

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

48106

Date: August 14, 2015

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

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 for additional services, to increase the not-to-exceed amount of the agreement from Forty Thousand (\$40,000.00) Dollars to Seventy Thousand (\$70,000.00) Dollars and to extend the termination date from November 3, 2015 to December 31, 2016.**

On November 5, 2014, the County of Westchester (the “County”) entered 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 ex rel. Anti-Discrimination Center v. Westchester County, 06 Civ. 2860 (DLC), for a one (1) year period commencing on November 4, 2014 and terminating on November 3, 2015, in a total amount not to exceed Fifteen Thousand (\$15,000.00) Dollars.

On January 22, 2015, your Honorable Board authorized 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 Fifteen Thousand (\$15,000.00) Dollars to Forty Thousand (\$40,000.00) Dollars. This First Amendment was subsequently executed.

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to again amend the Agreement in order to provide for additional services, to increase the not-to-exceed amount of the Agreement from Forty Thousand (\$40,000.00) Dollars to Seventy Thousand (\$70,000.00) Dollars and to extend the termination date from November 3, 2015 to December 31, 2016.

This second amendment is necessary for various reasons, including: (1) the continued need to access to the document review software provided by RVM; (2) the continued need to store the electronic documents in a manner that allows for access by the County of the document review software; and (3) the need for additional document review services, which have all been necessitated by

the nature of the Federal Monitor's ongoing requests for information and documentation which were not contemplated when the original agreement was entered into.

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 - 08/19/2015 - JOAN COUGHLIN 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, to increase the not-to-exceed amount of the agreement from Forty Thousand (\$40,000.00) Dollars to Seventy Thousand (\$70,000.00) Dollars and to extend the termination date from November 3, 2015 to December 31, 2016; 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 # 963

Original Agreement: \$15,000.00
 First Amendment: \$25,000.00
This Amendment: \$30,000.00
 TOTAL \$70,000.00

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2015-16	101	18		1000		4923	\$30,000.00

Budget Funding Year(s) 2015-16 Start Date November 4, 2014 End Date December 31, 2016
 (must match resolution)

Funding Source Tax Dollars \$ 30,000
 State Aid _____
\$ 30,000
 (must match resolution) Federal Aid _____
 Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 08/19/2015 JOAN COCCIARDI, SECRETARY