

COUNTY OF ROCKLAND
Department of General Services
Purchasing Division

Contract Award Notification

Title: **Hearing Officer(s), Outside, for County of Rockland DOH, QSL**

Contract Period: July 1, 2021 through June 30, 2022 w/4-1 year options (Lipkind)
September 1, 2021 thru August 31, 2022 w/4-1 year options (Sewell)
Ext thru 6/30/24 w/2-1 yr options (Lipkind)
Ext thru 8/31/23 w/3-1 yr options (Sewell)

Original Date of Issue: June 30, 2021

Date of Revision: 05/31/23

RFP No: **RFP-RC-2021-007**

Catalog: Consulting Services

Authorized Users: Department of Health

Address Inquiries To:

Name: Sabrina Samuels
Title: Purchaser II
Phone: 845-364-3807
Fax: 845-364-3809
E-mail: samuels@co.rockland.ny.us

Description

This contract is for outside hearing officer(s) for the Department of Health.

Contract #	Vendor Number	Contractor & Address	Telephone No.
RFP 21-007	0000019603	Stuart Lipkind, Esq. 712 Zena Highwoods Road Kingston, NY 12401 stuartlipkind@yahoo.com	973-865-5028 FAX: 866-429-3614
RFP 21-007-A	0000027029	Law Firm of Dayrel Sewell, PLLC 599 East 2 nd Street Brooklyn, NY 11218 Contact: Dayrel Sewell info@sewellnylaw.com	347-787-6824



Edwin J. Day, County Executive

TITLE: Hearing Officer(s) for the Rockland County Department of Health, Qualified Suppliers List

RFP NUMBER:
RFP-RC-2021-007

COST PROPOSAL PAGE

STUART LIPKIND

DESCRIPTION	FLAT RATE
<p>Formal hearing which includes: *Signing Notice of Formal Hearing; *Entertaining requests for adjournment and if granted, rescheduling the Formal Hearing and sending a letter to both the Respondent and Health Department confirming the adjournment; *Conducting the Formal Hearing; *Continuation of an existing hearing on an additional hearing date and time;</p>	<p>\$265.00 for each hearing session on a case.</p> <hr/>
<p>Hearing Officer Report to include: *Generating a written report including Findings of Fact and Recommendation(s) for each Formal Hearing held using the template that will be provided by the RC Department of Health (RCDOH); *Submitting a signed paper copy of the Hearing Officer report to the RCDOH within one (1) month of holding the Formal Hearing; E-mailing an electronic copy of the Hearing Officer report and a separate copy of "Schedule B" only to the RCDOH.</p>	<p>\$159.00</p> <hr/>
<p>Board of Health meeting to include: *Attending the RC Board of Health's monthly meeting, normally held on the third Wednesday of each month at 10:00 am; *Presenting a brief summary of each case to the Board of Health based on the case summary provided by the Health Department; *Answering any questions posed by the Board of Health regarding what occurred during the Formal Hearing or what was written in the Hearing Officer report.</p>	<p>\$159.00</p> <hr/>
<p>Late Adjournment or Stipulation to include: *For any Formal Hearing cancelled after noon on the day before the scheduled Formal Hearing due to a Stipulation being signed by both the Respondent and the RC Health Department; *For any Formal Hearing adjourned by the Hearing Officer, when the request for adjournment is received by the Hearing Officer after noon on the day before the scheduled Formal Hearing.</p>	<p>\$79.50</p> <hr/>



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	STUART LIPKIND
Cancellation Fee for any Formal Hearing stipulated to after the Hearing begins and any stipulated agreement accepted on the record;	\$265.00
Notice of Violation agreement or Stipulation to include: *Reviewing a Notice of Violation agreement to ensure compliance with the penalty grids provided by the Health Department or ensuring there is a written explanation signed by Health Department staff detailing why the penalty grid was not adhered to; *Reviewing a Stipulation to ensure all violations listed on the Schedule "A" are also listed on the Schedule "B", compliance with the penalty grids provided by the Health Department or ensuring there is a written explanation signed by Health Department staff detailing why any violations were removed from the Schedule "B" or why the penalty grid was not adhered to; *Signing the Notice of Violation or Stipulation	\$26.50
HOURLY RATE THAT ABOVE FLAT RATES ARE BASED ON. THIS RATE WILL BE USED FOR ADDITIONAL TASKS, ON AN AS NEEDED BASIS; AND/OR USED FOR NEGOTIATING THE FLAT RATES PROVIDED.	\$132.5 / HOURLY RATE
OTHER: special mtgs called by staff for evaluation/training in	\$150.00 per meeting of 90
OTHER the process and requiring H.O. attendance	minutes or less

FIRM NAME: Stuart Lipkind

NAME OF AUTHORIZED (Print): Stuart Lipkind

SIGNATORY: 

Cost Proposals are to be uploaded as a separate attachment to your RFP response. Please refer to the separate attachment titled: Proposal Submittal Procedures for instructions on submitting your proposal electronically. Inclusion of any cost or pricing data within the technical proposal may result in your proposal being judged as non-responsive.



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COST PROPOSAL PAGE

DESCRIPTION	FLAT RATE
Formal hearing which includes: *Signing Notice of Formal Hearing; *Entertaining requests for adjournment and if granted, rescheduling the Formal Hearing and sending a letter to both the Respondent and Health Department confirming the adjournment; *Conducting the Formal Hearing; *Continuation of an existing hearing on an additional hearing date and time;	<hr/> \$250 <hr/>
Hearing Officer Report to include: *Generating a written report including Findings of Fact and Recommendation(s) for each Formal Hearing held using the template that will be provided by the RC Department of Health (RCDOH); *Submitting a signed paper copy of the Hearing Officer report to the RCDOH within one (1) month of holding the Formal Hearing; E-mailing an electronic copy of the Hearing Officer report and a separate copy of "Schedule B" only to the RCDOH.	<hr/> \$175 <hr/>
Board of Health meeting to include: *Attending the RC Board of Health's monthly meeting, normally held on the third Wednesday of each month at 10:00 am; *Presenting a brief summary of each case to the Board of Health based on the case summary provided by the Health Department; *Answering any questions posed by the Board of Health regarding what occurred during the Formal Hearing or what was written in the Hearing Officer report.	<hr/> \$200 <hr/>
Late Adjournment or Stipulation to include: *For any Formal Hearing cancelled after noon on the day before the scheduled Formal Hearing due to a Stipulation being signed by both the Respondent and the RC Health Department; *For any Formal Hearing adjourned by the Hearing Officer, when the request for adjournment is received by the Hearing Officer after noon on the day before the scheduled Formal Hearing.	<hr/> \$175 <hr/>



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Cancellation Fee for any Formal Hearing stipulated to after the Hearing begins and any stipulated agreement accepted on the record;	\$250
Notice of Violation agreement or Stipulation to include: *Reviewing a Notice of Violation agreement to ensure compliance with the penalty grids provided by the Health Department or ensuring there is a written explanation signed by Health Department staff detailing why the penalty grid was not adhered to; *Reviewing a Stipulation to ensure all violations listed on the Schedule "A" are also listed on the Schedule "B", compliance with the penalty grids provided by the Health Department or ensuring there is a written explanation signed by Health Department staff detailing why any violations were removed from the Schedule "B" or why the penalty grid was not adhered to; *Signing the Notice of Violation or Stipulation	\$100
HOURLY RATE THAT ABOVE FLAT RATES ARE BASED ON. THIS RATE WILL BE USED FOR ADDITIONAL TASKS, ON AN AS NEEDED BASIS; AND/OR USED FOR NEGOTIATING THE FLAT RATES PROVIDED.	\$150 / HOURLY RATE
OTHER:	
OTHER:	

FIRM NAME: LAW FIRM OF DAYREL SEWELL, PLLC

NAME OF AUTHORIZED (Print): Dayrel S. Sewell

SIGNATORY:  _____

Cost Proposals are to be uploaded as a separate attachment to your RFP response. Please refer to the separate attachment titled: Proposal Submittal Procedures for instructions on submitting your proposal electronically. Inclusion of any cost or pricing data within the technical proposal may result in your proposal being judged as non-responsive.

County of Rockland CONTRACT

Dept. of General Services

Purchasing Division
50 Sanatorium Rd
Bldg A, 6th Fl, Room 609
POMONA NY 10970
www.rcpurchasing.com

Dispatch via Print

Contract ID RFP 21-007		Page 1 of 1
Contract Dates 07/01/2021 to 06/30/2024		Currency USD
Hearing Officers (Outside) DOH		Contract Maximum 65,000.00
Freight Terms	Buyer Email samuelss@co.rockland.ny.us	
Buyer SAMUELS, SABRINA	Phone	Fax

Supplier 0000019603
Stuart Lipkind, Esq.
Stuart Lipkind
712 Zena Highwoods Road
Kingston NY 12401

Phone 973/865-5028
Fax 866/429-3614
stuartlipkind@yahoo.com

Tax Exempt? Tax Exempt ID:

Line #	Supplier Item	Item Desc	Item ID	Price	UOM
1		OUTSIDE HEARING OFFICER-STUART LIPKIND- FOR THE DEPARTMENT OF HEALTH PER RFP SPECIFICATIONS	96150000003	1.00000	Dollar

TERMS AND CONDITIONS OF RFP-RC-2021-007 INCORPORATED HEREIN BY REFERENCE.

Authorized Signature

Paul J. Brennan

County of Rockland CONTRACT

Dept. of General Services

Purchasing Division
50 Sanatorium Rd
Bldg A, 6th Fl, Room 609
POMONA NY 10970
www.rcpurchasing.com

Dispatch via Print

Contract ID RFP 21-007-A	Page 1 of 1
Contract Dates 09/01/2021 to 08/31/2023	Currency USD
Freight Terms Hearing Officers Outside doh	Contract Maximum 35,000.00
Buyer SAMUELS, SABRINA	Buyer Email samuelss@co.rockland.ny.us
	Phone Fax

Supplier 0000027029
Law Firm of Dayrel Sewell, PLLC
Dayrel Sewell
599 East 2nd Street
Brooklyn NY 11218

Phone 347/787-6824

info@sewellnylaw.com

Tax Exempt? Tax Exempt ID:

Line #	Supplier Item	Item Desc	Item ID	Price	UOM
1		Outside Hearing Officer-Law Firm of Dayrel Sewell-for the Department of Health per RFP Specifications	96150000018	1.00000	Dollar

TERMS AND CONDITIONS OF RFP-RC-2021-007 INCORPORATED HEREIN BY REFERENCE.

Authorized Signature





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STATEMENT OF OBJECTIVES

The County of Rockland has set forth requirements to prospective proposers to convey the character and quality of the Outside Hearing Officer services desired by the County of Rockland Department of Health.

A firm, and/or individuals under contract to provide Outside Hearing Officer services must maintain proper records and files that would revert to the County of Rockland upon completion of the ruling or termination of the contract.

A minimum of two (2) hearing dates will be scheduled per month, if the firm(s), and/or individual(s) can offer more availability the Health Department can schedule up to four (4) dates per hearing officer per month. Multiple hearings may be scheduled in the same day. Hearings are generally schedule at 9:15am, 10:30am, 1:00 pm and 2:15pm with the exception of Board of Health meeting dates, these hearings will be held at 1:00pm and 2:15pm. Attachment A shows a sample Hearing Calendar.

A firm, and/or individuals must provide its own library, clerical, professional, and support staff.

For special projects, the County may request a written estimate of the time required to complete the project and the projected cost thereof. In such case, the firm, or individual must not commence such project until the estimate has been provided and a notice to proceed is issued by the County after approval by the authorized County representative.

The firm, or individual understand and agree that, with regard to retention of services under any agreement as a result of this RFP, they are independent contractors and not officials or employees of the County and must be properly insured.

The Outside Hearing Officer must be familiar with the NYS Rules of Evidence, the NYS Rules of Civil Procedure, the NYS Administrative Procedures Act and related NYS Department of Health laws, codes, rules, and regulations.

The selected firm(s), or individual(s) will attest that he/she, or its firm and key professionals, does / do not have or anticipate a potential conflict of interest with the County of Rockland Department of Health, Division of Environmental Health.

The selected firm(s), or individual(s) agree that all discussions or information gained during an engagement must be considered confidential, and that no information gathered by the firm, or individual will be released without prior consent of the authorized County representative.

DESCRIPTION OF WORK

The County of Rockland Department of Health and Housing / RCI requires the Outside Hearing Officer to:

- Hold administrative hearings pertaining to all aspects of Environmental Health and Housing/RCI programs during normal business hours at the Offices of the Rockland County Department of Health as scheduled. Types of cases would include, but not be limited to, sewage overflows, rental units in disrepair or overcrowded, improper food handling in restaurants, swimming pools with inadequate chlorine levels, smoking in public places, sale of tobacco products to minors and swimming pools not properly treated to eliminate mosquito breeding, etc.
- Issue a Hearing Officers report for each case heard, making recommendations regarding both actions to be undertaken and fines to be assessed.
- Review terms of stipulated agreements approve and forward recommendation to the Commissioner of Health.
- Attend monthly Board of Health meetings in accordance with the Board of Health Schedule each month at 10:00 am in Building A, in the Robert L. Yeager Health Complex to discuss the findings and recommendations in each case.



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SCOPE OF SERVICES

The Outside Hearing Officer will be responsible for conducting the evidentiary hearings and producing written findings of fact and conclusions of law. The hearings will be recorded.

The firm(s) or individual(s) will serve as an Outside Hearing Officer in administrative hearings to determine the rights of the aggrieved by an action taken by the County of Rockland Department of Health or its agents;

Cooperate with County of Rockland Department of Health personnel to schedule and conduct proceedings in a timely manner.

Communicate with parties in a manner that avoids ex parte communication, ensuring that anything provided to the hearing officer in writing by one party at any time during the hearing process is copied to the other party and not discussing hearing issues with one party when the other party is not present;

Documenting the outcome of any hearing in writing to both parties within pre-determined scheduled;

Gather and review any and all information presented at hearings; create an administrative record, and apply the relevant rule, regulation or law to that information;

Participate in any special meetings called by agency staff to plan and evaluate hearing activities and participate in agency-approved training in the process required by County of Rockland Department of Health authorized representatives;

Draft a written decision documenting the determination of the case within a reasonable amount of time as agreed upon corresponding with the complexity of the case, based on reasonable findings;

Submit the recommendation of decisions to County of Rockland Department of Health within the applicable timeframe;

If permitted under the applicable rule and re-directed by County of Rockland Department of Health, conduct subsequent related hearings according to such directions, and submit a written record of the decision;

Any legal work that may be assigned within the scope of this contract may not be further assigned, delegated, or subcontracted by the firm, or individual without prior approval by the authorized County representative.

PERFORMANCE MEASURES

County of Rockland Department of Health strives to deliver the Best Value in all of its Outside Hearing Officers reviews and appeals. To ensure contractor complies with the scope of services to be obtained and delivered under this Request for Proposal, contract performance will be measured according to the following criteria:

- A demonstrated ability to draft clear, accurate and concise decisions within a reasonable amount of time appropriate with the complexity of the case, applying the relevant rules to the information presented;
- A demonstrated ability to work with the County of Rockland Department of Health personnel;
- A demonstrated ability to cooperate with the County of Rockland Department of Health personnel to schedule and conduct hearings in accordance with applicable rules (i.e., a timely manner); and
- A demonstrated ability to submit written decisions according to applicable rules in a timely manner.

COMPANY QUALIFICATIONS

Possess good legal research skills and experience with Department of Health Programs as they relate to municipal laws, regulations, and case law;

Possess the necessary support and equipment to perform the duties of a Hearing Officer, including but not limited to: a telephone monitored during normal business hours (by a secretary, answering machine, or service), a fax machine, and a computer equipped with Microsoft Word, internet connection and e-mail address;



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The ability to understand the problems of Housing /RCI and Environmental Health as they relate to County of Rockland Department of Health staff that led to the due process hearing;

Must not be an employee of a public agency or entity (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

The County of Rockland requires applicants to have a Bachelor's degree, a Master's degree or a Juris Doctor degree, in combination with relevant experience. Such experience could include education, advocacy or acting as an independent hearing officer in contested hearings wherein rules, regulations, statutes, contracts, and case law were applied to a given fact situation;

Good problem-solving skills and be independent and impartial;

The ability to write reports which concisely:

- Specify the hearing issues;
- Are without errors;
- Identify relevant facts, policies, and regulations;
- Analyze the relationship of facts and policy or regulations;
- Present findings, conclusions, and fair and impartial decisions supported by evidence an analysis;
- Demonstrate proficiency of written expression by submitting a sample of legal research based on the Due Process case scenario in the application form;

A working knowledge and understanding of services provided by the Rockland County Department of Health;

Has not been formally censured, adjudged or held in contempt or otherwise disciplined by any judge, court or tribunal;

Has not been a party to or otherwise personally involved in any litigation (other than as legal counsel);

Have the ability to take cases upon reasonable notice;

Must be flexible as there is no guarantee of the number of cases that the County of Rockland Department of Health will assign to a hearing officer;

Travel to a mutually agreeable site, if other than County facilities indicated, to conduct the due process hearing if required.

AWARD

The County of Rockland Department of Health anticipates a need for two (2) Hearing Officers to accommodate the current needs. The evaluation committee will review submissions and award proposers based upon the highest scores. Should the need for additional hearing officers be required the County of Rockland Purchasing Division will solicit and add additional positions as stated in the open enrollment clause.