

Office of the County Attorney

John M. Nonna  
County Attorney

**ID# 71090**

Date: August 22, 2019

To: The Honorable Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement between the County of Westchester (“County”) and Municipal Code Corporation (“Municode”) pursuant to which Municode will provide codification and supplementation services to update the Laws of Westchester County (“Laws”) and maintain the Laws on the internet, for an amount not to exceed \$10,000.00 for a term commencing January 1, 2020 and terminating on December 31, 2020, with the County having an option to renew the agreement for two additional one-year terms for an amount not to exceed \$10,000 per year.**

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Authority is hereby requested from your Honorable Board to exempt from the application of the Westchester County Procurement Policy and Procedures (“Procurement Policy”) pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement between the County and Municode pursuant to which Municode will provide codification and supplementation services to update the Laws and maintain the Laws on the internet, for an amount not to exceed Ten Thousand (\$10,000.00) Dollars for a term commencing January 1, 2019 and terminating on December 31, 2019, payable pursuant to an approved budget.

On November 14, 2013 your Honorable Board approved a resolution (the “Resolution”) authorizing the County to enter into an agreement with Municode pursuant to which Municode provided services as described above for a term of January 1, 2014 through December 31, 2016 in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars for the base three (3) year term, with the County having the sole option to extend the term of the agreement for two (2) additional one (1) year option periods, payable pursuant to an approved budget. The agreement was subsequently executed and extended for both an additional one-year terms. The County and Municode additionally executed a one-year agreement for the period January 1, 2019 through December 31, 2019.

The County has been satisfied with the codification and supplementation services provided by Municode and now, in order to ensure continuity of these vital services, and to allow for continued, uninterrupted access to the Laws, seeks to enter into a new agreement with Municode for a one year period, commencing January 1, 2020 and terminating on December 31, 2020, with the County having two additional options to renew for one-year periods, for amounts not to exceed \$10,000 per year.

Pursuant to Section 3(a)(xxi), the Procurement Policy is not applicable to any procurement for which your Honorable Board determines, by Resolution passed prior to commencing such procurement, that

compliance with the policy would not be in the best interest of the County. It is proposed that the County's interest would be served by exempting the procurement of this agreement from the County Procurement Policy. A Resolution to exempt the procurement of this agreement with Municode is submitted for your consideration.

As I believe this amendment to be in the best interests of the County, I most respectfully recommend and urge the adoption of the annexed Resolution.

JN/mg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/17/2019 - LISA MRIJAJ, SECRETARY

## **RESOLUTION**

Upon a communication from the 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 proposals, is neither cost effective nor expedient, and accordingly, not in the best interest of the County of Westchester in connection with the procurement of an agreement with Municipal Code Corporation pursuant to which Municipal Code Corporation will provide codification and supplementation services to update the Laws of Westchester County and maintain the Laws of Westchester County on the internet, for an amount not to exceed \$10,000.00 for a one year period, commencing January 1, 2020 and continuing through December 31, 2020, with the County having the option to renew for up to two additional one-year periods for an amount not to exceed \$10,000 per year.

APPROVED BOARD OF ACQUISITION & CONTRACTS 10/27/2019 JESSICA J. SECRETARY