

**STAFF REPORT
INFORMATIONAL
68**

A	Statewide	08/23/19 C2019028 T. Cowgill
S	Statewide	M. Neal

**CONSIDER AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN
AGREEMENT FOR AN ONLINE AND PRINT LEGAL RESEARCH SUBSCRIPTION**

PARTIES:

West Publishing Corporation dba West, A Thomson Reuters Business (Thomson Reuters)

California State Lands Commission

PROPOSED ACTIVITY:

The Executive Officer requests authority to execute an agreement for Budget Fiscal Year 2019-2020 with Thomson Reuters (Agreement). The Agreement is for an online and print legal subscription with Thomson Reuters that is used by Legal Division staff for legal research.

Contract No.: C2019028

Contractor: Thomson Reuters

Agreement Maximum per STD 213: \$110,000

Term: July 1, 2019, to June 30, 2020

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

DGS Categorical Exemptions, Public Contract Code section 10348; Public Resources Code section 6106 (Delegation to execute written instruments); State Administrative Manual (SAM) section 1233(B)(2)(k), MM 03-10 (Exemption from Competitive Bidding and Advertising); State Contracting Manual.

State's Best Interests Analysis:

The recommended action is to authorize the Executive Officer or her designee to execute the Agreement with Thomson Reuters for an online and print subscription, which is used by the Commission's Legal Division

STAFF REPORT NO. 68 (CONT'D)

staff for legal research, to fulfill their assigned duties as legal counsel. The Agreement provides for Thomson Reuters' provision of legal research materials, including both print materials and online access to Westlaw. The Commission's attorneys use these materials to research applicable statutory and case law, regulations, and secondary sources. Access to the research materials provided by Thomson Reuters is necessary for the attorneys to analyze and provide legal advice on issues faced by the Commission, including but not limited to contract negotiation, project analyses (including environmental and real property), rulemaking activities, and the Public Trust Doctrine. Access to the research materials helps the Commission's attorneys ensure that the actions taken by the Commission are consistent with the law, and to assist the attorneys' efforts to successfully represent the Commission in litigation.

The recommended action is in the State's best interests because it allows the Commission's Legal Division staff to obtain the legal authority and guidance needed to analyze legal issues related to the Commission's activities, and to represent the Commission's interests in litigation. The Commission has used the online and print legal subscription research materials from Thomson Reuters in the past and Legal Division staff has found it to be a necessary resource for conducting the Commission's business.

OTHER PERTINENT INFORMATION:

1. The State Administrative Manual allows the Commission to enter into contracts for proprietary subscriptions for up to \$250,000 without engaging in competitive bidding.
2. Thomson Reuters entered into a Master Services Agreement (MSA) with the Department of General Services, Procurement Division (DGS) on or about June 28, 2017, with a term of July 1, 2017, through June 30, 2020, with two 1-year options to extend by DGS (Agreement No. 5-17-70-11). The MSA requires user State agencies, such as the Commission, to enter into subscription agreements and purchase orders with Thomson Reuters prior to Thomson Reuters' rendering of services. Such subscription agreements and purchase orders should include, but are not limited to: scope, budget, schedule, and term; services/goods required; authorized user information and locations; deliverables; and payment terms and conditions.
3. This action is consistent with the Commission's Strategic Plan, including specifically, but not limited to: (1) Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation, and responsible

STAFF REPORT NO. 68 (CONT'D)

economic use of the lands and resources under the Commission's jurisdiction; (2) Strategy 1.2 to provide that the current and future management of ungranted sovereign lands and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, is consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation system; (3) Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways; (4) Strategy 1.4 to incorporate strategies to address climate change, adapt to sea-level rise, incentivize water conservation, and reduce greenhouse gas emissions and the generation of litter and marine debris into all the Commission's planning processes, project analyses and decisions; (5) Strategy 1.5 to ensure the highest level of environmental protection and public safety in the production and transportation of oil and gas resources; and (6) Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.

4. Authorization to execute an agreement with Thomson Reuters is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

RECOMMENDED ACTION:

It is recommended that the Commission:

STATE'S BEST INTERESTS:

Find that the recommended action is in the best interests of the State.

AUTHORIZATION:

Authorize the Executive Officer or her designee to execute an Agreement with Thomson Reuters in accordance with current State policies and procedures.