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Date: November 27, 2018

To: Honorable Board of Acquisition and Contract

From: Kenneth W. Jenkins
Deputy County Executive

Re: **Resolution to exempt from the Westchester County Procurement Policy an Amendment to an Agreement with Ralph Butler, P.E. to provide consulting services related to the County's capital program 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 an amendment to an agreement with Ralph Butler, P.E. (the "Amendment"), pursuant to which Mr. Butler agreed to provide consulting services related to the County's capital program, including, but not limited to: review of 1920s, priority rankings, Planning Board report and status report of the existing program; review all related documents to support the capital program, such as the departments' operating budgets, Facility Asset Management reports and budget estimates; prepare written reports, as required; and provide Project Performance Measures report with each requisition submission.

I am advised that funding under the original agreement, which commenced on February 19, 2018 and will continue through December 31, 2018, is almost depleted. The Amendment will increase the not-to-exceed cap thereunder by an additional \$20,000.00, from an amount not-to-exceed \$30,000.00 to a new not-to-exceed amount of \$50,000.00, in order to have sufficient funds available to pay Mr. Butler for services to be rendered during the remaining term of the agreement.

As you are aware, Mr. Butler previously served as the County's Commissioner of Public Works & Transportation and has been an invaluable resource to the County for many years, providing tremendous insight on a variety of critical programs, including those listed above. Mr. Butler's experience and institutional knowledge with respect to these matters makes him a unique resource. This Amendment will enable the County to continue in its efforts to promote sound fiscal practice and will ensure that the County has the necessary expertise to effectively carry out its oversight function in connection with the completion of these and other matters.

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. Based upon the foregoing, it is proposed that the best interests

of the County would be served by exempting this Agreement from the procedures of the County's Procurement Policy.

A resolution to exempt this Amendment from procurement is hereby submitted for your consideration.

RESOLUTION

Upon a communication from the Deputy County Executive, 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 price quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with an amendment to an agreement with Ralph Butler, P.E. for consulting services relating to the County's capital program.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2018 - LISA MARIJAJ, SECRETARY