

62052

Date: March 22, 2018

To: Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Authority for the County of Westchester to enter into an agreement to retain, at County expense, the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. for the provision of all legal services and representation, and related technical, consulting, and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, including, but not necessarily limited to, matters involving and proceedings before the New York State Public Service Commission, the New York Independent System Operator, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

Authority is respectfully requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP") for the provision of all legal services and representation, and related technical, consulting, and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, including, but not necessarily limited to, matters involving and proceedings before the New York State Public Service Commission ("NYS PSC"), the New York Independent System Operator ("NYISO"), the Federal Energy Regulatory Commission ("FERC"), and the Nuclear Regulatory Commission ("NRC").

The proposed Agreement would be for a term of one (1) year, commencing upon execution, with the County having the option to extend the term of the Agreement for three (3) one (1) year periods thereafter, utilizing all of the same pricing, terms and conditions. Under the proposed Agreement, DWGP would be paid a total amount not-to-exceed \$100,000.00, payable at various hourly rates, not-to-exceed \$360.00 per hour, for different personnel.

The proposed Agreement will serve a public purpose by providing the County with the specialized knowledge and expertise necessary to ensure the County's proper handling of matters and proceedings before bodies such as the NYS PSC, the NYISO, FERC, and the NRC.

The goal and objective of the proposed Agreement is to provide the County with the specialized knowledge and expertise necessary to ensure the County's proper handling of matters and proceedings before bodies such as the NYS PSC, the NYISO, FERC, and the NRC.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as ensuring the County's proper handling of certain matters and proceedings before bodies such as the NYS PSC, the NYISO, FERC, and the NRC is expected to ultimately result in a cost savings to the County and its residents, such as in rates paid to Consolidated Edison Company of New York, Inc. and New York State Electric & Gas Corporation.

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

Act No. 2018-24, which authorized the County to enter into the proposed agreement with DWGP, was adopted by the County's Board of Legislators on March 12, 2018 and approved by the County Executive on March 14, 2018.

Authority to exempt the proposed Agreement from the requirements of the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

JMN/bdm/nj

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/19/2018 - L55-NR-13-SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP") for the provision of all legal services and representation, and related technical, consulting, and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, including, but not necessarily limited to, matters involving and proceedings before the New York State Public Service Commission, the New York Independent System Operator, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission; and be it further

RESOLVED, that the Agreement will be for a term of one (1) year, commencing upon execution, with the County having the option to extend the term of the Agreement for three (3) one (1) year periods thereafter, utilizing all of the same pricing, terms and conditions; and be it further

RESOLVED, that under the Agreement, DWGP will be paid a total amount not-to-exceed One Hundred Thousand Dollars (\$100,000.00), payable at various hourly rates, not-to-exceed Three Hundred Sixty Dollars (\$360.00) per hour, for different personnel; and be it further

RESOLVED that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	18	1000	4923		\$100,000.00

Budget Funding Year(s): 2018
(must match resolution)

Start Date: Upon Execution

End Date: 1 Year After Execution

Funding Source

Tax Dollars: 100%

State Aid: _____

\$100,000.00

Federal Aid: _____

(must match resolution)

Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/19/2018 - LISA MARIJAN SECRETARY