cooperative activities as may be mutually agreed upon.

ARTICLE 4 Implementation

The implementation of this Memorandum is subject to all applicable federal, state and local laws and regulations. This Memorandum is not intended to create any legal relationship between the parties or to be legally binding upon the parties, and it shall not be used as the basis for the creation of any legal claims.

ARTICLE 5 No Agency, Partnership Or Joint Venture

ECA shall not be an agent, employee or vendor for the City or any agency of the City, including NYC OEM, (i) by virtue of this Memorandum or (ii) by virtue of any approval, permit, license, grant, right or other authorization given to ECA by NYC OEM, the City or the RCPT or any of their respective officers, agents or employees pursuant to this Memorandum.

Nothing in this Memorandum or in the course of performance of any of the activities outlined in this Memorandum shall be construed to constitute a partnership or joint venture between ECA and NYC OEM or the City. ECA shall have no right to obligate or bind NYC OEM or the City in any manner whatsoever and nothing contained herein or in the course of performance shall give or is intended to give any right of any kind to any third party.

ARTICLE 6
Commencement and Duration

This Memorandum is a voluntary Agreement and is subject to termination at will at any time, with or without cause and with or without notice.

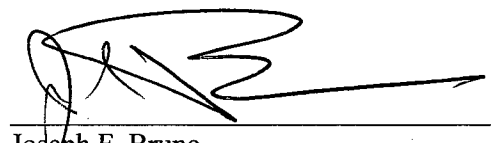
ARTICLE 7

The signatories to this Memorandum represent that they are duly authorized to enter in to this Memorandum and be bound by the terms thereof, on behalf of the entity below whose name they affix their signature.

Agreed to on this 23 day of December 2013.



Joyce Nastasi
Executive Director
NYC Environmental Contractors Association



Joseph F. Bruno,
Commissioner
NYC Office of Emergency Management