

77942

Date: July 15, 2020

To: Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: Authority for the County of Westchester to exercise its second option under its agreement with the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. and therefore extend the term of the agreement by one year, to a new termination date of June 11, 2021.

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By Act No. 2018-24, the County Board of Legislators authorized the County of Westchester (the "County") to enter into an agreement (the "Original Agreement") with Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP"), pursuant to which DWGP was to provide of all legal services and representation, and related technical, consulting, and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, including, but not necessarily limited to, matters involving and proceedings before the New York State Public Service Commission ("NYS PSC"), the New York Independent System Operator ("NYISO"), the Federal Energy Regulatory Commission ("FERC"), and the Nuclear Regulatory Commission ("NRC"), for a term commencing upon execution and continuing for one (1) year thereafter (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional one (1) year periods thereafter, utilizing all of the same pricing, terms and conditions, for a total amount not-to-exceed \$100,000.00, payable at various hourly rates for different personnel. By a resolution approved on April 19, 2018, your Honorable Board authorized the County to enter into the Original Agreement. The Original Agreement was subsequently executed and commenced on June 12, 2018. Accordingly, the Initial Term of the Original Agreement was to expire on June 11, 2019.

By a resolution approved on April 4, 2019, your Honorable Board authorized the County to amend the Original Agreement by exercising its first option thereunder, and thereby extending the term of the Original Agreement by one (1) year, to a new termination date of June 11, 2020 (the "First Amendment"). The First Amendment was subsequently executed.

By Act No. 2019-84, the County Board of Legislators authorized the County to amend the Original Agreement, as amended by the First Amendment, by increasing its not-to-exceed amount by \$500,000.00, from an amount not-to-exceed \$100,000.00 to a new not-to-exceed

amount of \$600,000.00 (the "Second Amendment"). By a resolution approved on May 30, 2019, your Honorable Board authorized the County to enter into the Second Amendment. The Second Amendment was subsequently executed.

DWGP is completing the final work required by the County for the most recent rate case. Exercising the County's second option will facilitate payment to DWGP for that work, as well as ensure that DWGP remains available to provide services to the County if the need arises in the future. Therefore, the County respectfully requests authority from your Honorable Board to exercise its second option under the Original Agreement, as amended by the First Amendment and the Second Amendment, (the "Agreement") and therefore amend the Agreement by extending its term by one (1) year, to a new termination date of June 11, 2021.

Except as described above, all other terms and conditions of the Agreement will remain the same.

I respectfully recommend the adoption of the attached resolution.

JMN/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/10/2020 - USM/PAJ/SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to exercise its second option under its agreement (the “Agreement”) with the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. (“DWGP”), pursuant to which DWGP was to provide of all legal services and representation, and related technical, consulting, and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, including, but not necessarily limited to, matters involving and proceedings before the New York State Public Service Commission (“NYS PSC”), the New York Independent System Operator (“NYISO”), the Federal Energy Regulatory Commission (“FERC”), and the Nuclear Regulatory Commission (“NRC”), for a term from June 12, 2018 through June 11, 2020, with the County having the sole option to extend the term of the agreement for up to two (2) additional one (1) year periods thereafter, utilizing all of the same pricing, terms and conditions, for a total amount not-to-exceed \$600,000.00, payable at various hourly rates for different personnel (the “Agreement”), and therefore amend the Agreement by extending its term by one (1) year, to a new termination date of June 11, 2021; and be it further

**RESOLVED**, that except as specifically hereby authorized to be amended, all terms and conditions of the Agreement shall remain the same and in full force and effect; and be it further

**RESOLVED** that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

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Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					\$0.00

Budget Funding Year(s): \_\_\_\_\_  
(must match resolution)

Start Date: 06/12/20

End Date: 06/11/21

Funding Source

**\$0.00**  
(must match resolution)

Tax Dollars: \_\_\_\_\_

State Aid: \_\_\_\_\_

Federal Aid: \_\_\_\_\_

Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/06/2020 - LISA MARIJAJ SECRETARY