

52554

Date: August 10, 2016

To: Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Authority to amend a consultant agreement with the law firm of Holwell Shuster & Goldberg, LLP pursuant to which the firm agreed to 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, and with other related matters as they arise, for a term commencing on March 31, 2016 and continuing through March 30, 2017 in an amount not-to-exceed \$100,000.00, by increasing the not-to-exceed amount by an additional \$50,000.00.

By resolution approved on April 7, 2016, your Honorable Board authorized the County of Westchester (the "County") to enter into a consultant agreement with the law firm of Holwell Shuster & Goldberg, LLP (the "Consultant") pursuant to which the Consultant would 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, for a term commencing on March 31, 2016 and continuing through March 30, 2017 for an amount not-to-exceed \$100,000.00, payable at approved hourly rates (the "Agreement"). The Agreement was subsequently executed.

My office now requires additional research and assistance in preparing appellate briefs to the Second Circuit in connection with the above matter. In order to have sufficient funds available to compensate the Consultant for said additional services, it will be necessary to increase the amount not-to-exceed under the Agreement by an additional \$50,000.00, from an amount not-to-exceed \$100,000.00 to an amount not-to-exceed \$150,000.00.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, was previously approved by your Honorable Board by separate resolution approved on April 7, 2016.

The proposed Agreement will serve a public purpose by enabling the County to provide a response to the Monitor's report and assistance related to the Stipulation and Order of Settlement and Dismissal as such matters arise.

The goals and objectives of the proposed Agreement are to provide consultation services to the County Attorney to assist the County in responding to the Monitor's report.

The goals and objectives will be tracked and monitored through regular consultation with the firm.

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

RFM/JPG/jg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/25/2016 - USA MRIS SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby:

RESOLVED, that the County of Westchester (the "County") is authorized to amend a consultant agreement (the "Agreement") with the law firm of Holwell Shuster & Goldberg, LLP (the "Consultant") pursuant to which the Consultant agreed to 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, and with other related matters as they arise, for a term commencing on March 31, 2016 and continuing through March 30, 2017 for an amount not-to-exceed \$100,000.00, payable at approved hourly rates, by increasing the not-to-exceed amount thereunder by an additional \$50,000.00, from an amount not-to-exceed \$100,000.00 to an amount not-to-exceed \$150,000.00, in order to have sufficient funds available to compensate the Consultant for additional services to be rendered; and be it further

RESOLVED, that except as specifically amended hereby, all remaining 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 authorized designee is hereby 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		\$50,000

Budget Funding Year(s) 2016-2017 Start Date 3/31/16 End Date 3/30/17
 (must match resolution)

Funding Source Tax Dollars \$50,000.00
 State Aid _____

\$50,000 Federal Aid _____
 (must match resolution)

Other _____