



Office of the District Attorney
County of Westchester

MEMORANDUM

62186

TO: HONORABLE MEMBERS
BOARD OF ACQUISITION AND CONTRACT

3/19/2018

FROM: ANTHONY A. SCARPINO JR.
DISTRICT ATTORNEY

RE: RESOLUTION AUTHORIZING THE COUNTY OF WESTCHESTER TO:

- 1) ENTER INTO AN AGREEMENT WITH THE STATE OF NEW YORK, ACTING BY AND THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, TO ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$277,963 IN STATE FUNDS FOR THE DISTRICT ATTORNEY'S OFFICE TO OPERATE THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM FOR THE PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2018, PURSUANT TO AN APPROVED BUDGET; AND
- 2) ENTER INTO AN AGREEMENT WITH SUSAN M. RIGANO TO PROVIDE CRIME ANALYSIS CONSULTING SERVICES IN CONNECTION WITH AUTO THEFT AND RELATED INSURANCE FRAUD CLAIMS FOR A TERM COMMENCING ON JANUARY 1, 2018 THROUGH DECEMBER 31, 2018 FOR AN AMOUNT NOT-TO-EXCEED \$30,000.

Authority is sought for the County of Westchester (the "County") to enter into an agreement with the State of New York, acting by and through the New York State Division of Criminal Justice Services, to accept a grant in an amount not to exceed \$277,963 in State Funds for the District Attorney's Office to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period January 1, 2018 through December 31, 2018, pursuant to an approved budget (the "Grant Agreement"). Pursuant to the terms of the Grant Agreement, the County will be required to contribute \$383,409 in County matching funds toward the cost of the Program.

Authority is also sought to enter into an agreement with Susan M. Rigano (the "Consultant") to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims for a term commencing on January 1, 2018 through December 31, 2018 (the "Consultant Agreement") as part of the above Program. In consideration for services rendered, the County will pay the Consultant, using funds from the Grant Agreement, at the rate of forty-four (\$44.00) dollars per hour for 682 hours of service, not to exceed the aggregate sum of Thirty Thousand (\$30,000.00) dollars, inclusive of all expenses. The Consultant will perform the following services six (6) hours per day, three (3) days per week, subject to change based on the workload: to develop investigative leads for crimes related to auto theft and related insurance fraud claims;

performance of systematic and analytical processes; participation in inter-agency meetings; compilation and presentation of statistical reports identifying countywide trends; and identification of emerging or existing crime problems.

It has been determined that there is a direct relationship between the incidence of motor vehicle theft, motor vehicle insurance fraud and the cost of motor vehicle insurance premium rates. The Program seeks to provide an integrated means to prevent, deter and reduce the incidence of motor vehicle theft and motor vehicle insurance fraud by developing and providing funding for specialized law enforcement units to combat motor vehicle theft and insurance fraud.

The Program will serve the general welfare and public safety of the citizens of Westchester County by enabling the District Attorney's Office to operate an Auto Theft Unit to reduce incidents of motor vehicle thefts and insurance fraud in the County. The Unit is comprised of a Deputy Chief of Bureau, an Assistant District Attorney, a Criminal Investigator and a Crime Analysis Consultant. The goals and objectives of the Program are monitored by the District Attorney's Office and quarterly progress reports are submitted to DCJS for their review and approval.

Since the Grant Agreement authorizes the County to accept grant funding, it does not constitute a procurement, and, as such, the requirements of the Westchester County Procurement Policy do not apply.

With regard to the Consultant Agreement, the County has complied with the Westchester County Procurement Policy. On December 4th, 2017, the DA's Office issued a Request for Proposals (the "RFP") seeking the services of a qualified law enforcement professional to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims. The RFP was posted on the County's RFP website. In addition, the DA's Office checked the State's web-site looking for MWBE or WBE vendors offering crime analysis services with the hope of mailing copies of the RFP directly to these entities. However, no such vendors were found. A search was also made of the County's MWBE website with the same result. Despite these diligent efforts, only one (1) proposal was submitted. Since Susan Rigano's background and qualifications meet all of the requirements of the DA's Office for this Program, she has been selected to perform these services for the County.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Accordingly, I respectfully recommend adoption of the attached resolution.

AAS/jpg

RESOLUTION

Upon a communication from Anthony A. Scarpino Jr., District Attorney, be it hereby,

RESOLVED, that the County of Westchester (the "County") is authorized to enter into an agreement with the State of New York, acting by and through the New York State Division of Criminal Justice Services to accept a grant in an amount not to exceed \$277,963 in State Funds for the District Attorney to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period January 1, 2018 through December 31, 2018, pursuant to an approved budget (the "Grant Agreement"); and it is further

RESOLVED, that pursuant to the terms of the Grant Agreement, the County shall be required to contribute an amount not-to-exceed \$383,409 in County matching funds toward the cost of the Program; and be it further

RESOLVED, that the County is further authorized to enter into an agreement with Susan M. Rigano (the "Consultant") to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims for a term commencing on January 1, 2018 through December 31, 2018 for an amount not-to-exceed \$30,000, payable at the rate of \$44.00 per hour inclusive of all expenses (the "Consultant Agreement"); and be it further

RESOLVED, that the Consultant Agreement is subject to County appropriations; and be it further

RESOLVED, that the Consultant Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive 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 |
|------|------|--|-----------------------|------------------|-----------|
| 263 | 37 | 263T | 9854 | T-263 | \$277,963 |
| 263 | 37 | 263T | 9855 | T-263 | \$383,409 |
| 263 | 37 | 263T | 4380 | T-263 | \$30,000 |

Budget Funding Year(s) 2018 Start Date 1/1/2018 End Date 12/31/2018
(must match resolution)

Funding Source Tax Dollars \$383,409
 State Aid \$277,963
\$661,372 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/12/2018 - LISAMRIJAY, SECRETARY