



Westchester Community College

State University of New York

ON BASE ID:91021

February 14, 2022

To: Board of Acquisition and Contract

From: Belinda S. Miles
President
Westchester Community College

Re: Resolution to exempt from the Westchester County Procurement Policy & Procedures, pursuant to Sec. 3(a)xxi thereof, the procurement of an agreement with Bargaining Associates, LLC for the provision of consultant services in connection with labor negotiations and related matters

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures (the "Policy"), pursuant to Sec. 3(a)xxi thereof, the procurement of an agreement between the County of Westchester ("County"), acting by and through Westchester Community College (the "College"), and Bargaining Associates, LLC 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 a term commencing September 1, 2020 and continuing through August 31, 2022 for an amount not to exceed \$156,000 payable at an hourly rate of \$200 pursuant to an approved budget.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a Request for Proposals for such services. However, Michael Wittenberg, one of the principals of Bargaining Associates and former Director of Labor Relations for the County, was, prior to his retirement, responsible for negotiating the County's contracts with its various labor unions. Because of Mr. Wittenberg's ongoing relationship with the College and County he is uniquely qualified. He has the institutional memory and relationship with County and union officials which are expected to expedite and facilitate negotiations. Given Mr. Wittenberg's vast experience and familiarity with County labor practices and procedures, it would be in the best interest of the County for his firm to provide consulting services to Westchester Community College in connection with labor negotiations and related matters. The most recent agreement with Bargaining Associates expired on August 31, 2020. Nevertheless, Bargaining Associates has continued to provide services to the College since then.

Pursuant to Section 3(a)xxi thereof, the Policy is not applicable to any procurement for which this Board determines, by resolution passed prior to commencing such procurement, that compliance with the Policy would not be in the best interest of the County. 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 Policy.

Accordingly, a Resolution to exempt the procurement of an agreement with Bargaining Associates, LLC is hereby submitted for your Honorable Board's consideration.

BSM/SG/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the President of Westchester Community College, 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 through the issuance of a request for proposals, is neither cost effective nor expedient, and accordingly, not in the best interest of the County of Westchester in connection with the procurement of an agreement with Bargaining Associates LLC for the provision of consulting services in connection with labor negotiations and related matters for Westchester Community College.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND S. J. SECRETARY