

53343

Date: November 16, 2016

To: Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an agreement with Steven G. Leventhal pursuant to which Mr. Leventhal will serve as an Independent Consultant to the Westchester County Board of Ethics, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.**

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a “short form” agreement with Steven G. Leventhal, pursuant to which Mr. Leventhal will serve as an Independent Consultant to the Westchester County Board of Ethics (the “Board”), as required by Section 883.91 of the Laws of Westchester County, for a term commencing retroactive to August 1, 2016 and continuing through July 31, 2017 at a cost not-to-exceed \$20,000, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy.

Ordinarily, under Section 5 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, by resolution adopted on October 14, 2016, a copy of which is herewith attached (the “October 14th Resolution”), the Board determined, approved and ratified the retention of Mr. Leventhal as the Board’s Independent Consultant for a term of one (1) year commencing retroactive to August 1, 2016 and terminating on July 31, 2017 at a cost not-to-exceed \$20,000. This determination was based on the Board’s favorable evaluation of Mr. Leventhal’s work as the Board’s Independent Consultant during the previous year. The October 14th Resolution further authorized me, on behalf of the Board, to seek an exemption from the procedures of the County Procurement Policy in the best interests of the County pursuant to section 3(a)xxi thereof.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests 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 the agreement with Steven G. Leventhal is hereby submitted for your consideration.

RFM/JCB/jpg

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2016 - LISA MRIJAJ, SECRETARY

RESOLUTION

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 oral or written price quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with Steven G. Leventhal to serve as an Independent Consultant to the County Board of Ethics.

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/29/2016 LISA MRIJAJ, SECRETARY

RESOLUTION ___-2016

WHEREAS, the Laws of Westchester County Sections 192.41 and 883.91 (1) authorize the County Board of Ethics to retain the services of an Independent Consultant who shall review financial disclosure forms, create a draft intra-agency report for the County Board of Ethics regarding any potential non-compliance or conflicts of interest, and draft a master list of all County vendors, contractors, and consultants; and

WHEREAS, in accordance with the County's Procurement Policy, in 2014 the County Board of Ethics canvassed at least 3 candidates qualified to provide such services to the County; and

WHEREAS, after due deliberations, the County Board of Ethics determined that Steven G. Leventhal was the individual best qualified and suited to perform these functions and complete these duties; and

WHEREAS, by contract dated the 5th day of October 2015, the County entered into a contract with Steven G. Leventhal for the term of August 1, 2015 until July 31, 2016, to perform the services of the independent consultant; and

WHEREAS, the Honorable Board has reviewed the Independent Consultants work and believes it is in the best interest of the County to retain Mr. Leventhal for another year.

NOW, THEREFORE BE IT RESOLVED

That the County Board of Ethics hereby determines, approves and ratifies the retention of Steven G. Leventhal as the Board of Ethics' Independent Consultant for a term of one year commencing on August 1, 2016 and terminating on July 31, 2017 at a cost not to exceed twenty thousand dollars (\$30,000.00); and it is further

RESOLVED, that the County Attorney is authorized to seek an exemption from the procedures of the procurement policy from the Board of Acquisition and

Contract in the best interest of the County pursuant to section 3(a)xxi of the Westchester County procurement policy and be it further

RESOLVED, that the County Board of Ethics hereby ratifies the County Attorney's execution of such contract on behalf of the County Board of Ethics and ratifies such action and execution of such documents as were, are, and may be necessary and proper to effectuate these purposes.

Michael P. Anselmo

~~Dr. B.~~
Walter F. Matyjas

Joan Mandell

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