

56047

DATE March 21, 2017

TO: Board of Acquisition and Contract

FROM: Daniel D. Angiolillo
Executive Director, Solid Waste Commission

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with Daniel L. Pagano, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing May 1, 2017 and continuing through April 30, 2018, in an amount not-to-exceed \$10,000.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures (the "Procurement Policy") an agreement between the County of Westchester (the "County") and Daniel L. Pagano, Esq. for Mr. Pagano to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing on May 1, 2017 and continuing through April 30, 2018, in an amount not-to-exceed \$10,000, payable pursuant to an approved budget.

Mr. Pagano has previously provided administrative hearing officer services to the Commission and his current agreement expires on April 30, 2017.

The exemption is in the County's best interest regarding public health and safety since Mr. Pagano possesses substantive knowledge of the laws, rules and regulations governing Commission hearings and the daily practices and procedures of the solid waste and recycling industry (the "Industry") within the County. This knowledge and experience enables Mr. Pagano to conduct hearings and to render recommendation reports to the Commission with far greater competency and nuanced insight than individuals who have not previously served as a Commission Administrative Hearing Officer. Furthermore, this acquired insight is integral to the Commission's obligation to provide and regulate Industry licensees within a fair legal forum, while simultaneously pursuing its legislative mandate to eliminate unlawful conduct within the Industry. In addition, Mr. Pagano has substantial legal experience with various other Administrative Boards, including but not limited to the Federal Equal Employment Opportunity Commission, the New York Public Employment Relations Board and the New York State Liquor Authority.

The exemption is also in the County's best interest regarding fiscal responsibility since Mr. Pagano's experience as a Commission Hearing Officer along with his experience in connection with other Administrative Boards enable him to efficiently conduct administrative hearings, thereby reducing County expenses through reduced time billings. Mr. Pagano's continuation as a Commission Hearing Officer is further in the County's best interest since his experience will help to ensure that Commission decisions are properly rendered to withstand potential Article 78 proceedings and thereby limiting the County's potential monetary liability resulting from the same.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with Mr. Pagano from the Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your Honorable Board's consideration.

DDA/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/20/2017 - JOANNE S. ANDRETTI, SECRETARY

RESOLUTION

Upon a communication from the Executive Director for the Westchester County Solid Waste Commission, 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 quotations, is neither cost effective nor expedient, and accordingly not in the best interests of the County of Westchester in connection with the procurement of an agreement with Daniel L. Pagano, Esq., for administrative hearing officer services to the Westchester County Solid Waste Commission.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/20/2017 - DAN LOCCIARDI, SECRETARY