

62367

Date: April 3, 2018

To: Honorable Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an agreement with Steven R. Schoenfeld to conduct hearings in accordance with the requirements of Sections 72, 73 and 75 of the New York State Civil Service Law as well as in connection with dispute claims under General Municipal Law Section 207-c, 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, an agreement with Steven R. Schoenfeld, to conduct hearings in accordance with the requirements of Sections 72, 73 and 75 of the New York State Civil Service Law, as well as in connection with dispute claims under General Municipal Law Section 207-c, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy. The term of the proposed Agreement will commence retroactive to November 1, 2017 and continue through October 31, 2018. In consideration for services rendered, the County shall pay Mr. Schoenfeld at a rate of One Hundred Fifty (\$150.00) Dollars per hour, not to exceed Ten Thousand (\$10,000.00) Dollars.

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, under the County's Hearing Officer Assignment Policy, individuals wishing to serve as hearing officers, such as Mr. Schoenfeld, must undergo a strict evaluation process before they are deemed eligible to serve as hearing officers for the County. Applicants must first submit an application form and a current curriculum vita to the Law Department for consideration. The application form, which consists of a detailed questionnaire, requires disclosure of the applicant's qualifications and personal information that may signal a potential conflict. In addition, the Law Department may verify the applicant's educational and employment history and investigate the applicant's criminal, civil, credit, and professional discipline history. The Law Department may also seek information on the applicants' qualifications from such other entities as may be deemed appropriate. The end result of this process is the creation of a pool of

qualified and experienced hearing officers that the various County Commissioners, Commissions, Boards, and Department heads or their designees are authorized to designate to preside over hearings conducted at their instance in connection with Civil Service Law Sections 72, 73 and 75 as well as in connection with dispute claims under General Municipal Law Section 207-c.

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 an Agreement with Steven R. Schoenfeld from the County Procurement Policy.

Accordingly, a resolution to exempt the procurement of agreements with the hearing officers set forth on the attached schedule is hereby submitted for your consideration.

JMN/FS/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/15/2010 USMARIJAJ, SECRETARY

RESOLUTION

Upon a communication from John M. Nonna, 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 R. Schoenfeld, to conduct hearings pursuant to sections 72, 73 & 75 of the New York State Civil Service Law as well as in connection with dispute claims under General Municipal Law Section 207-c.

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/21/2018 LISA MRIJAJ, SECRETARY