



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

MEMORANDUM

60155

Date: December 6, 2017

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority for the County of Westchester, acting by and through the Office of the District Attorney, to, 1.) enter into an agreement with West Publishing Corporation for its 'Westlaw' and 'West Complete' legal research services, and 2.) amend an agreement with West Publishing Corporation for its 'West KM' legal research service, in order to extend its termination date, increase its not-to-exceed amount, and modify its scope of services.

Authority is hereby requested from your Honorable Board for the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "DA's Office"), to enter into an agreement with West Publishing Corporation ("West"), pursuant to which West will provide the DA's Office with its 'Westlaw' and 'West Complete' legal research services, for a term commencing on January 1, 2018 and continuing through December 31, 2020, for a total amount not-to-exceed \$141,939.00, payable pursuant an approved budget (the "Westlaw/West Complete Agreement").

As part of the Westlaw/West Complete Agreement, West requires the County to agree to the following term regarding "regulated or private" data that might be accessed in the course of the County's use of West's services (the "Regulated Data Term"):

"You are responsible for all damages caused by misuse, abuse or compromise of the data by you, your employees and any person or entity with whom you shared the data."

Accordingly, authority is hereby requested for the County to agree to the inclusion of the Regulated Data Term in the Westlaw/West Complete Agreement.

Authority is also requested for the County to amend its agreement with West, pursuant to which West was to provide the DA's Office with its 'West KM' legal research services for 60 simultaneous users, for a term commencing on March 1, 2017 and continuing through February 29, 2020, for a total amount not-to-exceed \$38,028.00, (the "West KM Agreement") by, 1.)

extending its term by ten (10) months, to a new termination date of December 31, 2020; 2.) increasing its not-to-exceed amount by \$11,006.00, to a new total not-to-exceed amount of \$49,034.00, to pay for services during its extended term; 3.) modifying its scope of work to increase the number of authorized simultaneous users of the service from 60 to 80, effective January 1, 2018; and 4.) modifying its budget to reflect a switch to a calendar-year cycle, effective January 1, 2018, with monthly charges of \$1,056.00 for 2018, \$1,088.00 for 2019, and \$1,088.00 for 2020 (the "West KM Amendment").

The County's existing agreement with West, pursuant to which it provides the DA's Office with 'Westlaw' and 'West Complete', will expire on December 31, 2017. During the negotiations that resulted in the proposed Westlaw/West Complete Agreement, the County expressed a desire to synchronize the end of the term of the existing West KM Agreement with the term of that new agreement, so that they would both end on December 31, 2020. West ultimately agreed to the County's desired extension; to authorize 20 additional simultaneous users of the services, effective January 1, 2018, at no additional cost; and to provide the 'West KM' services during the full calendar year 2020 at the same cost as for the calendar year 2019.

The proposed Westlaw/West Complete Agreement will serve a public purpose by ensuring that the entire staff of the DA's Office has access to all of the legal research services that are necessary for them to fulfill their professional responsibilities and properly serve and protect the people of Westchester County. Previously, only a limited number of DA's Office staff had access to all legal research services and others had limited access. The proposed West KM Amendment will serve a public purpose by providing the County with the West KM services for a longer term, and for additional users, with the only additional cost being payment for the remainder of the calendar year 2020 at the same cost as for the calendar year 2019.

The goal and objective of the proposed Westlaw/West Complete Agreement is to ensure that the entire staff of the DA's Office has access to all of the legal research services that are necessary for them to fulfill their professional responsibilities and properly serve and protect the people of Westchester County. The goal and objective of the proposed West KM Amendment is to provide the County with the West KM services for a longer term, and for additional users, with the only additional cost being payment for the remainder of the calendar year 2020 at the same cost as for the calendar year 2019.

The goal and objective of the proposed Westlaw/West Complete Agreement is in the best interests of the County in terms of health and safety, as ensuring that the entire staff of the DA's Office has access to all of the legal research and related services that are necessary for them to fulfill their professional responsibilities will ultimately allow them to properly serve and protect the people of Westchester County. The goal and objective of the proposed West KM Amendment is in the best interests of the County in terms of fiscal responsibility, as it will provide the County with the West KM services for a longer term, and for additional users, with the only additional cost being payment for the remainder of the calendar year 2020 at the same cost as for the calendar year 2019.

The goals and objectives of the proposed Westlaw/West Complete Agreement and the proposed West KM Amendment will all be tracked and monitored by the staff of the DA's Office.

Authority to exempt the proposed Westlaw/West Complete agreement from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

AAS/PD/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/14/2017 - JOAN COCCARDI, SECRETARY

RESOLUTION

Upon a communication from the District Attorney, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through the Office of the District Attorney, (the "DA's Office") is hereby authorized to enter into an agreement with West Publishing Corporation ("West"), pursuant to which West will provide the DA's Office with its 'Westlaw' and 'West Complete' legal research services, for a term commencing on January 1, 2018 and continuing through December 31, 2020, for a total amount not-to-exceed \$141,939.00, payable pursuant an approved budget, and as a part of which the County will agree to include the following provision regarding damages concerning regulated or private data that might be accessed in the course of the County's use of West's services

"You are responsible for all damages caused by misuse, abuse or compromise of the data by you, your employees and any person or entity with whom you shared the data."

; and be it further

RESOLVED, that the County, acting by and through the DA's Office, is hereby authorized to amend its agreement with West, pursuant to which West was to provide the DA's Office with its 'West KM' legal research services for 60 simultaneous users, for a term commencing on March 1, 2017 and continuing through February 29, 2020, for a total amount not-to-exceed \$38,028.00, by, 1.) extending its term by ten (10) months, to a new termination date of December 31, 2020; 2.) increasing its not-to-exceed amount by \$11,006.00, to a new total not-to-exceed amount of \$49,034.00, to pay for services during its extended term; 3.) modifying its scope of work to increase the number of authorized simultaneous users of the service from 60 to 80, effective January 1, 2018; and 4.) modifying its budget to reflect a switch to a calendar-year cycle, effective January 1, 2018, with monthly charges of \$1,056.00 for 2018, \$1,088.00 for 2019, and \$1,088.00 for 2020; and be it further

RESOLVED, that the agreement is subject to County appropriations; and be it further

RESOLVED, that the agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the contractor, then the contractor shall have the right to terminate the agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2018	101	37	4420/2300			46,757
2019	101	37	4420/2300			47,310
2020	101	37	4420/2300			58,878

Budget Funding Year(s): _____ Start Date: 1/1/18 End Date: 12/31/20

Funding Source	Tax Dollars:	\$152,945 _____
\$152,945.00 _____	State Aid:	_____
(must match resolution)	Federal Aid:	_____
	Other:	_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/14/2017 - JOHN COCCIARDI, SECRETARY