

24434

Date: January 26, 2012

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Authority to amend an agreement with Robert J. Ponzini, Esq. for the provision of Hearing Officer Services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law, by retroactively extending the term of the agreement from November 1, 2011 through February 14, 2012.

On or about March 17, 2011, the County entered into a “short-form” contract with Robert J. Ponzini, Esq. to provide hearing officer services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from November 1, 2010 through October 31, 2011 in an amount not-to-exceed \$20,000 (the “Agreement”).

Since Mr. Ponzini’s previous contract expired on October 31, 2011, and since his new contract is not due to commence until February 15, 2012, we respectfully request your Honorable Board authorize an amendment to his previous contract in order to retroactively extend the term thereof for the period from November 1, 2011 through February 14, 2012. This will allow Mr. Ponzini to continue to conduct hearings and/or render his findings and recommendations on hearings that commenced prior to November 1, 2011. Moreover, there remains \$16,000 in unexpended funding left under the Agreement. In order for the County to be able compensate Mr. Ponzini for services rendered during the period November 1, 2011 through February 14, 2012, it is proposed that the Agreement be retroactively amended to extend the term thereof for this period.

As your Honorable Board is aware, amendments to short-form contracts which result in term extensions beyond the one (1) year threshold for short-form contracts, must first be approved by your Honorable Board. Accordingly, authority is respectfully requested to amend the Agreement with Robert J. Ponzini, Esq. for the provision of hearing officer services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from November 1, 2010 through October 31, 2011 in an amount not-to-exceed

\$20,000, by retroactively extending the term thereof from November 1, 2011 through February 14, 2012.

Except as specifically amended hereby, all other terms and conditions of the Agreement will remain the same.

The Agreement will serve a public purpose by enforcing the Civil Service Laws of the State of New York. The goals and objectives of this Agreement are to have a Hearing Officer preside over and adjudicate cases regarding Sections 72, 73 and 75 of the New York State Civil Service Law to provide County employees with due process during the Administrative Hearing process. The Agreement will be tracked and monitored by the County Attorney's Office.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RFM/JPG/

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2012 JOMAR VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to amend an agreement with Robert J. Ponzini, Esq. for the provision of Hearing Officer Services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from November 1, 2010 through October 31, 2011 in an amount not-to-exceed \$20,000 (the "Agreement"), by retroactively extending the term of the Agreement for the period from November 1, 2011 through February 14, 2012; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Attorney or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A					

Budget Funding Year(s) 2010-2012 Start Date 11/01/10 End Date 02/14/12
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ N/A Federal Aid _____

(must match resolution)

Other _____