

Office of the County Attorney

94316

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: June 27, 2022

RE: Authorize the County of Westchester to enter into a second amendment to an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the provision of, *inter alia*, administering the County's 18-B Assigned Counsel Plan, in order to extend the termination date from June 30, 2022 to August 31, 2022, in an amount not to exceed \$146,000 payable in advance, in monthly installments not to exceed \$73,000, pursuant to an approved budget.

On January 20, 2022, your Honorable Board authorized the County of Westchester ("County") to enter into an agreement with The Legal Aid Society of Westchester County (the "Legal Aid Society") and the Westchester County Bar Association in which the Legal Aid Society agreed, *inter alia*, to administer the County's 18-B assigned counsel plan for a term commencing January 1, 2022 and continuing through April 30, 2022, in an amount not to exceed \$292,000, payable in advance, in monthly installments of \$73,000, pursuant to an approved budget, with the County having the option to extend the termination date upon thirty (30) days' notice ("Agreement"). The Agreement was subsequently executed.

On March 24, 2022, your Honorable Board authorized the County to enter into a first amendment to the Agreement to extend the termination date from April 30, 2022 to June 30, 2022 ("First Amendment") for the provision of administering the County's 18-B assigned counsel plan, in an amount not to exceed \$146,000, payable in advance, in monthly installments not to exceed \$73,000, pursuant to an approved budget. The First Amendment was subsequently executed.

As your Honorable Board is aware, it had been anticipated that the new County Assigned Counsel Office (the "Office") would be operational by June 30, 2022. It is now projected that the Office will be operational on or before August 31, 2022.

Accordingly, authority is being requested for the County to enter into a second amendment to the Agreement in order to extend the termination date from June 30, 2022 to August 31, 2022 (the "Second Amendment"), in an amount not to exceed \$146,000, payable in advance, in monthly installments not to exceed \$73,000, pursuant to an approved budget. Further, the County shall have the option, in its sole discretion, to terminate the Agreement upon fourteen (14) days' notice.

This Second Amendment will serve a public purpose in that it will ensure that the administration of the County's 18-B Assigned Counsel Plan will continue uninterrupted until the new Office is operational. The goals and objectives are to ensure that indigent legal services are provided during the transition to the new Office.

This Second Amendment is exempt from the Westchester County Procurement Policy and Procedures pursuant to Sections 3(a)xi and 3(a)xiv thereto.

All of the terms and conditions of the Agreement shall remain in full force and effect except as modified herein.

Approval of the attached resolution is respectfully requested.

JMN/LAC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/10/2022 - RAYMOND J. GUILKY, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester (the "County") is authorized to enter into a second amendment to an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the provision of, *inter alia*, administering the County's 18-B Assigned Counsel Plan, (the "Agreement"), in order to extend the termination date from June 30, 2022 to August 31, 2022, in an amount not to exceed \$146,000, payable in advance, in monthly installments not to exceed \$73,000, pursuant to an approved budget (the "Second Amendment"), with the County having the option, in its sole discretion, to terminate the Agreement upon fourteen (14) days' notice; and be it further

RESOLVED, that all of the terms and conditions of the Agreement, as amended, shall remain in full force and effect except as amended herein; and be it further

RESOLVED, that the Second Amendment is subject to County appropriations; and be it further

RESOLVED, that the Second Amendment is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Second Amendment. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Second Amendment or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Second Amendment upon reasonable prior written notice, and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is empowered to execute all documents necessary to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	52	2085	5100		\$146,000

Budget Funding Year(s) 2022 Start Date 1/1/22 End Date 8/31/22

(must match resolution) \$146,000

Funding Source Tax Dollars \$146,000 State Aid Federal Aid