

**65705**

Date: October 24, 2018

To: The Honorable Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: **Request for authority for the County of Westchester (the "County") to exercise its first option to renew an agreement with LexisNexis, a division of Reed Elsevier Inc., ("Lexis") pursuant to which Lexis provides on-line legal research services, for the renewal period of one (1) year, beginning December 1, 2018 and terminating November 30, 2019 at a total cost to the County not to exceed Twenty-Eight Thousand Two Hundred (\$28,200) Dollars for the one-year renewal term, subject to appropriation.**

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On October 22, 2015 your Honorable Board approved a resolution (the "2015 Resolution") that authorized the County to enter into an agreement (the "Agreement") with Lexis pursuant to which Lexis agreed to provide on-line computer assisted legal and general research services for a three (3) year period commencing December 1, 2015 and terminating on November 30, 2018, with the County having the sole option to renew the Agreement for two (2) additional one (1) year option periods. For the base contract term, the County agreed to pay Lexis a total amount not to exceed Eighty-Six Thousand (\$86,000.00) Dollars, payable monthly, and subject to County appropriation. The Agreement was duly executed.

The County now desires to exercise its first option to renew the Agreement for an additional one-year term. Accordingly, authority is hereby requested from your Honorable Board for the County to exercise its first option to renew the Agreement (the "First Renewal") to extend the term for the one-year period commencing December 1, 2018 and terminating November 30, 2019, at a total cost not to exceed Twenty-Eight Thousand Two Hundred (\$28,200) Dollars, payable monthly at a rate of Two Thousand Three Hundred Fifty (\$2,350) Dollars per month, and subject to appropriation. As per the Agreement, the online libraries provided by Lexis are subject to change; however, all remaining material terms and conditions of the Agreement shall remain the same. It should be noted that the Westchester County Procurement Policy (the "Procurement Policy") was complied with by the issuance of a Request for Proposals (the "RFP"), as more fully set forth in the 2015 Resolution.

The proposed First Renewal, if authorized by your Honorable Board, would provide continued access to comprehensive and current legal information, in on-line format, grouped into specialized libraries and standard research files. This information includes, without limitation, federal and state case law, certain specialty libraries, legislative material, state and federal sources, opinions, statutes,

law review articles, legal treatises and other secondary sources, news sources and New York public records. Said on-line access would be provided concurrently to all holders of standard passwords, including, among others, all attorneys in the Department of Law (the "Department"), as well as certain individuals in the County Executive's Office, Board of Legislators, Board of Elections and Solid Waste Commission.

The goals and objectives of this proposed First Renewal are to provide access to comprehensive and current legal information, grouped into specialized libraries and standard research files in connection with the legal representation of the County in various civil matters. The proposed First Renewal will serve a public purpose by assisting the attorneys in the County to perform legal research in an efficient and cost effective manner as well as enabling the attorneys to keep apprised of the latest legal developments so that the Department can efficiently represent the County in all legal matters. The services provided by Lexis shall be tracked by the County's daily usage and monitoring of the on-line legal services provide by Lexis as well as the Department's monthly review and payment of invoices.

Accordingly, it is respectfully requested that your Honorable Board approve the attached resolution authorizing the First Renewal to the Agreement with Lexis for computer assisted legal and general research services.

Attachment  
JN/mg

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/10/2009 - 11:54 AM - SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to hereby exercise its first option to renew an agreement (the "Agreement") with Lexis-Nexis Group, a division of Reed Elsevier, Inc. pursuant to which Lexis provides on-line legal research services at a total annual cost to the County not to exceed Twenty-Eight Thousand Two Hundred (\$28,200) Dollars, payable monthly at a rate of Two Thousand Three Hundred Fifty (\$2,350) Dollars per month, and subject to appropriation, to extend the term of the Agreement for the County's first one (1) year renewal option period commencing on December 1, 2018 and terminating on November 30, 2019; and be it further

**RESOLVED**, that all remaining material terms and conditions of the Agreement shall remain the same; and it is further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this 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 this 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 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 either to terminate this 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 this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the 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 proper to effect the purposes hereof.

Agreement LAW # xxx

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2018	101	18		4070		1000	\$ 2,350
	2019	101	18		4070		1000	\$25,850

Budget Funding Year(s) 2018-2019  
(must match resolution)

Start Date December 1, 2018 End Date November 30, 2019

Funding Source Tax Dollars \$ 28,200  
State Aid \_\_\_\_\_  
**\$ 28,200**  
(must match resolution) Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/01/2018 - LISA MRIJAS, SECRETARY