



Office of the District Attorney
County of Westchester

MEMORANDUM

52106

May 24, 2016

TO: Board of Acquisition and Contract

FROM: James McCarty
Acting District Attorney

RE: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with Mindy Eisenberg-Stark to conduct tax fraud investigations as part of the Crimes Against Revenue Prosecution ("CARP") Program for the period from January 1, 2016 through December 31, 2016 in an amount not-to-exceed \$46,000, pursuant to section 3(a) xxi thereof.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures (the "Policy") an agreement with Mindy Eisenberg Stark for the provision of tax fraud investigations as part of the CARP program for the period from January 1, 2016 through December 31, 2016 in an amount not-to-exceed \$46,000 pursuant to section 3(a) xxi thereof.

Ordinarily under Section 5(b) of the Policy, the County is required to solicit written quotations from no fewer than three persons customarily providing such goods or services and, if deemed appropriate, to inquire as to the qualifications and experience of such persons. However, Ms. Stark has been working on highly confidential and complex financial cases within our office. The cases and investigations are long-term requiring knowledge of the transactions, accounts and people involved. Ms. Stark, in her capacity as a Tax Fraud Investigator, has worked closely with the attorneys assigned to these cases and has prepared schedules and summaries to assist them as they prepare for arrest, grand jury and trial. She also draws conclusions and makes connections from voluminous materials and independent research for testimony and presentation to both Grand and Petit Jury in pending investigations. Without the services of Ms. Eisenberg-Stark, my office would lose the continuity of all the work that has already been done and in the process would result in a major set back to this office and those cases to be prosecuted.

Pursuant to Section 3(a) xxi, the Policy is not applicable to any procurement for which your Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the Policy would not be in the best interests 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 Policy. Accordingly, a resolution to exempt the procurement of an agreement with Mindy Eisenberg-Stark is hereby submitted for your Honorable Board's consideration.

RESOLUTION

Upon communication from the District 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 written price quotations, 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 Mindy Eisenberg-Stark to conduct Tax Fraud Investigations as part of the Crimes Against Revenue Prosecution Program.

APPROVED BOARD OF ACQUISITION & CONTRACTS 06/30/2016 LISA MIJAJ, SECRETARY