

Office of the County Attorney

74269

January 29, 2020

To: The Honorable Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Authority for the County of Westchester (the "County") to amend a resolution which authorized a three-party agreement with the consulting firm of Goldin Associates, LLC ("Goldin") and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss") pursuant to which Goldin would provide consulting services to the County and Paul Weiss in connection with the bankruptcy matter *In re Standard Amusements LLC, No. 19-bk-23061 (Bankr. S.D.N.Y.)*, by changing the commencement date in the resolution from December 9, 2019 to November 19, 2019.

By resolution approved on December 19, 2019 (the "December 19th Resolution"), your Honorable Board authorized the County to enter into a three-party agreement with Goldin and Paul, Weiss (the "Agreement"), pursuant to which Goldin would provide financial advisory services and litigation support, including expert witness services in connection with the bankruptcy matter *In re Standard Amusements LLC, No. 19-bk-23061 (Bankr. S.D.N.Y.)*, for a term commencing on December 9, 2019 and continuing until 60 days following the last invoice issued or until terminated by any party on ten days' notice for any reason, for an amount not-to-exceed \$350,000.00, payable at approved rates. The Agreement was subsequently executed.

The commencement date set forth in the executed Agreement is November 19, 2019. However, due to an administrative oversight, the December 19th Resolution incorrectly authorized a commencement date of December 9, 2019. Recently, the Law Department received an invoice from Goldin for services rendered. Some of the services noted on the invoice were rendered in November, 2019. The Finance Department will not pay this invoice because the December 19th Resolution authorizes a commencement date of December 9, 2019. In order to reconcile the discrepancy between the December 19th Resolution and the Agreement, authority is respectfully requested to amend the December 19th Resolution for the limited purpose of changing the commencement date from December 9, 2019 to November 19, 2019.

Except as specifically amended hereby, all remaining terms and conditions set forth in the December 19th Resolution shall remain in full force and effect.

This Agreement will serve a public purpose by providing expert testimony and assisting Paul Weiss in connection with its representation of the County in the above referenced bankruptcy matter.

This Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)vii thereof which exempts “contracts for the services of expert witnesses for use in, or in anticipation of, an adjudicatory proceeding or litigation.”

Accordingly, your Honorable Board’s approval of the attached Resolution is most respectfully recommended.

JMN/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/30/2020 - ISAMIR/JA SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the resolution approved on December 19, 2019 (the “December 19th Resolution”), which authorized the County of Westchester (the “County”) to enter into a three-party agreement (the “Agreement”) with Goldin Associates, LLC (“Goldin”) and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”), pursuant to which Goldin would provide financial advisory services and litigation support, including expert witness services, in connection with the bankruptcy matter *In re Standard Amusements LLC, No. 19-bk-23061 (Bankr. S.D.N.Y.)* for a term commencing on December 9, 2019 and continuing until 60 days following the last invoice issued or until terminated by any party on ten days’ notice for any reason, for an amount not-to-exceed \$350,000.00, payable at approved rates, is hereby amended by changing the commencement date of the Agreement as set forth in the December 19th Resolution, from December 9, 2019 to November 19, 2019; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the December 19th Resolution shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	18	1000	4923		N/A

Budget Funding Year(s) 2019-2021 Start Date: 11/19/19 End Date: 60 days following last invoice
 (must match resolution)

Funding Source: Tax Dollars N/A
 State Aid _____
 Federal Aid _____
 Other _____