



ONBASE # 113110

DATE: February 24, 2026

TO: The Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

SUBJECT: Authority for the County of Westchester to amend a retainer agreement entered into on or about April 27, 2023 with the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with a default by Custom Marine, Inc. under Department of Public Works & Transportation Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars.

Authority is respectfully requested for the County of Westchester (the “County”) to amend a retainer agreement entered into on or about April 27, 2023 (the “Agreement”) with the law firm of Sheppard, Mullin, Richter & Hampton LLP (the “Firm”) for the provision of outside counsel legal services in connection with a default (the “Default”) by Custom Marine, Inc. (“Custom”) under Department of Public Works & Transportation (the “Department”) Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars. The Agreement commenced retroactively on March 13, 2023 and continues until the matter is resolved, and is for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars.

Your Board is advised that the matter has concluded, however, it is necessary to increase the contract by Nine Thousand (\$9,000.00) Dollars to cover the remaining amount due to the Firm for services provided. The new amount not-to-exceed will be One Hundred and Nine Thousand (\$109,000.00) Dollars, payable in accordance with the fee schedule attached to the Agreement as Schedule “A”.

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

The proposed Amendment will serve a public purpose by enabling the County to continue to receive from the Firm the specialized knowledge and expertise necessary to ensure the County’s proper handling of the matter.

The goal and objective of the proposed Amendment is to enable the County to continue to receive from the Firm the specialized knowledge and expertise necessary to ensure the County’s proper handling of the matter.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of fiscal responsibility, as ensuring the County's continued proper handling of the matter is expected to ultimately protect the financial interests of the County.

The goal and objective of the proposed Amendment will be tracked and monitored by the Office of the County Attorney.

An Act which authorized the County to enter into the proposed Amendment to the Agreement, was adopted by the County's Board of Legislators on February 9th, 2026.

I respectfully recommend the adoption of the attached Resolution.

JMN/mb

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/05/2026 - RAYMOND SCULK, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to amend a retainer agreement entered into on or about April 27, 2023 (the “Agreement”) with the law firm of Sheppard, Mullin, Richter & Hampton LLP (the “Firm”) for the provision of outside counsel legal services in connection with a default (the “Default”) by Custom Marine, Inc. (“Custom”) under Department of Public Works & Transportation (the “Department”) Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars. The Agreement commenced retroactively on March 13, 2023 and continues until the matter is resolved, and is for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars. The new amount not-to-exceed will be One Hundred and Nine Thousand (\$109,000.00) Dollars, payable in accordance with the fee schedule attached to the Agreement as Schedule “A”; and be it further

RESOLVED, that except as 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 County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate 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	18	1000	4923		\$9,000.00

Budget Funding Year(s): 2023 Start Date 3/13/2023 End Date Until the matter has been resolved.
(must match resolution)

Funding Source Tax Dollars 9,000.00
State Aid _____
\$9,000.00 Federal Aid _____
(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 03/05/2023 RAYMOND S. DUKAKIS SECRETARY