

**#52663**

Date: August 25, 2016

To: Honorable Members of the Board of Acquisition and Contract

From: Hon. Michael B. Kaplowitz, Chairman
Westchester County Board of Legislators

Re: Authority for the County to, a.) exercise its second and final one-year option under an agreement with O'Connor Davies, LLP, pursuant to which O'Connor Davies, LLP was to provide the Board of Legislators with an analytical review of, and report on, the proposed County budget, and b.) amend the agreement to reflect the change in the name of the limited liability partnership from O'Connor Davies, LLP to PKF O'Connor Davies, LLP.

By a resolution approved on November 13, 2014, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), to enter into an agreement with O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies was to provide the Board with an analytical review of, and report on, the proposed County budget, for a term from November 1, 2014 through October 31, 2015, for an amount not-to-exceed \$140,000, with the County having the sole option to extend the term for up to two (2) additional one (1) year terms, for an amount not-to-exceed \$143,000 for the first option year and an amount not-to-exceed \$146,000 for the second option year (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on November 24, 2015, your Honorable Board authorized the County, acting by and through its Board, to exercise the first option under the Original Agreement and therefore amend the Original Agreement in order to, 1.) extend its term from November 1, 2014 through October 31, 2015 to November 1, 2014 through October 31, 2016, 2.) increase its not-to-exceed amount by \$143,000.00, to a new amount not-to-exceed \$283,000.00, to pay for services during the extended term, and 3.) reflect the fact that the County would have one (1) additional one (1) year option remaining (the "First Amendment"). The First Amendment was subsequently executed.

The Board continues to require the services that have been provided by O'Connor Davies under the Original Agreement, as amended (the "Current Agreement"). Therefore, the County respectfully requests authority from your Honorable Board for the County, acting by and through its Board, to exercise the second and final option available under the Current Agreement and

therefore amend the Current Agreement in order to, 1.) extend its term from November 1, 2014 through October 31, 2016 to November 1, 2014 through October 31, 2017, 2.) increase its not-to-exceed amount by \$146,000.00, to a new amount not-to-exceed \$429,000.00, to pay for services during the extended term, and 3.) reflect the fact that the County will not have any options remaining (the "Second Amendment").

O'Connor Davies recently notified the County that it has changed the name of its limited liability partnership from O'Connor Davies, LLP to PKF O'Connor Davies, LLP. The County has confirmed the accuracy and effectiveness of the name change via a search of the New York State Secretary of State's public business entity database. Accordingly, the County also requests authority from your Honorable Board, as part of the proposed Second Amendment, to amend the Current Agreement to reflect the change in the name of the limited liability partnership from O'Connor Davies, LLP to PKF O'Connor Davies, LLP.

Except as specified above, all terms and conditions of the Current Agreement shall remain in full force and effect.

The proposed Second Amendment will serve a public purpose by enabling the Board to continue receiving assistance in reviewing and analyzing the proposed County budget.

The goal and objective of the proposed Second Amendment is to enable the Board to continue receiving assistance in reviewing and analyzing the proposed County budget.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of fiscal responsibility, as it will enable the Board to continue receiving assistance in reviewing and analyzing the proposed County budget and thereby enable the Board to make prudent and informed decisions regarding the County budget.

The goal and objective of the proposed Second Amendment will be tracked and monitored by the staff of the Board.

I respectfully recommend the adoption of the attached resolution.

MBK/SS/bdm/nn

RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), is authorized to exercise its second and final one-year option under an agreement with O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies was to provide the Board with an analytical review of, and report on, the proposed County budget, for a term from November 1, 2014 through October 31, 2016, for an amount not-to-exceed \$283,000, with the County having the sole option to extend the term for up to one (1) additional one (1) year term, for an amount not-to-exceed \$146,000 for that additional option year (the "Current Agreement"), and therefore amend the Current Agreement in order to, 1.) extend its term from November 1, 2014 through October 31, 2016 to November 1, 2014 through October 31, 2017, 2.) increase its not-to-exceed amount by \$146,000.00, to a new amount not-to-exceed \$429,000.00, to pay for services during the extended term, and 3.) reflect the fact that the County will not have any options remaining (the "Second Amendment"); and be it further

RESOLVED, that the County, acting by and through its Board, is also authorized, as part of the Second Amendment, to amend the Current Agreement to reflect the change in the name of the limited liability partnership from O'Connor Davies, LLP to PKF O'Connor Davies, LLP; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Current Agreement shall remain in full force and effect, and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	10	1000	4380		\$146,000

Budget Funding Year(s): 2016 /2017 Start Date: 11/1/14 End Date: 10/31/17
(must match resolution)

Funding Source

Tax Dollars: \$146,000

State Aid: _____

\$146,000.00

Federal Aid: _____

(must match resolution)

Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/02/2016 - LISA M. PAJ, SECRETARY