



Legislation Details (With Text)

File #: 17-1582 **Version:** 1 **Name:** Added-Starter On-line Legal Research Contract (WestlawNext)
Type: Resolution **Status:** Adopted
File created: 8/28/2017 **In control:** Law
On agenda: 9/26/2017 **Final action:** 9/26/2017

Title: Dept/ Agency: Law
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Exception to Public Bidding - Library and Educational Goods and Services
Purpose: Online legal research for law and law related materials and services
Entity Name: West Publishing Corporation, d/b/a West, a Thomson Reuters business
Entity Address: 620 Opperman Drive, Eagan, Minnesota 55123
Contract Amount: \$58,833.84
Funding Source: 2017 Law Department Budget
Contract Period: Two (2) years from the date of Contract Execution
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Exception to public bidding N.J.S.A. 40A:11-5(1)(q)

Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
9/26/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark ("City"), desires to provide its Department of Law with the ability to perform Online legal research for law and law related materials and services through its product WestlawNext; and

WHEREAS, the ability to perform Online legal research and have immediate access to federal

and state laws, case law and legal treatises is essential to the ability of the City's attorneys to effectively and efficiently perform and carry out their duties; and

WHEREAS, West Publishing Corporation, d/b/a West, a Thomson Reuters business ("West"), whose main address is 620 Opperman Drive, Eagan, Minnesota 55123, has submitted a proposal to provide the City with WestlawNext, its Online legal research service for legal and law related materials and services, for a two-year term ("Term") at the cost of \$2,380.01 per month for the first year and \$2,522.81 per month for the second year, at a total cost not to exceed \$58,833.84 for the term; and

WHEREAS, in addition to providing legal research capabilities, Westlaw also provides information resources on proprietary database of case law, state and federal statutes, administrative codes, newspaper and magazine articles, public records, law journals, law reviews, treatises, legal forms and other information and resources; and

WHEREAS, the Acting Corporation Counsel has determined and certified in writing that the value of this Contract will exceed \$17,500.00; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to Local Public Contracts Law, pursuant to *N.J.S.A. 40A:11-5(1)(q)*, Library and Educational Goods and Services; and

WHEREAS, Local Public Contracts Law *N.J.S.A. 40A:11-1*, *et seq.* requires a Resolution of the Governing Body authorizing the award of contracts for Library and Educational Goods and Services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 1, 2012, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Acting Corporation Counsel, are authorized to enter into and execute a Contract with West Publishing Corporation, d/b/a West, a Thomson Reuters business, 620 Opperman Drive, Eagan, Minnesota 55123, to provide online legal research service for legal and law related materials and services, for a term of two (2) years, for a total amount not to exceed \$ 58,833.84 for the term.

2. The term of the contract shall commence upon execution of the Contract for a period not to exceed two (2) years.

3. The Contract is awarded without competitive bidding as an exception to Local Public Contracts Law, pursuant to *N.J.S.A. 40A:11-5(1)(q)* "Library and Educational Goods and Services".

4. The cost of providing the above-mentioned services for the term shall not exceed \$2,380.01 for the first year and \$2,522.81 for the second year, for a total amount not to exceed \$58,833.84.

5. Attached hereto is a Partial Certification of the Comptroller of the City of Newark which states that there are sufficient and legally appropriated funds available in the amounts and under the codes provided within the 2017-2018 Municipal Budget, designated for West for the purposes set forth herein:

a. NWFund 011, Dept. 040, Div./Proj. 0401, and Account# 83110.

6. Funds for 2018 are contingent upon appropriation pursuant to *N.J.A.C. 5:30-5.5(d)(2)*.

7. The Determination of Value is attached and shall be filed with the Office of City Clerk.

8. West has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk's Office, certifying that West has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the Contract will prohibit West from making reportable contributions through the term of contract.

9. This Contract was awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and pursuant to the provisions of the Local Public Contracts Law to *N.J.S.A. 40A:11-5(1)(q)* and in compliance with Contractor Pay-to-Play Reform Ordinance 2:4-22C.

10. There shall be no amendments or changes to this Contract without the approval of the Municipal Council.

11. There shall be no advance payments on this Contract in accordance with *N.J.S.A. 40A:5-16*.

12. An executed copy of this Contract with West, shall be filed in the Office of the City Clerk by Acting Corporation Counsel.

13. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.

STATEMENT

This Resolution authorizes the Mayor and/or his designee, the Acting Corporation Counsel, to enter into and execute a contract with West Publishing Corporation, d/b/a West, a Thomson Reuters business, 620 Opperman Drive, Eagan, Minnesota 55123, to provide the Department of Law with WestlawNext, its on line legal research service for law and law related materials and services, for a term not to exceed two (2) years from the date of execution of contract for an amount not to exceed \$2,380.01 for the first year and \$2,522.81 for the second year, for a total amount not to exceed \$58,

833.84 for the two-year term.