

THE ASSEMBLY
STATE OF NEW YORK
THE CAPITOL
ALBANY, NY 12248

CONTRACT NUMBER C111971

THIS AMENDMENT made the 22nd day of October 2020, between

Orrick Herrington & Sutcliffe LLP ✓
51 West 52nd Street
New York, New York 10019-6142

Hereinafter called the Contractor and the Assembly of the State of New York, hereinafter called the Assembly:

WITNESSETH:

WHEREAS; the parties entered into an agreement on or about December 15, 2018 which bears the New York State Comptroller's Contract Number C111971, whereby the Contractor agreed to represent the New York State Assembly and draft an amicus brief in the matter of Roxanne Delgado et al v. The State of New York et al. Index Number 907537-18; and ✓

WHEREAS; the parties renewed said agreement or about on December 14, 2019, extending the term of said agreement to expire on the 14th day of December 2020; and ✓

WHEREAS; the initial not-to-exceed amount for compensation of services rendered, under this Contract, was Two Hundred Fifty Thousand Dollars (\$250,000.00); and ✓

WHEREAS; the current total amount of funds remaining under this contract is approximately Twenty Four Thousand Eight Hundred Thirty dollars (\$24,830.00); and ✓

WHEREAS; the parties hereto mutually desire to renew said contract and amend said contract to increase the total not-to-exceed amount for compensation, it is mutually agreed as follow:

NOW THEREFORE; in consideration of the mutual covenants contained herein and in accordance with the terms and conditions hereinafter stated, it is mutually agreed as follows:

1. Except as hereinafter provided, the parties hereby ratify, confirm and continue in all particulars the agreement entered into on December 15, 2018 and amended on December 14, 2019.
2. The not-to-exceed amount of compensation for services rendered shall be amended and increased from Two Hundred Fifty Thousand dollars (\$250,000.00) to Three Hundred Thousand dollars ✓
✓ (\$300,000.00). The original amount of Five Thousand dollars (\$5,000.00) set aside for reasonable travel expenses remains the same. ✓

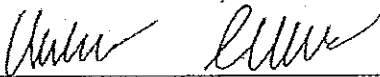
3. The term of C111971 is hereby extended and renewed for the period of December 15, 2020 and ending on December 14, 2021. ✓
4. The parties hereby agree, except as hereinafter provided, this amendment incorporates and extends all terms and conditions set forth in Contract Number C111971.

IN WITNESS WHEREOF, this instrument has been duly executed the day and year first above written.

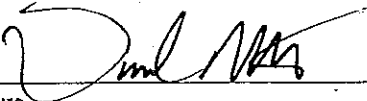
Contract Number: C111971

Orrick Herrington & Sutcliffe LLP

New York State Assembly



 Signature



 Signature

Andrew Silverman

 Print Name

David Mushett

 Print Name

Partner

 Title

Adm Counsel

 Title ✓

October 22, 2020

 Date

10/26/2020

 Date

APPROVED AS TO FORM:

Attorney General's Signature

Comptroller's Signature

Dated _____

Dated _____

NOTE: Original copies of this signature page will only be attached to original copies of this contract.

ACKNOWLEDGEMENT OF FIRM OR PARTNERSHIP

STATE OF NEW YORK)ss.:
COUNTY OF NEW YORK

On this nd 27 day of October, 2020, before me personally appeared ANDREW SILVERMAN, to me known and known to me to be a member of the firm Orrick Herrington & Sutcliffe LLP is the person described and who executed the foregoing instrument in the Firm name of Orrick Herrington & Sutcliffe LLP and s/he duly acknowledged to me that s/he executed the same and for the act and deed of said Firm.

Lorraine C. Phillips
Notary Public #
Qualified in:
Commission expires:

LORRAIN C. PHILLIPS
Notary Public, State of New York
No. 01714202591
Qualified in Queens County
Commission Expires October 31, 2021



DAVID MUSHETT
Administrative Counsel

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

1 Enterprise Drive
Albany, New York 12248
(518) 455-4197
FAX: (518) 455-4271
mushettd@nyassembly.gov

October 26, 2020

Bruce Feldman, Esq.
Claims Bureau Chief
The Capitol
Albany, NY 12224

RE: Justification for the Renewal of the Contract between the New York State Assembly and Orrick, Herrington, & Sutcliffe LLP (C111971)

The Assembly wishes to renew contract C111971 with the law office of Orrick, Herrington, & Sutcliffe for the continued the representation of the New York State Assembly in the Matter of Roxanne Delgado et al. v. The State of New York et al., Index Number 907537-18. The OAG declined to represent the Assembly in this matter, the Assembly appeared in this action as an *Amici*, friend of the court, and the OAG cited a conflict of interest. The lawsuit was initiated to challenge the decision of the NYS pay commission to increase the salaries of New York State Legislators over a three year period. Currently, the matter is before the New York Court of Appeals, where the Assembly is an *Amici*. As a result, the Assembly wishes to renew the contract for an additional year, to expire December 14, 2021. Additionally, the Assembly seeks to amend and increase the total not-to-exceed amount for services rendered.

The law office of Orrick, Herrington, & Sutcliffe LLP has continued to provide exceptional work and advocacy on behalf of the Assembly. The initial non-to-exceed amount under this contract was \$250,000.00, and currently there is approximately \$24,830.00 remaining. The not-to-exceed amount is amended and increased to \$300,000.00. The amount set aside for reasonable travel expenses remains the same.

Additionally, the fee schedule will continue to remain a blended rate of \$550.00 per hour for the work of Attorneys and a rate of \$250.00 per hour for the work of paralegals. The firm normally bills at a rate of more than double the rate offered to the Assembly. This firm maintains professional liability coverage.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David Mushett', written over a horizontal line.

David Mushett

MEMORANDUM

TO: Finance Department

FROM: Shannon Diederich
Contracts Unit

SUBJECT: OSC Approval – Orrick Herrington & Sutcliffe LLP

CONTRACT: C111971

DATE: November 20, 2020

For the Finance department files, please find attached the OSC approval documents regarding contract C111971 with Orrick Herrington & Sutcliffe LLP. Please note, the AG's office previously recused themselves from approval of this contract due to a conflict of interest. If you have any questions, please feel free to call me at x4414. Thank you.

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4. The parties hereby agree, except as hereinafter provided, this amendment incorporates and extends all terms and conditions set forth in Contract Number C111971.

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Contract Number: C111971

Orrick Herrington & Sutcliffe LLP

New York State Assembly

Andrew Silverman
Signature

David Mushett
Signature

Andrew Silverman
Print Name

David Mushett
Print Name

Partner
Title

Adm Counsel
Title

October 22, 2020
Date

10/26/2020
Date

APPROVED AS TO FORM:

Attorney General's Signature

Comptroller's Signature

Dated _____

Dated _____

APPROVED DEPT. OF AUDIT & CONTROL
Nov 20 2020 Brian Fuller
FOR THE STATE COMPTROLLER

NOTE: Original copies of this signature page will only be attached to original copies of this contract.