

76407

April 29, 2020

To: Honorable Members of the Board of Acquisition & Contract

From: George Latimer
County Executive

Re: Resolution to amend a resolution dated February 13, 2020 (“First Amendment Exemption Resolution”) which exempted from the requirements of the Westchester County Procurement Policy and Procedures (“Procurement Policy”) pursuant to Section 3(a)(xxi) thereof, the procurement of a first amendment to an agreement (“Agreement”) with Permut Consulting, LLC (“Permut”) pursuant to which Permut would provide additional advisory services in connection with Westchester County (“County”) capital projects for a term from October 1, 2019 through September 30, 2020 for an additional \$75,000.00, for a revised total amount not to exceed \$150,000.00 payable monthly at the rate of \$400.00 per hour by amending the terms of the First Amendment Exemption Resolution extend the end date of the authorization to June 30, 2021.

Authority is hereby requested from your Honorable Board to revise the First Amendment Exemption Resolution to reflect a new, amended end date of June 30, 2021.

By way of background, by resolution dated November 14, 2019, your Honorable Board authorized the County to enter the Agreement and the Agreement was executed thereafter. After conducting a number of interviews, reviewing a wide range of documents and developing an initial understanding of the County’s existing capital planning and implementation processes, Permut has met with the County and provided a preliminary oral report. In light of the complexity of the County’s processes, the County now seeks to modify the original scope of services of the Agreement to include additional steps, including confirming the need to investigate and compare analogous processes used by comparable government entities and the preparation of interim written reports. The resulting need for Permut to undertake additional efforts, requires a modification of the original scope of services and an increase in the not-to-exceed amount of the Agreement.

A First Amendment to the Agreement was authorized by resolutions of your Honorable Board’s First Amendment Exemption Resolution dated February 13, 2020, including a resolution exempting from the requirements of the County Procurement Policy

pursuant to Section 3(a)(xxi) thereof the procurement of additional consulting services by a first amendment to an agreement with Permut, with Robert Bergen as an approved sub-consultant, pursuant to which Permut will provide additional advisory services in connection with County capital projects for a term from October 1, 2019 through September 30, 2020 for an additional \$75,000.00, for a revised total amount not to exceed \$150,000.00 payable monthly at a rate of \$400.00 per hour. The First Amendment has not been executed. Now, it has been determined that, among other proposed changes, the term of the Agreement must be extended to a new termination date of June 30, 2021. Accordingly, a revisions to end date of the Agreement previously specified in the First Exemption Amendment Resolution is hereby respectfully requested.

Permut's long term, direct experience and knowledge with respect to these matters makes it a unique resource. This contract will enable the County to improve its fiscal practices and the efficiency of its procedures. It will ensure that the County has the necessary expertise in connection with these matters.

Pursuant to Section 3(a)(xxi) of the Procurement Policy, the Procurement Policy is not applicable to any procurement for which your Honorable Board determines, by Resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. For the reasons set forth above, it is proposed that the County's interest would be served by exempting the procurement of this Agreement from the County Procurement Policy. A Resolution to exempt the procurement of this amendment to the Agreement with Permut for additional services and to increase the contract not-to-exceed amount is submitted for your consideration.

As I believe this Agreement to be in the best interest of the County, I most respectfully recommend and urge the adoption of the annexed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/27/2020 - LG/MP/BJ/EC/FE/MA

RESOLUTION

Upon a communication from the County Executive, be it hereby:

RESOLVED, that a resolution dated February 13, 2020 which determined, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, 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 interest of the County of Westchester ("County") in connection with the procurement of additional services by a first amendment to an agreement with Permut Consulting, LLC ("Permut"), utilizing Robert Bergen as an approved sub-consultant, pursuant to which Permut provides advisory services in connection with the County's capital projects, for a term from October 1, 2019 through September 30, 2020 for an additional \$75,000.00, for a revised total amount not to exceed \$150,000.00, payable monthly at the rate of \$400.00 per hour, is hereby amended to reflect a revised termination date of June 30, 2021.

APPROVED BOARD OF ACQUISITION CONTRACT - 05/07/2020 - LISA WRIJN, SECRETARY