

**51698**

April 6, 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 National Arbitration and Mediation, 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 an agreement with National Arbitration and Mediation (“NAM”) pursuant to which NAM will provide the services of a professional mediator who will mediate the case of Miguel Lopez v. County of Westchester, Salvatore Ficarotta, pursuant to Sec. 3(a)xxi of said Policy.

The County has been named a defendant in the above entitled civil matter. The parties seek to submit the case for alternative dispute resolution by utilizing the services of a professional mediator. Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit written or oral quotations from no fewer than three persons customarily providing such services. However, plaintiff's attorney specifically requested that the parties retain NAM and in particular the services of Kenneth Grundstein, one of the firm's mediators. Mr. Grundstein has a highly specialized background in mediating motor vehicle accident cases and since this case involves a motor vehicle accident, it is believed that Mr. Grundstein could negotiate a fair settlement amount that would be reasonable in light of the circumstances of this case and plaintiff's injuries. Given the possible liability exposure to the County in this matter, I believe that mediation using the services of NAM and specifically Mr. Grundstein would be in the County's best interests.

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 an agreement with NAM is hereby submitted for your Honorable Board's consideration.

RFM/JPG/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/07/2016 - LISA MRIJAJ, SECRETARY

## **RESOLUTION**

Based 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 interest of the County in connection with the procurement of an agreement with National Arbitration and Mediation (“NAM”) for the provision of professional mediation services in connection with the civil matter Miguel Lopez v. County of Westchester, Salvatore Ficarotta.

APPROVED BOARD OF ACQUISITION & CONTRACTS CONTRACT 04/07/2016 LISA MRISAJ, SECRETARY