

**DATE:** February 19, 2010

**TO:** Board of Acquisition and Contract

**FROM:** Patsy Yang, DrPH  
Acting Commissioner of Health

**RE:** Authorization to Exempt from the Westchester County Procurement Policy the Procurement of Hearing Officer Contracts

Each year the Westchester County Department of Health (the "WCDH") enters into agreements with Hearing Officers to provide Administrative Hearing Services in connection with violations of both the Public Health Laws of the State of New York and the Westchester County Sanitary Codes.

The WCDH has determined that it would be advisable to contract with only those Hearing Officers having the expertise, experience and in-depth familiarity with our local and state sanitary codes and Public Health Law as they apply to Westchester County, and the operations of the WCDH. The County establishes the rate of pay for case preparation and actual hearings for such Hearing Officers.

Pursuant to Section 3 (a) xxi thereof, the Westchester County Procurement Policy is not applicable to a 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 interests of the County. It is proposed that the best interests of the County would be served by exempting from the Procurement Policy the contracts for Hearing Officer services.

A proposed resolution to exempt the subject procurement is submitted herewith for your consideration.

By Resolution submitted concurrently on this date, we request from your Honorable Board authorization to enter into contract with Robert Ponzini as a Hearing Officer for the services as outlined above.

We appreciate your attention to this request.

/md

Attachment

# RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF HEALTH, BE IT HEREBY

**RESOLVED**, that pursuant to Section 3 (a) xxi of the Westchester County Procurement Policy, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting written quotations, is neither cost effective nor expedient and, accordingly, not in the best interests of the County in connection with the procurement of Hearing Officers for Westchester County Department of Health's Administrative Hearing Services in connection with violations of both the New York State and Westchester County Sanitary Codes.

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-11-2010 - JOMARY VIEIRA, SECRETARY