

ONBASE 62147

DATE February 1, 2018

TO: Board of Acquisition and Contract

FROM: Patricia A. O'Callaghan, Esq.
Acting Executive Director, Solid Waste Commission

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with Steven Sledzik, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing March 1, 2018 and continuing through February 28, 2019, in an amount not-to-exceed \$20,000.00.

Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy and Procedures (the "Procurement Policy") an agreement between the County of Westchester (the "County") and Steven Sledzik, Esq. for Mr. Sledzik to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing March 1, 2018 and continuing through February 28, 2019, in an amount not-to-exceed amount \$20,000.00, and payable pursuant to an approved budget.

Mr. Sledzik has previously provided administrative hearing officer services to the Commission and his current agreement will expire on February 28, 2018.

The exemption is in the County's best interest regarding public health and safety since Mr. Sledzik possesses substantive knowledge of the laws, rules and regulations governing Commission hearings and the daily practices and procedures of the solid waste and recycling industry (the "Industry") within the County. This knowledge and experience enables Mr. Sledzik to conduct hearings and to render recommendation reports to the Commission with far greater competency and nuanced insight than individuals who have not previously served as a Commission Administrative Hearing Officer. Furthermore, this acquired insight is integral to the Commission's obligation to provide and regulate Industry licensees within a fair legal forum, while simultaneously pursuing its legislative mandate to eliminate unlawful conduct within the Industry.

The exemption is also in the County's best interest regarding fiscal responsibility since Mr. Sledzik's experience as a Commission Hearing Officer enables him to efficiently conduct

administrative hearings, thereby reducing County expenses through reduced time billings. Mr. Sledzik's continuation as a Commission Hearing Officer is additionally in the County's best interest regarding public safety and fiscal responsibility since his experience will help to ensure that Commission decisions are properly rendered to withstand potential Article 78 proceedings and thereby limiting the County's potential monetary liability resulting from the same.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with Mr. Sledzik from the County's Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your Honorable Board's consideration.

PAO/jrc

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/12/2018 - LISAPRIJAS SECRETARY

RESOLUTION

Upon a communication from the Acting Executive Director of the Westchester County Solid Waste Commission, 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 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 Sledzik, Esq., for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/11/2018 - USFARIJAJ, SECRETARY