



22469

Date: October 21, 2011

To: Honorable Members of the Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman
Westchester County Board of Legislators

Re: Authority to enter into an agreement with O'Connor Davies Munns & Dobbins, LLP, pursuant to which O'Connor Davies Munns & Dobbins, LLP will provide to the Board of Legislators an analytical review of, and report on, the proposed County budget

Authority is requested for the County of Westchester (the "County"), acting by and through its Board of Legislators, to enter into an agreement with O'Connor Davies Munns & Dobbins, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies will provide to the Board of Legislators an analytical review of, and report on, the proposed County budget (the "Agreement"). The Agreement will be for the period from November 1, 2011 through October 31, 2012, with the County having the option to extend the term of the agreement for two (2) additional one (1) year periods. The Agreement will be for amounts not-to-exceed as follows: an amount not-to-exceed \$135,000, consisting of an amount not-to-exceed \$125,00 for the initial analytical review and report and an amount not-to-exceed \$10,000 for specialized reviews, to be billed at the rates specified in O'Connor Davies's proposal; an amount not-to-exceed \$138,000 for the first option year; and an amount not-to-exceed \$141,000 for the second option year. The amount not-to-exceed payable under the Agreement during the initial term shall be paid pursuant to an approved budget and, 1.) for the initial analytical review and report, be payable seventy-five percent (75%) upon completion of the field work and twenty-five percent (25%) upon submission of a final report to the Board of Legislators, and 2.) for the specialized reviews, be payable at the hourly rates specified in O'Connor Davies' proposal.

In accordance with Section 7 of the Westchester County Procurement Policy and Procedures, the County issued a request for proposals and qualifications for these professional services on July 25, 2011. The County solicited proposals and qualifications from sixteen (16) firms who customarily perform such services. The County received proposals and qualifications from two (2) firms: O'Connor Davies and Center for Governmental Research, Inc. The Board of Legislators' fiscal staff reviewed both of these proposals and qualifications.

Based on their review of the proposals and qualifications, the Board of Legislators' fiscal staff found that O'Connor Davies offered invaluable analytical expertise, as well as a familiarity with the County and the County's budget that considerably enhances their value to the County. Based on the recommendations of the

County Board of Legislators' fiscal staff, I determined that O'Connor Davies made the proposal most advantageous to the County.

O'Connor Davies's proposed fee was \$135,000 for the initial term, \$138,000 for the first option year, and \$143,000 for the second option year. The Board of Legislators subsequently negotiated with O'Connor Davies and O'Connor Davies agreed to restructure its proposed \$135,000 fee for the initial term. The restructured fee will consist of an amount not-to-exceed \$125,000, payable in accordance with an approved budget, for the initial analytical review and report and an amount not-to-exceed \$10,000 for specialized reviews, payable at the aforementioned hourly rates specified in O'Connor Davies's proposal.

The proposed Agreement will serve a public purpose by assisting the Board of Legislators in reviewing the proposed County budget.

The goals and objectives of the proposed Agreement are to provide the Board of Legislators with assistance in reviewing the proposed County budget.

The goals and objectives of the proposed Agreement are in the best interests of the County in terms of fiscal responsibility and the public health and welfare, as it will assist the Board of Legislators in reviewing the budget including the identification of potential modifications to the budget and the exploration of all possible avenues for generating revenues and reducing expenditures.

The goals and objectives of the proposed Agreement will be tracked and monitored via direct monitoring by the Board of Legislators of the results provided by O'Connor Davies. In addition, final payment under the proposed Agreement will only be payable upon submission to the Board of Legislators of a final report by O'Connor Davies.

Accordingly, I recommend the adoption of the annexed Resolution.

KWJ/OAR/bdm/nm

RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Board of Legislators, is authorized to enter into an agreement with O'Connor Davies Munns & Dobbins, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies will provide to the Board of Legislators an analytical review of, and report on, the proposed County budget (the "Agreement"); and be it further

RESOLVED, that the Agreement shall be for the period from November 1, 2011 through October 31, 2012, with the County having the option to extend the term of the agreement for two (2) additional one (1) year periods; and be it further

RESOLVED, the Agreement shall be for amounts not-to-exceed as follows: an amount not-to-exceed \$135,000, consisting of an amount not-to-exceed \$125,00 for the initial analytical review and report and an amount not-to-exceed \$10,000 for specialized reviews, to be billed at the rates specified in O'Connor Davies's proposal; an amount not-to-exceed \$138,000 for the first option year; and an amount not-to-exceed \$141,000 for the second option year; and be it further

RESOLVED, that the amount not-to-exceed payable under the Agreement during the initial term shall be paid pursuant to an approved budget and, 1.) for the initial analytical review and report, be payable seventy-five percent (75%) upon completion of the field work and twenty-five percent (25%) upon submission of a final report to the Board of Legislators, and 2.) for the specialized reviews, be payable at the hourly rates specified in O'Connor Davies' proposal; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	10	1000	4380		\$135,000

Budget Funding Year(s) 2011 Start Date 11/1/11 End Date 10/31/12
(must match resolution)

Funding Source Tax Dollars \$135,000

State Aid _____

\$ 135,000 Federal Aid _____

(must match resolution) Other _____