

Office of the County Attorney

35784

Date: September 3, 2013

To: Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an Agreement with Vincent Toomey for the Provision of Consulting Services in Connection with Labor Negotiations and Related Matters pertaining to the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Westchester County Local 860 - Westchester Seasonal and Hourly Unit, 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 contract with Vincent Toomey for the provision of consulting services in connection with labor negotiations and related matters pertaining to the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Westchester County Local 860 - Westchester Seasonal and Hourly Unit, including, but not limited to, arbitrations, grievances, unfair labor practices, improper practice charges and labor-management committee meetings, for a term commencing September 1, 2013 and terminating August 31, 2014 for an amount not to exceed Twenty-Six Thousand Five Hundred Dollars (\$26,500.00), payable quarterly upon submission of an invoice for completed work for the prior quarter.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a Request For Proposals (RFP) for such services. However, Mr. Toomey has extensive experience and expertise in labor negotiations, particularly with municipalities. Mr. Toomey has been engaged exclusively in the practice of labor and employment law since 1985 and has successfully negotiated hundreds of collective bargaining agreements on behalf of his clients. Mr. Toomey serves as lead negotiator in collective bargaining for many communities in Westchester, Nassau and Suffolk counties. He has represented his public sector clients in practically every type of labor dispute including discrimination actions under federal and state statutes, proceedings before the Public Employment Relations Board and labor arbitrations

including interest arbitration proceedings. Mr. Toomey has been providing labor consulting services for the County since 2010. Mr. Toomey currently provides labor consulting services, under a separate contract with the County, in connection with the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO, Westchester County Unit #9200 (Full time unit); International Brotherhood of Teamsters Local 456; New York State Nurses Association; Police Officers Benevolent Association; Police Officers Benevolent Association Superior Officers Unit; Correction Officers Benevolent Association; Department of Corrections Superior Officers Association, Inc. and District Attorney's Investigators PBA.

In addition, Mr. Toomey has litigated a number of precedent setting cases, including several before the New York State Court of Appeals, including Town of Southampton v. PERB, which is a leading case on interest arbitration and collective bargaining. He has also testified as an expert witness on labor and employment law matters and has been cited as an expert on labor and employment law by various publications including Newsday. Mr. Toomey has lectured extensively before municipal and bar association groups on labor and employment law and collective bargaining and has earned Martindale Hubbell's highest rating for legal ability and ethics.

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. Toomey's experience and knowledge in 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 Vincent Toomey is hereby submitted for your consideration.

RFM/JPG
Attachment

RESOLUTION

Upon a communication from the County Attorney, 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 pertaining to the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Westchester County Local 860 - Westchester Seasonal and Hourly Unit with Vincent Toomey.

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/26/2013 JOMARY VIEIRA, SECRETARY