

HARBOR DIVISION

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DATE: MAY 15, 2019

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. \_\_\_\_\_ FIRST AMENDMENT TO  
AGREEMENT NO. 18-3594 BETWEEN THE CITY OF LOS ANGELES  
HARBOR DEPARTMENT AND WEST PUBLISHING CORPORATION

**SUMMARY:**

The Office of the City Attorney requests the Board of Harbor Commissioners (Board) approval of a First Amendment (First Amendment) to Agreement No. 18-3594 between the City of Los Angeles Harbor Department (Harbor Department) and West Publishing Corporation. The First Amendment would increase compensation by \$19,796 to an amount not to exceed \$123,644 over the three-year term of Agreement No. 18-3594 for platform and subscription upgrades for the existing computer assisted legal research account. The Harbor Department is responsible for payment of expenses under Agreement No. 18-3594.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f), of the Los Angeles City CEQA Guidelines;

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2. Approve the First Amendment to Agreement No. 18-3594 with West Publishing Corporation, expanding the scope of work and increasing the compensation by \$19,796 to an amount not to exceed \$123,644;
3. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No.18-3594; and
4. Adopt Resolution No.\_\_\_\_\_.

**DISCUSSION:**

Background and Context - In representing the Harbor Department in litigation and administrative proceedings and providing legal advice in transactions, compliance and other legal matters, the Office of the City Attorney often requires the use of electronic on-line computer assisted legal research services that range from search and retrieval of statutes, codes and court cases, electronic citation checking services, as well as access to various state and federal court dockets and file services and public records. The services are critical to the Office of the City Attorney in order to access the most accurate and recent legal authorities for use in providing legal advice and handling litigation and other legal proceedings.

Competitive Selection Process - The Office of the City Attorney released a Request For Proposals (RFP) document on April 23, 2018. The RFP solicited proposals from qualified vendors to assist the Office of the City Attorney in providing a computer assisted legal research system including a search engine designated for law, internet access to a legal library (collection of state and federal case law, statutes, regulations, court rules and administrative materials), as well as associated databases, archives and public records. Specific practice areas required by the Harbor Department include Labor & Employment, Environmental, Intellectual Property, Litigation, Maritime Law, and Real Estate. Additional needs include litigation content such as information on active and inactive civil and criminal cases filed in state courts, the U.S. Supreme Court, Court of Appeals, district courts and bankruptcy courts. A platform for public records searches for litigation or due diligence for business transactions is also desired. Other additional information services include citation services, services to summarize the points of law within a case, annotated statutes, administrative materials, proposed and enacted legislation, and proposed and adopted regulations.

The Harbor Department originally received proposals from three (3) firms. The proposals were evaluated by a three member review committee (Committee) consisting of three Assistant and Deputy City Attorneys from the Office of the City Attorney. Based on the review process, the Office of the City Attorney determined that Westlaw provided the most useful database, experienced guidance and responsive searches. In addition to providing

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comprehensive availability of online resources with exclusive widely used national content and California content (the Rutter Group Practice Guides), the longer-term impact of a Westlaw subscription may include a reduction in the costs associated with the acquisition of printed books, manuals and subscriptions.

West Publishing Corporation was initially retained under Board Agreement No. 18-3594 (Transmittal 1). The term of the Agreement is October 1, 2018 to October 31, 2021 and the authority was an amount not to exceed \$103,848. The proposed First Amendment increases the authority by \$19,796, without a term extension. The increase is required in order to gain access to new optional Westlaw subscription upgrades. The upgrades increase the monthly subscription fees by \$698 per month from a monthly rate of \$2,856 to \$3,554 per month.

First Amendment - The First Amendment will provide additional funds that will be required for the optional research platform upgrades. The upgrades include the new Westlaw Edge and Practical Law (also described as Gvt Know How For Government)(Westlaw PRO™). Both platforms provide high-speed legal research combined with state-of-the-art Artificial Intelligence and attorney-edited annotations. Additionally, the upgrades include improved litigation analytics, filtering by multiple categories and search capabilities for dockets as well as trial documents. The Office of the City Attorney requests approval of the First Amendment to increase compensation by \$19,796 to an amount not to exceed \$123,644 (Transmittal 2).

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a First Amendment for Agreement No. 18-3594 with West Publishing Corporation for computer assisted legal research subscription services, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance under Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The proposed action is for the approval of a First Amendment to increase compensation under Agreement No. 18-3594 by \$19,796 for a total amount not to exceed \$123,644. During Fiscal Year (FY) 2018-19, a total of \$22,848 is anticipated to be spent, relative to budgeted funding of \$39,800 within Account No. 54110, Division 0120, Program 000. Funding in the amount of \$42,933 was included in the FY 2019-20 proposed Operating Budget, and pending Board approval, these funds will be available within the Harbor Department City Attorney's Office Account No. 54110 (Computer Maintenance Services-Software), Division No. 120 and Program No. 000.

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A funding out clause is included in Agreement No.18-3594. This clause stipulates that if, in any subsequent fiscal year, funds are not appropriated by the City for the work required by the agreement, then the agreement shall be terminated. However, the termination would not relieve the parties of liability for any obligation previously incurred.

The schedule of compensation broken down by fiscal year is as follows:

<b>Firm</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>TOTAL</b>
West Publishing Corporation	\$22,848	\$42,933	\$43,361	\$14,502	\$123,644

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**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the proposed First Amendment as to form and legality.

**TRANSMITTALS:**

1. Agreement No. 18-3594 with West Publishing Corporation
2. First Amendment to Agreement No. 18-3594



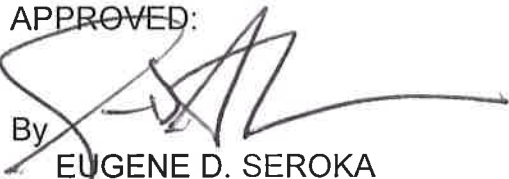
CHRISTOPHER B. BOBO  
Assistant City Attorney

FIS Approval: 

CA Approval: 

JANNA B. SIDLEY  
General Counsel

APPROVED:



By

EUGENE D. SEROKA  
Executive Director