

Date: March 02, 2010

To: Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Authority to amend an agreement with Jackson Lewis LLP for the provision of legal representation to the County Attorney's office in an "of counsel" capacity to the County Attorney in connection with an administrative proceeding initiated against an employee of the Westchester County Law Department, by increasing the total not-to-exceed amount by an additional \$35,000, from \$40,000 to \$75,000, and by extending the expiration date of the agreement from March 22, 2010 to September 22, 2010, to allow Jackson Lewis LLP to continue to represent the County Attorney's Office in said proceeding.

On March 1, 2010 by Act No. 8-2010, the Westchester County Board of Legislators authorized the County to increase the not-to-exceed amount under the Agreement described below to \$75,000. Under section 161.11(b) of the Laws of Westchester County, the authority of your Honorable Board is also required.

On March 27, 2009, the County, acting by and through the Office of the County Attorney (the "County Attorney") entered into a "short-form" contract with the firm of Jackson Lewis LLP ("Jackson Lewis"), pursuant to which Jackson Lewis agreed to provide legal representation to the County Attorney's Office in connection with an administrative proceeding initiated against an employee of the Westchester County Law Department, for a term commencing on March 23, 2009 and continuing through March 22, 2010 in an amount not-to-exceed \$20,000 (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on November 24, 2009, your Honorable Board authorized the County to amend the Agreement with Jackson Lewis by increasing the amount not-to-exceed by an additional \$20,000, from \$20,000 to \$40,000, to have sufficient funds available to pay Jackson Lewis to continue to represent the interests of the County Attorney's office in this matter (the "First Amendment"). The First Amendment was subsequently executed.

The administrative proceeding has become more complicated and is taking longer than originally anticipated. Consequently, my office is now seeking to further increase the not-to-exceed amount under this contract by an additional \$35,000 to have sufficient funds available to compensate the firm for its services. In addition, authority is requested to extend

the term of the Agreement for an additional six (6) months. Accordingly, authority is respectfully requested to amend the Agreement with Jackson Lewis for the provision of legal representation to the County Attorney's Office in connection with an administrative proceeding initiated against an employee of the Westchester County Law Department, by increasing the total not-to-exceed amount by an additional \$35,000, from an amount not-to-exceed \$40,000 to an amount not-to-exceed \$75,000, to compensate the firm for additional services to be rendered and to extend the expiration date of the agreement from March 22, 2010 to September 22, 2010.

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

The services provided pursuant to this Agreement will serve a public purpose by providing the County Attorney's office with effective legal representation.

The goals and objectives of the Agreement are to provide the County with the expertise necessary to represent the interests of the County Attorney's Office in this proceeding and to comply with all ethical standards.

The goals and objectives are in the best interest of the County because failure to retain an outside firm could violate the code of professional responsibility for attorneys.

The goals and objectives of this agreement will be tracked and monitored by representatives of the Litigation Bureau who will be working with the consultant.

If this resolution were not approved, attorney ethical standards could be compromised.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

RFM/jpg
Att.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 3-22-2010 - JOMAR VIEIRA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to amend an agreement with Jackson Lewis LLP (the "Agreement") for the provision of legal representation to the County Attorney's Office in connection with an administrative proceeding initiated against an employee of the Westchester County Law Department, for a term commencing on March 23, 2009 and continuing through March 22, 2010, by increasing the amount not-to-exceed by an additional \$35,000, from \$40,000 to \$75,000 and by extending the expiration date of the agreement from March 22, 2010 to September 22, 2010; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement \$20,000
 First Amendment \$20,000
 This Amendment \$35,000

 TOTAL \$75,000

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	18	1000	4923		\$35,000

Budget Funding Year(s) 2010 Start Date 03/23/09 End Date 09/22/10
 (must match resolution)

Funding Source Tax Dollars \$35,000
 State Aid _____
\$35,000 Federal Aid _____
 (must match resolution) Other _____