

70361

DATE: June 25, 2019

TO: Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

SUBJECT: Resolution to exempt from compliance with the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with the law firm of Motley Rice LLC, pursuant to which it will serve in an “of counsel” capacity to the County Attorney, as needed, in connection with litigation concerning per-and polyfluoralkyl substances (PFAS) present on County lands.

Authority is hereby requested from your Honorable Board to exempt from compliance with the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with the law firm of Motley Rice LLC (“Motley Rice”), pursuant to which Motley Rice LLC will serve in an “of counsel” capacity to the County Attorney, as needed, in connection with litigation concerning per-and polyfluoralkyl substances present on County lands (the “Services”).

Procurement of such legal services would, normally, be conducted in accordance with Section 7 of the Westchester County Procurement Policy. However, the United States Judicial Panel on Multidistrict Litigation has transferred the action that the County filed in the United States District Court for the Southern District of New York (S.D.N.Y. 19-cv-4847) to the United States District Court for the District of South Carolina for consolidated pretrial proceedings (MDL No. 2873). Motley Rice is already serving as Plaintiffs’ Liaison Counsel in the multi-district litigation, and is eminently qualified and ready to provide the Services.

Therefore, based upon the foregoing, it is proposed that the best interests of the County would be served by exempting from compliance with the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with Motley Rice for the Services.

Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

JMN/bdm/nn

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, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the “County”) in connection with the procurement of an agreement with Motley Rice LLC (“Motley Rice”), pursuant to which Motley Rice will serve in an “of counsel” capacity to the County Attorney, as needed, in connection with litigation concerning per-and polyfluoralkyl substances present on County lands.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/27/2019
WESTCHESTER COUNTY SECRETARY