

Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

**42712**

Date: October 16, 2014

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan, County Attorney  
Department of Law

Re: **Resolution authorizing the County of Westchester (the “County”) to amend an agreement with RVM Enterprises, Inc., for the provision of electronic-document review services in order to provide for additional services, to extend the termination of the agreement from March 18, 2015 to September 30, 2015 and to increase the not-to-exceed amount of the agreement from Eighty-Five Thousand (\$85,000.00) Dollars to One Hundred Thousand (\$100,000.00) Dollars.**

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On March 20, 2014, your Honorable Board authorized the County of Westchester (the “County”) to enter in an agreement (the “Agreement”) with RVM Enterprises, Inc. (“RVM”), for the provision of electronic-document review services in connection with the lawsuit entitled United States vs. Westchester County regarding County Water District No. 1 (the “Lawsuit”), for a one (1) year period commencing on March 19, 2014 and terminating on March 18, 2015, in a total amount not to exceed Sixty Thousand (\$60,000.00) Dollars. This agreement was subsequently executed.

On April 24, 2014, your Honorable Board authorized the County to amend the Agreement with RVM in order to provide for additional services and to increase the not to exceed amount of the Agreement from Sixty Thousand (\$60,000.00) Dollars to Eighty-Five Thousand (\$85,000.00) Dollars. The Amendment was subsequently executed.

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to again amend the Agreement with RVM in order to provide for additional data storage services, to extend the termination of the agreement from March 18, 2015 to September 30, 2015 and to increase the not-to-exceed amount of the Agreement from Eighty-Five Thousand (\$85,000.00) Dollars to One Hundred Thousand (\$100,000.00) Dollars.

This amendment is necessary since the original Agreement provided for data storage and management only until March 18, 2015. The County will require that RVM provide ongoing data storage and management for the remainder of the litigation of the Lawsuit, including the upcoming trial.

Thus, this second amendment is necessary ensure RVM's continued data storage and management through trial.

The goals and objectives of this proposed amendment are in the County's best interest and will serve a public purpose since RVM will continue to efficiently track and maintain this data, thereby assisting the County's Law Department to defend the Lawsuit. The performance of the Agreement and amendments will be tracked and monitored by the Law Department attorneys assigned to the case as well as the Law Department's review and payment of invoices.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RFM/jpi  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/23/2014 - JIMMY VERA, SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, the County of Westchester (the "County") is hereby authorized to amend the agreement with RVM Enterprises, Inc., for the provision of electronic-document review and storage services, in order to provide for additional services, to extend the termination of the agreement from March 18, 2015 to September 30, 2015 and to increase the not-to-exceed amount of the agreement from Eighty-Five Thousand (\$85,000.00) Dollars to One Hundred Thousand (\$100,000.00) Dollars; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain unchanged; 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 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 either to 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 the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Agreement LAW # 953

Original Agreement: \$ 60,000.00  
 First Amendment: \$ 25,000.00  
This Amendment: \$ 15,000.00  
 TOTAL \$100,000.00

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2014	241	60		4420		5110	\$15,000.00

Budget Funding Year(s) 2014  
 (must match resolution)

Start Date March 19, 2014 End Date September 30, 2015

Funding Source Tax Dollars \$ 15,000  
 State Aid \_\_\_\_\_  
\$ 15,000  
 (must match resolution) Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/23/2014 - JOHANNY VIEIRA, SECRETARY