



Westchester Community College

State University of New York

14164

September 22, 2010

To: The Honorable Board of Acquisition and Contract

From: Joseph N. Hankin
President

Re: **Resolution to exempt from the Westchester County Procurement Policy an Agreement with Bargaining Associates 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**

Authority is requested from your Honorable Board to exempt from the Westchester County Procurement Policy a contract with Bargaining Associates 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 September 1, 2010 through August 31, 2011 for an amount not to exceed \$78,000 payable at an hourly rate of \$200, pursuant to an approved budget.

Under Section 5(b) of the Procurement Policy, the County is required to issue a Request for Proposals for such services. However, Michael Wittenberg, one of the principals of Bargaining Associates and former Director of Labor Relations for the County, was, prior to his retirement, responsible for negotiating the County's contracts with its various labor unions. Because of Mr. Wittenberg's ongoing relationship with the College he is uniquely qualified. He has the institutional memory and relationship with County and union officials which are expected to expedite and facilitate negotiations. Given Mr. Wittenberg's vast experience and familiarity with County labor practices and procedures, it would be in the best interest of the County for his firm to provide consulting services to Westchester Community College in connection with labor negotiations and related matters.

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. Wittenberg's vast experience and knowledge in County labor matters, 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 Bargaining Associates is hereby submitted for your consideration.

JNH:lz
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-7-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the President, Westchester Community College, 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 Bargaining Associates.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ N/A Federal Aid _____

(must match resolution)

Other _____