



Office of the District Attorney
County of Westchester

MEMORANDUM

60060

Date: December 6, 2017

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, an agreement with West Publishing Corporation for its 'Westlaw' and 'West Complete' legal research services, for a term commencing on January 1, 2018 and continuing through December 31, 2020.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures an agreement between the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "DA's Office"), and West Publishing Corporation ("West"), pursuant to which West will provide the DA's Office with its 'Westlaw' and 'West Complete' legal research services, for a term commencing on January 1, 2018 and continuing through December 31, 2020 (the "Westlaw/West Complete Agreement").

The County's existing agreement with West, pursuant to which it provides the DA's Office with 'Westlaw' and 'West Complete', will expire on December 31, 2017 (the "Expiring Agreement"). When compared against the costs paid for both 'Westlaw' and 'West Complete' in 2017, and also when compared against West's initial proposed costs for both 'Westlaw' and 'West Complete' for 2018-2020, the proposed Westlaw/West Complete Agreement will provide the DA's Office with very significant savings.

For example, the DA's Office will receive both 'Westlaw' and 'West Complete' in 2018 for approximately \$10,745.00 less than it has paid for both services in 2017; in 2019 for approximately \$10,192.00 less than it has paid for both services in 2017; and in 2020 for approximately \$9,629.00 less than it has paid for both services in 2017. That is a cumulative savings, just versus the actual costs in 2017, of approximately \$30,566.00, while still guaranteeing the successful operation of all of the functions of DA's Office that are related to the use of these legal research services.

Under the proposed Westlaw/West Complete Agreement that was negotiated by the DA's Office, the County would pay nearly the same amount for 'Westlaw' in 2018 as it has paid in

2017 under the Expiring Agreement, rather than paying a much higher rate. This favorable pricing for 2018 significantly impacts the years 2019 and 2020, as the one percent (1%) annual price increases proposed for each of those years will be made from the starting point of the very favorable base cost for 2018. This favorable pricing is also notable because while the costs for 'Westlaw' are being kept down, the DA's Office will actually be given access to far more material from that service under the proposed Westlaw/West Complete Agreement than it currently has under the Expiring Agreement. In addition, under the proposed Westlaw/West Complete Agreement, the DA's Office will now get 'Westlaw' access for both 120 legal and 120 non-legal users. Previously, only a limited number of staff in the DA's Office had full access to 'Westlaw' and others had limited access.

For the proposed Westlaw/West Complete Agreement, the DA's Office has also negotiated lower annual increases, of five percent (5%) rather than seven percent (7%), for 'West Complete', despite a reduction in the total volume of 'West Complete' services being procured.

Given the favorable pricing and other desirable terms described above; the very significant total savings described above, and the ability to avoid expending the time and money for implementation and training that would be associated with a switch to the services of a competitor, it is proposed that the best interests of the County would be served by exempting the proposed Westlaw/West Complete Agreement from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Therefore, a resolution to exempt this procurement is hereby submitted for your consideration.

AAS/PD/bdm/mn

RESOLUTION

Upon a communication from the District Attorney, be it hereby

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the "County") in connection with the procurement of an agreement with West Publishing Corporation ("West"), pursuant to which West will provide the DA's Office with its 'Westlaw' and 'West Complete' legal research services, for a term commencing on January 1, 2018 and continuing through December 31, 2020.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/14/2017
JOHN G. SCARDI, SECRETARY