

**TO:** Andrew P. Powers, City Manager

**FROM:** Tracy M. Noonan, City Attorney

**DATE:** June 20, 2023

**SUBJECT: E-Discovery Software Contract**

**RECOMMENDATION:**

1. Waive formal Request for Proposal (RFP) process and approve contract with Logikcull for the period of July 1, 2023 through June 30, 2026, for subscription services to the Logikcull E-Discovery Software for City Attorney's Office with a not-to-exceed amount of \$36,000 per year and a total not-to-exceed amount of \$108,000 over the lifetime of the contract.
2. Authorize expenditure in the amount of \$36,000 for FY 2023-24 and \$36,000 for FY 2024-25 from General Fund A/C # 001-1610-611-4300 (Software Maintenance).
3. Find that this action is not a project as defined under the California Environmental Quality Act (CEQA).

**FINANCIAL IMPACT:**

**No Additional Funding Requested.** Staff time to prepare the contract and \$36,000 annual contract costs are included in the Adopted FY 2023-24 and FY 2024-25 General Fund Budget. Budget for the third and final contract year will be requested during the biennial budget process.

**BACKGROUND:**

The City Attorney's Office has five attorneys and two support staff and provides full legal services to all City departments, including civil litigation and code enforcement. Document review is a common job function of the attorneys handling litigation and public records requests.

The number of California Public Records Act (PRA) requests and litigation matters has increased dramatically in recent years. In addition, the scope of public records requests has expanded, exponentially increasing the number of records that require review. The time spent reviewing public records requests and documents to produce in litigation has become onerous. The current software to review and produce responsive documents is slow and requires duplicate documents to be reviewed multiple times. It also has limited search and culling capabilities, which reduces its efficiency.

Logikcull would allow for the attorneys to review documents in a cloud-based setting and not through the Virtual Private Network (VPN) which limits the size and function of our current reviewing process. Logikcull is a robust product that allows for sorting and culling out unresponsive documents in batches and redacting in batches that would allow the reviewing of documents for litigation and public records to be done in a more efficient and timely manner.

#### **DISCUSSION/ANALYSIS:**

Logikcull is designed specifically for large-scale document review common in public records requests and other discovery reviews. The system is designed to easily remove duplicate and non-responsive documents through sorting features which can readily identify those documents and quickly cull them out of a production. Logikcull also allows for bulk tagging and redacting to alleviate the need to repeatedly review each document. The advanced functionality and simple upload and production features of Logikcull will increase review efficiency and reduce both attorney and support staff time allocated to document review.

As the pool of options for e-discovery software is very small and software products are better evaluated through hands-on demonstrations rather than written proposals, IT staff did its own research of the available products, then made an informal RFP requesting demonstrations and pricing from the vendors that offered the required functionality. Staff from both the City Attorney's Office and IT reviewed these software options and Logikcull was determined the best suited to the City's needs. Its features are easy to use and will create a considerable time savings for the City Attorney's Office, allowing a faster turnaround for PRA requests and other discovery responses.

Thousand Oaks Municipal Code Section 3-10.501 gives City Council the discretion to waive or alter purchasing procedures to fit a specific purchase. Staff followed the informal RFP procedures when seeking pricing and software demonstrations, and the majority of the software products which were reviewed would have been within the threshold for such a process. A three-year contract with the preferred product, however, exceeds the threshold and would have required a formal process. Given that staff did reach out to all known vendors and reviewed all of the

products, and that a formal process would have elicited proposals from the same vendors, staff is requesting that the requirement to follow the formal RFP process be waived in this instance.

Based on the above reasons, City Attorney's Office recommends City Council approve the contract with Logikcull for the City Attorney's E-Discovery Software for three years at \$36,000 per year and a not-to-exceed amount of \$108,000 attached hereto as Attachment #1.

**COUNCIL GOAL COMPLIANCE:**

Meets the following City Council goal:

B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

**PREPARED BY:** Melissa Popham, Legal Office Assistant

Attachments:

Attachment #1 – Logikcull Master Services Agreement