

85371

Date: May 28, 2021
To: Board of Acquisition and Contract
From: John M. Nonna
County Attorney
Re: Resolution to exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof, the procurement of an agreement with the Wicks Group, PLLC for the provision of “of counsel” legal services to the County Attorney in connection with various legal issues affecting the Westchester County Airport.

Authority is hereby requested from your Honorable Board to exempt the procurement of an agreement with the Wicks Group, PLLC (the “Wicks Group”) from the Westchester County Procurement Policy and Procedures (“Procurement Policy”) pursuant to Section 3(a)xxi thereof. Pursuant to the terms of the proposed agreement, the Wicks Group will provide outside counsel services in connection with various legal issues relating to the Westchester County Airport (the “Airport”). The term of the agreement will commence retroactive to January 1, 2021 and continue through December 31, 2021. In consideration for services rendered, the County will pay the Wicks Group at the hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of \$100,000.00.

Ordinarily, under Section 7 of the Procurement Policy, the County is required to solicit quotations, statements or other information regarding their experience, qualifications and capability to perform the proposed services from no fewer than three persons customarily performing such services. However, your Honorable Board initially authorized the County to enter into an agreement with the Wicks Group, PLLC back in 2011 after a nationwide competitive proposal process to identify a source of counsel in the specialized fields of airport law and administrative practice before the Federal Aviation Administration (“FAA”). The Firm was chosen both on the basis of their outstanding qualifications and their fee structure, which was substantially below those of other firms practicing in the same field. Since that time, your Honorable Board has authorized a series of annual renewals to the Wicks Group’s contract. Over the course of the last the ten years, the Wicks Group has cultivated a unique understanding of the various legal issues affecting the Airport, including the County’s Terminal Use Procedures, the Terminal Use Agreement and Airport Tenant Agreements within the regulatory environment, as well as developments in Airport Law. This contract will allow the County to continue to avail itself of the firm’s expertise in Airport law and its familiarity with the unique legal problems affecting the Airport.

Pursuant to Section 3 (a) (xxi) of the Procurement Policy, where this Honorable Board determines by resolution passed prior to the commencement of procurement that compliance with the Procurement Policy would not be in the best interests of the County, the requirements of the Procurement Policy may be waived. For the reasons set forth above, 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.

Your Honorable Board's approval of the annexed resolution is respectfully requested.

JMN/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/24/2021 - LISA MARIJAS, SECRETARY

RESOLUTION

Upon a communication from the Executive Director of the Westchester County Human Rights Commission, be it hereby

RESOLVED, that pursuant to Section 3 (a) (xxi) of the Westchester County Procurement Policy and Procedures, it is determined that application of the procedural requirements contained therein, including the necessity of soliciting quotations, is neither cost effective nor expedient and accordingly not in the best interests of the County of Westchester (“County”) in connection with the procurement of an agreement with the Wicks Group, PLLC for the provision of “of counsel” legal services to the County Attorney in connection with various legal issues affecting the Westchester County Airport.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/28/2021 - LISA MARIJAJ, SECRETARY