



**Office of the District Attorney
County of Westchester**

MEMORANDUM

80280

Date: October 15, 2020

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority for the County of Westchester, acting by and through the Office of the District Attorney, to enter into an agreement with West Publishing Corporation for its "Westlaw," "West ProFlex" and "West KM" legal research services, for a term commencing January 1, 2021 and continuing through December 31, 2023, for a total amount not-to-exceed \$156,859.15.

Authority is hereby requested from your Honorable Board for the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "DA's Office"), to enter into an agreement with West Publishing Corporation ("West"), pursuant to which West will provide the DA's Office with its "Westlaw," "West ProFlex" and "West KM" legal research services, for a term commencing January 1, 2021 and continuing through December 31, 2023, for a total amount not-to-exceed \$156,859.15, payable pursuant an approved budget (hereinafter the "Agreement").

In accordance with the proposed terms of the Agreement, West will require the County to agree to the following regarding "regulated or private" data that might be accessed in the course of the County's use of West's services (the "Regulated Data Term"):

"You are responsible for all damages caused by misuse, abuse or compromise of the data by you, your employees and any person or entity with whom you shared the data."

Accordingly, authority is hereby requested for the County to agree to the inclusion of the Regulated Data Term in the Westlaw/West Complete Agreement.

The proposed Agreement will serve a public purpose by ensuring that the entire staff of the DA's Office has access to the legal research services that are necessary to fulfill their professional responsibilities and properly serve and protect the people of Westchester County. The goal and objective of the proposed Agreement is to ensure that the entire staff of the DA's Office has access to the legal research services that are necessary to fulfill their professional

responsibilities and properly serve and protect the people of Westchester County. The goal and objection of the proposed Agreement will be tracked and monitored by the staff of the DA's Office.

Authority to exempt the proposed Agreement from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

AAS/PD/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/12/2020 - LISA M. PIAS SECRETARY

RESOLUTION

Upon a communication from the District Attorney, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through the Office of the District Attorney, (the “DA’s Office”) is hereby authorized to enter into an agreement with West Publishing Corporation (“West”), pursuant to which West will provide the DA’s Office with its “Westlaw,” “West ProFlex” and “West KM” legal research services, for a term commencing January 1, 2021 and continuing through December 31, 2023, for a total amount not-to-exceed \$156,859.15, payable pursuant an approved budget, and as a part of which the County will agree to include the following provision regarding damages concerning regulated or private data that might be accessed in the course of the County’s use of West’s services

“You are responsible for all damages caused by misuse, abuse or compromise of the data by you, your employees and any person or entity with whom you shared the data.”

; and be it further

RESOLVED, that the agreement is subject to County appropriations; and be it further

RESOLVED that the 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 the 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 the 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 the agreement upon reasonable prior written notice; and be it further

RESOLVED, 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 appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2021	101	37	0010	4420		51,528.60
2022	101	37	0010	4420		52,301.05
2023	101	37	0010	4420		53,029.50

Budget Funding Year(s): 2021,2022,2023_____

Start Date: 1/1/21 End Date: 12/31/23

Funding Source	Tax Dollars:	\$156,859.15
<u>\$ 156,859.15</u>	State Aid:	_____
(must match resolution)	Federal Aid:	_____
	Other:	_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/12/2020 - LISA MRIJAJ, SECRETARY