



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 16-522 **Name:** West Publishing Agreement
Type: General Agenda Item **Status:** Consent Agenda
File created: 4/26/2016 **In control:** Board of Supervisors
On agenda: 5/10/2016 **Final action:**
Title: a. Authorize the Contracts/Purchasing Officer to execute an Agreement with West Publishing Corporation, associated with Thomson Reuters Corporation, for CLEAR Government Fraud Investigative Software, for the period of April 1, 2016 through March 31, 2019, in the maximum amount of \$40,000.00;
b. Accept non-standard contract provisions as recommended by the District Attorney;
c. Authorize the Contract/Purchasing Officer and the District Attorney to sign and execute the appropriate documents and verifications when required; and
d. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis pursuant this Agreement over the period of April 1, 2016 through March 31, 2019.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Exhibit C - Certificate of Insurance - Mar 2016.pdf, 3. Exhibit B - WEST - 25 March 2016.pdf, 4. Exhibit A-WEST-25 Mar 2016.pdf, 5. West Publishing Agreement - April 2016.pdf, 6. Board Report #16-522 May 10 2016.pdf, 7. Completed Board Order

Date	Ver.	Action By	Action	Result
5/10/2016	1	Board of Supervisors	amended	

a. Authorize the Contracts/Purchasing Officer to execute an Agreement with West Publishing Corporation, associated with Thomson Reuters Corporation, for CLEAR Government Fraud Investigative Software, for the period of April 1, 2016 through March 31, 2019, in the maximum amount of \$40,000.00;
b. Accept non-standard contract provisions as recommended by the District Attorney;
c. Authorize the Contract/Purchasing Officer and the District Attorney to sign and execute the appropriate documents and verifications when required; and
d. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis pursuant this Agreement over the period of April 1, 2016 through March 31, 2019.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- Authorize the Contracts/Purchasing Officer to execute an Agreement with West Publishing Corporation, associated with Thomson Reuters Corporation, for CLEAR Government Fraud Investigative Software, for the period of April 1, 2016 through March 31, 2019, in the maximum amount of \$40,000.00;
- Accept non-standard contract provisions as recommended by the District Attorney;
- Authorize the Contract/Purchasing Officer and the District Attorney to sign and execute the appropriate documents and verifications when required;
- Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis pursuant this Agreement over the period of April 1, 2016 through March 31, 2019.

SUMMARY:

It is requested that the Board authorize the Contracts/Purchasing Officer to sign a non-standard Agreement with

West Publishing, and to issue purchase orders on an “as needed” basis, in the aggregate amount not to exceed \$40,000.00, over the period of April 1, 2016 through March 31, 2019. The services provided are for the CLEAR forensic investigative software, to be utilized by the Investigative Unit of the District Attorney, for investigations in support of its mission to protect the citizens of Monterey County.

DISCUSSION:

CLEAR forensic investigative software provides the following services to the District Attorney’s Office, assisting in the investigation of crimes here in Monterey County:

1. Real-time Gateways: CLEAR includes several live gateways that provide real-time access to data, helping to ensure that users can obtain the most up-to-date information available. CLEAR’s real-time access includes gateways to credit header data, vehicle registration data, and phone data - including cell phones.
2. Locator data: Live gateways, mentioned above, are valuable for obtaining the most current address available, but other types of data can be especially useful in this regard too. Utility records can be particularly valuable for obtaining current addresses. The utility data is updated daily and is included in both the Person Search and Phone Search. In addition to the utility data source, utility hookup records are also contained in the New Movers data set.
3. Web Analytics: CLEAR offers the Web Analytics add-on option as a federated data source. This search feature provides access to both deep-Web and surface-Web content from one search interface.
4. Credit Headers: Regularly updated credit information filed from two of the major credit bureaus are included.
5. Other capabilities include: Utility Records / Driver License Data / Death Filings and other relevant capabilities.

The proposed Agreement is non-standard for the County, but is based upon the Vendor’s standard agreement.

This proposed agreement provides these investigative services to the District Attorney from 1 April, 2016, through March 31, 2019. WEST Publishing requires the county to execute the documents contained in Exhibit B, as well as some changes to the standard contractual language, which are noted below and in the Statement of Work.

OTHER AGENCY INVOLVEMENT:

The Agreement was not approved by County Counsel or Risk Management, 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.5. In additional, County Counsel finds 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, undisclosed charges, foreign venue, unlimited vendor assignment of services, and limited or no warranty for service performance, and therefore could not approve the agreement.

FINANCING:

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

Prepared by: Bruce Suckow, Finance Manager II, Ext. 5259

Approved by: Dean D. Flippo, District Attorney, Ext. 5470

Attachments:

County of Monterey Standard Agreement with WEST Publishing:

Exhibit A - statement of work, for CLEAR forensic software

Exhibit B - WEST Order form, WEST Attachment, WEST General Terms and Conditions

Exhibit C- Certificate of Liability Insurance