



Benjamin Boykin II
Chairman,
Westchester County
Board of Legislators

ID #80002

Date: October 5, 2020

To: Board of Acquisition and Contract

From: Hon. Benjamin Boykin II, Chairman
Westchester County Board of Legislators

Re: Authority to enter into an agreement with PKF O'Connor Davies, LLP, pursuant to which it will provide the Board of Legislators with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget.

Authority is requested for the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), to enter into an agreement (the "Agreement") with PKF O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies will provide the Board with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget, for a term from November 10, 2020 through November 9, 2021 (the "Initial Term"), for a flat fee of \$156,000.00 for the Initial Term, with the County having the sole option to extend the term of the Agreement for up to two (2) additional one (1) year periods (each an "Option Term"), for a flat fee of \$158,000.00 for the first Option Term and a flat fee of \$160,000.00 for the second Option Term. Under the Agreement, during the Initial Term and any Option Term, O'Connor Davies shall be paid seventy-five percent (75%) of that term's flat fee upon completion of that year's field work and be paid twenty-five percent (25%) of that term's flat fee upon submission of that year's final report to the Board of Legislators and a presentation to the Board's Budget and Appropriations Committee regarding the final report.

In accordance with Section 7 of the Westchester County Procurement Policy, the Board issued a request for qualifications and sent a request to each of the following eleven (11) prospective vendors:

- 1.) Albrecht, Viggiano, Zureck & Company, P.C.
- 2.) Baker Tilly US, LLP
- 3.) Center for Governmental Research Inc.
- 4.) Citrin Cooperman & Company, LLP
- 5.) D'Arcangelo & Co., LLP
- 6.) Drescher & Malecki, LLP
- 7.) EFPR Group, LLP
- 8.) O'Connor Davies
- 9.) RBT CPAs, LLP
- 10.) RSM US LLP
- 11.) UHY LLP

In response, the County received a submission from each of two (2) vendors:

- 1.) O'Connor Davies
- 2.) Center for Governmental Research Inc.

Based on its review of the statement of qualifications that was received, a three-person committee of the Board and its staff determined that it was satisfied that it was most advantageous to the County to enter into an agreement with O'Connor Davies for the required services, as O'Connor Davies is a local firm and will do on-site work (to the extent feasible and appropriate, given restrictions associated with COVID-19); has a significant number of employees to perform the necessary work; has a quality work plan; and is familiar with the County budget because it has been a County auditor for more than forty years.

The proposed Agreement will serve a public purpose by assisting the Board in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget.

The goal and objective of the proposed Agreement is to provide the Board with assistance in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as it will provide the Board with assistance in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget and thereby enable the Board to make prudent and informed decisions regarding the County budget.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Board.

I respectfully recommend the adoption of the attached resolution.

BB/GC/bdm/nn

RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), is authorized to enter into an agreement (the "Agreement") with PKF O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies will provide the Board with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget, for a term from November 10, 2020 through November 9, 2021 (the "Initial Term"), for a flat fee of \$156,000.00 for the Initial Term, with the County having the sole option to extend the term of the Agreement for up to two (2) additional one (1) year periods (each an "Option Term"), for a flat fee of \$158,000.00 for the first Option Term and a flat fee of \$160,000.00 for the second Option Term (the "Agreement"); and be it further

RESOLVED, that under the Agreement, during the Initial Term and any Option Term, O'Connor Davies shall be paid seventy-five percent (75%) of that term's flat fee upon completion of that year's field work and be paid twenty-five percent (25%) of that term's flat fee upon submission of that year's final report to the Board of Legislators and a presentation to the Board's Budget and Appropriations Committee regarding the final report; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the 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 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 Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the contractor, then the contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Year	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2020	101	10	1000	4380		\$156,000.00

Budget Funding Year(s): 2020
(must match resolution)

Start Date: 11/10/20

End Date: 11/9/21

Funding Source

\$156,000.00
(must match resolution)

Tax Dollars:

\$156,000.00

State Aid:

Federal Aid:

Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/15/2020 - LISA MARIJA SECRETARY