

67607

DATE February 4, 2019

TO: Board of Acquisition and Contract

FROM: Patricia A. O'Callaghan, Esq.
Acting Executive Director, Solid Waste Commission

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with Steven Sledzik, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing March 1, 2019 and continuing through February 28, 2020, in an amount not-to-exceed \$20,000.00.

Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy and Procedures (the "Procurement Policy") an agreement between the County of Westchester (the "County") and Steven Sledzik, Esq. for Mr. Sledzik to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing March 1, 2019 and continuing through February 28, 2020, in an amount not-to-exceed amount \$20,000.00, and payable pursuant to an approved budget.

Mr. Sledzik has led a distinguished legal career since he began practicing law in 1990, following his graduation from the Georgetown University School of Law. Mr. Sledzik is admitted to practice in the states of New York and Connecticut, as well as before the United States Court of Appeals for the Second Circuit and the United States District Courts for Connecticut and the Southern and Eastern Districts of New York. He has represented clients in complex matters in both State and Federal Courts, including cases involving issues of civil rights, employment discrimination, commercial litigation and contract disputes. He is currently an attorney at the law firm of Jones Morrison, LLP, which has offices in Westchester, New York City and Connecticut.

Mr. Sledzik has served as an arbitrator in a variety of employment disputes and administrative hearings, and currently serves as a hearing officer in Administrative hearings conducted by the Commission for matters involving violations of Chapter 826-a. of the Laws of Westchester County (the "Solid Waste and Recyclables Collection Licensing Law"). His current agreement will expire on February 28, 2019.

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, Mr. Sledzik already 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. Sledzik 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 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.

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 an Agreement with Steven Sledzik from the County Procurement Policy.

The exemption is in the County's best interest regarding public health and safety since Mr. Sledzik 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. Sledzik 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.

The exemption is also in the County's best interest regarding fiscal responsibility since Mr. Sledzik's experience as a Commission Hearing Officer enables him to efficiently conduct administrative hearings, thereby reducing County expenses through reduced time billings. Mr. Sledzik's continuation as a Commission Hearing Officer is additionally in the County's best interest regarding public safety and fiscal responsibility 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.

Accordingly, a resolution to exempt the procurement of agreements with the hearing officers set forth on the attached schedule is hereby submitted for your consideration.

PAO/jrc

RESOLUTION

Upon a communication from the Acting Executive Director of 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 in connection with the procurement of an agreement with Steven Sledzik, Esq., for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/20/2019 - USFARIJAJ, SECRETARY