



REGINALD A. LAFAYETTE
Commissioner
Fax 914-995-7753
JEANNIE L. PALAZOLA
Deputy Commissioner

25 Quarropas Street
White Plains, NY 10601
914-995-5700
www.westchestergov.com/boe

DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190
NANCY E. MEEHAN
Deputy Commissioner

22796

Date: October 25, 2011

To: The Honorable Board of Acquisition and Contract

From: Reginald A. LaFayette, Democratic Commissioner of the Board of Elections
Douglas A. Colety, Republican Commissioner of the Board of Elections

Re: **Resolution to exempt from the Westchester County Procurement Policy, an Agreement with Whalen's Moving & Storage Co., LLC, for the provision of storage services of County-owned lever voting machines, for the period January 1, 2011 to December 31, 2011, in an amount not to exceed \$6,000.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures**

Authority is hereby requested from your Honorable Board, to exempt from the Westchester County Procurement Policy, a short form contract with Whalen's Moving & Storage Co., LLC ("Whalen's"), for the provision of storage services of County-owned lever voting machines, for the period January 1, 2011 to December 31, 2011, in an amount not to exceed \$6,000.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Ordinarily, under Section 5 of the Procurement Policy, the County is required to solicit three (3) quotations for such services. It is proposed that compliance with the Procurement Policy would not be in the best interests of the County with respect to this procurement because since on or about January 1, 2011, the County has inadvertently continued to store the lever voting machines at Whalen's without first soliciting three (3) quotations.

The original procurement and contract for storage of the old lever voting machines was not through the County, but through the Village of Mount Kisco and Town of Lewisboro (hereinafter collectively referred to as the "Municipalities"). At the time of its takeover of ownership of the machines, the County began reimbursing the Municipalities for these expenses. At this point, County procurement rules did not apply because the contract with Whalen's for storage was not with the County but with the Municipalities.

However, a decision was subsequently made for the County to directly pay Whalen's, rather than reimburse the Municipalities. Since the contract is now directly between the County and Whalen's, County procurement rules apply. In order to retroactively pay Whalen's for the storage of the old lever voting machines since January 1, 2011, without having solicited and received three (3) competitive quotes, the Board of Acquisition and Contract must determine, through a resolution, that compliance with the procurement policy would not be in the best interests of the County, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures.

Based on the above, it is respectfully submitted that an exemption to compliance with the procedures of the Procurement Policy be granted by your Honorable Board in accordance with section 3(a)xxi of said Policy.

RAL/DAC/jpi
Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/15/2011 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioners of the Westchester County Board of Elections,
be it

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 quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with Whalen's Moving & Storage Co., LLC, 39 Kiskon Road, Mount Kisco, NY 10549, for the provision of storage services of County-owned lever voting machines, for the period January 1, 2011 to December 31, 2011, in an amount not to exceed \$6,000.00, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures.