SINGLE SOURCE AWARD **BID # SS-13696-23**

Subject: Hardware and Software Maintenance, Licenses, and Support Services for Voting Equipment – FY23

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 continued 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.

Recommend approval to retroactively begin the period of service on January 1, 2023. Period of service will be from January 1, 2023 through September 30, 2023. Total not-to-exceed expenditure amount is $187,792.29.

Funding for this award will be encumbered from account 00111.610001.546620.000000.00000000.00000.0000000 and executed via Purchase Order(s).

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

Price Justification: See attachment

Total Award: $187,792.29 **Requisition #:** SEEL-500048-23

Attachments: Agency Memo, SS Justification Form, Supplier Letter & Quote, Previous Award (Improper Purchase)

Certification as to Single Source: Robert Phillips, Chief Elections Officer, Duval County Supervisor of Elections

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

Analyst: David Klages

Dustin Freeman, 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 _____

FORM GB-113, Revised 12/2007

Mike Hogan
Supervisor of Elections 105 E. Monroe St.
Jacksonville, FL 32202
PH (904)255-8683
FX (904)255-3434

January 4, 2023

Dustin Freeman, Chief,
Procurement Division
117 West Duval St, Suite 335

Dear Dustin,

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. Funding for this will come from 00111-610001-546620-000-000-000.

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

JUSTIFICATION FOR SINGLE SOURCE (JSS)	
Pursuant to the City of Jacksonville Procurement Code§ 126.206 & § 126.312, when requesting a purchase from a vendor subject to the referenced sections, please complete this form to justify your request and submit to Procurement with applicable attachments.	
1. Requesting Agency:	Supervisor of Elections
2. Nature and/or description of the requirement being requested. ***Identify each item, component or service being procured. (Attach quote/proposal):*** ***Why does the City need these particular goods or services?***	Election Systems and Software 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.
3. Provide a detailed justification as to why the requested goods/services can only be efficiently and effectively procured through the recommended Single Source vendor:	Election Systems and Software has been the system of record for Duval County since 2012. ES&S is certified in the state of Florida to provide these services. The software and maintence services are proprietary to ES&S's equipment.
4. Date of Request	1/1/2023

5. Summary of Market Research

[Provide a description of the market research performed, how it was performed, by whom, and market research results. Please spell out acronyms.]

[Click here to enter text.]

6. Other Documentation (Check and attach all that apply)

☐ Supplier Quote

√ Single Source Memo signed by Director

☐ Other [Click here to list other documentation.]

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

September 27, 2022

Mr. Mike Hogan
Supervisor of Elections
Duval County
105 E. Monroe Street
Jacksonville, FL 32202

RE: Election Systems & Software, LLC ("ES&S") Equipment and Software For the Duval Election Commission

To Mr. Mike Hogan,

This letter is in response to the Duval County, Florida ("County") request for information regarding ES&S' proprietary election equipment. This letter provides the Commission with information on ES&S' proprietary ExpressVote® Ballot Marking Device and peripheral items (the "ES&S Equipment") as well as ES&S' proprietary Equipment firmware (the "ES&S Software").

Please be advised that ES&S owns all patents, copyrights and trademarks ("Intellectual Property") associated with the ES&S Equipment. With respect to the ES&S Equipment (ExpressVote), ES&S owns patent numbers 8,997,701, 8,814,045 and 10,147,259. As such, ES&S is the sole and exclusive developer and manufacture of the ES&S Equipment and only ES&S may sell the ES&S Equipment in the marketplace. 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 (maintenance) parts of the ES&S Equipment may only be obtained directly from ES&S, only ES&S and ES&S trained technicians 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 at the federal and State level require the replacement of the same certified component parts which were included in the ES&S Equipment at the time such ES&S Equipment was certified. By purchasing the ES&S Equipment from ES&S as well as utilizing ES&S for the performance of preventative and repair maintenance and support 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.

With respect to the ES&S Software, 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 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.

ES&S is the only vendor in market today which can sell the ES&S ExpressVote unit to the County and ensure that such new unit will work in conjunction with the County's current ES&S equipment and software. The County can be assured that the ES&S ExpressVote will work seamlessly with the County's current equipment as ES&S is the only vendor who owns, manufactures, develops and sells the foregoing ES&S ExpressVote as well as all ES&S Software in the marketplace.

With respect to the County's proposed purchase of the ES&S Equipment, please be advised that such new ES&S Equipment is specifically designed to work with ES&S' DS200 precinct tabulator providing the County with a fully integrated voting system. In fact, by purchasing the ES&S Equipment and licensing the ES&S Software from ES&S, the County will be assured that all of the County's ES&S voting system equipment and voting system software will work together for use in the City's upcoming elections as well as be assured that all maintenance and support services will be handled in a timely manner by ES&S. As ES&S is the only vendor in the market today that can sell and license the ES&S Equipment and ES&S Software as well as provide all necessary election services, the County can be confident that the end to end voting system purchased through ES&S will serve the voters in the City for many years to come.

Please let me know if you have any questions or need any additional information.

Sincerely,

Katie D. Figgins
Associate General Counsel

cc: Nick Cowles, ES&S

Election Systems & Software
6055 Paysphere Circle
Chicago, IL 60674
(877) 377-8683

Invoice

ORIGINAL

Invoice Date	Terms of Payment	Invoice Number
12/9/22	30 Days Net	CD2051107
Order Date	**Order Number**	**Election Date**
12/9/22	147088	
Customer Number		**Page**
30430		1 (2)
Customer's PO No		

Invoice Address
Duval County, Florida
General Accounting Div
117 W Duval St Ste 375
Jacksonville, FL 32202

Delivery Address
Duval County, Florida
Duval County Election Warehouse
1 Imeson Park Blvd Building 100
Jacksonville, FL 32218

Invoice for Service Contract: 4847, DS850-4; DS200-295; ExpVote-439; EW; EL

Sales

Pos	Description	Sales Qty	Unit	Price	Disc %	Tax %	Net Amount USD
1	**HMA - ExpressVote BMD Extended Warranty with Annual Maintenance** 01-OCT-22 to 31-DEC-22	225.00	EA	30.000	0.00	0.00	6,750.00
2	**HMA - ExpressVote BMD Extended Warranty with Annual Maintenance** 01-JAN-23 to 31-DEC-23	225.00	EA	120.000	0.00	0.00	27,000.00
3	**Firmware License - ExpressVote BMD** 01-OCT-22 to 31-DEC-22	225.00	EA	16.250	0.00	0.00	3,656.25
4	**Firmware License - ExpressVote BMD** 01-JAN-23 to 31-DEC-23	225.00	EA	65.000	0.00	0.00	14,625.00
5	**HMA - DS850 Extended Warranty with Annual Maintenance** 01-JAN-23 to 31-DEC-23	4.00	EA	4,194.750	0.00	0.00	16,779.00
6	**Firmware License - DS850** 01-JAN-23 to 31-DEC-23	4.00	EA	1,653.750	0.00	0.00	6,615.00
7	**Electionware Additional Synthesized Audio - Renewal License Fee** 01-JAN-23 to 31-DEC-23	1.00	EA	2,425.500	0.00	0.00	2,425.50
8	**Firmware License - DS200** 01-JAN-23 to 31-DEC-23	295.00	EA	84.000	0.00	0.00	24,780.00
9	**Electionware PYO Standard - Renewal License Fee** 01-JAN-23 to 31-DEC-23	1.00	EA	39,473.406	0.00	0.00	39,473.41
10	**HMA - DS200 Extended Warranty with Biennial Maintenance** 01-JAN-23 to 31-DEC-23	295.00	EA	154.875	0.00	0.00	45,688.13

Tracking #:

Sub Total Amount **187,792.29**

Election Systems & Software
6055 Paysphere Circle
Chicago, IL 60674
(877) 377-8683

Invoice

ORIGINAL

Invoice Date	Terms of Payment	Invoice Number
12/9/22	30 Days Net	CD2051107
Order Date	**Order Number**	**Election Date**
12/9/22	147088	
Customer Number		**Page**
30430		2 (2)
Customer's PO No		

Total Exclusive Tax	**187,792.29**
Total Tax	**0.00**
Invoice Amount	**187,792.29**

Customer Number	Invoice Number	INVOICE AMOUNT	
30430	CD2051107	187,792.29	Election Systems & Software ABA Routing No: 071000039 Account No: 5800923558

FL: Florida

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT. THANK YOU.

City of Jacksonville, Florida

Lenny Curry, Mayor

Procurement Division
Ed Ball Building
214 N. Hogan Street, Suite 800
Jacksonville, Florida 32202

ONE CITY. ONE JACKSONVILLE.

September 27, 2022
Honorable Lenny Curry
Mayor, City of Jacksonville
Jacksonville, Florida, 32202

RE: IMPROPER/UNAUTHORIZED PURCHASES

Dear Mayor Curry:

Under the provisions of Section 126.109, Ordinance Code, which provides for the disposition of unauthorized and/or improper purchases, the following is furnished for your consideration and action relative to an improper purchase made by the Duval County Supervisor of Elections. These are the facts bearing on this matter:

Specific Violation:

Contrary to provisions of City Ordinance Code Ch. 126, the "Procurement Code", the Supervisor of Elections continued services from the vendor without obtaining a purchase order, contract through Office of General Counsel, or award.

Circumstances Relative to Purchase:

A contract through Office of General Counsel, award, or purchase order was not received for continued services with ES&S outside of the contract renewal period. The delay in renewal was caused by the negotiations process for the purchase of new equipment. The equipment was in place, but the service agreements had yet not been authorized, causing an improper purchase.

Action to Prevent Recurrence:

This improper purchase was made due to time-sensitive need for equipment maintenance. The Supervisor of Elections is aware of the City's procurement procedures and will initiate a purchase order well before the expiration date and execute a change order if necessary to prevent a future occurrence.

Recommendation:

Based upon these facts, it is my recommendation that you authorize payment of Invoice #CD2014199 in the amount of $129,296.22 to ES&S.

Respectfully,

Dustin Freeman, Acting Chief
Procurement Division

Attachments

cc: Robert Phillips, Chief Elections Officer
Annette Leslie-Burney, Assistant Manager of Purchasing Services
Kim Taylor, Council Auditor

APPROVED

Lenny Curry

LENNY CURRY, MAYOR

10-3-22

DATE

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

September 27, 2022

Re: ES&S HMA

Dustin Freeman, Acting Chief
Procurement Division
117 West Duval St, Suite 335

Dear Dustin:

The Duval County Supervisor of Elections continued services with ES&S without obtaining an updated purchase order, or award. ES&S provides election definition and ballot tabulation services for Duval County and has been our vendor of record since 2012. ES&S also provides all maintenance and updates to all software, hardware and firmware to all voting equipment used in Duval County. This purchase order is for maintenance software and firmware support as well as upgrades to existing services and equipment that we currently use.

This memo is in response to the request for renewal of services for January 2022 through December 2022. The delay in renewal was caused due to negotiations in pricing because of the purchase of new Expressvote equipment. Although the equipment was in place a new maintenance agreement had not yet been authorized.

We are aware of the importance of contract renewal and will strive to renew all contracts within the appropriate time frame. This should not be an issue in the future since next year the warranty will be expired and the expressvotes will be added to the HMA at the beginning of the year during budget prep. To be sure we will initiate the purchase order in October, well before the expiration date and if necessary execute a change order if the amount changes. We are respectfully requesting that this requisition be approved.

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

Sincerely,

Robert Phillips
Chief Elections Officer
Duval County Supervisor of Elections