

Attorney

47757

Date: July 21, 2015

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Authority to retroactively amend an agreement with Michael K. Duffy for the provision of Hearing Officer Services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law, by 1) extending the term of the agreement from February 15, 2014 through December 31, 2015; and 2) increasing the not-to-exceed amount by an additional \$5,000.

On or about February 15, 2013, the County entered into a “short-form” contract with Michael K. Duffy (the “Hearing Officer”) to provide hearing officer services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from February 15, 2013 through February 14, 2014 in an amount not-to-exceed \$15,000 (the “Agreement”).

Although the Agreement expired on February 14, 2014, the Hearing Officer continued to preside over several cases that commenced in 2013 during the remainder of 2014 and into 2015. In order to compensate the Hearing Officer for additional services rendered, it will be necessary to retroactively amend the Agreement to extend the term thereof from February 15, 2014 through December 31, 2015 and to increase the not-to-exceed amount thereunder by an additional \$5,000.

As your Honorable Board is aware, amendments to short-form contracts which result in term extensions beyond the one (1) year threshold for short-form contracts and/or increases in the not-to-exceed amount in excess of \$20,000, must first be approved by your Honorable Board. Since the term of the Agreement will now exceed the one (1) year term limitation, the authority of your Honorable Board is required. Accordingly, authority is respectfully requested to amend the Agreement with Michael K. Duffy for the provision of hearing officer services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from February 15, 2013 through February 14, 2014 in an amount not-to-exceed \$15,000, by retroactively amending the Agreement in order to 1) extend the term thereof from February 15,

2014 through December 31, 2015; and 2) increase the not-to-exceed amount thereunder by an additional \$5,000, from an amount not-to-exceed \$15,000 to an amount not-to-exceed \$20,000.

Except as specifically amended hereby, all other terms and conditions of the Agreement will remain the same.

The Agreement will serve a public purpose by enforcing the Civil Service Laws of the State of New York. The goals and objectives of this Agreement are to have a Hearing Officer preside over and adjudicate cases regarding Sections 72, 73 and 75 of the New York State Civil Service Law to provide County employees with due process during the Administrative Hearing process. The Agreement will be tracked and monitored by the County Attorney's Office.

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

RFM/JPG/mn

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/12/2015 - JOHN COCCIARDI, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to retroactively amend an agreement with Michael K. Duffy (the "Hearing Officer") for the provision of Hearing Officer Services in connection with hearings under Sections 72, 73 and 75 of the New York State Civil Service Law for the period from February 15, 2013 through February 14, 2014 in an amount not-to-exceed \$15,000 (the "Agreement"), by 1) extending the term of the Agreement for the period from February 15, 2014 through December 31, 2015; and 2) increasing the not-to-exceed amount thereunder by an additional \$5,000, from an amount not-to-exceed \$15,000 to an amount not-to-exceed \$20,000, in order compensate the Hearing Officer for additional services rendered; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

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

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	18	1000	4923		\$5,000

Budget Funding Year(s) 2013-2015 Start Date 2/15/13 End Date 12/31/15
(must match resolution)

Funding Source Tax Dollars \$5,000

State Aid _____

\$ 5,000 Federal Aid _____

(must match resolution)

Other _____