

62296

DATE March 26, 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 Bernard S. Gordon, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing April 1, 2018 and continuing through March 31, 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 Bernard S. Gordon, Esq. for Mr. Gordon to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing April 1, 2018 and continuing through March 31, 2019, in an amount not-to-exceed amount \$20,000.00, and payable pursuant to an approved budget.

The exemption is in the County's best interest regarding public health and safety since Mr. Gordon, as a practicing attorney for thirty-five (35) years, possesses substantive knowledge of the relevant 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 will enable Mr. Gordon to conduct hearings and to render recommendation reports to the Commission with far greater competency and nuanced insight than individuals with lesser experience. 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. Gordon's experience will enable him to efficiently conduct administrative hearings, thereby reducing the County's expenses through reduced time billings.

The exemption is additionally in the County's best interest regarding fiscal responsibility since Mr. Gordon's experience will help to ensure that the Commission's 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. Gordon 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 - 04/19/2018 - LISAPRIJAJ, 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 Bernard S. Gordon, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/10/2010 - USF/BIJAJ, SECRETARY