



Memorandum
Department of Environmental Facilities

Kenneth W. Jenkins
County Executive

Vincent Kopicki, P.E.
Commissioner

112482

TO: Honorable Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

DATE: November 17, 2025

RE: Resolution to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)xxi thereof, an agreement with Frederick M. Sullivan, Esq., for the provision of administrative hearing officer services on behalf of the Department of Environmental Facilities, Wastewater & Water Division, for a term commencing December 1, 2025 and continuing through November 30, 2028, in a total aggregate amount not-to-exceed \$35,000.00.

The attached resolution, if approved by your Honorable Board, will authorize the County of Westchester (the "County"), acting by and on behalf of the Department of Environmental Facilities (the "Department"), to exempt from the application of the Westchester County Procurement Policy (the "Procurement Policy") pursuant to Section 3(a)xxi thereof, the procurement of an agreement (the "Agreement") between the County and Frederick M. Sullivan, Esq., pursuant to which Attorney Sullivan will provide administrative hearing officer services to the Department, Wastewater & Water Division (the "DEF-WW"), for a term commencing December 1, 2025, and continuing through November 30, 2028, in an amount not-to-exceed amount \$35,000.00, payable pursuant to an approved budget.

Ordinarily, under Section 7(a) of the Procurement Policy, the County is required to solicit quotations, statements or other information from no fewer than three (3) persons customarily providing such services. However, Attorney Sullivan is the former Deputy County Attorney of the Litigation Bureau. As such, he is familiar with the Sewer Act and the issues that arise in connection therewith, including violations and the legal process to remedy those violations. Additionally, he has experience prosecuting administrative hearings on behalf of the County, writing decisions as a former federal judicial clerk, and currently works as a hearing officer for various municipalities.

His knowledge and experience enables Attorney Sullivan to conduct hearings and to render recommendation reports with great competency and nuanced insight.

Pursuant to Section 3(a)xxi, the Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is in the best interest of the County to retain qualified, competent legal counsel based upon experience as the key factor in selection and as such, it is proposed that the best interests of the County would be served by exempting the procurement of an Agreement with Frederick M. Sullivan from the Procurement Policy.

Accordingly, a resolution to exempt the procurement of an agreement with the hearing officer for the enforcement of the County Environmental Facilities Sewer Act, as annexed hereto, is hereby submitted for your consideration.

VFK/sma

RESOLUTION

Upon a communication from Commissioner of the Department of Environmental Facilities, 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 quotations, is neither cost effective nor expedient, and accordingly not in the best interests of the County of Westchester in connection with the procurement of an agreement with Frederick M. Sullivan, Esq. for the provision of administrative hearing officer services on behalf of the County of Westchester Department of Environmental Facilities Wastewater & Water Division.

RESOLUTION

Upon a communication from Commissioner of the Department of Environmental Facilities, and upon the exemption of the procedural requirements of Section 3(a)(xxi) of the Westchester County Procurement Policy as previously determined by this Board, be it hereby:

RESOLVED, that it is hereby determined it is in the best interests of the County of Westchester to procure an agreement with Frederick M. Sullivan, Esq. for the provision of administrative hearing officer services on behalf of the County of Westchester Department of Environmental Facilities Wastewater & Water Division for a term commencing December 1, 2025, and continuing through November 30, 2028, in an amount not-to-exceed amount \$35,000.00, and payable pursuant to an approved budget. The Westchester Department of Environmental Facilities Wastewater & Water Division is granted authority to negotiate such terms and enter such agreements as necessary to effectuate this Resolution.