



Robert P. Astorino
County Executive

Solid Waste Commission

Hon. Daniel D. Angiolillo (Ret.)
Executive Director

Patricia A. O'Callaghan
Deputy Director

45190

DATE February 27, 2015

TO: Board of Acquisition and Contract

FROM: Daniel D. Angiolillo
Executive Director, Solid Waste Commission

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with William Wetzel, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing March 1, 2015 and continuing through February 28, 2016, in an amount not-to-exceed \$15,000.00.

Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy and Procedures (the "Procurement Policy") an agreement between the County of Westchester (the "County") and William Wetzel, Esq. for Mr. Wetzel to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing March 1, 2015 and continuing through February 28, 2016, in an amount not-to-exceed amount \$15,000.00, and payable pursuant to an approved budget.

Mr. Wetzel has previously provided administrative hearing officer services to the Commission and his current agreement expired on November 30, 2014.

The exemption is in the County's best interest regarding public health and safety since Mr. Wetzel possesses substantive knowledge of the laws, rules and regulations governing Commission hearings as well as the practices of the solid waste and recycling industry (the "Industry") within the County. This experience is integral to the Commission's obligation to

provide and regulate Industry licensees within a fair legal forum, while simultaneously pursuing its legislative mandate to eliminate unlawful conduct within the Industry.

The exemption is also in the County's best interest regarding fiscal responsibility since Mr. Wetzel's experience as a Commission Hearing Officer enables him to efficiently conduct administrative hearings, thereby reducing County expenses through reduced time billings. In addition, Mr. Wetzel's continuation as a Commission Hearing Officer is in the County's best interest regarding public safety and fiscal responsibility since his experience will help to ensure that Commission decisions are properly rendered to withstand potential Article 78 proceedings and thereby limit the County's potential monetary liability resulting from the same.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with Mr. Wetzel from the County's Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your Honorable Board's consideration.

DDA/jpi

RESOLUTION

Upon a communication from the Executive Director of the Westchester County Solid Waste Commission, be it hereby:

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting quotations, is neither cost effective nor expedient, and accordingly not in the best interests of the County in connection with the procurement of an agreement with William Wetzel, Esq., for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission.



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