



George Latimer
County Executive

Department of Finance

Ann Marie Berg
Commissioner

69701

DATE: May 10, 2019

TO: Board of Acquisition and Contract

FROM: Ann Marie Berg
Commissioner, Department of Finance

SUBJECT: Authority for the County to amend its agreement with each of two (2) firms, pursuant to each of which each firm was to provide audit and review services, for the period from January 1, 2013 through December 31, 2018, in order to extend the term of each agreement by one (1) year, to a new expiration date of December 31, 2019.

By a resolution approved on June 20, 2013, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with each of O'Connor Davies, LLP (now known as PKF O'Connor Davies, LLP; "PKFOD"); Mitchell & Titus, LLP ("Mitchell & Titus"); Wei, Wei & Co., LLP ("Wei Wei"); and Albrecht, Viggiano, Zureck & Company, P.C. (collectively, the "Agreements" and the "Firms"), pursuant to each of which each of the Firms was to provide audit and review services, for the period from January 1, 2013 through December 31, 2014 (the "Initial Term"), for a collective not-to-exceed amount of \$800,000.00 for the Agreements, with the County having the option to renew each agreement for up to two (2) additional two year periods thereafter (each an "Option Term"). The Agreements were subsequently executed.

By a resolution approved on April 2, 2015, your Honorable Board authorized the County to exercise its first option under each of the Agreements and thereby extend the term of each of the Agreements by two (2) years, through the first Option Term, to a new expiration date of December 31, 2016, for a collective not-to-exceed amount of \$800,000.00 for the Agreements during the first Option Term. The first option was exercised, and the agreement term thereby extended, only under the agreement with each of PKFOD; Mitchell & Titus; and Wei Wei.

By a resolution approved on May 25, 2017, your Honorable Board authorized the County to exercise its second option under each of the Agreements and thereby extend the term of each

of the Agreements by two (2) years, through the second Option Term, to a new expiration date of December 31, 2018, for a collective not-to-exceed amount of \$800,000.00 for the Agreements during the second Option Term. The second option was exercised, and the agreement term thereby extended, only under the agreement with each of PKFOD and Mitchell & Titus (the “Current Firms”).

The Agreements were procured by a request for proposals that was issued by the Department of Finance (the “Department”) on January 4, 2013, pursuant to Section 7 of the County’s Procurement Policy (the “RFP”). The RFP specified a two-year initial term and two option terms of two years apiece. The Department intended, and the Department believes that the circumstances of the RFP made it clear to all prospective proposers, that the RFP was soliciting audit services for records pertaining to, a.) 2013 and 2014, via the initial term stated in the RFP, which would be performed in 2014 and 2015; b.) 2015 and 2016, via the first option term stated in the RFP, which would be performed in 2016 and 2017; and c.) 2017 and 2018, via the second option term stated in the RFP, which would be performed during 2018 and 2019. Since 2013, the Firms and the County proceeded based upon that understanding in performing under the Agreements.

However, despite that understanding, the agreement with each of PKFOD and Mitchell & Titus, as extended by the exercise of both County options, (the “Current Agreement”) did, in fact, expire on December 31, 2018. That expiration date was one year earlier than intended (i.e., one year too early to allow for the audit of records from 2018 during 2019), and that resulted from a misunderstanding as to when the Agreements should have commenced. Specifically, that misunderstanding caused the Agreements to be written, and authorized, with the Initial Term of each commencing on January 1, 2013 rather than January 1, 2014, and the Option Terms of each following thereafter, ending on December 31, 2018.

In order to align the terms of the Current Agreements with the intentions of the County and the Current Firms, and in order to ensure that the County can receive from the Current Firms, during 2019, the necessary audit services of records from 2018, the term of each of the Current Agreements would have to be extended by one (1) year, to new expiration dates of December 31, 2019.

Therefore, the County respectfully requests authority from your Honorable Board to amend each of the Current Agreements by extending its term by one (1) year, to a new expiration date of December 31, 2019 (collectively, the “Amendments”).

Except as specifically described above, all terms and conditions of the Current Agreements shall remain in full force and effect.

The proposed Amendments will serve a public purpose by ensuring that the County will continue to have access, in 2019, to professional audit services from public accounting firms that will provide necessary multi-disciplinary audit and review services to various County departments.

The goal and objective of the proposed Amendments is to ensure that the County will

RESOLUTION

Upon a communication from the Commissioner of the Department of Finance, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend its agreement with each of O'Connor Davies, LLP (now known as PKF O'Connor Davies, LLP) and Mitchell & Titus, LLP (collectively, the "Firms"), pursuant to each of which each of the Firms was to provide audit and review services, for the period from January 1, 2013 through December 31, 2018, (collectively, the "Agreements") by extending the term of each of the Agreements by one (1) year, to a new expiration date of December 31, 2019; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Agreements 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 execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): 2019 Start Date: 01/01/19 End Date: 12/31/19
 (must match resolution)

Funding Source _____ Tax Dollars:
 _____ \$ State Aid: _____
 (must match resolution) Federal Aid: _____
 Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/16/2019 ELSA M. RIAJ, SECRETARY