



**CITY OF FORT WORTH
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

Section 1: General Information

Requesting Department: Police Department

Name of Contract Manager: Loraine Coleman

Department's Attorney: Jerris Mapes, Andrea Phillips, Trey Qualls

Item or Service sought: Thomson Reuters subscription service

Goods:

Service:

Anticipated Amount: \$92,316.00 – Police; \$36,986.28 – Code
Compliance/Environmental Services

Vendor: West Publishing/Thomson Reuters

Current/Prior Agreement for item/service: Yes No

CSC or Purchase Order #: CSC 56107 (Police), CSC 55116 (Code)

Amount: \$79,124.76 (Police), \$36,986.28 (Code), & \$6,000 (Water)

Projected M&C Date: March 26, 2024

How will this item or service be used? The Police Department, Code Compliance, and Environmental Services use this investigative software to access public records, other publicly available information, and proprietary data. CLEAR provides the Police Department with License Plate recognition Data, Real-Time Incarceration and Arrest Records. Code Compliance uses CLEAR for residential and address searches. Environmental Services uses CLEAR for commercial and business records and ownership. The Investigations section of Environmental Services has access to vehicle and residential records through CLEAR.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service? Yes No

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: The Purchasing Division recommended Police, Code Compliance, and Environmental Services seek a Chapter 252 Exemption for West Publishing/Thomson Reuters for CLEAR software.

Section 2: Claimed Exemption and Justification (Other than sole source)

NOTE - For a claimed sole-source exemption, only complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
 - at an auction by a state licensed auctioneer;

- at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
- by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
- under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;

Services performed by blind or severely disabled persons;

Goods purchased by a municipality for subsequent retail sale by the municipality;

Electricity; or

Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form. N/A

Section 3: Claimed Sole-Source Exemption and Justification

NOTE - For any non-sole-source exemption, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

- *A procurement of items that are available from only one source, including:
- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - films, manuscripts, or books;
 - gas, water, and other utility services;
 - captive replacement parts or components for equipment;
 - books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

Thomson Reuters is the sole provider of government investigation software CLEAR. CLEAR is used by the Police Department, Code Compliance, and Environmental Services to access public records, including identity verification and risk assessment, screening, and monitoring.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

West Publishing Corporation does not permit the sale or resale of CLEAR through distributors or resellers. Police Department research found no cooperative agreements available to the City of Fort Worth for the purchase of CLEAR software. CLEAR was available through a Texas Department of Information Resources cooperative agreement, but that agreement is expiring August 28, 2024, with no options to renew.

Did you attach a sole source justification letter? Yes No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.). West Publishing CLEAR software is the only online investigative research tool that provides the unique combination of data, features, and capabilities available for the City of Fort Worth Police Department specific to law enforcement. Two other investigative database services did not provide the following features offered through CLEAR: 1) CLEAR shows the actual date of record updates in the source data; other providers only list the date that the information was most recently updated in their database. 2) CLEAR has the ability to save selected results and report data indefinitely; other providers state results are saved for 90 days only. 3) CLEAR Mobile does not restrict data returns on mobile devices; other providers do not offer a mobile device option for searches.

Section 4: Attorney Determination

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase? Yes No.

Was there anything attached to this form that was relied on in making this determination? Yes No.

If yes, please explain: The Department provided a sole source letter.

Was there anything not included on this form or attached hereto that was relied on in making this determination? Yes No.

If yes, please explain: N/A

Will the standard terms and conditions apply? Yes No.

Will the contract require special terms?

Yes

No.

Will the contract require review by the department attorney?

Yes

No.

Approved By:



Date: 02/27/2024

Jeremy Anato-Mensah
Assistant City Attorney