

51635

March 30, 2016

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Resolution to exempt from the Westchester County Procurement Policy the procurement of an agreement with the law firm of Holwell Shuster & Goldberg, LLP for the provision of consultant services to the County of Westchester in connection with the civil matter United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York, and with other related matters as they arise, pursuant to Sec. 3(a)xxi of said Policy.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a consultant contract with the law firm of Holwell Shuster & Goldberg, LLP (the "Consultant") pursuant to which the Consultant will assist the County in replying to the Monitor's Report regarding Westchester County's compliance with Paragraph 33(c) of the Stipulation and Order of Settlement and Dismissal in the matter of United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (No. 06 Civ. 2860), and with other related matters as they arise, pursuant to Sec. 3(a)xxi of said Policy.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to solicit proposals through a request for proposals. However, hiring the Consultant to assist the County in this matter is in the best interests of the County as the firm has the experience, expertise, and resources necessary to assist in formulating and preparing the County's response to the Monitor's Report. The Consultant intends to staff the matter primarily through two attorneys—Hon. Richard Holwell, and Daniel Sullivan. Judge Holwell brings a wealth of experience, from both private practice and his time as a judge for the Southern District of New York, including expertise in the interpretation of consent decrees, which is a significant issue raised in the Report. Mr. Sullivan, a former law clerk for Supreme Court Justice Antonin Scalia, has demonstrated expertise in the field of constitutional law, which is also relevant to the issues contained in the Report. While the Consultant intends to staff the matter primarily through two attorneys, the Consultant, at approximately 50 attorneys, has the capacity to increase staffing as necessary to deal with the limited time frames involved in this matter.

In addition, the Monitor's Report was issued on March 17, 2016. On March 18, 2016, the District Court ordered the County and the United States to file responses to the Report by April 8, 2016. Due to the time constraints created by the short turn-around time ordered by the District Court, the County does not have adequate time to conduct a full RFP process.

Pursuant to Section 3(a)xxi thereof, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. For the reasons set forth above, 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 of a consultant agreement with the firm of Holwell Shuster & Goldberg, LLP is hereby submitted for your Honorable Board's consideration.

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APPROVED BOARD OF ACQUISITION & CONTRACTS - 04/07/2016 - 15A/RJA/J, SECRETARY

RESOLUTION

Based upon a communication from the County Attorney, he 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 interest of the County in connection with the procurement of an agreement with the law firm of Holwell Shuster & Goldberg, LLP for the provision of consultant services to the County of Westchester in connection with the civil matter United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York, and with other related matters as they arise.

APPROVED BOARD OF ACQUISITION & CONTRACTS 04/27/2016 LISA MRISAJ, SECRETARY