



Office of the District Attorney
County of Westchester

MEMORANDUM

23553

December 8, 2011

To: The Honorable Board of Acquisition and Contract

From: Janet DiFiore, District Attorney

Re: **Resolution authorizing the County of Westchester, acting by and through its District Attorney's Office, to terminate its current agreement with West, a Thomson Reuters business, for the provision of computer-assisted legal and general research services to include printed materials for a three (3) year period commencing February 1, 2009 and terminating on January 31, 2012, for a total amount not-to-exceed \$114,625.00, subject to County appropriation, and immediately thereafter enter new agreements for the provision of computer-assisted legal and general research services to include printed materials for a three (3) year period commencing January 1, 2012 and terminating on December 31, 2014, for a total amount not-to-exceed \$142,000.88, subject to County appropriation, and immediately thereafter enter new agreements**

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County of Westchester, acting by and through its District Attorney's Office (the "County") to terminate its Subscriber Agreement and two separate Order Forms (the "Agreement") for the Appeals Bureau and Trial Attorneys respectively with West, a Thomson Reuters business ("West"), for the provision of on-line computer assisted legal and general research services to include printed materials (the "Services"), for a three (3) year period commencing February 1, 2009 and terminating on January 31, 2012 under which the County agreed to pay West a total amount not to exceed \$114,625.00 subject to County appropriation, and immediately thereafter enter new agreements for the provision of computer-assisted legal and general research services to include printed materials for a three (3) year period commencing January 1, 2012 and terminating on December 31, 2014, for a total amount not-to-exceed \$142,000.88, subject to County appropriation, and immediately thereafter enter new agreements.

Early termination of the Agreement is sought because West has advised that entering a new agreement will enable the County to pay less overall for the same services than if the County waits until the expiration of the term of the current agreement before renewing the Agreement. A rider to new Agreement will contain language terminating and superseding the prior, terminated agreement.

The goals and objectives of this proposed termination and agreement are to provide access to comprehensive and current legal information, in printed and electronic formats, grouped into specialized libraries and standard research files in connection with the legal representation of the County in various criminal matters. 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 all New York public records. Said access will be provided to thirty (30) users in the

Appeals Bureau with an additional (30) passwords for this high level access, for a total of (60), and one hundred (100) Trial Attorneys with an additional (100) passwords for this secondary level access, for a total of (200).

This Agreement also meets the County Executive's Critical Priority Area of Fiscal Responsibility because, for the District Attorney's needs, it is cost effective when compared to its competitor, LexisNexis. It is imperative for this resolution to be approved to ensure that the legal staff of the District Attorney's Office has access to the most up-to-date information regarding current laws, law reviews and journals, news, annotated statutes, citations, etc. 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 District Attorney's Office sought presentations from LexisNexis and West for the purpose of comparing both companies online legal research applications. For our purposes, the District Attorney's Office found the West product to be superior in that it is easier to use, pulls up searches quicker and can furnish bill jackets, as needed. These important features, along with the cost savings compel this Office to purchase this important service from West. Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy, where this Honorable Board determines, by resolution passed prior to the commencement of procurement, that compliance with the Westchester County Procurement Policy would not be in the best interests of the County, the requirements of the policy may be waived.

By prior resolution duly adopted by your Honorable Board, it was determined that compliance with the procedures of the County's Procurement Policy was not in the best interests of the County. This agreement is therefore exempt under Section 3(a)(xxi) of the County's Procurement Policy. I believe it is in the best interest of the County to enter into the within described agreement. Accordingly, I recommend that your Honorable Board approve the annexed proposed Resolution authorizing the agreement with West for computer assisted legal and general research services.

JD/mlg

RESOLUTION

Upon a communication from the District Attorney, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its District Attorney's Office be, and hereby is, authorized to terminate its Subscriber Agreement and two separate Order Forms (the "Agreement") for the Appeals Bureau and Trial Attorneys respectively with West, a Thomson Reuters business ("West"), for the provision of on-line computer assisted legal and general research services to include printed materials (the "Services"), for a three (3) year period commencing February 1, 2009 and terminating January 31, 2012 under which the County agreed to pay West a total amount not to exceed \$114,625.00 subject to County appropriation, and immediately thereafter enter new agreements for the provision of computer-assisted legal and general research services to include printed materials for a three (3) year period commencing on January 1, 2012 and terminating on December 31, 2014, for a total amount not-to-exceed \$142,000.88, subject to County appropriation, and immediately thereafter enter new agreements; and be it further

RESOLVED, that this Agreement is subject to County appropriations. 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 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 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.

RESOLVED, that the County Executive or his duly authorized designee be hereby authorized and empowered to execute any and all instruments necessary and proper to accomplish the purposes of this Resolution.

| Account to be Charged/credited | Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|------|--|--------------------|---------------|-------------|
| 2012 | 101 | 37 | 0010 | 4420 | | \$37,492.20 |
| 2012 | | | | 2300 | | \$ 9,552.00 |
| 2013 | | | | 4420 | | \$37,492.20 |
| 2013 | | | | 2300 | | \$ 9,838.56 |
| 2014 | | | | 4420 | | \$37,492.20 |
| 2014 | | | | 2300 | | \$10,133.72 |

Budget Funding Year(s) Start Date 1/1/2012 End Date: 12/31/2014
 (must match resolution)

Funding Source Tax Dollars \$142,000.88
 State Aid _____
\$142,000.88 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/22/2011 - ROMARY VIEIRA, SECRETARY