

**ONBASE # 74819**

Date: February 21, 2020

To: The Honorable Board of Acquisition and Contract

From: Rocco A. Pozzi  
Commissioner of Probation

Re: Resolution authorizing the County of Westchester to (1) rescind a resolution approved on January 9<sup>th</sup>, 2020, which authorized the County of Westchester to enter into an agreement with Premier Metropolitan Polygraph, for polygraph services, for a period from January 1, 2020 through December 31, 2020, for a not-to-exceed amount of \$71,613.00; and (2) amend an existing agreement with Louis Conte, d/b/a Premier Metropolitan Polygraph, for the provision of polygraph services, in order to authorize the County of Westchester to exercise its second of four (4) annual renewal options to extend the term of the agreement from January 1, 2020 through December 31, 2020, for a not-to-exceed amount of \$71,613.00.

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By resolution approved on February 1, 2018 ("2018 Resolution"), your Honorable Board authorized the County of Westchester ("County"), acting by and through its Department of Probation ("Department"), to enter into an agreement ("Agreement") with Premier Metropolitan Polygraph ("PMP"), pursuant to which PMP would provide polygraph services to the Department's Sex Offender Unit, for a term commencing on January 1, 2018 and terminating on December 31, 2018, for a not-to-exceed amount of \$60,000.00, pursuant to an approved budget. The Agreement was subsequently executed.

By resolution approved on February 7, 2019, your Honorable Board further authorized the County to amend the Agreement ("First Amendment") in order to (1) authorize the County to extend the term of the Agreement for up to four (4) successive annual terms (2) permit the County to exercise the first of the four (4) successive annual options to extend the term for one (1) additional year, commencing on January 1, 2019 and terminating on December 31, 2019, for a not to exceed amount of \$71,613.00, pursuant to an approved budget, for a total aggregate not to exceed amount of \$131,613.00; and (3) reflect PMP's correct legal name from "Premier Metropolitan Polygraph" to "Louis Conte, d/b/a Premier Metropolitan Polygraph." The First Amendment was subsequently executed.

Due to an administrative oversight by the Department, by resolution recently approved on January 9, 2020 ("2020 Resolution"), your Honorable Board authorized the County to enter into a new agreement with Premier Metropolitan Polygraph, for polygraph services, for the period from January 1, 2020 through December 31, 2020, for an amount not-to-exceed \$71,613.00, pursuant to an approved budget.

Therefore, the County respectfully requests that your Honorable Board rescind the 2020 Resolution and authorize the County to further amend the Agreement to authorize the County to exercise the second of the four (4) successive annual options to extend the term for one (1) additional year, commencing on January 1, 2020 and terminating on December 31, 2020, for an amount not to exceed \$71,613.00, pursuant to an approved budget, for a total aggregate amount under the Agreement not to exceed \$203,226.00.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect.

Based upon the foregoing, I recommend that your Honorable Board approve the annexed proposed Resolution.

RAP/DJ/CMC  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/19/2020 LSP/MSJ/SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Probation, be it hereby

**RESOLVED**, that the resolution approved on January 9, 2020, authorizing the County of Westchester ("County") to enter into an agreement with Premier Metropolitan Polygraph ("PMP"), for the provision of polygraph services, for a term commencing on January 1, 2020 and terminating on December 31, 2020, for a not to exceed amount of \$71,613.00, is hereby rescinded in its entirety; and be it further

**RESOLVED** that the County is authorized to amend its agreement ("Agreement") with Louis Conte d/b/a Premier Metropolitan Polygraph, for the County's exercise of the second of the four (4) successive one-year renewal options, to provide polygraph services, for a term commencing on January 1, 2020 and terminating on December 31, 2020, for a not to exceed amount of \$71,613.00, for a total aggregate amount under the Agreement not to exceed \$203,226.00; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then PMP shall have the right to terminate this Agreement upon reasonable prior written notice.

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Original Agreement \$ 60,000.00  
 First Amendment \$ 71,613.00  
 This Amendment \$ 71,613.00  
**TOTAL \$ 203,226.00**

Account to be  
 Charged/Credited

Budget Year	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2020	101	39	1000	4380		71,613

Budget Funding Year(s) 2020 Start Date 01/01/2020 End Date:  
12/31/2020  
 (must match resolution)

Funding Source Tax Dollars \$71,613.00  
 State Aid \_\_\_\_\_  
\$71,613.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/19/2020 - LISA MRIJAJ, SECRETARY