

ONBASE #89317

To: Honorable Members
Board of Acquisition and Contract

From: Mary Jennings Mahon
Commissioner of Human Resources

Date: November 29, 2021

Re: RESOLUTION TO EXEMPT FROM THE WESTCHESTER COUNTY PROCUREMENT POLICY AND PROCEDURES, PURSUANT TO SECTION 3(A)XXI THEREOF, THE PROCUREMENT OF AN AGREEMENT WITH ILAN D. GILBERT, TO PROVIDE SERVICES AS A HEARING OFFICER TO HANDLE EQUAL EMPLOYMENT OPPORTUNITY AND HUMAN RIGHTS CLAIMS, FOR A TERM FROM DECEMBER 1, 2021 THROUGH NOVEMBER 30, 2022, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$75,000.00, PAYABLE AT THE STATED CONTRACT RATES.

By Resolution submitted concurrently herewith, the County of Westchester ("County"), acting by and through its Department of Human Resources, Office of Equal Employment Opportunity and Affirmative Action (the "Department") seeks authorization to enter into an agreement ("Agreement") with Ilan D. Gilbert to provide services as a Hearing Officer ("Hearing Officer"), to handle appeals in connection with Equal Employment Opportunity and Human Rights claims, for the term from December 1, 2021 through November 30, 2022, for a total aggregate not-to-exceed amount of \$75,000 payable at the stated contract rates. The Department shall pay the Hearing Officer a per diem fee calculated at the rate of \$125 per hour, not-to-exceed \$750 in any one day and \$50 for each Report of Findings issued.

Authority is hereby requested from your Honorable Board to exempt the procurement of the Agreement from the Westchester County Procurement Policy and Procedures ("Westchester County Procurement Policy"), pursuant to Section 3(a)xxi thereof.

Ordinarily, under Section 6(a) of the Westchester County Procurement Policy, the County is required to solicit proposals through a request for proposals. However, Mr. Gilbert has worked as a hearing officer for the Westchester County Department of Environmental Facilities and the Department of Health in the past in a satisfactory manner.

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

MJM/cmc

RESOLUTION

Upon a communication from the Commissioner of Human Resources, 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 (the "County") in connection with the procurement of an agreement with Ilan D. Gilbert to provide services as a Hearing Officer to handle appeals in connection with Equal Employment Opportunity and Human Rights claims, for a term from December 1, 2021 through November 30, 2022.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/16/2021 - RAYMOND COUNTY, SECRETARY