



Office of the District Attorney
County of Westchester

MEMORANDUM

54778

Date: January 17, 2017

To: The Honorable Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: **Resolution authorizing the County of Westchester, acting by and through its District Attorney's Office, to enter into an agreement with West, a Thomson Reuters business, for the provision of West KM computer-assisted legal services for a three (3) year period commencing on March 1, 2017 and terminating on February 29, 2020, for a total amount not-to-exceed \$38,028.00, subject to County appropriations and payable pursuant to an approved budget.**

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 enter into an agreement with West, a Thomson Reuters business ("West"), for the provision of West KM computer-assisted legal research services for a three year period commencing March 1, 2017 and terminating on February 29, 2020, for a total amount not-to-exceed \$38,028.00, subject to County appropriations and payable pursuant an approved budget.

The goals and objectives of this proposed agreement are to provide the District Attorney's Office with West KM search services which will enable sixty (60) users at the District Attorney's Office to simultaneously search Westlaw and all legal documents created by District Attorney's Office attorneys using the same search criteria. This will provide the attorneys of the District Attorney's Office with the ability to search multiple access points and databases including Westlaw and the District Attorney's Office's electronic document repository, thereby streamlining and optimizing their legal searches.

West is the sole source for the provision of West KM services and West KM is the only program able to search the District Attorney Office's document repository using proprietary Westlaw technology and criteria in order to retrieve Westlaw cases, organization documents and work product that pertain to the same legal issues.

Pursuant to Section 9 of the Westchester County Procurement Policy and procedures, and after reasonable investigation, it has been determined that West is the only practicable source for the provision of these services. Therefore, the procurement of the West KM services to be provided in accordance with this proposed agreement is not subject to competitive procurement under applicable case law recognizing that the sole source exception. I hereby recommend to your Honorable Board that this procurement be treated as a sole source.

This Agreement also meets the County Executive's Critical Priority Area of Fiscal Responsibility because, these services will significantly improve the speed and effectiveness of legal searches and 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, annotated statutes, citations, etc. This will enable the attorneys and staff of the District Attorney's Office to fulfill their professional responsibilities and properly protect the rights and safety of the taxpayers of Westchester County.

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 enter into an agreement with West, a Thomson Reuters business, for the provision of West KM computer-assisted legal research services for a three (3) year period commencing March 1, 2017 and terminating on February 29, 2020, for a total amount not to exceed \$38,028.00, and payable pursuant an approved budget; and be it further

RESOLVED, that this procurement is deemed to be a sole source procurement; and be it further

RESOLVED, that this contract 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 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 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
2017	264	37	8002	4420		\$12,300
2018	264	37	8002	4420		\$12,672
2019	264	37	8002	4420		\$13,056
2020						

Budget Funding Year(s) Start Date 3/1/2017 End Date: 2/29/2020
 (must match resolution)

Funding Source Tax Dollars \$38,028.00

State Aid _____

\$38,028.00 Federal Aid _____
 (must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/16/2017 LISA MARIJAJ, SECRETARY