10

SINGLE SOURCE AWARD **BID # SS-15252-24**

Subject: Licenses, Maintenance, and Support for ES&S's Proprietary Election Equipment – FY24

Department: Supervisor of Elections

Description of Purchase:
Recommend approval of a Single Source award to Election Systems and Software, LLC (ES&S) to continue providing licenses, maintenance, and support for their proprietary ElectionWare® election management software and firmware ("ES&S Software") and their ExpressVote® ballot marking device and peripheral items ("ES&S Equipment") for FY24.

Recommend approval to retroactively begin the period of service on October 1, 2023. Period of service will be from October 1, 2023 through September 30, 2024. Total not-to-exceed expenditure amount is $134,705.58.

Funding for this award will be encumbered from account 00111.610001.552160.000000.00000000.00000.0000000 and executed via Purchase Order(s).

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

Price Justification: See attachment

Total Award: $134,705.58 **Requisition #:** SEEL-500327-24

Attachments: Agency Memo, SS Justification Form, Supplier Letter & Quote, FY23 Award

Certification as to Single Source: Jerry Holland, Supervisor of Elections, Duval County Supervisor of Elections Office

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

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

January 4, 2024

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

Dear Dustin,

This letter is to request the approval of a Single Source award to Election Systems and Software, LLC (ES&S) in the not-to-exceed amount of $134,705.58 for FY24 to continue providing hardware and software licenses, maintenance, and support for the existing equipment used by the Supervisor of Elections. ES&S is our vendor of record for voter tabulation equipment since 2012. ES&S 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.

This award will be funded from account 00111.610001.552160.000000.00000000.00000.0000000 and processed via Purchase Order(s).

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 & Software License, Maintenance and Support Services. Quote Attached. The City needs these particular services in order to run elections.
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:	ES&S is the sole and exclusive developer and licensor of the ES&S Software. ES&S owns all patents, copyrights and trademarks (Intellectural Property) in its proprietary ES&S Software. Only ES&S can provide help desk support services for the ES&S Sofware as well as provide any and all upgrade, enhancements, Maintenance patches and other changes to the ES&S Sofware as may be required by ES&S and its customers.
4. Date of Request	1/22/2024

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.]

[The supplier has provided a letter confirming they are the sole proprieters of the product, and therefore, only ES&S is auhtorized to provide this service.]

6. Conflict of Interest (Must Check)

√ By checking this box, I affirm that there are no actual, potential, or perceived conflicts of interest with the entity in which I am requesting a single source award. Conflict of Interest shall be interpreted consistent with *Chapter 112, Florida Statutes.*

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

√ Supplier Quote

√ Single Source Memo signed by Director

√ Other [single source letter from Vendor]

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

January 09, 2024

VIA ELECTRONIC MAIL
Jerry Holland
105 E. Monroe St.
Jacksonville, FL 32202

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

Dear Mr. Holland:

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' ExpressVote® Ballot Marking Device and peripheral items (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. Furthermore, 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,

Eric A. Anderson
General Counsel

cc: Nick Cowles, ES&S

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

Invoice

ORIGINAL

Invoice Date	Terms of Payment	Invoice Number
12/14/23	30 Days Net	CD2073122
Order Date	**Order Number**	**Election Date**
12/14/23	166454	
Customer Number		**Page**
30430		1 (1)
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
1 Imeson Park Blvd Bldg 100
General Delivery
Jacksonville, FL 32218

Invoice for Service Contract: 4847, ExpVote-439; EW; EL, Duval County, Florida

Sales

Pos	Description	Sales Qty	Unit	Price	Disc %	Tax %	Net Amount USD
1	**HMA - ExpressVote BMD Extended Warranty with Annual Maintenance** 01-JAN-24 to 31-DEC-24	225.00	EA	120.000	0.00	0.00	27,000.00
2	**HMA - ExpressVote BMD Extended Warranty with Annual Maintenance** 01-JAN-24 to 31-DEC-24	214.00	EA	130.000	0.00	0.00	27,820.00
3	**Electionware Additional Synthesized Audio - Renewal License Fee** 01-JAN-24 to 31-DEC-24	1.00	EA	2,425.500	0.00	0.00	2,425.50
4	**Firmware License - ExpressVote BMD** 01-JAN-24 to 31-DEC-24	214.00	EA	75.000	0.00	0.00	16,050.00
5	**Firmware License - ExpressVote BMD** 01-JAN-24 to 31-DEC-24	225.00	EA	65.000	0.00	0.00	14,625.00
6	**Electionware PYO Standard - Renewal License Fee** 01-JAN-24 to 31-DEC-24	1.00	EA	39,473.406	0.00	0.00	39,473.41

Sub Total Amount	**127,393.91**
Total Exclusive Tax	**127,393.91**
Total Tax	**0.00**
Invoice Amount	**127,393.91**

Customer Number	Invoice Number	INVOICE AMOUNT
30430	CD2073122	127,393.91

Election Systems & Software
ABA Routing No: 071000039
Account No: 5800923558

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

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

Invoice

ORIGINAL

Invoice Date	Terms of Payment	Invoice Number
9/20/23	30 Days Net	CD2067306
Order Date	**Order Number**	**Election Date**
9/20/23	161397	
Customer Number		**Page**
30430		1 (1)
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
1 Imeson Park Blvd Bldg 100
General Delivery
Jacksonville, FL 32218

Invoice for Service Contract: 4847, ExpVote-439; EW; EL, Duval County, Florida

Sales

Pos	Description	Sales Qty	Unit	Price	Disc %	Tax %	Net Amount USD
1	**Firmware License - ExpressVote BMD** 01-NOV-23 to 31-DEC-23	214.00	EA	12.500	0.00	0.00	2,675.00
2	**HMA - ExpressVote BMD Extended Warranty with Annual Maintenance** 01-NOV-23 to 31-DEC-23	214.00	EA	21.667	0.00	0.00	4,636.67

Sub Total Amount	**7,311.67**
Total Exclusive Tax	**7,311.67**
Total Tax	**0.00**
Invoice Amount	**7,311.67**

Customer Number	Invoice Number	INVOICE AMOUNT
30430	CD2067306	7,311.67

Election Systems & Software
ABA Routing No: 071000039
Account No: 5800923558

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

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 1/19/2023

ACTION OF AWARDING AUTHORITY DATE: 1/23/23

APPROVED ✓ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

Brian Hughes
Chief Administrative Officer
For: Mayor Lenny Curry
Under Authority of:
Executive Order No: 2019-02

FORM GB-113, Revised 12/2007