**SINGLE SOURCE AWARD** **BID # SS-10317-21**

**Subject:** Hardware and Software Maintenance, Licenses, and Support Services for Voting Equipment

**Department:** Supervisor of Elections

**Description of Purchase:**
Recommend approval of a Single Source award to Election Systems and Software, LLC (ES&S, LLC) for the maintenance, licenses, and support services for ES&S LLC's proprietary ElectionWare® election management software and firmware as well as ES&S LLC's Model DS200, Model DS850, and AutoMark voting equipment. Period of service will be date of award through December 31, 2021. Total estimated expenditure amount not-to-exceed $209,040.53.

Funding for this award will be encumbered from the below accounts and executed by Purchase Order(s).

- 00111.610001.531090.000000.00000000.00000.0000000 ($63,315.58)
- 00111.610001.546620.000000.00000000.00000.0000000 ($145,724.95)

**Single Source Award To:** Election Systems and Software, LLC (ES&S, LLC)

**Price Justification:** See attachment

**Total Award:** $209,040.53 **Requisition #:** SEEL-500165-21

**Attachments:** Agency Memo, Single Source Request Form, Supplier Letter & Quote

**Certification as to Single Source:** Robert Phillips, Chief Elections Officer, Duval County Sprvr. of Elections

**THE ABOVE PURCHASE IS RECOMMENDED FOR AWARD IN ACCORDANCE WITH CHAPTER 126.206.**

Analyst: David Klages

Gregory Pease, Chief
Procurement Division

***APPROVAL OF GENERAL GOVERNMENT AWARDS COMMITTEE***

**"ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS"**

***CHAIRMAN*** ***DATE***

ACTION OF AWARDING AUTHORITY DATE: _____

APPROVED_____ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

**Mike Hogan**
Supervisor of Elections 105 E. Monroe St.
Jacksonville, FL 32202
PH (904)630-1414
FX (904)630-2920

April 16, 2021

Gregory Pease, Chief,
Procurement Division
117 West Duval St, Suite 335

Dear Gregory,

This letter is to request the approval of a purchase order to renew the hardware and maintenance agreement between the Supervisor of Elections and Election Systems and Software. Election Systems and Software is our vendor of record for voter tabulation equipment since 2012. Election Systems and Software has done an exemplary job of meeting our voting system needs. It is important that we continue this partnership leading into the next election cycle.

Please do not hesitate to contact me if I can provide any further information or assistance.

Sincerely,

Robert Phillips
Senior Elections Officer
Duval County Supervisor of Elections

# SINGLE SOURCE REQUEST

**Pursuant to the City of Jacksonville Procurement Code § 126.206 & § 126.312, when requesting a purchase from a Supplier subject to the referenced sections, please complete this form to justify your request and submit to Procurement with applicable attachments**

## PROVIDE A SUMMARY OF THE SCOPE OF GOODS/SERVICES TO BE PROVIDED; IDENTIFY EACH ITEM, COMPONENT OR SERVICE BEING PROCURED (ATTACH QUOTE/PROPOSAL):

Election Systems and Software, LLC provides all hardware and software upgrades for all voter tabulation equipment in the Duval Supervisor of Elections inventory. This agreement ensures continued hardware and software support throughout the election cycle.

## PROVIDE A DETAILED JUSTIFICATION AS TO WHY THE REQUESTED GOODS/SERVICES CAN ONLY BE EFFICIENTLY AND EFFECTIVELY PROCURED THROUGH THE RECOMMENDED SINGLE SOURCE PROVIDER:

Election Systems and Software, LLC has been the system of record for Duval County since 2012. ES&S is certified in the state of Florida to provide these services.

## ASSERT THAT YOU HAVE RESEARCHED THE AVAILABILITY OF THE REQUESTED GOODS/SERVICES FROM OTHER SOURCES IN APPLICABLE MARKETS AND HAVE DISCUSSED AND EVALUATED THE SAME WITH COJ'S PROCUREMENT AND EBO DIVISIONS:

Yes, we have confirmed from ES&S that they are the sole provider of the software currently in use.
Additionally, this is a continuation of previous Single Source awards to a supplier we have utilized since 2012 and using any other supplier would require having to use new software and voting equipment.

**Procurement Division**

**March, 2020**

Election Systems & Software
MAINTAINING VOTER CONFIDENCE. ENHANCING THE VOTING EXPERIENCE.
EXPERIENCE RELIABILITY SECURITY INNOVATION
11208 John Galt Boulevard · Omaha, NE 68137 USA
Phone: 402.593.0101 · Toll-Free: 1.800.247.8683 · Fax: 402.593.8107
www.essvote.com

December 1, 2020

Robert Phillips
Duval County Supervisor of Elections
105 East Monroe Street
Jacksonville, FL 32202

**RE: Election Systems & Software ("ES&S") Hardware and Software License, Maintenance and Support Services ("License and Maintenance Services")**

Dear Mr. Phillips:

This letter is in response to your request for information regarding ES&S' License and Maintenance Services to be provided by ES&S to Duval County, Florida ("County"). Such License and Maintenance Services shall be performed by ES&S or its authorized representatives. The License and Maintenance Services to be performed by ES&S include the license, maintenance and support for ES&S' proprietary ElectionWare® Election Management Software and Firmware (collectively, "ES&S Software") as well as ES&S' Model DS200, ES&S' Model DS850 and ES&S AutoMark voting equipment (collectively, "ES&S Equipment").

Please be advised that ES&S is the sole and exclusive developer and licensor of the ES&S Software. As such, ES&S owns all patents, copyrights and trademarks ("Intellectual Property") in its proprietary ES&S Software. Further only ES&S can provide help desk support services for the ES&S Software as well as provide any and all upgrades, enhancements, maintenance patches and other changes to the ES&S Software as may be required by ES&S or its customers. No other vendor in the marketplace today is authorized to license or provide maintenance and support services for the ES&S Software.

With respect to the ES&S Equipment, please be advised that ES&S owns all Intellectual Property associated with the ES&S Equipment. Further, certain component parts of the ES&S Equipment are proprietary to ES&S and may only be obtained directly from ES&S. As certain component parts of the ES&S Equipment may only be obtained directly from ES&S, only ES&S can ensure that such ES&S proprietary component parts are installed in the ES&S Equipment. This is important to note as all ES&S Equipment certified both and the federal and State level require the replacement of the same component parts which were included in the voting equipment at the time such voting equipment was certified. By utilizing ES&S for the performance of hardware maintenance services, the County will be assured that all component parts installed in the ES&S Equipment will be in compliance with both the federal and state certified equipment configuration.

In order for the County to receive License and Maintenance Services on the ES&S Software, the County must utilize ES&S for the license of the ES&S Software as well as the performance of software maintenance services as ES&S is the sole and exclusive licensor of the ES&S Software. In addition, in order to ensure that only certified component parts are utilized in the repair and maintenance of the ES&S Equipment, it is necessary for the County to obtain such hardware maintenance services directly from ES&S as ES&S owns certain proprietary component parts which are installed in the ES&S Equipment.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Katie D. Figgins
Associate General Counsel

## Klages, David

**From:** Phillips, Robert
**Sent:** Tuesday, April 13, 2021 1:58 PM
**To:** Wood, Terry
**Subject:** FW: Duval Maintenance Agreement

**From:** Cowles, Nick <nick.cowles@essvote.com>
**Sent:** Thursday, April 1, 2021 6:32 PM
**To:** Phillips, Robert <Phillips@coj.net>
**Subject:** Fwd: Duval Maintenance Agreement

**EXTERNAL EMAIL:** This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Robert

Please see below.

Nick Cowles
Account Management | Florida
407-694-5874

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**From:** Ohm, Megan <megan.ohm@essvote.com>
**Sent:** Thursday, April 1, 2021 4:29 PM
**To:** Cowles, Nick; Pick, Tina
**Subject:** RE: Duval Maintenance Agreement

Hi Nick – Below are the 2021 rates for Duval.

**Duval Co., FL 2022**

| Equip/SW | Qty | Price | Extended Price |
|---|---|---|---|
| DS850 Gold HW | 4 | $ 4,194.75 | $ 16,779.00 |
| DS850 FW | 4 | $ 1,653.75 | $ 6,615.00 |
| ElectionWare PYO | 1 | $ 39,473.41 | $ 39,473.41 |
| AutoMARK Silver HW | 280 | $ 202.13 | $ 56,595.00 |
| AutoMARK FW | 280 | $ 68.25 | $ 19,110.00 |
| DS200 Silver HW | 295 | $ 154.88 | $ 45,688.13 |
| DS200 FW | 295 | $ 84.00 | $ 24,780.00 |
| Total | | | **$ 209,040.53** |