

**Office of the County Attorney**

Date: February 12, 2010

To: Honorable Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an Agreement with Vincent Toomey for the Provision of Consultant Services in Connection with Labor Negotiations and Related Matters, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.**

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a contract with Vincent Toomey for the provision of consulting services in connection with labor negotiations and related on-going contractual matters, including, but not limited to, arbitrations, grievances, unfair labor practices, improper practice charges and labor-management committee meetings, for a term commencing on March 1, 2010 and terminating on February 28, 2011 for an amount of One Hundred Thousand Dollars (\$100,000.00), payable quarterly in advance.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a Request For Proposals (RFP) for such services. However, Mr. Toomey has extensive experience and expertise in labor negotiations, particularly with municipalities. Mr. Toomey has been engaged exclusively in the practice of labor and employment law since 1985 and has successfully negotiated hundreds of collective bargaining agreements on behalf of his clients. Mr. Toomey serves as lead negotiator in collective bargaining for many communities in Westchester, Nassau and Suffolk counties. He has represented his public sector clients in practically every type of labor dispute including discrimination actions under federal and state statutes, proceedings before the Public Employment Relations Board and labor arbitrations including interest arbitration proceedings. Mr. Toomey has litigated a number of precedent setting cases, including several before the New York State Court of Appeals, including Town of Southampton v. PERB, which is a leading case on interest arbitration and collective bargaining. He has also testified as an expert witness on labor and employment law matters and has been cited as an expert on labor and employment law by various publications including Newsday. Mr. Toomey has lectured extensively before municipal and bar association groups on labor and employment law and collective bargaining and has earned Martindale Hubbell's highest rating for legal ability and ethics.

No formal RFP was conducted, as time is of the essence. As your Honorable Board is aware there are a number of outstanding labor contracts that have expired. In addition, fiscal pressures that the County is facing now and well into the foreseeable future require having a skilled labor negotiator to address these issues with the various bargaining units that represent most County employees. While there was no formal RFP, the County did interview Mr. Toomey and the firm of Bond Schoeneck and King. Bargaining Associates, the firm that has had the County's contract since 1998, was also considered. However, in my judgment, Mr. Toomey's experience and credentials far outweighed the experience of these firms in this area.

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. Given Mr. Toomey's experience and knowledge in labor matters and the aforementioned need to put a skilled labor negotiator into place immediately to address the pressing issues facing the County, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

Accordingly, a resolution to exempt the procurement with Vincent Toomey is hereby submitted for your consideration.

RFM/EOS/ml  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-25-2010 - JOMARY VEINIA 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 interests of the County in connection with the procurement of an agreement for consultant services in connection with labor negotiations and related matters with Vincent Toomey.

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