

**Election Systems & Software, LLC ("ES&S") Purchase Order**

Term as selected below and beginning on July 1, 2019

Please select Term of Agreement: ☐ Pro-Rated Term / 1-Year Term ☐ 3-Year Term ☐ 5-Year Term

7/1/2019 - 6/30/2020 7/1/2020 - 6/30/2023 7/1/2020 - 6/30/2025

**ES&S HARDWARE MAINTENANCE DESCRIPTION & FEES, AND FIRMWARE MAINTENANCE & SUPPORT FEES****Durham County**

Pro-Rated Term / 1-Year Term		Annual Maintenance Fee Per Unit: Pro-Rated Term	Annual Maintenance Fee In Total: Pro-Rated Term	Annual Firmware Maintenance and Support Fee Per Unit: Pro-Rated Term	Annual Firmware Maintenance and Support Fee In Total: Pro-Rated Term
Quantity	Description 7/1/2019 - 6/30/2020				
1	DS850 Hi-Speed Scanner	\$0.00	\$0.00	\$0.00	\$0.00
75	DS200 Scanner	\$0.00	\$0.00	\$0.00	\$0.00
0	ExpressVote	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 650 Hi-Speed Scanner	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 100 Scanner	\$0.00	\$0.00	\$0.00	\$0.00
66	AutoMark - 7/1/2019 - 6/30/2020	\$354.61	\$23,404.26	\$37.99	\$2,507.34
<b>Total Annual Hardware Maintenance Fees - Pro-Rated Term</b>			\$23,404.26		\$2,507.34
<b>Annual Hardware Maintenance &amp; Firmware Maintenance Total:</b>					\$25,911.60

3-Year Term		Annual Maintenance Fee Per Unit: 3-Year Term	Annual Maintenance Fee In Total: 3-Year Term	Annual Firmware Maintenance and Support Fee Per Unit: 3-Year Term	Annual Firmware Maintenance and Support Fee In Total: 3-Year Term
Quantity	Description 7/1/2020 - 6/30/2023				
1	DS850 Hi-Speed Scanner	\$3,995.00	\$3,995.00	\$1,575.00	\$1,575.00
75	DS200 Scanner	\$185.00	\$13,875.00	\$80.00	\$6,000.00
0	ExpressVote	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 650 Hi-Speed Scanner	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 100 Scanner	\$0.00	\$0.00	\$0.00	\$0.00
66	AutoMark	\$354.61	\$23,404.26	\$37.99	\$2,507.34
<b>Total Annual Hardware Maintenance Fees - 3-Year Term</b>			\$41,274.26	\$0.00	\$10,082.34
<b>Annual Hardware Maintenance &amp; Firmware Maintenance Total:</b>					\$51,356.60

5-Year Term		Annual Maintenance Fee Per Unit: 5-Year Term	Annual Maintenance Fee In Total: 5-Year Term	Annual Firmware Maintenance and Support Fees: 5-Year Term	Annual Firmware Maintenance and Support Fee In Total: 5-Year Term
Quantity	Description 7/1/2020 - 6/30/2025				
1	DS850 Hi-Speed Scanner	\$3,995.00	\$3,995.00	\$1,575.00	\$1,575.00
75	DS200 Scanner	\$185.00	\$13,875.00	\$80.00	\$6,000.00
0	ExpressVote	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 650 Hi-Speed Scanner	\$0.00	\$0.00	\$0.00	\$0.00
0	Model 100 Scanner	\$0.00	\$0.00	\$0.00	\$0.00
66	AutoMark	\$354.61	\$23,404.26	\$37.99	\$2,507.34
<b>Total Annual Hardware Maintenance Fees - 5-Year Term</b>			\$41,274.26		\$10,082.34
<b>Annual Hardware Maintenance &amp; Firmware Maintenance Total:</b>					\$51,356.60

**Note 1: The Per-Unit Fees if Customer requests more than one Routine Maintenance visit in a 12-month period for "Gold" coverage or a 24-month period for "Silver" coverage shall be 55% of the then current maintenance fee per unit.**

**Note 2: Surcharge for Emergency Repair Services shall be 150% of the then current maintenance fee per unit.**

**Note 3: The Per Unit Surcharge for performance of Routine Maintenance visit at more than one Customer Designated Location shall be \$25.00 per unit for all units located at second or more locations.**

**Note 4: Upon expiration of the Initial Term, this Agreement shall automatically renew for an unlimited number of successive one-year periods (each a "Renewal Period") until this Agreement is terminated according to Article I, Section 1.**

### ES&S SOFTWARE MAINTENANCE AND SUPPORT AND FEES

Listed below are the Unity Software Modules for which Software License, Maintenance and Support will be provided:

Description	Support Provided and Number of Licenses	Pro-Rated Term / 1-Year Term Maintenance and Support Fees	Annual Software Maintenance and Support Fees
Software - BIM	1	\$3,165.96	\$3,165.96
Software - BOD (year to year)	1	\$1,266.39	\$1,266.39
Software - DAM	1	\$0.00	\$0.00
Software - EDM	1	\$3,165.96	\$3,165.96
Software - ERM	1	\$2,025.29	\$2,025.29
Software - HPM	1	\$5,065.57	\$5,065.57
Software - IVIM	1		
<b>Total Software Maintenance and Support Fees:</b>			<b>\$14,689.17</b>

**Payment Terms:** Hardware, Firmware, and Software Maintenance and Support Fees are due and payable no later than thirty (30) days prior to the beginning of each maintenance and support period. Customer understands, acknowledges and agrees that ES&S' fees for the services as set forth on the accompanying exhibits are based upon a contractual commitment by Customer to subscribe for and purchase such services for the entire Term of the Agreement. In the event that Customer changes its commitment to a period of less than the Term of the Agreement for any reason other than the purchase of a new ES&S tabulation system, Customer hereby agrees to promptly pay a balance due charge of the difference between the 1-Year Term fees and the fees applied to the Hardware, Firmware, and Software Maintenance and Support Fees invoiced to the Customer up through the date of such early termination.

The parties hereby agree that this Purchase Order and the Hardware Maintenance and Software Maintenance and Support Services General Terms, attached hereto and fully incorporated herein by this reference, (collectively, the "Agreement") represents a binding agreement between ES&S and Customer for the purchase of Hardware Maintenance and Software Maintenance and Support Services. Further, the undersigned Customer hereby agrees to purchase such Hardware Maintenance and Software Maintenance and Support Services from ES&S as set forth herein. The undersigned Customer hereby agrees to the Hardware Maintenance and Software Maintenance and Support Services General Terms and acknowledges that he or she has read the entire Agreement, understands it and fully intends to be bound by it. The undersigned Customer hereby certifies that: 1) sufficient funds are available for any of this purchase that exceeds my allocation of state and/or federal funding; and 2) any amount not funded by state and/or federal funds has been authorized and appropriated for this purchase. As of the date of the signature below, the undersigned Customer has full power and authority to enter into and perform this Agreement, and has been properly authorized to execute and deliver this Agreement on behalf of the County/State as set forth above.

ES&S Signature \_\_\_\_\_ Date \_\_\_\_\_

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Customer	DURHAM COUNTY
Contact Person	Derek L. Bowens
Address	PO Box 868
City	Durham
State/Province	North Carolina
Zip	27702-0868
Phone number	919-560-0692
Email Address	dbowens@dconc.gov