

Executive Summary

Board of Governors Meeting, September 27, 2023

Legal Research Tool

Topic

This Action Item seeks Board approval to contract with Thomson Reuters (Westlaw) to provide a Legal Research Tool for use by Citizens' employees. ITN 23-0002 solicited firms capable of providing an online legal research tool allowing access to case law, legislation, and rules, in addition to analysis of vendor responsibility. The Contract resulting from this ITN will replace the current contract for online legal research tool with Thomson Reuters for Westlaw software.

History

Citizens released ITN No. 23-0002 for Legal Research Tool on January 24, 2023. The Negotiation Team consisted of five (5) attorneys from the Office of the General Counsel, each of whom is experienced at conducting legal research and all of whom collectively reflect Citizens' diverse legal needs. The ITN sought to solicit firms capable of providing an online legal research tool allowing access to case law, legislation, and rules, in addition to analysis of vendor responsibility. The Contract resulting from this ITN will replace the current contract for online legal research tool with Thomson Reuters for Westlaw software.

Replies from interested firms were due via email by 2:30 PM on March 6, 2023. Citizens received a total of two replies in response to the ITN. Replies were received from the following firms:

- LexisNexis
- Thomson Reuters (Westlaw)

The Negotiation Team conducted a total of six (6) strategy sessions. Vendor negotiations were conducted May 4, 2023, through June 1, 2023. Initial vendor presentations/demonstrations were held May 9th and 10th. Requests for Best and Final Offers (BAFO) were issued on Friday, June 2, 2023, to both Vendors and were due on Wednesday, June 7, 2023, by 2:00 PM ET. BAFO responses were received in a timely manner from both Vendors.

The current contract subscription is customized to meet Citizens' needs. In the newly recommended contract, Citizens will have the option to continue with their current subscription for Westlaw Edge, or upgrade to Westlaw Precision for an additional cost. Citizens will also be able to select from the following potential additional value-added services: Practical Law and Dockets PDF.

Citizens' use of these services is consistent with use by State agencies. However, at the time of Citizens' initial engagement with Thomson Reuters, DMS did not have an available state term contract or alternative contract source (ACS) for legal research tools. Since that time, an ACS contract was approved for use by state agencies and eligible users. In April of this year, DMS adopted the State of New York's Books, Serials, Databases, and Library Resource Management Products agreement through August 31, 2027. By soliciting a solution under ITN 23-0002, Citizens will not be dependent upon the continuation of, or the terms of, a contract in another state.

As a result of negotiations, Citizens will have the option to upgrade from Westlaw Edge to Westlaw Precision and will also have access to additional value-added services such as Practical Law and

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Dockets PDFs. The overall best value determination included increased efficiency from staff familiarity with the Westlaw product and a high quantity of relevant editorial content exclusively available on Westlaw. Examples of these include case notes, summaries, and practice guides.

With Westlaw as the chosen vendor, there will be little to no implementation involved because the tool is currently accessible to attorneys for use, as Westlaw is the current incumbent vendor. Should LexisNexis become available as the ACS through Florida DMS, and if there are appropriate reasons, the contract with Westlaw can be terminated for convenience with thirty (30) days' notice.

Although LexisNexis legal research tool costs less than Westlaw, multiple factors were weighed by the team to determine overall best value. The negotiation team spent several sessions engaging with LexisNexis and Westlaw to define and achieve the best value for Citizens. Factors were considered by the Negotiation team, when making their overall best value determination which included certain secondary sources (Couch on Insurance, Williston on Contracts, and Miller's Standard Insurance Policies Annotated only offered by Westlaw and consistently utilized by Citizens' legal staff) as well as certain value-added services (advanced search capabilities in Westlaw Precision's and the research assistance tool containing up-to-date legal intelligence decisions in Practical Law, which are exclusive to Westlaw).

The Negotiation Team Public Meeting was held on June 13, 2023, at 2 PM ET. The Public Meeting resulted in a contract being recommended for award to Thomson Reuters for Westlaw Legal Research Tool, with LexisNexis ranked as the second vendor if Citizens is unable to finalize a contract with Thomson Reuters.

Recommendation

The recommendation is listed in the attached Action Item.

Legal Research Tool

☒ ACTION ITEM

☒ New Contract

☐ Contract Amendment

☐ Other _____

☐ CONSENT ITEM

☐ Contract Amendment

☐ Existing Contract Extension

☐ Existing Contract Additional Spend

☐ Previous Board Approval _____

☐ Other _____

Action Items: Items requiring detailed explanation to the Board. When a requested action item is a day-to-day operational item or unanimously passed through committee it may be moved forward to the board on the Consent Index.

☐ **Move forward as Consent:** This Action item is a day-to-day operational item, unanimously passed through committee or qualifies to be moved forward on the Consent Index.

Consent Items: Items not requiring detailed explanation to the Board of Governors. Consent items are contract extensions, amendments or additional spending authorities for items previously approved by the Board.

Item Description	Legal Research Tool. ITN 23-0002
Purpose/Scope	This Action Item seeks Board approval to contract with Thompson Reuters (Westlaw) to provide a Legal Research Tool for use by Citizens' employees. ITN 23-0002 solicited firms capable of providing an online legal research tool allowing access to case law, legislation, and rules, in addition to analysis of vendor responsibility. The Contract resulting from this ITN will replace the current contract for online legal research tool with Thomson Reuters for Westlaw software.
Contract ID	Legal Research Tool, ITN No.: 23-0002 –West Publishing Corporation (Thompson Reuters, Westlaw)
Budgeted Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Method	Citizens released ITN No. 23-0002 for Legal Research Tool on January 24, 2023. The ITN sought to solicit firms capable of providing an online legal research tool allowing access to case law, legislation, and rules, in addition to analysis of vendor responsibility. The Contract resulting from this ITN will replace the current contract for online legal research tool with Thomson Reuters for Westlaw software.

Legal Research Tool

	<p>Replies from interested firms were due via email by 2:30 PM on March 6, 2023. Citizens received a total of two replies in response to the ITN. Replies were received from the following firms:</p> <ul style="list-style-type: none"> • LexisNexis • Thomson Reuters (Westlaw) <p>The Negotiation Team conducted a total of six (6) strategy sessions. Vendor negotiations were conducted May 4, 2023, through June 1, 2023. Initial vendor presentations/demonstrations were held May 9th and 10th. Requests for Best and Final Offers (BAFO) were issued on Friday, June 2, 2023, to both Vendors and were due on Wednesday, June 7, 2023, by 2:00 PM ET. BAFO responses were received in a timely manner from both Vendors.</p> <p>The Negotiation Team Public Meeting was held on June 13, 2023, at 2 PM ET. The Public Meeting resulted in a contract being recommended for award to Thomson Reuters for Westlaw Legal Research Tool, with LexisNexis ranked as the second vendor if Citizens is unable to finalize a contract with Thomson Reuters.</p>
Contract Amount	The estimated contract amount is \$479,619.60 for the recommended three (3) year initial base contract period, plus the right to renew up to an additional three (3) years, and includes all costs associated with system implementation and ongoing maintenance/license fees throughout the contract term. If additional funds are required, Citizens' staff will request authorization for additional funds through a separate Action Item.
Contract Terms	The contract will have a three (3) year base term with the option for renewals for up to three (3) additional years.
Board Recommendation	<p>Staff proposes that the Board of Governors approve:</p> <ol style="list-style-type: none"> a) Citizens to contract with Thompson Reuters (Westlaw) for an initial term of three (3) years plus the option to renew for up to an additional three (3) years, for an amount not to exceed \$479,619.60, as set forth in this Legal Research Tool Action Item, and b) If Citizens is unable to reach contract finalization with Thompson Reuters (Westlaw), authorize Citizens to contract with Lexis Nexus for an initial term of three (3) years plus the option to renew for up to an additional three (3) years; and c) Authorize staff to take any appropriate or necessary action consistent with this Action Item.
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