

**Office of the County Attorney**

Date: March 30, 2010

To: Honorable Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an Agreement with Bargaining Associates LLC for the Provision of Consultant Services in Connection with Labor Negotiations and Related Matters, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.**

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a short-form contract with Bargaining Associates LLC for the provision of consulting services in connection with labor negotiations and related on-going contractual matters and to assist in the period of transition allowing Vincent Toomey to take over as the County's labor negotiator for a term commencing on January 1, 2010 and terminating on December 31, 2011 for an amount not to exceed Ten Thousand Dollars (\$10,000.00) payable upon completion of the work.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. Your Honorable Board is the only entity authorized to grant such exemptions, even for short-form contracts. Michael Wittenberg, a principal of Bargaining Associates LLC and retired Director of Labor Relations for the County, has assisted the County in negotiating to conclusion several contracts with County unions in the past ten (10) years. On February 25, 2010, this Honorable Board approved a resolution for the County to enter into an agreement with Vincent Toomey to take over as the County's labor negotiator. As such, Michael Wittenberg's experience and familiarity with County labor practices and procedures makes him appropriate to provide transitional assistance to Vincent Toomey with related contractual matters, including grievances and labor-management committee meetings.

Given Mr. Wittenberg's past experience and knowledge in County labor matters, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

This Agreement will serve a public purpose by ensuring that the County's interests are adequately represented during contract negotiations with its various labor unions.

The goals and objectives of this Agreement are to provide professional consultation to the County to assist it in its contract negotiations with its various labor unions and related matters.

The goals and objectives are in the best interest of the County in terms of fiscal responsibility because the consultant's experience may assist the County in negotiating contracts with its labor unions that may be more favorable to County taxpayers.

The goals and objectives are in the best interests of the County in terms of safety, security health and the environment because successful labor negotiations will help to avoid labor unrest that might compromise the effective delivery of services that provide these things to County residents.

The goals and objectives will be tracked and monitored through regular consultation with the consultant as well as through written progress reports and recommendations made by the consultant.

If this resolution were not approved, the County would not have access to Mr. Wittenberg's services.

Accordingly, a resolution to exempt the procurement with Bargaining Associates LLC is hereby submitted for your consideration.

RFM/EOS/ml  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-15-2010 - JOMAR VIEIRA, SECRETARY

## **RESOLUTION**

Upon a communication from County Attorney, be it hereby:

**RESOLVED**, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, 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 in connection with the procurement of an agreement for consultant services in connection with labor negotiations and related matters with Bargaining Associates LLC.

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-15-2010 - JOMARY VIEIRA SECRETARY