

Office of the County Attorney

86639

Date: July 30, 2021

To: Honorable Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: **Resolution to exempt from the application of the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof the procurement of an amendment to an Agreement with Vincent Toomey for the Provision of Consulting Services in Connection with Labor Negotiations and Related Matters.**

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures the procurement of an amendment to an agreement between the County of Westchester ("County") and Vincent Toomey for the provision of consulting services in connection with labor negotiations and related on-going contractual matters, including, but not limited to, arbitrations, grievances, unfair labor practices, improper practice charges and labor-management committee meetings for term commencing on March 1, 2020 and terminating on February 28, 2022. The amendment will increase the not-to-exceed cap by \$204,000, from \$204,000 to \$408,000 and will specify that the annual not-to-exceed amount will be capped at \$204,000, payable in an amount not-to-exceed \$51,000 per quarter.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a Request for Proposals (RFP) for such services. However, Mr. Toomey has extensive experience and expertise in labor negotiations, particularly with municipalities. Mr. Toomey has been engaged exclusively in the practice of labor and employment law since 1985 and has successfully negotiated hundreds of collective bargaining agreements on behalf of his clients. Mr. Toomey serves as lead negotiator in collective bargaining for many communities in Westchester, Nassau and Suffolk counties. He has represented his public sector clients in practically every type of labor dispute including discrimination actions under federal and state statutes, proceedings before the Public Employment Relations Board and labor arbitrations including interest arbitration proceedings. Mr. Toomey has been providing labor consulting services for the County since 2010. Mr. Toomey has negotiated on behalf of the County, agreements with the Teamsters, COBA, SOA and NYSNA which have been ratified by the respective unions.

Mr. Toomey has also litigated a number of precedent setting cases, including several before the New York State Court of Appeals, including Town of Southampton v. PERB, which is a leading case on interest arbitration and collective bargaining. He has also testified as an expert witness on labor and employment law matters and has been cited as an expert on labor and employment law by various publications including Newsday. Mr. Toomey has lectured extensively before municipal and bar association groups on labor and employment law and collective bargaining and has earned Martindale Hubbell's highest rating for legal ability and ethics.

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

Accordingly, a resolution to exempt the procurement with Vincent Toomey is hereby submitted for your consideration.

JMN/JPG  
Attachment

## **RESOLUTION**

Upon a communication from the 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 of Westchester in connection with the procurement of an amendment to an agreement with Vincent Toomey for consultant services in connection with labor negotiations and related matters, which amendment will increase the not-to-exceed amount from \$204,000 to \$408,000.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 08/05/2021 - JUAN COCCIARDI, SECRETARY