



Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

Date: October 25, 2012

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan, County Attorney
Department of Law

Re: **Resolution authorizing the County of Westchester (the “County”) to enter into an agreement with West, a Thomson Reuters business, for the provision of legal research tools for a three (3) year period commencing December 1, 2012 and terminating November 30, 2015, at a total cost to the County not-to-exceed Two Hundred Ten Thousand (\$210,000.00) Dollars, subject to appropriation**

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) with West, a Thomson Reuters business (“West”), for the provision of legal research tools (the “Services”), for a three (3) year period commencing December 1, 2012 and terminating November 30, 2015. The County will pay West a total amount not to exceed Two Hundred Ten Thousand (\$210,000.00) Dollars, payable monthly, and subject to County appropriation.

The proposed Agreement, if authorized by your Honorable Board, would provide for access to comprehensive and current legal information, in on-line and print 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 all New York public records and McKinney’s statutes of New York (“McKinney’s”) updates, and supplements Said on-line access would be provided concurrently to all holders of standard passwords, currently ninety (90) users, which includes 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.

In compliance with the procurement policy, the Department requested proposals (“RFP”) from West, Loislaw and LexisNexis, a division of Reed Elsevier Inc. (“Lexis”). In addition, the RFP was posted on the County’s RFP website. Price proposals were received from four (4) entities, however, Loislaw and another proposer, Elizabeth Office Services, were deemed not responsive. It should be

noted that, for the most part, Lexis and West provide comparable on-line research services and on-line legal libraries. However, McKinney's is proprietary to West and thus, only West can provide McKinney's updates and supplements and offers a fifty percent (50%) discount on McKinney's updates and supplements if West's on-line and print services are bundled together. Although Lexis offers its own print New York statutory publication entitled Consolidated Laws Services, this publication does not include extensive legal commentary. The Department's attorneys indicated that McKinney's Consolidated Laws volumes are by far the superior legal research product and extremely useful, particularly for group meetings where a New York law topic is being discussed. In addition, West will provide extensive on-line continuing legal education classes ("CLE") from its library to all of the Department's attorneys, so that the Department's attorneys can stay abreast of the latest legal developments. Lexis offered only a very limited CLE library. Furthermore, in accordance with the County's Procurement Policy and the RFP, the Department ranked the proposals based upon the evaluation criteria set forth in the RFP. Attached please a chart of the evaluation criteria rankings attached hereto and made a part hereof as Schedule "A". In accordance with the County's Procurement Policy and the RFP, the Department ranked the proposers based upon the evaluation criteria set forth in the RFP and West was ranked first. Attached hereto and made a part hereof as Schedule "A" is a copy of the Summary Comparison Chart ranking the proposers. Accordingly, West has been selected as the successful proposer for both on-line and print services.

In order to achieve cost savings, the Department will reduce the number of paper editions of McKinney's update and supplement sets being issued from six (6) sets to three (3) sets. It should be noted by your Honorable Board, that although the costs in year 1 of the contract are fixed, the cost of the McKinney's paper updates and supplements are subject to change and may increase based upon the size of the updates and other factors at West's sole discretion. Accordingly, the contract not to exceed amount is based on the high end of an estimate of a range of past price increases for McKinney's (8-10% annually).

The goals and objectives of this proposed Agreement 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 agreement 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 West shall be tracked by the County's daily usage and monitoring of the on-line legal services provide by West as well as the Department's monthly review and payment of invoices.

West has always been very responsive to the Department's needs and has historically provided the Department with excellent service at a good price. Accordingly, I recommend that your Honorable Board approve the attached resolution authorizing the Agreement with West for legal and general research services.

RFM/jpi
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with West, a Thomson Reuters business, for the provision of legal research tools, including on-line continuing legal education classes, for a three (3) year period commencing December 1, 2012 and terminating November 30, 2015. The County will pay West a total amount not to exceed Two Hundred Ten Thousand (\$210,000.00) Dollars, payable monthly, and subject to County appropriation; and be it 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 #

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2012	101	18		4070		1000	\$ 5,833.33
	2013	101	18		4070		1000	\$70,000.00
	2014	101	18		4070		1000	\$70,000.00
	2015	101	18		4070		1000	\$64,166.67

Budget Funding Year(s) 2012-15
(must match resolution)

Start Date December 1, 2012 End Date November 30, 2015

Funding Source Tax Dollars \$ 210,000

State Aid _____

\$ 210,000
(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/29/2012 - JONARY WITH SECRETARY

SCHEDULE "A"

Evaluation Criteria	Quality of the Proposal/ Responsiveness	Type and Quality of Research Services and Materials *	Rates	Type and Quality Related Services	TOTAL
Westlaw	25	25	20	25	95/100
LexisNexis	25	15	25	20	85/100

SCORING: 25 per section for a total of 100 points

*It should be noted that online services were judged equally and the primary difference between the rankings of this category was the print materials provided by the providers.