



**Office of the District Attorney
County of Westchester**

MEMORANDUM

25122

March 19, 2012

To: Honorable Board of Acquisition & Contract

From: Janet DiFiore, District Attorney

Re: **Resolution to exempt from the Westchester County Procurement Policy an agreement between the County of Westchester, acting by and through its District Attorney's Office and Lexis Nexis, a Reed Elsevier, Inc. business, for the provision of computer-assisted research services, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures**

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a Subscriber Agreement (the "Agreement") with Lexis Nexis, a Reed Elsevier, Inc. business ("Lexis Nexis"), for the provision of computer-assisted research services for the Westchester County District Attorney's Office, Communications Division. The term of the Agreement will commence March 1, 2012 and terminate February 28, 2015. In consideration for services rendered, Lexis Nexis will be paid a flat rate of One Hundred Nineteen (\$119.00) Dollars per month, not-to-exceed Four Thousand Two Hundred Eighty-Four Dollars (\$4,284.00) for the term of the Agreement, subject to County appropriation.

Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit written or oral quotations from no fewer than three persons customarily providing the required services. However, the District Attorney's Office has been subscribing to Lexis Nexis and West, the two primary on-line research companies in the United States, for the purpose of comparing both companies' online legal research applications. For the specific purpose regarding news and archived news items, the District Attorney's Office (the "Office") found the Lexis Nexis product to be superior to the West product in that it enables access to all necessary news items. This important feature compels this Office to purchase this important service from Lexis Nexis. It is imperative to ensure that the Communications staff of the District Attorney's Office has access to the most current news and all archived news items.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting this agreement from the procedures of the County's Procurement Policy. A resolution to exempt this agreement from procurement is hereby submitted for your consideration.

The services provided pursuant to this Agreement will serve a public purpose by allowing access, from one vendor, to news and archived news items. This, along with the cost savings, compels this Office to purchase this important service from Lexis. It is imperative to ensure that the legal staff of the District Attorney's Office has access to the most up-to-date information regarding news and archived news items. It is integral for a staff of Assistant District Attorneys in today's electronic era to have access to these materials in order to fulfill their professional responsibilities and thereby properly protect the rights and safety of the taxpayers of Westchester County.

The goals and objectives of this proposed Agreement are to provide access to comprehensive and current news and archived news items, in electronic formats. This information includes, without limitation, all news sources. Said access will be provided to one (1) user in the Communications Division. The goals and objectives will be tracked and monitored through the Communications Unit on a daily basis, as this Unit must access news every day.

The goals and objectives are in the best interest of the County in terms of fiscal responsibility because, for the District Attorney's needs, it is cost effective to use Lexis Nexis when compared to its competitor, West, which does not have all the news components needed by the District Attorney's Office. The flat rate allows the District Attorney's Office to access all news sites, including archived news items. It is imperative for this resolution to be approved to ensure that the communications staff of the District Attorney's Office has access to the most up-to-date information regarding current news.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

JD/

RESOLUTION

Upon a communication from Janet DiFiore, District Attorney, be it hereby

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy, it is determined that application of the procedural requirements contained therein, including the necessity of soliciting price quotes, is neither cost effective nor expedient and accordingly not in the best interests of the County in connection with the procurement of Lexis Nexis, a Reed Elsevier, Inc. business, for the provision of computer-assisted research services for the Westchester County District Attorney's Office.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/03/2018 - JOMARY VIEIRA, SECRETARY