



Catherine Borgia, Chairwoman,
Westchester County
Board of Legislators

ID #95635

Date: August 18, 2022

To: Board of Acquisition and Contract

From: Hon. Catherine Borgia, Chairwoman
Westchester County Board of Legislators

Re: Authority for the County to exercise its second option under an agreement with PKF O'Connor Davies, LLP, pursuant to which it was to provide the Board of Legislators with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget, for an amount not to exceed \$160,000.00.

By a resolution approved on October 15, 2020, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), to enter into an agreement with PKF O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies was to provide the Board with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget, for a term from November 10, 2020 through November 9, 2021 (the "Initial Term"), for a flat fee of \$156,000.00 for the Initial Term, with the County having the sole option to extend the term of the agreement for up to two (2) additional one (1) year periods (each an "Option Term"), for a flat fee of \$158,000.00 for the first Option Term and a flat fee of \$160,000.00 for the second Option Term, and otherwise on the same terms and conditions for each Option Term as for the Initial Term (the "Original Agreement"). Under the Original Agreement, during the Initial Term and any Option Term, O'Connor Davies would be paid seventy-five percent (75%) of that term's flat fee upon completion of that year's field work and be paid twenty-five percent (25%) of that term's flat fee upon submission of that year's final report to the Board of Legislators and a presentation to the Board's Budget and Appropriations Committee regarding the final report. The Original Agreement was subsequently executed.

By a resolution approved on November 4, 2021, your Honorable Board authorized the County to exercise its first option under the Original Agreement and, accordingly, amend the agreement in order to, 1.) extend its term by one (1) year, to a new termination date of November 9, 2022, 2.) increase its not-to-exceed amount by \$158,000.00, to a new amount not-to-exceed \$314,000.00, to pay for services during the first Option Term, and 3.) reflect the fact that the County would have one (1) option remaining (the "First Amendment"). The First Amendment was subsequently executed.

The Board continues to require the services that have been provided by O'Connor Davies under the Original Agreement, as amended by the First Amendment (the "Agreement"). Therefore, the County respectfully requests authority from your Honorable Board for the County to exercise its second option under the Agreement and, accordingly, amend the Agreement in order to, 1.) extend its term by one (1) year, to a new termination date of November 9, 2023, 2.) increase its not-to-exceed amount by \$160,000.00, to a new total amount not-to-exceed \$474,000.00, to pay for services during the second Option Term, and 3.) reflect the fact that the County will not have any options remaining (the "Second Amendment").

Except as specifically described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Second Amendment will serve a public purpose by continuing to provide the Board with assistance in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget.

The goal and objective of the proposed Second Amendment is to continue to provide the Board with assistance in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of fiscal responsibility, as it will continue to provide the Board with assistance in reviewing and analyzing the proposed County operating budget and the proposed County special districts budget and thereby enable the Board to make prudent and informed decisions regarding the County budget.

The goal and objective of the proposed Second Amendment will be tracked and monitored by the staff of the Board.

I respectfully recommend the adoption of the attached resolution.

CB/GC/bdm/nn

RESOLUTION

Upon a communication from the Chairwoman of the Westchester County Board of Legislators, be it hereby:

RESOLVED, that the County of Westchester (the "County"), acting by and through its Board of Legislators (the "Board"), is hereby authorized to exercise its second option under an agreement with PKF O'Connor Davies, LLP ("O'Connor Davies"), pursuant to which O'Connor Davies was to provide the Board with an analytical review of, and preliminary findings and recommendations on, and then a final report with findings and recommendations on, the proposed County operating budget and the proposed County special districts budget, for a term from November 10, 2020 through November 9, 2022, for a total amount not-to-exceed \$314,000.00, with the County having the sole option to further extend the term of the agreement for one (1) additional one (1) year period (the "Second Option Term"), for a flat fee of \$160,000.00 for the Second Option Term, and otherwise on the same terms and conditions as the initial term and first option term of the agreement, (the "Agreement") and therefore amend the Agreement in order to, 1.) extend its term by one (1) year, to a new termination date of November 9, 2023, 2.) increase its not-to-exceed amount by \$160,000.00, to a new total amount not-to-exceed \$474,000.00, to pay for services during the Second Option Term, and 3.) reflect the fact that the County will not have any options remaining; and be it further

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

RESOLVED, that the Chairwoman of the Westchester County Board of Legislators, or her authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/15/2022

Account to be
Charged/Credited

Year	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2022	101	10	1000	4380		\$160,000.00

Budget Funding Year(s): 2022
(must match resolution)

Start Date: 11/10/22 End Date: 11/9/23

Funding Source

\$160,000.00
(must match resolution)

Tax Dollars: **\$160,000.00**
State Aid: _____
Federal Aid: _____
Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/15/2022 - RAYMOND SCULLY, SECRETARY