

#27145

Date: May 25, 2012

TO: Board of Acquisition and Contract

FROM: Ann Marie Berg  
Commissioner of Finance

RE: **Resolution authorizing the County Of Westchester to exercise the last of two renewal options of its agreements with two firms to provide internal auditing services in an amount not to exceed \$400,000 for a one year period commencing January 1, 2012 and terminating December 31, 2012 under the same terms and conditions**

Authority is requested for the County of Westchester (the "County") to exercise the last of two renewal options of its agreements with Mitchell & Titus LLP ("Mitchell & Titus") and O'Connor Davies, LLP (formerly known as O'Connor Davies Munns & Dobbins LLP) ("O'Connor Davies"), (collectively, the "firms"), pursuant to which the firms will provide internal auditing services, for which the County will pay the firms an amount not to exceed Four Hundred Thousand (\$400,000.00) Dollars at the rates contained in the attached Schedule "A-2," pursuant to an approved budget for the one year period commencing January 1, 2012 and continuing through December 31, 2012.

By resolution dated December 23, 2008, your Honorable Board authorized the original agreements with the firms for the same services, in an amount not to exceed Eight Hundred Thousand (\$800,000.00) for a term of January 1, 2009 through December 31, 2010 and also authorized the County's option to renew such agreements for up to two additional one-year terms. The 2009-2010 agreements with Mitchell & Titus and O'Connor Davies were executed as well as the first renewal option period from January 1, 2011 through December 31, 2011. An authorized agreement with KPMG, LLP ("KPMG, the Public Sector Division of KPMG specializing in audit services to State and Local Government) was not executed and is not being renewed.

This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)x of the Policy.

The goals and objectives of these agreements are to allow the County to have the professional services of qualified public accounting firms to provide multi-disciplinary internal auditing services to various county departments. Those audits are to be conducted with the intent of confirming compliance with the appropriate county, state and federal policies, rules, regulations, laws and agreements, and determine the financial integrity, economy, efficiency and effectiveness of a variety of County operations.

The goals and objectives serve a public purpose because the County is involved in a full range of government operations and is engaged in various complex private ventures, including lease agreements,

the operation of an airport, a public transportation system, water and sanitary sewer systems and an amusement park.

Accomplishment of the aforesaid goals and objectives will be jointly monitored by the Finance Department and the requesting departments for specific engagements through written audit reports to be issued by the auditing firms, including reviews of internal control structures and findings of reportable conditions uncovered during the audit for anything which could adversely affect the County's ability to record, process, summarize, and report financial information.

Accordingly, approval of the attached resolution is most respectfully requested.

AMB/dck  
Attch.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/28/2012 - JOMAR VERA, SECRETARY

**RESOLUTION**

Upon a communication from the Commissioner of Finance, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Finance, is authorized to exercise the last of two renewal options of its agreements with Mitchell & Titus LLP (“Mitchell & Titus”) and O’Connor Davies, LLP (formerly known as O’Connor Davies Munns & Dobbins LLP) (“O’Connor Davies”), (collectively, the “firms”), pursuant to which the firms will provide internal auditing services, for which the County will pay the firms an amount not to exceed Four Hundred Thousand (\$400,000.00) Dollars at the rates contained in the attached Schedule “A-2,” pursuant to an approved budget for the one year period commencing January 1, 2012 and expiring December 31, 2012; and be it further

**RESOLVED** that this Agreement is subject to County 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 State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any 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.

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	Various	Various	Various	Various	\$400,000.00

Budget Funding Year(s) 2012 Start Date Jan.1, 2012 End Date Dec.31, 2012  
 (must match resolution)

Funding Source Tax Dollars \$400,000.00  
 State Aid \_\_\_\_\_

\$ 400,000.00 Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \_\_\_\_\_

**“ SCHEDULE A-2”**

**Mitchell & Titus, LLP**

**O’Connor Davies, LLP**

	<b><u>Hourly Rates</u></b>	<b><u>Hourly Rates</u></b>
<b>Partner</b>	<b>\$240.00</b>	<b>\$289.00</b>
<b>Manager</b>	<b>\$220.00</b>	<b>\$209.00</b>
<b>Senior</b>	<b>\$185.00</b>	<b>\$123.00</b>
<b>Staff</b>	<b>\$175.00</b>	<b>\$ 101.00</b>

**Note: Above rates were established in the Initial 2009 contract**

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/28/2012 - JOMARY VIEIRA, SECRETARY