



Office of the County Executive

110557

Date: February 21, 2025

To: Honorable Board of Acquisition and Contract

From: Kenneth W. Jenkins
County Executive

Re: Resolution to exempt from the Westchester County Procurement Policy pursuant to Section 3(a)xxi thereof, an agreement with Boies Schiller Flexner LLP for The Honorable Shira A. Scheindlin (Ret.) to serve as an arbitrator in connection with a dispute that has arisen between the County and Standard Amusements, LLC under the Second Restated and Amended Playland Management Agreement.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy pursuant to Section 3(a)xxi thereof, an agreement with Boies Schiller Flexner LLP for The Honorable Shira A. Scheindlin (Ret.) (“Judge Scheindlin”) to serve as an arbitrator in connection with a dispute that has arisen between the County and Standard Amusements, LLC under the Second Restated and Amended Playland Management Agreement (the “Second Restated Agreement”).

The County alleges, *inter alia*, that Standard wrongfully terminated the Second Restated Agreement. The alternative dispute resolution mechanisms set forth in Section 43 of the Second Management Agreement control any disputes arising between the parties in connection therewith. In accordance with subparagraph ii of Section 43 of the Second Management Agreement, the Dispute is subject to binding, expedited arbitration before a panel of three (3) arbitrators consisting of each party’s Party-appointed arbitrator and a neutral umpire selected by the two party-appointed arbitrators. The County has selected Judge Scheindlin to serve as its Party-appointed arbitrator in connection with the Dispute.

Ordinarily, under Section 6 of the County Procurement Policy, the County is required to issue a Request for Proposals to solicit such services. However, selecting an arbitrator who will be tasked with deciding a multimillion dollar dispute does not lend itself to a competitive procurement. Rather, the County must select an arbitrator with the requisite expertise and experience to dispassionately evaluate the facts, apply the law and decide the matter.

Appointed to the federal bench by former President Bill Clinton, Judge Scheindlin served as a United States District Judge in the Southern District of New York for 22 years. Since leaving the bench in May 2016, Judge Scheindlin has overseen many mediations and arbitrations, and served as a court-appointed special master, mock trial judge, and expert witness. As such, she is uniquely qualified to serve as an arbitrator in this matter.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are 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 proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

Accordingly, an appropriate resolution to exempt this Agreement from the County Procurement Policy is hereby submitted for your Honorable Board's consideration.

KWJ/jpg/nn
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2025 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the County Executive, 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 issuing a Request for Proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the "County") in connection with the procurement of an agreement with Boies Schiller Flexner LLP for The Honorable Shira A. Scheindlin (Ret.) to serve as an arbitrator in connection with a dispute that has arisen between the County and Standard Amusements, LLC under the Second Restated and Amended Playland Management Agreement.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2015 - RAYMOND SULLIVAN, SECRETARY