

ONBASE 86960

Date: November 29, 2021
To: Board of Acquisition and Contract
From: Tejash V. Sanchala
Executive Director
Re: Resolution to exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof, the procurement of an agreement with James L. Hyer, to preside as an Administrative Law Judge over hearings regarding unlawful discriminatory practices pursuant to the provisions of Chapter 700 of the Laws of Westchester County and applicable Rules and Regulations.

Authority is hereby requested from your Honorable Board to exempt the procurement of an agreement (“Agreement”) with James L. Hyer from the Westchester County Procurement Policy and Procedures (“Procurement Policy”). Pursuant to the terms of the proposed Agreement, Mr. Hyer will preside as an Administrative Law Judge over hearings regarding unlawful discriminatory practices, pursuant to the provisions of Chapter 700 of the Laws of Westchester County and applicable Rules and Regulations. The term of the proposed Agreement is to commence retroactively on July 1, 2020 and terminate on April 1, 2021. In consideration for the services rendered, the County will pay Mr. Hyer at the rate of \$125.00 per hour, for an amount not-to-exceed \$4,000.00, payable as invoiced. The aforementioned hourly rate has been paid by the County in the past for these type of services.

Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit oral or written quotations from no fewer than three persons customarily providing such services, and, if deemed appropriate, to inquire as to the qualifications and experience of such persons. However, Mr. Hyer has worked as an Administrative Law Judge for the Westchester County Human Rights Commission in the past.

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.

TVS/cmc
Attachment

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 oral or written price 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 James L. Hyer to preside as an Administrative Law Judge for the Westchester County Human Rights Commission in hearings concerning unlawful discriminatory practices.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/02/2021 - RAMOND CECULKY, SECRETARY