



Agenda Action Form Overview

The Board is requested to approve the Durham County Board of Elections request to enter into a contract with Elections Systems and Software for hardware, firmware, maintenance and support fees for current voting equipment inventory. This service contract will cover a 4-year term for the dates of 07/01/2019 – 06/30/2023. This request is consistent with the requirement of N.C. General Statute §§163A-1117 (b)(2), which states, “The County Board of Elections shall annually maintain software license and maintenance agreements necessary to maintain the warranty of its voting systems.” Outside of the statutory guidelines, the continued maintenance and support of voting equipment and software will also help to ensure fair and accurate elections in Durham County. The contract amount for the first year will be \$40,600.77 from 07/01/2019 – 06/30/2020 for pro-rated fees. The contract amount for each additional year of the remaining 3-year term from 07/01/2020 – 06/30/2023 will be 66,045.77. The total cost of the request is: \$238,738.08 over the life of the contract.

Background/Justification

This request is being made to ensure that the Durham County Board of Elections’ voting equipment, firmware and software are up to date on maintenance, and that we receive proper support during an election cycle within the 3-year term. This is a common contract for the Board of Elections and is typically renewed every 3-5 years.

Policy Impact

The approval of this contract will ensure that the Durham County Board of Elections is in compliance with N.C. General Statute §§163A-1117 (b)(2), which states; The County Board of Elections shall annually maintain software license and maintenance agreements necessary to maintain the warranty of its voting systems. Outside of the statutory guidelines, the continued maintenance and support of voting equipment and software will also help to ensure fair and accurate elections in Durham County.

This type of service is consistent for the Board of Elections and it does not require an exception to Board policy. This request is also consistent with Goal 5 of the county strategic plan.

Procurement Background

Type of purchase

- ☐ Goods
- ☒ Services
- ☐ Architect, Engineer or Surveyor Services
- ☐ Construction and Repair

Did this request for purchase go through a bid process? Yes ☐ No ☒

Goods: Bids required if \geq \$30,000, BOCC approval if \geq \$90,000

Services: Bids required if \geq \$30,000, BOCC approval if $>$ \$40,000



Construction/Repair work: Bids required if $\geq \$30,000$, BOCC approval if $\geq \$500,000$

If yes, attach a copy of bid tab and the minority and women business enterprise (MWBE) compliance review form provided by the Purchasing Division.

If no, why?

- ☐ Sole source exemption
 - ☐ Cooperative purchasing program exemption
 - ☐ State and federal contract exemption
 - ☐ Contract is an amendment to an existing contract
 - ☒ Other (please explain)
- Elections Systems and Software is the only certified voting equipment vendor in North Carolina, therefore, the bid process is not required.

Fiscal Impact

Acquiring maintenance and support services for equipment and software is a planned expense for the term of the contract, which in this case, is 3 years. With this contract, the expense amount may vary depending on the length of the contract or a change in fees made by the vendor.

Recommendation

Due to the sensitive nature of Elections and the extent of accuracy that is required for ensuring fair and accurate elections in Durham County, we hope that the Commissioners will approve our request for continued maintenance and support of our voting equipment, firmware and software.