

33701

May 21, 2013

TO: Board of Acquisition and Contract

FROM: George N. Longworth, Commissioner-Sheriff
Department of Public Safety

RE: Resolution authorizing the County of Westchester, acting by and through its Department of Public Safety to enter into an agreement and an extension amendment with LexisNexis pursuant to which LexisNexis will provide subscription services for the periods from (1) May 1, 2013 through April 30, 2016 and (2) May 1, 2016 through April 30, 2018

Authority is sought for the County of Westchester (the "County") acting by and through its Department of Public Safety to enter into an agreement and subsequent extension amendment with LexisNexis ("LN") pursuant to which LN will provide subscription services to its legal research database for the periods (1) May 1, 2013 through April 30, 2016 and (2) May 1, 2016 through April 30, 2018 for amounts not to exceed \$2,592 and \$1,824, respectively.

The Department of Public Safety has been using LN for the above-described services since 2006 and has executed numerous 1-year short-form extension agreements providing for the continuation of said services since that date. Authority is now sought from your Honorable Board is currently sought to enter into two multi-year extension agreements, which would require the County to indemnify LN as described in Sections 2.5 and 5.7 of the attached Terms & Conditions as follows:

"indemnify, defend, and hold LN harmless for any and all claims, damages, costs, fines and expenses that LN may incur as a result [the County or the County's] Authorized Users' use of the Folders or any content uploaded to the Folders, excluding LN Materials."

And:

The County "will be solely liable for all claims that may arise from a Security Event caused by [the County, its] Authorized Users or a User and [the County] will indemnify LN for any third party claims directed against LN that arise from the Security Event; and (e) all notifications and indemnity claims related to the Security Event will be solely at [the County's] expense.

The public purpose of this agreement is to provide employees of the Department of Public Safety with a means to review the current state of the laws that the Department is charged to enforce and the manner in which such laws may be enforced.

The goals and objectives of this agreement are to provide such information, on demand, as may be needed by such members of the Department who shall review the text of current laws and the court decisions which have interpreted such laws, from time to time, for

the purpose of properly preparing and keeping current the police officers who enforce such laws and ensuring that they do so in a lawful manner.

The goals and objectives of this program will be tracked and monitored by the Department by monitoring the usage of said resource.

The agreement is exempt from the Westchester County Procurement Policy pursuant to Section 5(a) of that policy. The Department further complied with the Procurement Policy as three quotes were solicited and responded. LN was the low bidder.

Wherefore, authority is respectfully sought for the County of Westchester to enter into this agreement.

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/20/2018 - JOMAR VIEIRA SECRETARY

RESOLUTION

Upon a communication from the Commissioner-Sheriff, Department of Public Safety, be it hereby

RESOLVED, that authority is hereby granted to the County of Westchester, acting by and through its Department of Public Safety to enter into an agreement and subsequent extension amendment with LexisNexis ("LN") pursuant to which LN will provide subscription services to its legal research database for the periods (1) May 1, 2013 through April 30, 2016 and (2) May 1, 2016 through April 30, 2018 for amounts not to exceed \$2,592 and \$1,824, respectively; and be it further

RESOLVED, that the County is authorized to indemnify LN as required by the agreements and as follows:

"indemnify, defend, and hold LN harmless for any and all claims, damages, costs, fines and expenses that LN may incur as a result [the County or the County's] Authorized Users' use of the Folders or any content uploaded to the Folders, excluding LN Materials."

And:

The County "will be solely liable for all claims that may arise from a Security Event caused by [the County, its] Authorized Users or a User and [the County] will indemnify LN for any third party claims directed against LN that arise from the Security Event; and (e) all notifications and indemnity claims related to the Security Event will be solely at [the County's] expense."

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 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; and be it further

RESOLVED, that the County Executive, or his authorized designee, and hereby is authorized to enter into and execute this agreement for the County of Westchester.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Dollars
2013-2014	101	38	2000		\$560.00
2014-2015	101	38	2000		\$856.00
2015-2016	101	38	2000		\$880.00
2016-2017	101	38	2000		\$904.00
2017-2018	101	38	2000		\$912.00
2018	101	38	2000		\$304.00

Budget Funding Years
(must match resolution)

Start Date 05/01/2013

End Date 04/30/2018

Funding Source
\$4,416.00
(must match resolution)

Tax Dollars \$4,416.00
State Aid _____
Federal Aid _____
Other _____

APPROVED BOARD OF ACQUISITION & COMMERCE - 06/20/2013 - DOMARY VIEIRA, SECRETARY