

Law & Major Contracts Meeting Agenda



Committee Chair: Damon Maher

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Tuesday, June 20, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2023-229](#) ACT - Agreement Amendment with Stephen Einstein & Assoc., P.C. re Legal Collection Services

AN ACT authorizing the County of Westchester to amend an agreement with the law firm of Stephen Einstein & Associates, P.C. to provide legal collection services to the County of Westchester in an "of Counsel" capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College for the term June 1, 2013 through May 31, 2021, in order to extend the term from June 1, 2021 through May 31, 2023 and to change the name of the firm to Tromberg, Morris & Poulin, PLLC, effective as of June 1, 2021.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: Law Dept.: Senior Assistant County Attorney Daniela Infield; Westchester Community College: President Dr. Belinda Miles, Dolores Swirin-Yao, Stewart Glass, and Richard Cruz

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

OFFICE OF THE COUNTY ATTORNEY

John M. Nonna
County Attorney

May 16, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members:

Attached hereto for your consideration is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement dated on or about December 17, 2013 retaining the law firm of Stephen Einstein & Associates, P.C., New York, New York for the provision of legal collection services in an "of counsel" capacity to the County Attorney (the "Agreement") in connection with the recovery of delinquent student accounts at Westchester Community College (the "College"), in order to extend the Agreement for the term June 1, 2021 through August 31, 2023. In addition, authority is requested that the proposed amendment reflect that the name of the firm was changed to Tromberg, Morris & Poulin, PLLC effective as of June 1, 2021.

As your Honorable Board may know, the College has been using outside law firms specializing in collection services since 1991. At that time, the College experienced a significant increase in the number of delinquent student accounts which coincided with a simultaneous increase in the College's enrollment as well as an increase in the number of students with financial aid. The increased volume of delinquent student accounts, coupled with a corresponding backlog of accounts and the urgency of the timeliness of the collection effort for the hundred fifty plus delinquent students each semester, motivated the County Attorney's Office in conjunction with the College to pursue collection efforts through an outside service. It is in the best interests of the College and continues to be fiscally prudent to use an outside firm with sufficient expertise and staffing to expeditiously work through the delinquent accounts. The College continues to require outside counsel services to pursue collections on approximately 300 to 400 delinquent student accounts per year.

The Agreement was for a five-year term with three additional one-year options on the part of the County, as exercised by First, Second and Third Amendment Agreements, for the term June 1, 2013 through May 31, 2021. The extension of the Agreement is being requested in order to

provide time for the College to receive responses to a Request for Proposals (“RFP”) seeking qualified law firms to provide “of counsel” legal services to the County Attorney in connection with the recovery of delinquent student accounts at the College. Due to the pandemic and change-over of staff the College was unable to prepare an RFP prior to the termination of the Agreement on May 31, 2021, but an RFP has recently been issued and responses are due back in early June.

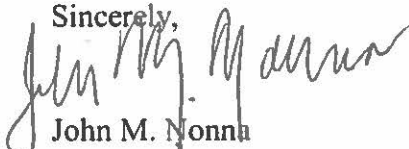
Accordingly, the attached legislation, if approved by your Honorable Board, would authorize the County to amend the Agreement in order to retain Tromberg, Morris & Poulin, PLLC (the “Firm”) to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for College, for the term commencing June 1, 2021 and terminating on August 31, 2023.

For the proposed extended term, the fee schedule will remain as the Agreement provided: the Firm shall retain 21% of all categories of primary collections actually recovered and 22% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits. All other terms and conditions of the Agreement shall remain in full force and effect.

The Planning Department has advised that this is not an action subject to review under the State Environmental Quality Review Act, 6 NYCRR 617. Please refer to the memorandum of the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

For the foregoing reasons and at the request of Dr. Miles, I most respectfully request your Honorable Board’s approval of the enclosed Act.

Sincerely,



John M. Nonna
County Attorney

JMN/DI

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to amend an agreement dated on or about December 17, 2013 retaining the law firm of Stephen Einstein & Associates, P.C., New York, New York for the term June 1, 2013 through May 31, 2021, for the provision of legal collection services in an “of counsel” capacity to the County Attorney (the “Agreement”) in connection with the recovery of delinquent student accounts at Westchester Community College (the “College”), in order to extend the Agreement for the term June 1, 2021 through August 31, 2023. In addition, authority is requested that the proposed amendment reflect that the name of the firm was changed to Tromberg, Morris & Poulin, PLLC effective as of June 1, 2021.

As your Honorable Board may be aware, the College has been using outside law firms specializing in collection services since 1991. At that time, the College experienced a significant increase in the number of delinquent student accounts which coincided with a simultaneous increase in the College's enrollment as well as an increase in the number of students with financial aid. The increased volume of delinquent student accounts, coupled with a corresponding backlog of accounts and the urgency of the timeliness of the collection effort for the hundred fifty plus delinquent students each semester, motivated the County Attorney's Office in conjunction with the College to pursue collection efforts through an outside service. It is in the best interests of the College and continues to be fiscally prudent to use an outside firm with sufficient expertise and staffing to expeditiously work through the delinquent accounts. The College continues to require outside counsel services to pursue collections on approximately 300 to 400 delinquent student accounts per year.

Your Committee is advised that the Agreement was for a five-year term with three additional one-year options on the part of the County, as exercised by First, Second and Third Amendment Agreements, for the term June 1, 2013 through May 31, 2021. The extension of the Agreement is being requested in order to provide time for the College to receive responses to a Request for Proposals (“RFP”) seeking qualified law firms to provide “of counsel” legal services to the County Attorney in connection with the recovery of delinquent student accounts at College. Due to the pandemic and change-over of staff the College was unable to prepare an RFP prior to the termination of the Agreement on May 31, 2021, but an RFP has recently been issued and responses are due back in early June.

Accordingly, the attached legislation, if approved by your Honorable Board, would authorize the County to amend the Agreement in order to retain Tromberg, Morris & Poulin, PLLC (the “Firm”) to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for College, for the term commencing June 1, 2021 and terminating on August 31, 2023.

Your Committee is advised that for the proposed extended term, the fee schedule will remain as the Agreement provided: the Firm shall retain 21% of all categories of primary collections actually recovered and 22% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits. All other terms and conditions of the Agreement shall remain in full force and effect.

The Planning Department has advised that this is not an action subject to review under the State Environmental Quality Review Act, 6 NYCRR 617. Please refer to the memorandum of the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this conclusion.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

For the foregoing reasons, your Committee respectfully recommends that your Honorable Board adopt the attached Act to authorize the retention of the law firm of Tromberg, Morris & Poulin, PLLC, New York, New York, to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts at College.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:di 1/18/22

AN ACT authorizing the County of Westchester to amend an agreement with the law firm of Stephen Einstein & Associates, P.C. to provide legal collection services to the County of Westchester in an “of Counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College for the term June 1, 2013 through May 31, 2021, in order to extend the term from June 1, 2021 through May 31, 2023 and to change the name of the firm to Tromberg, Morris & Poulin, PLLC, effective as of June 1, 2021.

BE IT ENACTED, by the County Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester is hereby authorized to amend an agreement dated on or about December 17, 2013 retaining the law firm of Stephen Einstein & Associates, P.C., New York, New York, to provide legal collection services to the County of Westchester in an “of counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College for the term June 1, 2013 through May 31, 2021 (the “Agreement”), in order to extend the Agreement for the term June 1, 2021 through August 31, 2023. In addition, authority is requested that the Agreement be further amended to reflect that the name of the firm was changed to Tromberg, Morris & Poulin, PLLC (the “Firm”) effective as of June 1, 2021.

§2. That in consideration for services rendered, the Firm shall receive 21% of all categories of primary collections actually recovered, and 22% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits.

§3 That all other terms and conditions of the Agreement shall remain in full force and effect.

§4. The County Executive, or his authorized designee, is hereby authorized to execute all instruments and to take all actions reasonably necessary to Amend the Agreement in order to extend the term through August 31, 2023 and to reflect to name change to Tromberg, Morris & Poulin, PLLC effective as of June 1, 2021.

§5. This Act shall take effect immediately.

RECEIVED
JUN 11 2021
COUNTY CLERK