



# Board Agenda Item 44

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DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Antoinette Taillac, Interim Public Defender

SUBJECT: Agreement with The University of California for CEB OnLAW Subscription

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for a subscription to legal research materials as The University of California is the only publisher of the materials in the subscription; and**
- 2. Approve and Authorize the Chairman to execute a sole source Agreement with The University of California for CEB OnLAW Subscription, retroactively effective April 1, 2021, not to exceed three consecutive years, total not to exceed \$19,375.**

Approval of the recommended action will authorize the County to enter into a three-year agreement with The University of California on behalf of Continuing Education of the Bar, California (CEB) for access to CEB's online content called OnLAW Criminal Law Library. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Public Defender will lose access to legal research materials essential to the day-to-day function of the office.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

It is requested that the County suspend the competitive bidding process under Administrative Policy No. 34 under the unusual or extraordinary circumstances exception as CEB is the sole publisher of the online research materials. The Internal Services Department- Purchasing Division concurs with the Department's request to suspend the competitive bidding process.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to April 1, 2021 due to prior agreements being historically signed by Purchasing. It was unknown that the procedure would be different this year; otherwise the Department would have submitted the recommended agreement to the Board sooner. In the period between the beginning term date and Board approval, the Department will receive one invoice for a total of \$512.09 that will not be due for payment until after April 13, 2021. The department will hold the invoice until approval of the item.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Costs associated with

the recommended agreement are not to exceed \$19,375 for the three-year term. Sufficient appropriations and estimated revenues for the FY 2020-21 costs associated with the recommended agreement are included in the Department's Org 2880 FY2020-21 Adopted Budget. Ongoing costs for the remaining term of the recommended agreement will be included in future budget requests.

DISCUSSION:

Subscription to CEB OnLAW includes access to annually updated guides, including the following:

- California Criminal Law Procedure and Practice
- Appeals and Writs in Criminal Cases
- California Criminal Law Forms Manual
- California Criminal Sentencing Enhancements
- California Judges Benchbook: Domestic Violence Cases in Criminal Court
- California Judges Benchbook: Search and Seizure
- Defending your Client in a Misdemeanor Case (Including a DUI)
- Felony Sentencing Handbook
- Mandatory Criminal Jury Instructions Handbook
- Scientific Evidence and Expert Testimony in California
- Effective Introduction of Evidence in California

The first book listed, the California Criminal Law Procedure and Practice, is widely known and is essential for practicing criminal law in California. Subscription to the physical copy of this book alone for one year would cost \$37,000 for 100 attorneys, which is almost double the amount of the recommended three-year agreement. Additionally, the online texts that will be available through the recommended agreement are more accessible through an attorney's laptop, and can be fully searched simultaneously. The OnLAW Subscription is the most cost-effective, efficient solution for the Department's needs.

The Department is accepting the payment terms of Net 30 and will process invoices on a monthly basis.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request Form  
On file with Clerk - Agreement with The University of California

CAO ANALYST:

Yussel Zalapa