



Office of the District Attorney
County of Westchester

MEMORANDUM

72559

TO: HONORABLE MEMBERS
BOARD OF ACQUISITION AND CONTRACT

November 14, 2019

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 (i) ACCEPT A GRANT (PROJECT ID No. MV19-1021-R02) IN AN AMOUNT NOT TO EXCEED \$277,963 IN STATE FUNDS AND (ii) AND (ii) CONTRIBUTE \$457,681 IN COUNTY MATCHING FUNDS, PAYABLE PURSUANT TO AN APPROVED BUDGET, FOR THE DISTRICT ATTORNEY'S OFFICE TO OPERATE THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM FOR THE PERIOD FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2020; 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 AN AMOUNT NOT-TO-EXCEED \$30,000, FOR A TERM COMMENCING ON JANUARY 1, 2020 AND TERMINATING ON DECEMBER 31, 2020.

Authority is sought for the County of Westchester (the "County"), acting by and through its Office of the District Attorney (the "District Attorney's Office"), to enter into an agreement (the "Grant Agreement") with the State of New York, acting by and through the New York State Division of Criminal Justice Services ("DCJS") to (i) accept a grant (Project ID No. MV19-1021-R02) in an amount not to exceed \$277,963 in State Funds, pursuant to an approved budget, and (ii) contribute \$457,681 in matching funds, payable pursuant to an approved budget, for the District Attorney's Office to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period from January 1, 2020 through December 31, 2020.

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 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.

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 (the "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.

Authority is also sought to enter into an agreement (the "Consultant 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, 2020 and terminating on December 31, 2020 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-six (\$46.00) dollars per hour for 652 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, two and one half (2.5) 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.

With regard to the Consultant Agreement, the County has complied with the Westchester County Procurement Policy. On October 21st 2019, the District Attorney's Office issued a Request for Quotations (the "RFQ") 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 RFQ was posted on the County's RFP website. In addition, the District Attorney'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 RFQ directly to these entities. However, no such vendors were found. Despite these diligent efforts, only one (1) proposal was submitted. Since Susan Rigano's background and qualifications meet all of the requirements of the District Attorney's Office for this Program, she has been selected to perform these services for the County.

Accordingly, I respectfully recommend adoption of the attached resolution.

AAS/cmc

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through its Office of the District Attorney (the "District Attorney's Office"), is authorized to enter into an agreement (the "Grant Agreement") with the State of New York acting by and through the New York State Division of Criminal Justice Services to (i) accept a grant in an amount not to exceed \$277,963 in State Funds and (ii) contribute \$457,681 in matching funds towards the cost of the Program (as defined herein), payable pursuant to an approved budget, for the District Attorney's Office to operate the Motor Vehicle Theft and Insurance Fraud Prevention Program (the "Program") for the period from January 1, 2020 through December 31, 2020; and it is further

RESOLVED, that the County is further authorized to enter into an agreement (the "Consultant Agreement") with Susan M. Rigano to provide crime analysis consulting services for crimes related to auto theft and related insurance fraud claims for a term commencing on January 1, 2020 and terminating on December 31, 2020 for an amount not-to-exceed \$30,000, payable at the rate of \$46.00 per-hour inclusive of all expenses; 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 Consultant 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 the Consultant 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 the Consultant Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his/her 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	263V	9854	T-263	\$277,963
263	37	263V	9855	T-263	\$457,681
263	37	263V	4380	T-263	\$30,000

Budget Funding Year(s) 2020 Start Date 1/1/2020 End Date 12/31/2020
(must match resolution)

Funding Source Tax Dollars \$457,681
State Aid \$277,963
\$735,644 Federal Aid _____
(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 120519019 - JOAN COCCARDI, SECRETARY