

Office of the County Attorney

July 8, 2011

20329

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: **Resolution authorizing the County of Westchester to award and enter into a contract (Law #876) with Inter County Judicial Services, LLC for the service of legal documents in all Family Court Proceedings, for an amount not to exceed \$249,440.00 per year for the period August 1, 2011 and terminating on July 31, 2013, subject to appropriations.**

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By a Resolution approved on April 28, 2011, your Honorable Board authorized the County to solicit bids by public advertisement for service of legal documents in all Family Court Proceedings under a contract commencing on August 1, 2011 and terminating on July 31, 2013. An advertisement appeared in the Journal News on June 6, 2011. In an effort to obtain additional bids, the Law Department also compiled a list of seven process service companies and directly notified them of the bid process. On June 22, 2011, two (2) bids were received and opened. The low bidder was Inter County Judicial Services, LLC ("Inter County"). Inter County's past experience has been investigated and found to be satisfactory.

The public purpose, as well as the goal and objective of this contract, is to allow the Department of Law to carry out its statutory duties in connection with Family Court proceedings. For the year 2010, the County requested service approximately 5,240 times in connection with Family Court proceedings. Due to the large volume of work, this service is best handled through an outside vendor as the Law Department does not have sufficient staff to cover this work. In addition, since the volume of services required varies on a daily basis, it is more fiscally prudent for the County to contract with an outside vendor rather than creating additional in-house staff positions sufficient in number to handle peak volume periods. Process servers are, on occasion, also required to testify in court. By utilizing an outside vendor, the County avoids having to defend the actions of its own employees in court in connection with service of process. By having such a contract in place, the Law Department is able to carry out its statutory duties in the Family Court and protect the health, safety and welfare of the men, women and children who

are protected by the County's actions in the Family Court. The performance of Inter County under this contract will be monitored by the Law Department staff and staff of the Department of Social Services to ensure compliance with contract terms. If this contract is not approved the County would be in violation of its statutory duties and Family Court Proceedings could not move forward and would endanger the health, safety and welfare of the men, women and children that the County seeks to protect through the proceedings that it brings in the Family Court.

Accordingly, attached for your consideration is a Resolution which, if approved, would authorize the County to award and enter into a contract with Inter County for the service of legal documents in all Family Court Proceedings for the period commencing August 1, 2011 and terminating July 31, 2013, at the rates set forth in the attached Resolution.

RFM/DNM/ml  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/20/2011  
SOMARY/HERNANDEZ SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby

**RESOLVED**, that the County of Westchester is authorized to award and enter into a contract for the service of legal documents in all Family Court Proceedings with the low bidder, Inter County Judicial Service, LLC, for a two year period commencing August 1, 2011 and terminating on July 31, 2013, in an amount not to exceed \$249,440.00 per year (for a total contract amount not to exceed \$498,880.00), payable at the rates set forth on the attached Bid Sheets; and be it further

**RESOLVED**, that this Agreement is subject to annual appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed budget of the State of New York and/or the adoption of the State Budget or any amendments thereto, and after the County has a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then such Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars	
101	18	1000	4923		\$103,933.00	2011
101	18	1000	4923		\$249,440.00	2012
101	18	1000	4923		\$145,507.00	2013

Budget Funding Year(s)  
(must match resolution)

Start Date: 8/1/11

End Date: 7/31/13

Funding Source: Tax Dollars \$498,880.00 Contractor Federal I.D. No./  
Social Security No.: \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$498,880.00. Federal Aid \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

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**LAW Contract 876**

**CONTRACT  
BID SHEET**

**Service of Process in Family Court Matters  
Two year contract (8/1/11 – 7/31/13)**

**BIDS RECEIVED: June 22, 2011 - 11:00 AM**

NAME, ADDRESS, PHONE, FAX	BID CHECK	AMOUNT OF BID
<b>Nationwide Court Services 761 Kohler Avenue, Suite A Ronkonkama, NY 11779 631-981-4400</b>	Yes	\$270,388/yr.
<b>Inter County Judicial Services, LLC 29 Locust Avenue, 1<sup>st</sup> Floor Rye, NY 10580 914-629-0671</b>	Yes	\$249,440/yr

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**SCHEDULE "B"**

**Bid Sheet**

**Page 1**

Please submit two (2) sets of fees for service of process in; 1) Paternity and child support matters only on Bid Sheet page 2; and 2) all other Family Court Proceedings, including abuse, neglect, guardianship, juvenile delinquency and family offense proceedings, on Bid Sheet page 3. The bidder acknowledges, without qualification, that the bidder will effectuate service of process in the manner prescribed by law and as set forth in the Agreement at the prices presented below.

Bids will be calculated by taking the estimated yearly number of services and multiplying this figure by the price per service to obtain a total yearly price for process service. **There is no guarantee, however, as to the yearly number of services, the figures provided by the County are only an estimate and the actual numbers may either be higher or lower.** Also included within the calculation is the appearance fee to appear in court. The number of said court appearances is an estimate and may vary. The County shall award contract(s), if at all, to either the lowest responsible bidder submitting the lowest total dollar value for the estimated yearly number of services or in the alternative, the County reserves the right to award separate contracts to the lowest responsible bidder(s) submitting the lowest subtotal dollar value on Schedule "B" Bid Sheet, page 2 and Bid Sheet, page 3, or to the lowest responsible bidder submitting the lowest total dollar value in each individual zone, when it deems it in its best interest to do so. The prices quoted by the bidder herein shall constitute the rates paid by the County for the service which is the subject of this bid, regardless of other sundry and additional service charges which the bidder may from time to time charge. The County reserves the right to reject any bidder providing unbalanced prices.

**Nothing contained herein shall be construed to limit the right of the County to utilize other process servers to provide these services, it being the intent of the County to award a non-exclusive contract.**

**SCHEDULE "B"**

**Bid Sheet**

**Page 2**

**FOR PUBLIC ASSISTANCE AND NON-PUBLIC ASSISTANCE PATERNITY AND CHILD SUPPORT MATTERS ONLY**

<b><u>RATES:</u></b>	<b><u>ESTIMATED # OF SERVICES</u></b>	<b><u>TOTAL</u></b>
	<b><u>PER YEAR</u></b>	

**Regular Service**

**Zone 1**

Westchester, Bronx, and Rockland Counties

<b><u>\$47.50</u></b>	X	<b><u>1,870</u></b>	=		\$85,500.00
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**Zone 2**

New York City (All boroughs except Bronx)

<b><u>\$47.50</u></b>	X	<b><u>260</u></b>	=		\$11,400.00
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**Zone 3**

Nassau and Suffolk Counties

<b><u>\$47.50</u></b>	X	<b><u>120</u></b>	=		\$5,462.50
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**Zone 4**

Putnam, Dutchess and Orange Counties

<b><u>\$47.50</u></b>	X	<b><u>90</u></b>	=		\$4,037.50
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**Appearance Fee**

Charge per hour for a process server to appear in court for a hearing.

<b><u>\$45.00</u></b>	X	<b><u>7</u></b>	=		\$225.00
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**SUBTOTAL: \$106,625.00**

**Out of State Service, if required (for ALL Family Court Matters)**

<b>Per service</b>	<b>\$70.00</b>
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**SCHEDULE "B"**

**Bid Sheet**

Page 3

**FOR ALL FAMILY COURT MATTERS EXCLUDING PATERNITY AND CHILD SUPPORT MATTERS ONLY**

<b><u>RATES:</u></b>	<b><u>ESTIMATED # OF SERVICES PER YEAR</u></b>	<b><u>TOTAL</u></b>
<b><u>Regular Service</u></b>		
<b><u>Zone 1</u></b>		
Westchester, Bronx, and Rockland Counties		
<b><u>\$47.50</u></b> X	<b><u>2,160</u></b>	= \$102,600.00
<b><u>Zone 2</u></b>		
New York City (All boroughs except Bronx)		
<b><u>\$47.50</u></b> X	<b><u>570</u></b>	= \$27,075.00
<b><u>Zone 3</u></b>		
Nassau and Suffolk Counties		
<b><u>\$47.50</u></b> X	<b><u>90</u></b>	= \$4,275.00
<b><u>Zone 4</u></b>		
Putnam, Dutchess and Orange Counties		
<b><u>\$47.50</u></b> X	<b><u>180</u></b>	= \$8,550.00
<b><u>Appearance Fee</u></b>		
Charge per hour for a process server to appear in court for a hearing.		
<b><u>\$45.00</u></b> X	<b><u>7</u></b>	= \$315.00
	<b>SUBTOTAL:</b>	<b>\$142,815.00</b>
	<b>Subtotal Page 2</b>	<b>\$106,625.00</b>
	<b>Subtotal Page 3</b>	<b><u>\$142,815.00</u></b>
	<b>Total</b>	<b><u>\$249,440.00/vr.</u></b>



**SCHEDULE "B"**

**Bid Sheet**

**Page 4**

The County will pay the successful bidder for the following types of services (as defined in the contract specifications) at the following rates:

<u>Attempted Service</u>	25% of applicable zone rate
<u>Substituted Service</u>	35% of applicable zone rate
<u>Expedited Service</u>	115% of applicable zone rate (as applied to the type of service that is made).
<u>Nonexistent Address</u>	20% of applicable zone rate

A duplicate fee shall not be charged for simultaneous service of numerous documents at the same place or upon the same person.

Signed: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Company Name: **Inter County Judicial Services** \_\_\_\_\_

Date: \_\_\_\_\_

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