

60442

Date: January 29, 2018

To: Honorable Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi an agreement with Steven G. Leventhal pursuant to which Mr. Leventhal will serve as an Independent Consultant to the Westchester County Board of Ethics.**

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement with Steven G. Leventhal, pursuant to which Mr. Leventhal will serve as an Independent Consultant to the Westchester County Board of Ethics (the "Board"), as required by Section 883.91 of the Laws of Westchester County, for a term commencing retroactive to August 1, 2017 and continuing through July 31, 2018 at a cost not-to-exceed \$20,000, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy.

Ordinarily, under Section 5 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, by resolution of the Board adopted on December 8, 2017, a copy of which is herewith attached (the "December 8<sup>th</sup> Resolution"), determined, approved and ratified the retention of Mr. Leventhal as the Board's Independent Consultant for a term of one (1) year commencing on August 1, 2017 and terminating on July 31, 2018 at a cost not-to-exceed \$30,000. This determination was based on the Board's favorable evaluation of Mr. Leventhal's work as the Board's Independent Consultant during the previous year. The December 8<sup>th</sup> Resolution further authorized me, on behalf of the Board, to seek an exemption from the procedures of the County Procurement Policy in the best interests of the County pursuant to section 3(a)xxi thereof.

It should be noted that although the Board authorized payment to Mr. Leventhal in the amount of \$30,000, it was later determined that some of the additional services

originally contemplated are not necessary at this time. As such, this engagement will require payment to Mr. Leventhal in an amount not-to-exceed \$20,000 only.

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. 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 the agreement with Steven G. Leventhal is hereby submitted for your consideration.

JMN/jpg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2018 - LEVENTHAL SECRETARY

## **RESOLUTION**

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 oral or written price quotations, 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 Steven G. Leventhal to serve as an Independent Consultant to the County Board of Ethics.

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/01/2018 LISA MRIJAJ, SECRETARY

**RESOLUTIO  
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**WHEREAS**, the Laws of Westchester County Sections 192.41 and 883.91 (4)(5) authorize the County Board of Ethics to retain the services of an Independent Consultant who shall review financial disclosure forms, create a draft intra-agency report for the County Board of Ethics regarding any potential non-compliance or conflicts of interest, and draft a master list of all County vendors, contractors, and consultants; and

**WHEREAS**, in accordance with the County's Procurement Policy, and after due deliberation, it is in the best interests of the County for the Board of Ethics to retain Steven G. Leventhal to perform these functions and complete these duties in that Steven G. Leventhal has exhibited the fitness, qualifications and expertise in performing these functions and completing these duties for several consecutive years;

**WHEREAS**, Steven G. Leventhal has consistently provided advice and direction to the Board concerning matters pertinent to the execution of the Westchester County Code of Ethics; and the Board seeks to expand Steven G. Leventhal's role with respect to more extensive training of county employees regarding compliance with the Westchester County Code of Ethics and advising the Board regarding potential revisions to the Westchester County Code of Ethics as well as methods of compliance; and

**WHEREAS**, by contract dated the 1st day of August 2016, the County entered into a contract with Steven G. Leventhal for the term of August 1, 2016 until July 31, 2017, to perform the services of the independent consultant; and

**WHEREAS**, the Honorable Board has reviewed the Independent Consultants work and believes it is in the best interest of the County to retain Mr. Leventhal for another year.

**NOW, THEREFORE BE IT RESOLVED**

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2018 - LISA MRIJAJ, SECRETARY



That the County Board of Ethics hereby determines, approves and ratifies the retention of Steven G. Leventhal as the Board of Ethics' Independent Consultant for a term of one year commencing on August 1, 2017 and terminating on July 31, 2018 at a cost not to exceed thirty thousand dollars (\$30,000.00); and it is further

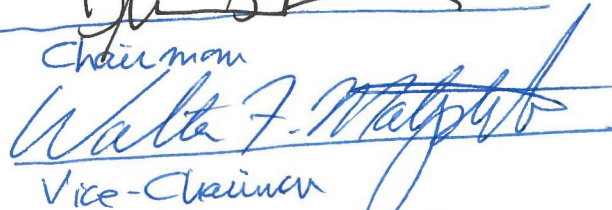
**RESOLVED**, that the County Attorney is authorized to seek an exemption from the procedures of the procurement policy from the Board of Acquisition and Contract in the best interest of the County pursuant to section 3(a)xxi of the Westchester County procurement policy and be it further

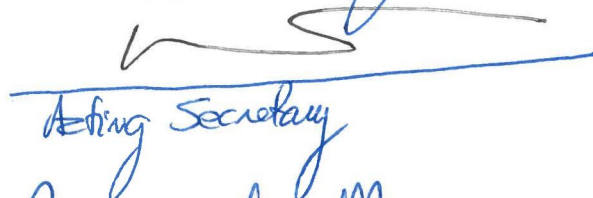
**RESOLVED**, that the County Board of Ethics hereby ratifies the County Attorney's execution of such contract on behalf of the County Board of Ethics and ratifies such action and execution of such documents as were, are, and may be necessary and proper to effectuate these purposes.

Dated: 12/08/17

Motion by Malystik, seconded by Atayan and unanimously approved, four members present and voting.

  
Chairman

  
Vice-Chairman

  
Acting Secretary

  
Member