

Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

**39676**

Date: April 11, 2014

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan, County Attorney  
Department of Law

Re: **Resolution authorizing the County of Westchester (the “County”) to amend an agreement with RVM Enterprises, Inc., for the provision of electronic-document review services in order to provide additional services and to increase the not-to-exceed amount of the agreement from Sixty Thousand (\$60,000.00) Dollars to Eighty-Five Thousand (\$85,000.00) Dollars.**

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On March 20, 2014, your Honorable Board authorized the County of Westchester (the “County”) to enter in an agreement (the “Agreement”) with RVM Enterprises, Inc. (“RVM”), for the provision of electronic-document review services in connection with the lawsuit entitled United States vs. Westchester County regarding County Water District No. 1, for a one (1) year period commencing on March 19, 2014 and terminating on March 18, 2015, in a total amount not to exceed Sixty Thousand (\$60,000.00) Dollars. This agreement was subsequently executed.

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to amend the Agreement with RVM in order to provide for additional services and to increase the not to exceed amount of the agreement from Sixty Thousand (\$60,000.00) Dollars to Eighty-Five Thousand (\$85,000.00) Dollars.

This amendment is necessary since the original quote and estimate proved by RVM was based on a data set of approximately 22,000 items to review. Due to differences in data processing between the County and RVM (including what counts as a data item to be reviewed), along with some additional data that was discovered during the process, the total data set is now approximately 31,000 items. RVM’s review pace, however, has been faster than originally estimated. Thus, notwithstanding the 50% increase in data size from what the original estimate was based upon, RVM’s revised estimate is only 41% higher than the original estimate.

The goals and objectives of this proposed amendment are in the County’s best interest and will serve a public purpose since the process involved in this document review is labor intensive, and will

negatively affect the ability of the Law Department to operate efficiently. Additionally, the continued utilization of an outside vendor will allow the County to meet stringent document production deadlines set by Court order. The performance of the Agreement and amendment will be tracked and monitored by the Law Department attorneys assigned to the case as well as the Law Department's review and payment of invoices.

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

RFM/jpi  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/24/2014 - JOMARY VEIRA, SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, the County of Westchester (the “County”) is hereby authorized to amend the agreement with RVM Enterprises, Inc., for the provision of electronic-document review services, in order to provide for additional services and to increase the not to exceed amount of the agreement from Sixty Thousand (\$60,000.00) Dollars to Eighty-Five Thousand (\$85,000.00) Dollars; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain unchanged; and be it further

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

**RESOLVED**, that this 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 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 either to terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

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

Agreement LAW # 953

Original Agreement: \$60,000.00  
This Amendment: \$25,000.00  
 TOTAL \$85,000.00

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2014	241	60		4420		5110	\$25,000.00

Budget Funding Year(s) 2014  
 (must match resolution)

Start Date March 19, 2014 End Date March 18, 2015

Funding Source Tax Dollars \$ 25,000

State Aid \_\_\_\_\_

**\$ 25,000**

(must match resolution) Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/24/2014 - JOMARY VEIRA, SECRETARY