

110848

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: April 2, 2025

RE: Authority to enter into a first amendment to an agreement with The Legal Aid Society of Westchester County for the period 1/1/23 through 12/31/23 in order to retroactively increase the not to exceed amount payable pursuant to section 7(b) of the agreement from an amount not to exceed \$2,200,000 to an amount not to exceed \$2,585,667.40 thereby increasing the aggregate not to exceed amount of the agreement from an amount not to exceed \$16,869,040.00 to \$17,254,707.40

On January 26, 2023 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") in an amount not to exceed \$14,669,040.00 for the provision of mandated legal services for indigent persons and an amount not to exceed \$2,200,000.00 for services to be provided in accordance with grant agreements with the New York State Office of Indigent Legal Services ("NYS ILS") for a term commencing retroactively on January 1, 2023 through December 31, 2023, for a total aggregate amount of the agreement not to exceed \$16,869,040.00 ("Agreement"). The Agreement was subsequently executed.

The LASWC provided additional services during the term of the Agreement in accordance with section 7(b) of the Agreement for services provided pursuant to grant agreements with NYS ILS in an amount not to exceed \$385,667.40. Therefore, authority is being requested for the County to retroactively enter into a first amendment to the Agreement in order to increase the not to exceed amount contained in section 7(b) of the Agreement from \$2,200,000.00 to \$2,585,667.40 thereby increasing the aggregate not to exceed amount of the Agreement from \$16,869,040.00 to \$17,254,707.40 (the "First Amendment").

This First Amendment will serve a public purpose in that it will enable the County to improve mandated legal services for indigent persons in accordance with the grant

agreements with NYS ILS. The goals and objectives are to ensure that effective and improved counsel is provided in a cost efficient manner.

This First Amendment is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xi 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 - 04/17/2025 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester (the "County") is authorized to retroactively enter into a first amendment to an agreement with The Legal Aid Society of Westchester County commencing on January 1, 2023 through December 31, 2023 in order to increase the not to exceed amount contained in section 7(b) of the Agreement from \$2,200,000.00 to \$2,585,667.40 for services rendered in accordance with grant agreements listed in the Agreement with New York State Office of Indigent Legal Services, thereby increasing the aggregate not to exceed amount of the Agreement from \$16,869,040.00 to \$17,254,707.40 (the "First Amendment"); and be it further

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

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

RESOLVED, that the First 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 First 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 First 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 First 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		\$385,667.40

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Budget Funding Year(s) 2023 Start Date 1/1/23 End Date 12/31/2023

(must match resolution) \$385,667.40

Funding Source Tax Dollars \$ _____ State Aid \$385,667.40 Federal Aid _____