

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: City Attorney's Office

AGENDA DATE: June 23, 2009

CONTACT PERSON/PHONE: Charlie McNabb, City Attorney, 541-4550
Terrence Freiburg, Purchasing Manager, 541-4313

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$amount if applicable.

APPROVE a resolution that City Manager be authorized to sign a renewal subscription agreement, an order form, and all related materials by and between the CITY OF EL PASO and WEST PUBLISHING CORPORATION for the provision of legal research products, including both Internet and print resources. The renewal subscription agreement shall be for a period of three (3) years, and shall include updates and continuing services for all Internet and print materials.

The estimated total award for the three (3) year period is \$165,000.00.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when and how to enable Council to have reasonable complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

On June 13, 2006, the City Council authorized a three (3) year agreement with West for Internet and print research materials for the City Attorney's Office. The Internet portion of the proposed new agreement binds the City to a monthly amount of \$2,261.39 for access to various databases. It is estimated that the annual amount of this Agreement will be \$55,000.00. There will be additional five (5%) percent increases in the second and third year of this agreement. The agreement also includes a fifty (50%) percent discount for books and updates. The estimated total award for the three (3) year period is \$165,000.00.

This item is intended to provide authorization to the City Manager to execute the New Agreement, order forms, and other required documentation. In addition it is requested that the City Attorney's Office review, and that the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

Yes. October 11, 2005 and June 13, 2006

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

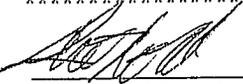
No budget transfer required.

Funding: 04102011 27504 508039 04000 P540010LEG

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required)  _____
Charlie McNabb, City Attorney

FINANCE: (if required) _____

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a renewal subscription agreement, an order form, and all related materials by and between the **CITY OF EL PASO** and **WEST PUBLISHING CORPORATION** for the provision of legal research products, including both Internet and print resources. The renewal subscription agreement shall be for a period of three (3) years, and shall include updates and continuing services for all Internet and print materials.

ADOPTED this ____ day of _____, 2009.

THE CITY OF EL PASO:

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Theresa Cullen
Deputy City Attorney



**FINANCIAL SERVICES
PURCHASING DIVISION**

SOLE SOURCE AFFIDAVIT

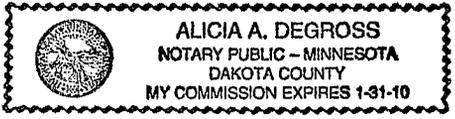
THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared Lisa Stokes, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Lisa Stokes. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: West Publishing Corp.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s): Westlaw; West's National Reporter System, West Key Number System, Restatements of the Law, ResultsPlus on Westlaw, KeyCite on Westlaw
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

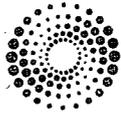
Lisa Stokes, Manager Govt. Contracts
Signature

SUBSCRIBED AND SWORN to before me on this 27th day of May, 2009.



Alicia A. Degross
NOTARY PUBLIC
Alicia A. Degross
PRINTED NAME
1-31-10
MY COMMISSION EXPIRES

COMPANY NAME: West Publishing Corporation
 ADDRESS, CITY, STATE & ZIP CODE: 6020 Opperman Drive Eagan MN 55123
 PHONE: 651-687-7000 FAX NUMBER: 651-848-3201
 CONTACT NAME AND TITLE: Laura Keyes, Inside Account Manager
 WEB ADDRESS: www.west.thomson.com EMAIL: laura.keyes@thomsonreuters.com
 FEDERAL TAX ID NUMBER: 44-1426973 TEXAS SALES TAX NUMBER: 14114269732



THOMSON REUTERS

Mark L. Capaldini
Vice President
Government Segment

610 Opperman Drive
Eagan, MN 55123
Telephone 651-687-1269
Fax 651-687-5686
E-mail mark.capaldini@thomson.com

June 1, 2009

El Paso City Attorney
2 Civic Center Plaza, 9TH FL
El Paso, TX 79901-1153

RE: Sole Source Designation

Dear Josie Aranda,

West, the foremost provider of integrated information solutions to the U.S. legal market, has been providing research materials to the legal and professional community for more than 135 years. We are pleased to have the opportunity to provide you with information concerning Westlaw, our online legal, news, and business information research service containing more than 32,500 databases.

This letter is to confirm West's status as the sole source provider for the following exclusive content, features, and services on Westlaw:

Exclusive Content

- **National Reporter System.** Since 1879, West's National Reporter System has compiled and organized federal and state case law into a cohesive body of law that can be researched within and across jurisdictions. West's National Reporter System is available exclusively on Westlaw.
- **West Key Number System.** The West Key Number System, a Westlaw exclusive, is the master classification system of U.S. law and is widely regarded as the cornerstone of effective legal research. It helps users to quickly locate and identify cases with the same or similar legal concepts and principals in any jurisdiction in the U.S.
- **Editorial Enhancements.** For more than 100 years, West attorney-editors have been providing editorial enhancements to case law, statutes, and other legal materials. No other research service can match West's editorial experience. West's exclusive enhancements include headnotes (more than 350,000 created annually), synopses (more than 60,000 created annually), and parallel citations (more than 500,000 added annually). West's headnotes are classified to West's exclusive Key Number System, which helps users find more relevant cases.

- **Correction and Verification Process.** West attorney-editors provide the most exhaustive verification and correction process in the legal publishing and information industry. West is the only legal information provider to engage in these quality control steps to ensure the accuracy and reliability of the data.
- **Restatements of the Law.** The Restatements of the Law are principles of black letter law distilled from case law. The restatement databases on Westlaw provide a section's black letter law, reporter's notes, commentary, illustrations, and annotations in one document. First Restatements of the Law, available exclusively on Westlaw, are provided for several areas of law (e.g., contracts, torts). The first Restatements can help researchers trace the evolution of a law, or an area of law. They also aid in the interpretation of older cases that rely on first Restatement sections.
- **Uniform Laws Annotated.** The Uniform Laws Annotated (ULA), available exclusively on Westlaw, provides an extensive reference to the text of uniform laws, prepared under the sponsorship of the National Conference of Commissioners on Uniform State Laws and the American Law Institute. ULA examines acts recommended for adoption in all states, as well as pinpoints state variations. It also includes annotations to cases decided in adopting jurisdictions.
- **National Digest System.** West's Key Number Digests have been an essential case-finding tool since the United States Digest was first published in 1848. A digest is a multi-volume index to the law consisting of major topic headings, thousands of subheadings, and short summaries of legal propositions stated in published court cases. These summaries are commonly referred to as headnotes.
- **American Lawyer Media (ALM) Databases.** Westlaw provides exclusive access to more than 100 ALM titles, including the *New York Law Journal*, *The American Lawyer*, and *The National Law Journal*.
- **American Jurisprudence Library.** The American Jurisprudence Library products provide fast, authoritative answers to many aspects of civil, criminal, substantive, and procedural law. Westlaw provides exclusive online access to the full library, which includes American Jurisprudence 2d, Am Jur Proof of Facts, Am Jur Trials, and AmJur Pleadings and Practice Forms Annotated.
- **Corpus Juris Secundum (CJS).** CJS, available exclusively on Westlaw, helps researchers understand unfamiliar areas of law by providing links to cases, statutes, regulations, West key Numbers, Restatements of the Law, and more. CJS covers the full breadth and depth of the law and is cited to tens of thousands times by the courts. It provides quick overviews of topics with Black Letter Summaries and is also fully integrated with the West Key Number System.
- **Public Utilities Reports (PUR).** Westlaw has exclusive online access to *Public Utilities Reports, Fourth Series*, the only case law reporter devoted to state-level regulation of public utilities.
- **Briefs on Westlaw.** Westlaw provides access to an extensive and exclusive collection of appellate briefs databases at both the federal and state levels. As of October 2008, Westlaw contains more than 1.7 million separate documents and the number of briefs is growing monthly. Many of the briefs databases, such as U.S. Supreme Court Petitions for Certiorari, are added to Westlaw shortly after being filed with the court.
- **West Reporter Images.** West Reporter Images (WRI) provides cost effective, easy access to an exact electronic copy of a National Reporter System case through westlaw.com. Because WRI is tied directly to the West published National Reporter System cases, no other online providers can provide a comparable product.

- **ALM Jury Verdicts.** Westlaw provides access to verdict and settlement reports from ALM. These materials are available exclusively on Westlaw.

Exclusive Features and Services

- **KeyCite Citator Service.** KeyCite is a full-service citator that helps users determine whether a case is good law by tracing the history of a case, statute, or federal administrative decision. KeyCite also retrieves all citing references, which include cases, statutes, administrative materials, and secondary sources. The following are among the many exclusive citator features and services available on Westlaw:
 - **West Key Number System Integration.** KeyCite is completely integrated with West's exclusive topic and key number system, the most accurate tool devised for finding on-point law.
 - **More Citing References.** KeyCite provides more citing references, including references to more than 1,200 law reviews, thousands of ALR annotations and Am Jur 2d articles, USCA, Code of Federal Regulations, statutes from all 50 states, select administrative decisions, state jurisprudence encyclopedias, and numerous treatises. In fact, KeyCite has more than two times as many citing references overall and averages more than two times as many citing references per document as the nearest competitor.
 - **Headnote References.** KeyCite provides the full text of West headnotes, which helps users to quickly limit citing references to a relevant point of law. KeyCite contains 50% more headnote references than any other citator.
 - **Analytical Sources.** With more than 3,100 analytical sources, KeyCite gives users more expert analyses than any other citator.
 - **Pending Legislation.** KeyCite notifies users of pending legislation that may affect a federal or state statute (available for all 50 states).
 - **Depth-of-Treatment Stars.** Depth of treatment stars help users zero in on the most useful citing cases and administrative decisions by indicating the extent to which the citing document discusses the cited case.
 - **Graphical KeyCite.** With KeyCite, users can display the direct history of a case, which traces the case through the appellate process, in an easy-to-read graphical view. With this graphical view of direct history, every reversal, rehearing, reconsideration, denial of certiorari, or other action in a case is placed in context. As a result, the graphical view can save users valuable time when they are checking the procedural history of a case.
 - **KeyCite Alert.** KeyCite Alert, a Westlaw exclusive, helps users stay current on their research by monitoring the status of KeyCite information for cases, statutes, the Code of Federal Regulations, and federal agency decisions. KeyCite Alert automatically sends notices when the information in KeyCite changes.
 - **KeyCite Notes.** KeyCite Notes provides a list of sources, sorted by type of publication and the number of documents that cite the case and legal issue that a user is researching. KeyCite Notes leverages the power of KeyCite, Westlaw, analytical materials, and West headnotes to give users superior in-depth, accurate results, and is available exclusively on Westlaw.
 - **KeyCite Locate.** KeyCite Locate helps users to home in on citing references that are the most relevant to their research. It allows users to search the full text of citing references in a KeyCite result and limit the KeyCite result to only those documents that contain the specific terms they request. KeyCite Locate also allows users to request that search terms appear within the same paragraph as the cited reference, which results in even more precise research.

- **StatutesPlus.** Westlaw StatutesPlus combines book-like indexing, browsing, and viewing with links to everything discussing a given statute. Users can find, verify, read, and interpret statutes with amazing efficiency. This powerful statutes-research feature is a Westlaw exclusive.
- **ResultsPlus.** ResultsPlus, a feature available exclusively on Westlaw, automatically displays related ALR articles, AmJur annotations and articles, and Key Numbers alongside case law search result. ResultsPlus creates a total research solution by linking users to all the other on point resources needed to complete their research—analysis, cases, statutes, law reviews and more.
- **Smart Tools.** Smart Tools on Westlaw make it easier for researchers to find on-point results and help ensure that users don't miss information. When a researcher runs a search, Smart Tools can help improve search results by suggesting alternative spellings and synonyms, suggesting a broader database search when a search result contains five or fewer documents, and detecting a variety of mistakes in a query. Smart Tools also recognizes legal terms of art and can suggest related legal terms that a researcher may want to add to a query; this feature is available exclusively on Westlaw.
- **Customizable Westlaw.** Users can customize their westlaw.com tabs to enhance their Westlaw experience. With this Westlaw exclusive, users can build and rearrange the content on select Westlaw tabs so that the tabs are more intuitive to them and designed to fit their workflow. Customizable Westlaw helps users to quickly access the information they need to get better results faster.
- **PastStat Locator.** With PastStat Locator, a Westlaw exclusive, users can view prior versions of sections in USCA, as well as prior versions of various states. In all jurisdictions, PastStat Locator can also rebuild the Table of Contents and show how it existed on a particular date. PastStat Locator can also identify when a statute or amendment has a future activation date, or when a statute or amendment is due to lapse. Additionally, PastStat Locator also tracks renumbered statute sections.
- **Graphical Statutes.** Graphical Statutes, available exclusively on Westlaw, revolutionizes statute research by charting legislative changes and linking related documents in an easy-to-read display. From a single screen, researchers can easily track changes in the law, locate relevant legislative history materials, read important case law, and check for possible amendments. Graphical Statutes is available for USCA and the statutes for select states.
- **RegulationsPlus.** RegulationsPlus, a Westlaw exclusive, provides a comprehensive and efficient federal regulatory research system that provides researchers with the tools to complete their regulations research more efficiently and with complete confidence. RegulationsPlus helps researchers stay fully informed on any regulatory issue with editorial summaries of case law decisions, KeyCite notification of changing and proposed regulations, version history, citing references and more.

If you have any questions concerning this document or require additional information, please do not hesitate to contact me.

Sincerely,



Mark L. Capaldini