

26861

DATE May 7, 2012

TO: Board of Acquisition and Contract

FROM: Bruce B. Berger
Executive Director, Solid Waste Commission

SUBJECT: Resolution to exempt from the procedures of the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof, an agreement with attorney Steven Sledzik to provide administrative hearing officer services to the Westchester County Solid Waste Commission, for a term March 1, 2012 through February 28, 2013 and for a not-to-exceed amount of \$15,000

Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy (the "Procurement Policy") an agreement between the County of Westchester (the "County") and attorney Steven Sledzik ("Sledzik") for attorney Sledzik to provide administrative hearing officer services to the Westchester County Solid Waste Commission (the "Commission") for a term March 1, 2012 through February 28, 2013 and for a not-to-exceed amount of \$15,000; payable pursuant to an approved budget.

Attorney Sledzik has previously provided administrative hearing officer services to the Commission pursuant to a prior one-year agreement for an amount not-to-exceed \$15,000 that expired on February 29, 2012.

The Commission is requesting exemption from Procurement Policy procedures as it would be in the County's best interest for 1) health and safety and 2) fiscal responsibility reasons to have attorney Sledzik remain as a Commission administrative hearing officer.

The exemption is in the County's best interest regarding public health and safety as attorney Sledzik possesses valuable "acquired through experience" substantive knowledge of the laws, rules and regulations governing Commission hearings and the daily practices and procedures of the solid waste and recycling industry (the "industry") within the County. This knowledge allows him to conduct hearings and render recommendation reports to the Commission with far greater competency and nuanced insight than individuals not having served in such position, with such acquired competency and insight being integral to the Commission's obligation to provide and regulate industry licensees within a fair legal forum while

simultaneously pursuing its legislative mandate to eliminate unlawful conduct within the industry.

The exemption is also in the County's best interest regarding fiscal responsibility as attorney Sledzik's acquired experience as a past serving Commission hearing officer enables him to efficiently conduct Commission administrative hearings and render reports which thereby reduces County expenses through reduced time billings by him to the County.

Having attorney Sledzik remain as a Commission hearing officer is additionally in the County's best interest regarding public safety and fiscal responsibility as his acquired knowledge and experience from previously serving in such position ensures that Commission decisions shall be properly rendered to withstand New York State Civil Practice Law and Rules Article 78 legal challenges that may be commenced regarding such decisions and the significant monetary exposure to the County potentially resulting from same.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with attorney Sledzik from the Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your Honorable Board's consideration.

BBB/cji

RESOLUTION

Upon a communication from Bruce B. Berger, Executive Director for the Westchester County Solid Waste Commission, 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 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 attorney Steven Sledzik for administrative hearing officer services to the Westchester County Solid Waste Commission.

Account to be
Charged/credited

Fund	Agency	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	41	1000	4380		15,000.00

Budget Funding Year(s) 2012 Start Date 03-01-2012 End Date 02-28-2013

Tax Dollars: N/A
State Aid: N/A
Federal Aid: N/A
Other: Hearing Officer fees paid by hauler licensing fees