



Office of the District Attorney
County of Westchester

MEMORANDUM

46133

TO: HONORABLE MEMBERS
BOARD OF ACQUISITION AND CONTRACT

4/08/15

FROM: JANET DiFIORE
DISTRICT ATTORNEY

RE: RESOLUTION AUTHORIZING THE COUNTY OF WESTCHESTER TO:

- 1) **ENTER INTO AN AGREEMENT WITH THE STATE OF NEW YORK, ACTING BY AND THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, TO ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$316,000 IN STATE FUNDS FOR THE DISTRICT ATTORNEY'S OFFICE TO OPERATE THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015, PURSUANT TO AN APPROVED BUDGET; AND**
- 2) **ENTER INTO AN AGREEMENT WITH SUSAN M. RIGANO TO PROVIDE CRIME ANALYSIS CONSULTING SERVICES IN CONNECTION WITH AUTO THEFT AND RELATED INSURANCE FRAUD CLAIMS FOR A TERM COMMENCING APRIL 6, 2015 AND CONTINUING THROUGH DECEMBER 31, 2015 FOR AN AMOUNT NOT-TO-EXCEED \$30,000.**

Authority is sought for the County of Westchester (the "County") to enter into an agreement with the State of New York, acting by and through the New York State Division of Criminal Justice Services, to accept a grant in an amount not to exceed \$316,000 in State Funds for the District Attorney's Office to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period January 1, 2015 through December 31, 2015, pursuant to an approved budget (the "Grant Agreement"). Pursuant to the terms of the Grant Agreement, the County will be required to contribute \$316,890 in County matching funds toward the cost of the Program.

Authority is also sought to enter into an agreement with Susan M. Rigano (the "Consultant") to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims for a term commencing April 6, 2015 and continuing through December 31, 2015 (the "Consultant Agreement"). In consideration for services rendered, the County will pay the Consultant at the rate of Forty-Four (\$44.00) dollars per hour for 682 hours of service, not to exceed the aggregate sum of Thirty Thousand (\$30,000.00) dollars, inclusive of all expenses. The Consultant will perform the following services six (6) hours per day, three (3) days per week, subject to change based on the workload: to develop investigative leads for crimes related to auto theft and related insurance fraud claims; performance of systematic and analytical processes;

participation in inter-agency meetings; compilation and presentation of statistical reports identifying countywide trends; and identification of emerging or existing crime problems.

It has been determined that there is a direct relationship between the incidence of motor vehicle theft, motor vehicle insurance fraud and the cost of motor vehicle insurance premium rates. The Program seeks to provide an integrated means to prevent, deter and reduce the incidence of motor vehicle theft and motor vehicle insurance fraud by developing and providing funding for specialized law enforcement units to combat motor vehicle theft and insurance fraud.

The Program will serve the general welfare and public safety of the citizens of Westchester County by enabling the District Attorney's Office to operate an Auto Theft Unit to reduce incidents of motor vehicle thefts and insurance fraud in the County. The Unit is comprised of a Deputy Chief of Bureau, an Assistant District Attorney, a Criminal Investigator and a Crime Analysis Consultant. The goals and objectives of the Program are monitored by the District Attorney's Office and quarterly progress reports are submitted to DCJS for their review and approval.

Since the Grant Agreement authorizes the County to accept grant funding, it does not constitute a procurement, and, as such, the requirements of the Westchester County Procurement Policy do not apply.

With regard to the Consultant Agreement, the County has complied with the Westchester County Procurement Policy. On February 5, 2015, the DA's Office issued a Request for Proposals (the "RFP") seeking the services of a qualified law enforcement professional to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims. The RFP was posted on the County's website. In addition, the DA's Office checked the State's web-site looking for MWBE or WBE vendors offering crime analysis services with the hope of mailing copies of the RFP directly to these entities. However, despite diligent efforts, none could be found. A search was also made of the County's MWBE website with the same result. In the end, only one proposal was received in response to the RFP and was submitted by the Consultant. Following a review of Consultant's proposal with reference to the evaluation criteria set forth in the RFP, the Consultant, a retired law enforcement professional, was selected based on experience and expertise in this field.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Accordingly, I respectfully recommend adoption of the attached resolution.

JD/PK/jpg

RESOLUTION

Upon a communication from Janet DiFiore, District Attorney, be it hereby,

RESOLVED, that the County of Westchester (the "County") is authorized to enter into an agreement with the State of New York, acting by and through the New York State Division of Criminal Justice Services to accept a grant in an amount not to exceed \$316,000 in State Funds for the District Attorney to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period January 1, 2015 through December 31, 2015, pursuant to an approved budget (the "Grant Agreement"); and it is further

RESOLVED, that pursuant to the terms of the Grant Agreement, the County shall be required to contribute an amount not-to-exceed \$316,890 in County matching funds toward the cost of the Program; and be it further

RESOLVED, that the County is further authorized to enter into an agreement with Susan M. Rigano (the "Consultant") to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims for a term commencing on April 6, 2015 and continuing through December 31, 2015 for an amount not-to-exceed \$30,000 payable at the rate of \$44.00 per hour inclusive of all expenses (the "Consultant Agreement"); and be it further

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

RESOLVED, that the Consultant 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 this 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	37	263Q	9854	T-263	\$316,000
101	37	0010	4912		\$316,890
263	37	263Q	9855	T-263	\$316,890
263	37	263Q	4380	T-263	30,000

Budget Funding Year(s) 2015 Start Date 1/1/2015 End Date 12/31/2015
(must match resolution)

Funding Source Tax Dollars \$316,890
State Aid \$316,000
\$632,890 Federal Aid _____
(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/28/2015 - JOMARY VEIRA, SECRETARY