

53743

Date: December 6, 2016

To: Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Authority for the County to exercise its third one-year renewal option under each of twenty-nine (29) of the thirty (30) agreements the County was previously authorized to enter into with law firms and practitioners for legal services and representation in connection with civil litigation in which the County is or may become involved pursuant to the County's liability and casualty self-insurance program.

The County of Westchester's (the "County's") Casualty Insurance Program with Bayly, Martin & Fay expired in December, 1985. Since then, the County has entered into agreements with various law firms and practitioners ("Attorneys"), pursuant to which the Attorneys provide the County with legal services and representation to the County, in an "of counsel" capacity to the County Attorney, as needed, in connection with civil litigation in which the County is or may become involved pursuant to the County's liability and casualty self-insurance program ("6-n Counsel Services"), which was established, under Chapter 295 of the Laws of Westchester County, in accordance with New York State General Municipal Law §6-n (the "County's 6-n Program"). The County has entered into such agreements because it is prudent for the County to have access to experienced Attorneys to serve as additional resources in cases under the County's 6-n Program that involve the potential for significant liability.

By a resolution approved on December 19, 2013 (the "December 19th Resolution"), your Honorable Board authorized the County to enter into an agreement with each of the thirty (30) Attorneys listed below (each an "Agreement"; collectively, the "Agreements"), pursuant to which the Attorneys would provide 6-n Counsel Services, for a term January 1, 2014 through December 31, 2014, with the County having the option to extend each Agreement for up to three (3) one-year periods thereafter, utilizing the same pricing, for a total aggregate amount not-to-exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) for the year 2014 for the Agreements:

1. Lewis, Brisbois, Bisgaard & Smith LLP
2. Wilson, Elser, Moskowitz, Edelman & Dicker LLP

3. Morris Duffy Alonso & Faley, LLP¹
4. Havkins Rosenfeld Ritzert & Varriale, LLP²
5. Pannone Lopes Devereaux & West LLC
6. The McFarlane Law Group, P.C.³
7. Bank, Sheer, Seymour & Hashmall
8. Harriton & Furrer, LLP
9. Biaggi & Biaggi
10. Epstein Becker & Green, P.C.
11. Canter Law Firm P.C.
12. Harris Beach PLLC
13. Bond Schoeneck & King, PLLC
14. Sokoloff Stern, LLP
15. The Law Offices of Vincent R. Rippa
16. Daniel J. McKenna, Esq. P.C.
17. Bleakley Platt & Schmidt, LLP
18. Traub Lieberman Straus & Shrewsbury LLP
19. Michael J. Devereaux & Associates, P.C. d/b/a Devereaux, Baumgarten
20. Joan Marshall Cresap Law Office⁴
21. Brill & Associates, P.C.
22. Westermann Sheehy Keenan Samaan & Aydelott, LLP
23. Purcell & Ingrao, P.C.
24. Newman Myers Kreines Gross Harris, P.C.
25. Lyons McGovern, LLP
26. Burns, Russo, Tamigi & Reardon, LLP
27. Robert A. Peirce & Associates
28. Gaines, Novick, Ponzini, Cossu & Venditti, LLP
29. DeCorato Cohen Sheehan & Federico LLP
30. Friedman, Harfenist, Kraut & Perlstein, LLP

By a resolution approved on December 4, 2014, your Honorable Board authorized the County to exercise its first one-year renewal option under each Agreement and authorized the County to expend a total aggregate amount not-to-exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) for the year 2015 for the thirty (30) authorized amendments.

By a resolution approved on January 14, 2016, your Honorable Board authorized the County to exercise its second one-year renewal option under each Agreement and authorized the County to expend a total aggregate amount not-to-exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) for the year 2016 for the thirty (30) authorized amendments.

The County now wishes to exercise its third one-year renewal option under each Agreement, except for the Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP,

¹ Morris Duffy Alonso & Faley, LLP noted that it is a minority- and women-owned and controlled business enterprise.

² Havkins Rosenfeld Ritzert & Varriale, LLP noted that it is a women-owned and controlled business enterprise.

³ The McFarlane Law Group, P.C. noted that it is a minority- and women-owned and controlled business enterprise.

⁴ Joan Marshall Cresap Law Office noted that it is a women-owned and controlled business enterprise.

which the firm terminated several months ago. Accordingly, authority is hereby requested from your Honorable Board for the County to exercise its third one-year renewal option under each Agreement except for the previously-terminated Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and thereby extend the termination date for each such Agreement from December 31, 2016 to December 31, 2017.

Except as specifically amended hereby, all remaining terms and conditions set forth in each Agreement shall remain in full force and effect.

It should be noted that Section 295.31(2)(c) of the Laws of Westchester County permits expenditures from the County's Liability and Casualty Reserve Fund for "[e]xpert or professional services rendered in connection with investigation, adjustments, settlement or defense of claims actions or judgments". Accordingly, all costs incurred under the Agreements for the year 2017 will be charged to the County's Liability and Casualty Reserve Fund. The total aggregate amount of those costs shall not exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000.00).

The Agreements serve a public purpose by providing the County with access to experienced Attorneys to serve as additional resources in cases under the County's 6-n Program that involve the potential for significant liability.

The goal and objective of the Agreements is to provide the County with access to experienced Attorneys to serve as additional resources in cases under the County's 6-n Program that involve the potential for significant liability.

The goal and objective of the Agreements is in the best interests of the County in terms of fiscal responsibility, as the County having access to experienced Attorneys who can serve as additional resources in cases under the County's 6-n Program that involve the potential for significant liability can help the County avoid or limit such liability.

The goal and objective of the Agreements will be tracked and monitored by the Office of the County Attorney.

I respectfully recommend the adoption of the attached Resolution.

RFM/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”) is authorized to exercise its third one-year renewal option under each agreement the County was previously authorized to enter into with the twenty-nine (29) law firms and practitioners listed below (the “Attorneys”), pursuant to which the Attorneys were to provide legal services and representation to the County, in an “of counsel” capacity to the County Attorney, as needed, in connection with civil litigation in which the County is or may become involved pursuant to the County’s liability and casualty self-insurance program, (each an “Agreement; collectively, the “Agreements”) and thereby extend the termination date for each Agreement from December 31, 2016 to December 31, 2017:

1. Lewis, Brisbois, Bisgaard & Smith LLP
2. Morris Duffy Alonso & Faley, LLP
3. Havkins Rosenfeld Ritzert & Varriale, LLP
4. Pannone Lopes Devereaux & West LLC
5. The McFarlane Law Group, P.C.
6. Bank, Sheer, Seymour & Hashmall
7. Harriton & Furrer, LLP
8. Biaggi & Biaggi
9. Epstein Becker & Green, P.C.
10. Canter Law Firm P.C.
11. Harris Beach PLLC
12. Bond Schoeneck & King, PLLC
13. Sokoloff Stern, LLP
14. The Law Offices of Vincent R. Rippa
15. Daniel J. McKenna, Esq. P.C.
16. Bleakley Platt & Schmidt, LLP
17. Traub Lieberman Straus & Shrewsberry LLP
18. Michael J. Devereaux & Associates, P.C. d/b/a Devereaux, Baumgarten
19. Joan Marshall Cresap Law Office
20. Brill & Associates, P.C.
21. Westermann Sheehy Keenan Samaan & Aydelott, LLP
22. Purcell & Ingrao, P.C.
23. Newman Myers Kreines Gross Harris, P.C.
24. Lyons McGovern, LLP
25. Burns, Russo, Tamigi & Reardon, LLP
26. Robert A. Peirce & Associates
27. Gaines, Novick, Ponzini, Cossu & Venditti, LLP
28. DeCorato Cohen Sheehan & Federico LLP
29. Friedman, Harfenist, Kraut & Perlstein, LLP

; and be it further

RESOLVED, that for the year 2017, the total aggregate amount to be expended under

the renewal term of the foregoing twenty-nine (29) listed Agreements shall not exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000.00), and the costs incurred under the Agreements shall be charged against the County's Liability and Casualty Reserve Fund; and be it further

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

RESOLVED, 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2016

USA MP/SAJ, SECRETARY

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0697	4923		\$2,700,000.00

Budget Funding Year(s): 2017
(must match resolution)

Start Date: 1/1/17 End Date: 12/31/17

Funding Source

Tax Dollars: _____

State Aid: _____

\$ 2,700,000.00

Federal Aid: _____

(must match resolution) Other: _____

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