



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**FINANCE
INTRODUCTORY NO.**

345

**Lovely A. Warren
Mayor**

September 3, 2020

LAW 21

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Expert Witness Services

Council Priority: Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing a professional services agreement with Crash Data Specialists LLC (CDS) and its principal, Jon Northrup (resident of Webster, New York), to provide expert accident reconstruction services in support of the City's defense of personal injury suits. The agreement will allow the Law Department to engage CDS's expert services for any litigation during its first five years, and the term of the agreement shall extend until the conclusion of any litigation for which the expert's services are so engaged.

The Law Department has worked with CDS since 2015, during which time Mr. Northrup has reconstructed accident scenes, obtained "black box" information from accident vehicles, and provided reports, affidavits and testimony in support of the City. The Law Department most recently entered into a PSA with CDS in January 2019, as authorized in Ordinance Nos. 2018-353 and 2020-210, pursuant to which Mr. Northrup is continuing to provide consulting services on two pending litigations.

On July 13, 2020, the Law Department issued a request for proposals (RFP) for expert accident reconstruction services to assist with additional personal injury suits going forward. CDS was the sole respondent to the RFP. CDS proposes to continue to offer the quality accident reconstruction services that it has provided to the City for the past five years, at the same reasonable rate of \$150 per hour. That rate may be increased in future years at the City's discretion if CDS provides a satisfactory justification for doing so.

Respectfully submitted,

Lovely Warren
Mayor

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2020 SEP - 3 P 12: 59



INTRODUCTORY NO.

345

Law# 21

Ordinance No.

Authorizing an agreement for expert witness services for the Law Department

BE IT ORDAINED, by the Council of City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Crash Data Specialists LLC (CDS) to provide expert witness services in conjunction with pending and future litigation. The agreement shall allow the Law Department to engage CDS's services for any litigation during the first five years of its term and the term of the agreement thereafter shall continue until the conclusion of any litigation for which CDS's services are so engaged. The maximum compensation rate shall be \$150 per hour provided, however, that the rate may be adjusted at the discretion of the City upon satisfactory justification by CDS. The agreement shall be funded by the current or future years' Budgets of the Law Department for the fiscal year in which the fee for service is incurred, contingent upon the approval of the future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.