



#54270

Date: January 5, 2017

To: Honorable Members of the Board of Acquisition &amp; Contract

From: Hon. Michael B. Kaplowitz  
Chairman, Westchester County Board of LegislatorsRe: **Resolution to exempt from the Westchester County Procurement Policy an Agreement with Newman Myers Kreines Gross Harris, P.C. ("NMKGH") pursuant to which NMKGH represents the Board of Legislators in its appeal of the lawsuit entitled Jenkins, et al. v. Astorino et al, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.**

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a contract with NMKGH pursuant to which NMKGH represents the Board of Legislators in its appeal of the lawsuit entitled Jenkins, et al. v. Astorino et al for the period from June 16, 2015 through October 31, 2016 for an amount not to exceed \$20,000.

The Board of Legislators received an additional invoice from NMKGH for services that they provided through October 21, 2016. The original short form termination date was December 31, 2015. This necessitated this resolution to enable the Board of Legislators to pay the invoice.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this 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. 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 agreement from procurement is hereby submitted for your consideration.

## **RESOLUTION**

Upon a communication from the Chairman of the Board of Legislators, 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 interests of the County in connection with the procurement of an agreement with Newman Myers Kreines Gross Harris, P.C. ("NMKGH") pursuant to which NMKGH represents the Board of Legislators in its appeal of the lawsuit entitled Jenkins, et al. v. Astorino et al.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/09/2017 - USA MRIJAJ, SECRETARY