

**52939**

Date: October 13, 2016

To: Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Authority to amend a consultant agreement with the law firm of Holwell Shuster & Goldberg, LLP, as previously amended, pursuant to which the firm agreed to assist the County in replying to the Monitor's Report regarding Westchester County's compliance with Paragraph 33(c) of the Stipulation and Order of Settlement and Dismissal in the matter of United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York, and with other related matters as they arise, for a term commencing on March 31, 2016 and continuing through March 30, 2017 in an amount not-to-exceed \$150,000.00, by amending the rate schedule to add an additional Associate Attorney who will be paid at the rate of \$360/hour.

By resolution approved on April 7, 2016 (the "April 7<sup>th</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into a consultant agreement with the law firm of Holwell Shuster & Goldberg, LLP (the "Consultant") pursuant to which the Consultant would assist the County in replying to the Monitor's Report regarding Westchester County's compliance with Paragraph 33(c) of the Stipulation and Order of Settlement and Dismissal in the matter of United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (No. 06 Civ. 2860), and with other related matters as they arise, for a term commencing on March 31, 2016 and continuing through March 30, 2017 for an amount not-to-exceed \$100,000.00, payable at the approved hourly rates attached to the April 7<sup>th</sup> Resolution (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on August 25, 2016, your Honorable Board authorized the County to amend the Agreement with the Consultant by increasing the not-to-exceed amount authorized thereunder by an additional \$50,000.00, from an amount not-to-exceed \$100,000.00 to an amount not-to-exceed \$150,000.00, in order to have sufficient funds available to compensate the Consultant for additional services rendered, including additional research and assistance in preparing appellate briefs to the Second Circuit in connection with the above matter (the "First Amendment"). The First Amendment was subsequently executed.

As authorized by the April 7<sup>th</sup> Resolution, the rate schedule attached to the Agreement provided that the County would pay the Consultant at the following hourly rates:

Hon. Richard J. Holwell, Partner .....	\$945/hour
Daniel M. Sullivan, Associate .....	\$515/hour
Staff Attorney.....	\$250/hour
Paralegal.....	\$185/hour

My office now requires that the rate schedule attached to the Agreement be amended to add an additional Associate Attorney who will be paid at the rate of \$360/hour. Accordingly, authority is now requested to further amend the Agreement with the Consultant for the limited purpose of adding an additional Associate Attorney to the rate schedule who will be paid at the rate of \$360/hour. The amended rate schedule will thereafter provide as follows:

Hon. Richard J. Holwell, Partner .....	\$945/hour
Daniel M. Sullivan, Associate .....	\$515/hour
Daniel Horowitz, Associate.....	\$360/hour
Staff Attorney.....	\$250/hour
Paralegal.....	\$185/hour

Except as specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, was previously approved by your Honorable Board by separate resolution approved on April 7, 2016.

The proposed Agreement will serve a public purpose by enabling the County to provide a response to the Monitor's report and assistance related to the Stipulation and Order of Settlement and Dismissal as such matters arise.

The goals and objectives of the proposed Agreement are to provide consultation services to the County Attorney to assist the County in responding to the Monitor's report.

The goals and objectives will be tracked and monitored through regular consultation with the firm.

Accordingly, your favorable action on the annexed resolution is most respectfully urged and recommended.

RFM/JPG/jg  
Attachment

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend a consultant agreement (the "Agreement") with the law firm of Holwell Shuster & Goldberg, LLP (the "Consultant"), as previously amended, pursuant to which the Consultant agreed to assist the County in replying to the Monitor's Report regarding Westchester County's compliance with Paragraph 33(c) of the Stipulation and Order of Settlement and Dismissal in the matter of United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York, and with other related matters as they arise, for a term commencing on March 31, 2016 and continuing through March 30, 2017 for an amount not-to-exceed \$150,000.00 (the "Agreement"), payable at approved hourly rates, by amending the rate schedule attached to the Agreement to add an additional Associate Attorney who will be paid at the rate of \$360/hour; and be it further

**RESOLVED**, that the rate schedule set forth in Schedule "A" attached to the Agreement is hereby amended by substituting the revised rate schedule set forth in Schedule "A-1", attached hereto; and be it further

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

**RESOLVED**, that the County Attorney 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
N/A					

Budget Funding Year(s) 2016-2017 Start Date 3/31/16 End Date 3/30/17  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_

\$ Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

**SCHEDULE "A-1"**

**RATES**

Hon. Richard J. Holwell, Partner .....	\$945/hour
Daniel M. Sullivan, Associate .....	\$515/hour
Daniel Horowitz, Associate.....	\$360/hour
Staff Attorney.....	\$250/hour
Paralegal.....	\$185/hour

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/10/2016 - LISA MRIJAJ, SECRETARY