



**Memorandum
Office of the County Attorney**

109725

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: September 3, 2024

RE: Authority for the County of Westchester to enter into a first amendment to an agreement with The Legal Aid Society of Westchester County in order to increase the not to exceed amount pursuant to Paragraph 7(b) of the Agreement by \$3,027,117.80 from a not to exceed amount of \$2,200,000 to a new not to exceed amount of \$5,227,117.80 for services performed in connection with NYS Office of Indigent Legal Services Distribution No. 11.

On February 1, 2024, 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 which the Legal Aid Society agreed to provide legal services for indigent persons and services pursuant to certain New York State Office of Indigent Legal Services grants and distributions with a term commencing on January 1, 2024 through December 31, 2024 in an aggregate amount not to exceed \$17,184,999 pursuant to an approved budget (the “Agreement”). The Agreement was subsequently executed.

Authority is requested herein to enter into a first amendment to the Agreement (“First Amendment”) in order to increase the not to exceed amount pursuant to Paragraph 7(b) of the Agreement for services performed by the Legal Aid Society in connection with the NYS Office of Indigent Legal Services grants and distributions in an amount not to exceed \$3,027,117.80 for services performed in connection with Distribution No. 11, from a not to exceed amount of \$2,200,000 to a new not to exceed amount of \$5,227,117.80, therefore increasing the aggregate amount of the Agreement from a not to exceed amount of \$17,184,999 to a new not to exceed amount of \$20,212,116.80.

This First Amendment will serve a public purpose in that it will authorize reimbursement to the Legal Aid Society for services performed under Distribution No. 11 to improve the quality of legal services provided to indigent persons. The goals and objectives of the First Amendment is to improve the quality of legal services provided to indigent persons.

This First 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 - 09/12/2024 - RAYMOND SCULKY, 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 first amendment to an agreement with The Legal Aid Society of Westchester County (“Legal Aid Society”) for the provision legal services for indigent persons and services pursuant to certain New York State Office of Indigent Legal Services grants and distributions with a term commencing on January 1, 2024 through December 31, 2024 in an aggregate amount not to exceed \$17,184,999 in order to increase the not to exceed amount pursuant to Paragraph 7(b) of the Agreement for services performed by the Legal Aid Society in connection with the NYS Office of Indigent Legal Services grants and distributions, in an amount not to exceed \$3,027,117.80, for services performed in connection with Distribution No. 11, from a not to exceed amount of \$2,200,000 to a new not to exceed amount of \$5,227,117.80, therefore increasing the aggregate amount of the Agreement from an amount not to exceed \$17,184,999 to a new amount not to exceed \$20,212,116.80; 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 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		\$3,027,117.80

Budget Funding Year(s) 2024 Start Date 1/1/24 End Date 12/31/24

(must match resolution) \$3,027,117.80

Funding Source Tax Dollars _____ State Aid \$3,027,117.80 Federal Aid _____