



Memorandum
Department of Budget

110178

Date: December 23, 2024

To: The Honorable Board of Acquisition and Contract

From: Lawrence C. Soule
Budget Director

Re: Authority to enter into a second amendment to an agreement between the County of Westchester and Permut Consulting, LLC pursuant to which Permut provides advisory services in connection with County capital projects for the revised term of January 1, 2024 through December 31, 2024 in an amount not to exceed \$300,000, by extending the termination date of the Agreement to a new termination date of March 31, 2025.

By resolution approved on January 25, 2024, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Budget, to enter into an agreement with Permut Consulting, LLC ("Permut") pursuant to which Permut would provide advisory services in connection with County capital projects for the period from January 1, 2024 through December 31, 2024 for an amount not-to-exceed \$150,000.00, payable at the rate of \$500.00 per hour (the "Agreement"). The Agreement was subsequently executed. Thereafter by resolution approved on October 10, 2024 your Honorable Board authorized the County to amend its Agreement with Permut in order to increase the not-to-exceed amount by \$150,000 to \$300,000 and to increase the scope of work under the Agreement. The Amendment was subsequently executed.

Permut has proceeded with its review and analysis as required by the Agreement as amended. However, the complexity and size of the County's five-year Capital Program has demonstrated that the amount of time and effort required to complete the services as contemplated in the Agreement has proven to be insufficient. As such, more work time is required.

Accordingly, authority is now requested to again amend the Agreement with Permut in order to extend the termination date of the Agreement to a new termination date of March 31, 2025 (the "Second Amendment").

Except as specifically amended hereby, all other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

A separate Resolution is being submitted to your Honorable Board this date to grant an exemption from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof for the Second Amendment.

The goals and objectives of the Agreement are to review procurement policies and practices of the County and advise County leadership regarding modifications to those policies and practices that could improve the procurement of goods and services in regards to capital projects in terms of speed and efficiency while retaining a system that promotes effective and appropriate competition and oversight. Focus will be on expediting implementation of the current capital backlog. The goals and objectives will also include reviewing the County's capital planning process and advising County leadership as to improvements that would enable more effective, efficient and quicker implementation of projects.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/02/2025 - RAYMOND SCULLY, SECRETARY

RESOLUTION

Upon a communication from the Budget Director, be it hereby

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a second amendment to its agreement with Permut Consulting, LLC (“Permut”) pursuant to which Permut provides advisory services in connection with the County’s capital projects, for the period from January 1, 2024 through December 31, 2024 (the “Agreement”) for an amount, as previously amended, not to exceed \$300,000, payable at a rate of \$500 per hour in order extend the term of the Agreement through March 31, 2025; and be it further

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

RESOLVED, that this Second Amendment is subject to County appropriations; and be it further

RESOLVED, that this Second 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 Agreement. 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 this Agreement 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	2000	4380		\$0.00

Budget Funding Year(s) 2024 Start Date 01/01/2024 End Date 03/31/2025
 (must match resolution)

Funding Source Tax Dollars 100%
 State Aid _____
 \$ 0.00 Federal Aid _____
 (must match resolution)
 Other _____

