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May 4, 2016

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Resolution to exempt from the Westchester County Procurement Policy the procurement of an agreement with JAMS, Inc., pursuant to Sec. 3(a)xxi of said Policy.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement with JAMS, Inc. ("JAMS") pursuant to which JAMS will provide the services of a professional mediator who will mediate the case of Bellaby v. County of Westchester, pursuant to Sec. 3(a)xxi of said Policy.

The County has been named a defendant in the above entitled civil matter which involves a bicycle accident in Tibbets Brook Park in which plaintiff alleges he suffered numerous injuries. The parties seek to submit the case for alternative dispute resolution by utilizing the services of a professional mediator.

Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit written or oral quotations from no fewer than three persons customarily providing such services. However, plaintiff's attorney specifically requested that the parties retain JAMS and in particular the services of Shelly Rossoff Olsen, one of the firm's mediators. We believe it would be in the County's best interests to use the mediator recommended by plaintiff's counsel. If we seek the services of another mediator, plaintiff may not agree to mediate this matter. Moreover, Ms. Olsen is a veteran ADR professional and a recognized authority on dispute resolution and facilitated settlements. A former Senior Court Mediator and Summary Jury Trial Judge in the Supreme Court, New York County Civil Division from 2005 until 2009, she has settled thousands of matters involving a wide range of issues. Ms. Olsen specializes in complex dispute resolution and is highly respected by both the plaintiff and defense bars. Given her impressive background and experience, it is believed that Ms. Olsen could negotiate a fair settlement amount that would be reasonable in light of the circumstances of this case and plaintiff's injuries. Given the possible liability exposure to the County in this matter, I believe that mediation using the services of JAMS and specifically Ms. Olsen would be in the County's best interests.

Pursuant to Section 3(a)xxi thereof, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Board determines, by resolution

passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

Accordingly, a Resolution to exempt the procurement of an agreement with JAMS is hereby submitted for your Honorable Board's consideration.

RFM/JPG/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/05/2016 - LISA MRBAJ, SECRETARY

RESOLUTION

Based upon a communication from the County Attorney, 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 proposals, is neither cost effective nor expedient, and accordingly, not in the best interest of the County in connection with the procurement of an agreement with JAMS, Inc. for the provision of professional mediation services in connection with the civil matter Bellaby v. County of Westchester

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/05/2016 LISA MRISAJ, SECRETARY