

State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

| PART I: OVERVIEW | | | | |
|--|----------------------|---|------------------------|---------|
| Department Office/Division/Program: | | Secretary of State/ Bureau of Corporations, Elections & Commissions (CEC) | | |
| Department Contract Administrator or Grant Coordinator: | | Julie L. Flynn | | |
| (If applicable) Department Reference #: | | N/A | | |
| Amount: (Contract/Amendment/Grant) | NTE \$ 277,309 | Advantage CT / RQS #: | 29A 50200 227 * 968 | |
| CONTRACT | Proposed Start Date: | 1/15/20 | Proposed End Date: | 3/31/20 |
| AMENDMENT | Original Start Date: | | Effective Date: | |
| | Previous End Date: | | New End Date: | |
| GRANT | Project Start Date: | | Grant Start Date: | |
| | Project End Date: | | Grant End Date: | |
| Vendor/Provider/Grantee Name, City, State: | | Election Systems & Software, LLC. (ES&S) 11208 John Galt Blvd, Omaha, NE 68137 | | |
| Brief Description of Goods/Services/Grant: | | Printing, packaging and delivery of official and sample candidate ballots for the 3/3/20 Presidential Primary/Special Referendum Election | | |

| PART II: JUSTIFICATION FOR VENDOR SELECTION | | | |
|---|-----------------------------------|--|----------------------------------|
| Mark an "X" before the justification(s) that applies to this request. (Check all that apply.) | | | |
| | A. Competitive Process | | G. Grant |
| | B. Amendment | | H. State Statute/Agency Directed |
| x | C. Single Source/Unique Vendor | | I. Federal Agency Directed |
| | D. Proprietary/Copyright/Patents | | J. Willing and Qualified |
| x | E. Emergency | | K. Client Choice |
| | F. University Cooperative Project | | L. Other Authorization |

| PART III: SUPPLEMENTAL INFORMATION |
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| Please respond to ALL of the following: |
| 1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I. |

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PART III: SUPPLEMENTAL INFORMATION

The Secretary of State/Bureau of CEC is charged by law with centrally printing and distributing to 500 municipalities, the ballots for all federal, state and county elections and statewide referenda. This printing job is for official and sample ballots for the Democratic and Republican Presidential Primary elections and the Special State Referendum Election on March 3rd.

2. Provide a brief justification for the selected vendor to supplement the response in Part II.

As part of its continuing efforts to meet its federal and state responsibilities for conducting elections, the Bureau issued a voting systems and software RFP in 2012 which resulted in a 7-year leasing agreement with ES&S (CEC CT#29A-20121005*1487), which has been extended through June 30, 2020. In entering the agreement with ES&S, the Bureau understood it would be required to utilize the vendor's services (or those of a partner printer authorized by the vendor) to print ballots that work with its proprietary system. While this was not formally part of the RFP scoring, the potential additional cost was considered in evaluating the proposal and it was determined that even with the dedicated printing costs, the lease agreement still offered significant savings over the next lowest bidder.

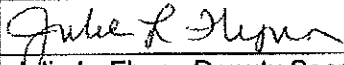
3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

As noted in Item 2, an RFP to lease elections equipment was issued and awarded. In evaluating responses prior to award, current printing and related costs were given consideration but the bidder not chosen was so much higher in cost (in excess of \$2,400,000) that there is no chance of the sole source printing costs exceeding that amount or likely approaching it. Moreover, the per ballot printing costs have decreased significantly under this lease agreement as compared to previous systems used, since the Bureau is leasing the ballot creation software and provides camera-ready ballot copy to the printer.

4. Describe the plan for future competition for the goods or services.

The Bureau's lease agreement for the voting system and software expires on June 30, 2020. The Bureau is working on an RFP to select the tabulation equipment and software to be used in future elections. Ballot printing will be specifically addressed as part of that RFP.

PART IV: APPROVALS

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|---|---|--------------|-----------|
| Signature of requesting Department's Commissioner (or designee): | <i>By signing below, I signify that I approve of this procurement request.</i> | | |
| |  | | |
| Printed Name: | Julie L. Flynn, Deputy Secretary of State | Date: | 2-27-20 |
| Signature of DAFS Procurement Official: | DocuSigned by: <i>Laurie A. Andre</i> | | |
| Printed Name: | A4D4AF6018C54EC... Laurie A. Andre | Date: | 2/27/2020 |