

**#32662**

Date: February 20, 2013

To: The Honorable Board of Acquisition and Contract

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

Re: Authority to amend a short-form contract with the firm of Wormser, Kiely, Galef & Jacobs, LLP for the provision of consultant services to the Westchester County Charter Revision Commission for a term commencing July 1, 2012 and continuing through June 30, 2013 for an amount not-to-exceed \$20,000, by 1) extending the term of the agreement from July 1, 2013 through December 31, 2013; and 2) increasing the total amount not-to-exceed thereunder by an additional \$40,000, from an amount not-to-exceed \$20,000 to an amount not-to-exceed \$60,000, to compensate the firm for additional services rendered

On or about August 6, 2012, the County entered into a “short-form” contract with the firm of Wormser Kiely, Galef & Jacobs, LLP (the “Firm”), pursuant to which the Firm, through its partner Lester Steinman, agreed to provide consultant services to the Westchester County Charter Revision Commission (the “Commission”) for a term commencing July 1, 2012 and continuing through June 30, 2013 for an amount not-to-exceed \$20,000, payable at the rate of \$275/hour (the “Agreement”). The Agreement was subsequently executed.

The Chairman of the Commission, Richard Wishnie, has advised that funding under the Agreement will be exhausted by the end of February. Moreover, the Firm’s services will continue to be needed through the end of the year in order for the Commission to complete the final phase of its work. According to Mr. Wishnie, Mr. Steinman has been a tremendous resource to the Commission during the initial phase of its work and the Commission wishes to have him available for consultation through the completion of its mission. It is estimated that the cost of Mr. Steinman’s consulting work for the balance of the year would require an additional amount not-to-exceed \$40,000. In order to continue to retain Mr. Steinman through the end of the year and to compensate him for his services, it will be necessary to amend the Agreement in order to extend the term thereof through December 31, 2013 and increase the not-to-exceed amount by an additional \$40,000.

As your Honorable Board is aware, amendments to short-form contracts which result in increases which exceed the \$20,000 threshold for short-form contracts and/or term extensions beyond the one (1) year threshold, must first be approved by your Honorable Board. Accordingly, authority is respectfully requested to amend the Agreement with the Firm for the provision of consulting services to the Commission for a term commencing July 1, 2012 and continuing through June 30, 2013 for an amount not-to-exceed \$20,000, by 1) extending the term of the Agreement from July 1, 2013 through December 31, 2013; and 2) increasing the total amount not-to-exceed thereunder by an additional \$40,000, from an amount not-to-exceed \$20,000 to an amount not-to-exceed \$60,000, in order to compensate the Firm for additional services rendered going forward.

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement will remain in full force and effect.

The Agreement will serve a public purpose by enabling the Commission to propose meaningful revisions to the County Charter, thereby improving governmental operations.

The goals and objectives of this Agreement are to retain the services of a consultant with expertise in municipal charter revisions to assist the Commission with its work.

The goals and objectives are in the best interests of the County in terms of fiscal responsibility because revising the County Charter will enable County government to function more efficiently, thereby saving taxpayer dollars.

The Agreement will be tracked and monitored by the Commission.

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

KWJ/SS/jpg

Att.

RESOLUTION

Upon a communication from the Hon. Kenneth W. Jenkins, Chairman of the Westchester County Board of Legislators, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to amend an agreement with the firm of Wormser, Kiely, Galef & Jacobs, LLP for the provision of consultant services to the Westchester County Charter Revision Commission for a term commencing on July 1, 2012 and continuing through June 30, 2013 for an amount not-to-exceed \$20,000, by 1) extending the term of the agreement from July 1, 2013 through December 31, 2013; and 2) increasing the total amount not-to-exceed thereunder by an additional \$40,000, from an amount not-to-exceed \$20,000 to an amount not-to-exceed \$60,000, to compensate the firm for additional services rendered going forward; 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 Executive 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
101	10		4380		\$40,000.00

Budget Funding Year(s) 2013 Start Date 07/01/2013 End Date 12/31/2013
 (must match resolution)

Funding Source Tax Dollars \$40,000.00
 State Aid _____
 \$ 40,000.00 Federal Aid _____
 (must match resolution) Other _____