

HARBOR DIVISION

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DATE: MAY 22, 2013

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ AGREEMENTS FOR DISCOVERY
AND DOCUMENT SERVICES WITH DOCUMENT TECHNOLOGIES
LLC, DBA DTI AND APC TECHNOLOGY INC., DBA LEGAL X**

SUMMARY:

As part of its representation of the Harbor Department (Department), the Office of the City Attorney handles litigation, administrative proceedings, and other legal matters that from time-to-time require discovery and document services including such things as collection and processing of electronic data for discovery, and document scanning and photocopying. The Office of the City Attorney (Office) requests the Board of Harbor Commissioners (Board) to approve and award agreements to two companies that were selected from a competitive RFP process: Document Technologies, LLC, dba DTI (DTI) located in Atlanta, Georgia with local offices in Los Angeles and APC Technology Inc., dba Legal X (APC Technology), located in Los Angeles. DTI is an OBE and APC Technology is a SBE and WBE. Each agreement will be for three years for a combined total appropriation request not-to-exceed \$100,000.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreements can be more economically and feasibly provided by an independent contractor than by City employees;
2. Approve the individual and separate Agreements with (1) Document Technologies, LLC with a not-to-exceed amount of \$70,000 and (2) APC Technology Inc. with a not-to exceed amount of \$30,000, each for a period of three years;
3. Authorize the Executive Director and Board Secretary to execute and attest to the Agreements; and

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4. Adopt this Resolution No. _____.

DISCUSSION:

Background and Context - In representing the Harbor Department in litigation, administrative proceedings, and other legal matters, the Office of the City Attorney often requires discovery and document services that may involve forensic preservation, collection of electronic data such as emails and documents, the creation of databases to manage and review this electronic information, and more traditional document services such as scanning and photocopying in large volumes.

Discovery and Document Services on Recent Matters - In the various Clean Truck Program ("CTP") legal matters, the Department retained DTI (Agreement No. E6450) to provide such services which were essential to responding to the Department's discovery obligations before the Federal Maritime Commission and the lawsuit brought by the American Trucking Associations. Electronic discovery and document services have been used in the past in matters such as responding to Ethics Commission requests for documents, and traditional document services used in a variety of legal matters. The amount spent on these types of services has varied considerably from year to year depending on the number, type, and phase of legal matters the Office is handling in a given year and has ranged from less than one thousand dollars to several hundred thousand dollars in prior years. Between 2008 and 2010, the total amount spent for document services was \$390,526. For the past three years, the amount spent for document services has been \$310.

Selection Process - The Office of the City Attorney issued a Request for Proposals for electronic discovery and document services on January 31, 2013. Seven companies responded. Approximately 70% of the applications were submitted by WBEs (Woman Business Enterprise), MBEs (Minority Business Enterprise), SBE (Small Business Enterprise), or VSBEs (Very Small Business Enterprise). The selection committee, made up of three Deputy City Attorneys and one Information Systems Manager, evaluated the proposals (Attached Transmittal 1 Evaluation Matrix). DTI located in Atlanta GA with local offices in Los Angeles, and APC Technology, located in Los Angeles received the highest scores. Document Technologies, LLC is an OBE and APC Technology is a SBE and WBE.

Proposed Agreements- The proposed Agreements will be used for similar services to the past work described above, which is needed in any specific litigation or other legal matter. Based on the expected needs when a new matter arises, the Office of the City Attorney will issue a Statement of Work under these Agreements for the services

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needed for that specific legal matter. The decision on which contractor to use will be based on issues such as, the type of services called for in the matter, pricing, and any existing conflicts (e.g., contractor already working for opponent). Given DTI's expertise and the Department's past experience with the consultant, the Office anticipates contracting with DTI for larger volume projects and hence it has a larger contract authority than APC Technology.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of Agreements with Document Technologies, LLC and APC Technology for data discovery and document services in support of the Office of the City Attorney. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have very minor (less than one) employment impact.

FINANCIAL IMPACT:

Funding for the two proposed new Agreements has been proposed to be budgeted upon Board approval as part of the annual budget adoption process in the amount of \$60,000 in the FY 2013-14 Operating Budget, within the Harbor Department City Attorney's Office Account No. 54410, Division No. 0120, and Program No. 000. Funding for future fiscal years if necessary will be requested to be budgeted as part of the annual budget adoption process, upon Board approval. A funding out clause is included in the proposed Agreements. The proposed appropriations for the two Agreements are detailed below:

Firm	FY 13/14	FY14/15	FY15/16	TOTAL
Document Technologies LLC	\$50,000	\$10,000	\$10,000	\$70,000
APC Technology	\$10,000	\$10,000	\$10,000	\$30,000
TOTAL	\$ 60,000	\$ 20,000	\$20,000	\$ 100,000

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CITY ATTORNEY:


The Office of the City Attorney has reviewed and approved the Agreements as to form and legality.

TRANSMITTALS:

1. List of Proposers and Evaluation Matrix
2. Proposed Agreements with Document Technologies, LLC, and Legal X

FIS Approval: ef (initials)

CA Approval: Jr (initials)



MINAH PARK
Deputy City Attorney



JANNA B. SIDLEY
General Counsel

APPROVED:

By _____
GERALDINE KNATZ, Ph.D.
Executive Director