



Legislation Details (With Board Report)

File #: A 20-316 **Name:** Agreement with West Publishing Corporation FY20-24
Type: BoS Agreement **Status:** Passed - Public Defender's Office
File created: 7/7/2020 **In control:** Board of Supervisors
On agenda: 7/28/2020 **Final action:** 7/28/2020

Title: a. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for Westlaw Pro Edge Government Plan Online Legal Research, for the period retroactive to July 1, 2020 through December 31, 2024, in the maximum amount of \$181,787.28;
b. Accept non-standard contract provisions as recommended by the Public Defender;
c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required;
d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement over the period retroactive to July 1, 2020 through December 31, 2024.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Agreement Westlaw Edge Proflex and Exhibits, 3. Item No. 48 Completed Board Order

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of Supervisors		

a. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for Westlaw Pro Edge Government Plan Online Legal Research, for the period retroactive to July 1, 2020 through December 31, 2024, in the maximum amount of \$181,787.28;
b. Accept non-standard contract provisions as recommended by the Public Defender;
c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required;
d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement over the period retroactive to July 1, 2020 through December 31, 2024.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for Westlaw Pro Edge Government Plan Online Legal Research, for the period retroactive to July 1, 2020 through December 31, 2024, in the maximum amount of \$181,787.28;
b. Accept non-standard contract provisions as recommended by the Public Defender;
c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required;
d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement over the period retroactive to July 1, 2020 through December 31, 2024.

SUMMARY:

It is requested that the Board authorize the Contracts Purchasing Officer to sign a non-standard Agreement with West Publishing Corporation, and to issue purchase orders as needed, in the amount not to exceed \$181,787.28, over the period of July 1, 2020 through December 31, 2024. The services provided are for a Westlaw PRO Edge

Government Plan for Online Legal Research that includes Primary Law, Key Cite, Legislative History, Statute and Regulation Versioning, State Analytical Collections, Forms, Law Reviews & Journals, and news.

DISCUSSION:

Westlaw Pro Edge Government Plan Online Legal Research software/internet service provides online legal research and writing assistance to the Public Defender's Office, in order to fulfill its legal duty to represent indigents charged with crimes in Monterey County. Westlaw PRO Edge Government Plan for online legal research includes the primary constitutions, laws, and cases (published and unpublished) for all federal and state jurisdictions. This service also includes the proprietary Key Cite reference system used to pinpoint legal research efforts. The service likewise includes the published legislative history for all federal and state jurisdictions. The service moreover provides the statute and regulation versioning for all federal and state jurisdictions. The service includes forms for all federal and state jurisdictions and has a proprietary forms builder program that self populates templates to increase the efficiency and accuracy of prepared and filed motions. The service likewise includes the proprietary Drafting Assistant program that integrates with the Public Defender's native word processing program and reviews, checks, and corrects citation and quotations in legal briefs. Finally, the service provides the proprietary Case Timeline program that builds a timeline of legally significant events in the case; this program is used by the Public Defender's Office for trial preparation and presentation.

The Agreement is non-standard for the County. It adopts modifications to the County's standard agreement, set forth in Exhibit A, the Scope of Work, paragraph A.3. Additionally, the proposed agreement is based upon West Publishing Corporation's standard agreement, attached as Exhibit B, "Order Form."

This proposed agreement provides the legal research and legal drafting tools described to the Public Defender from July 1, 2020, through December 31, 2024. The Public Defender negotiated a three-year contract to receive a lower rate that includes a six-month bridge term at the discounted rate of \$3,887.26.

OTHER AGENCY INVOLVEMENT:

Previous Agreements with this vendor are not approved by County Counsel, due to the presence of the following non-standard and unacceptable terms/conditions in the Agreement: limited vendor liability, limited protection under insurance coverage, and restricted ability to exercise termination provisions.

The modifications requested by the vendor are detailed in Exhibit A, paragraph A.3. In addition, County Counsel found terms contained in the Vendor Order Form and Terms and Conditions section of the documents in Exhibit B, to be contrary to the standard contractual terms for the county, including but not limited to the vendor's ability to unilaterally change monthly charges, evergreen, month-to-month continuation of the agreement upon the end of the contract term, undisclosed charges, foreign venue, applicability of Minnesota rather than California law to contract disputes, unlimited vendor assignment of services, limitations on the type of and amount of damages available to the County in the event of contract breach, and "as-is" product with limited or no warranty for service performance, and therefore could not approve the agreement.

FINANCING:

Funding is available within the existing budget for the Public Defender, and future funding is anticipated to continue.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This contract meets the Board’s strategic initiatives by providing “Efficient and Effective Government Operations”. This contract also meets a Key Objective by achieving a balanced budget that sustains core services and efficiently allocates resources.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Susan E. Chapman, Public Defender, Ext. 5806

Attachments:
Board Report
Agreement with West Publishing Corporation - Westlaw Edge Pro Government Plan