



**Office of the District Attorney
County of Westchester**

MEMORANDUM

43474

November 25, 2014

TO: Board of Acquisition and Contract

FROM: Janet DiFiore
District Attorney

RE: Resolution authorizing the County of Westchester, acting by and through the Westchester County District Attorney's Office, to enter into a Cost Reimbursement Agreement ("CRA") with the Federal Bureau of Investigation ("FBI") pursuant to which the FBI will reimburse the County for overtime expenses incurred by the DA's Investigator assigned to the Westchester County Safe Streets Task Force, not to exceed the sum of \$1,447.85 per month, effective upon execution of the CRA and remaining in effect for the duration of the County's participation in the Task Force.

By resolution approved on October 3, 2013 (the "October 3rd Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through the Westchester County District Attorney's Office (the "DA's Office"), to enter into a Memorandum of Understanding ("MOU") with the FBI, pursuant to which the County agreed to participate in the Westchester County Safe Streets Task Force ("SSTF") in order to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, and similar crimes where there is or may be a federal investigative interest. The October 3rd Resolution further authorized the County, through the DA's Office, to enter into a Cost Reimbursement Agreement with the FBI, pursuant to which the FBI agreed to reimburse the County for overtime expenses incurred by the DA's Investigator assigned to the SSTF, not to exceed the sum of \$1,433.52 per month (the "Original CRA"). The October 3rd Resolution further provided that both agreements would commence upon execution and continue in effect for the duration of the County's participation in the SSTF, subject to termination upon mutual consent of the parties or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date. Both the MOU and CRA were subsequently executed.

My office recently received a new CRA from the FBI which is identical to the Original CRA but for the fact that it contains a slightly higher reimbursement rate of \$1,447.85 per month (the "Revised CRA"). Section "4" of the Original CRA provides that "the FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal

priorities and appropriations limits.” Rather than amending the Original CRA, the FBI is apparently seeking to have the County execute a new one which will have the effect of supplanting the Original CRA. Accordingly, authority is requested to enter into a Revised CRA with the FBI to receive reimbursement for overtime expenses incurred by the DA’s Investigator assigned to the Westchester County Safe Streets Task Force, not to exceed the sum of \$1,447.85 per month, effective upon execution of the CRA and remaining in effect for the duration of the County’s participation in the SSTF, subject to the termination provisions indicated above.

The goals and objectives of the Revised CRA are to reimburse the County for overtime costs incurred by the DA’s Investigator, thus enabling the County to participate in the SSTF.

The goals and objectives are in the best interests of the County in terms of public safety because coordination of various law enforcement assets will maximize inter-agency cooperation and lead to more effective policing.

The goals and objectives will be tracked and monitored by the DA’s Office.

As the revised CRA does not involve the procurement of goods or services, the provisions of the Westchester County Procurement Policy do not apply.

I recommend your favorable consideration of the annexed proposed Resolution.

JD/PK/jpg

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/11/2014 - JOMAN/CULLEN/SECRETARY

