

Westchester County

George Latimer
County Executive

OFFICE OF THE COUNTY ATTORNEY

John M. Nonna
County Attorney

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WESTCHESTER COUNTY
BOARD OF LEGISLATORS

July 24, 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 retain the law firm of Tromberg Morris & Poulin, PLLC ("Tromberg"), for the provision of legal collection services in an "of counsel" capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College (the "College") for the term September 1, 2023 through August 31, 2028, with the option solely on the part of the County to extend the agreement for three additional one-year terms.

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 began experiencing a significant increase in the number of delinquent student accounts which seemed to coincide 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 lead the County Attorney's Office in conjunction with the College to pursue collection efforts through an outside service. It was agreed that, in the best interests of the College, it was 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 400 delinquent student accounts per semester.

Your Honorable Board adopted Act No. 2023-229 on July 10, 2023 which authorizes 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 in connection with the recovery of delinquent student accounts at the College, in order to extend the agreement for the term June 1, 2021

through August 31, 2023 and to change the name of the firm to Tromberg effective as of June 1, 2021.

In accordance with the County Procurement Policy, on April 28, 2023, the College issued 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. The RFP was posted on the County Website and on BidNetDirect.com, a website that provides bid and proposal information throughout the Country. The only firm that responded to the RFP was the Tromberg firm. After a review by the College, the Tromberg firm has been determined to have the requisite experience to provide these services to the County.

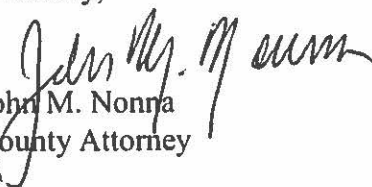
Accordingly, the attached legislation, if approved by your Honorable Board, would authorize the retention of Tromberg, Morris, Poulin PLLC to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for Westchester Community College, for a term commencing September 1, 2023 and terminating August 31, 2028. In addition, the County shall have the right, in its sole discretion, to extend the agreement beyond its initial term for up to three additional one-year periods upon the same price, terms and conditions.

The fee schedule for Tromberg will be as follows: the firm shall retain 21% of all categories of primary collections actually recovered and 21% 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.

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 the Board’s approval of the enclosed Act.

Sincerely,


John M. Nonna
County Attorney

JMN/SG/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 retain the law firm of Tromberg Morris & Poulin, PLLC (“Tromberg”), for the provision of legal collection services in an “of counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College (the “College”) for the term September 1, 2023 through August 31, 2028, with the option solely on the part of the County to extend the agreement for three additional one-year terms.

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, lead 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 400 delinquent student accounts per semester.

Your Committee is advised that on July 10, 2023 your Honorable Board adopted Act No. 2023-229 which authorizes 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 in

connection with the recovery of delinquent student accounts at the College, in order to extend the agreement for the term June 1, 2021 through August 31, 2023 and to change the name of the firm to Tromberg effective as of June 1, 2021.

The attached legislation, if approved by your Honorable Board, would authorize the retention of Tromberg, Morris, Poulin PLLC to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for the College, for a term commencing September 1, 2023 and terminating August 31, 2028 the “Agreement”). In addition, the County shall have the right, in its sole discretion, to extend the Agreement beyond its initial term for up to three additional one-year periods upon the same price, terms and conditions.

Your Committee is advised that the fee schedule will be as follows: Tromberg shall retain 21% of all categories of primary collections actually recovered and 21% 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.

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 recommendation.

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 6/30/23

FISCAL IMPACT STATEMENT

SUBJECT: Tromberg, Morris & Poulin, PLLC

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ _____

Total Current Year Revenue \$ Est. \$50,000 in 2023

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 010-10038 Delinquent Student Account

WESTCHESTER COMMUNITY COLLEGE

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: See below- amount paid to collection law firm.

Potential Related Revenues: Annual Amount \$ Est. \$200,000

Describe: Tromberg, Morris & Poulin, PLLC shall retain 21% of all categories of primary collections actually recovered and 21% of secondary collections actually recovered

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: unknown

Next Four years: Est. \$800,000 to \$1,000,000

Prepared by: S. Glass

Title: Director Contracting & Procurement

Department: WCC


Reviewed By: Charles Ruppel
Budget Director

If you need more space, please attach additional sheets.

DATE: 7/26/23

ACT NO. _____ - 2023

AN ACT authorizing the County of Westchester to enter into an agreement with the law firm of Tromberg, Morris & Poulin, PLLC 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 September 1, 2023 through August 31, 2028, with an option on the part of the County to extend the agreement for three additional one-year periods.

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 retain the law firm of Tromberg Morris & Poulin, PLLC (the “Firm”), 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 September 1, 2023 through August 31, 2028, with the option solely on the part of the County to extend the agreement for three additional one-year terms.

§2. That in consideration for services rendered, the Firm shall receive 21% of all categories of primary collections actually recovered, and 21% 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. The County Executive, or authorized designee, is hereby authorized to execute all instruments and to take all actions reasonably necessary to enter into the proposed retainer agreement.

§4. This Act shall take effect immediately.