

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 -- Division of Elections	
Department Contract Administrator or Grant Coordinator:		Julie L. Flynn, Deputy Secretary of State	
(If applicable) Department Reference #:		N/A	
Amount: (Contract/Amendment/Grant)	\$ 400,191.00	Advantage CT / RQS #:	29A 20121005*1487
CONTRACT	Proposed Start Date:	Proposed End Date:	
AMENDMENT	Original Start Date:	Effective Date:	7/1/2022
	Previous End Date:	New End Date:	6/30/2023
GRANT	Project Start Date:	Grant Start Date:	
	Project End Date:	Grant End Date:	
Vendor/Provider/Grantee Name, City, State:		Election Systems & Software, LLC 11208 John Galt Blvd., Omaha, NE 68137	
Brief Description of Goods/Services/Grant:		Extend the lease for precinct ballot scanning/tabulating units provided to municipalities for use at their voting places and lease a high-speed scanner to use for the Ranked-choice Voting (RCV) central count.	

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
X	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
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

PART III: SUPPLEMENTAL INFORMATION

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

This is a 1-year extension (for FY23) of the previous contract for the State to lease 751 precinct ballot scanning/tabulating units provided to approximately 325 towns for counting ballots at state/federal elections and to lease a central count scanner for the Elections Division to use for conducting the Ranked-choice Voting central count.

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

The Department had a contract with Election Systems & Software, LLC, which was selected after a competitive bid issued in the Summer of 2012. The original bid allowed for a 5-year term plus a 2-year extension, which expired on 12/31/19. The Department has been working on an RFP for a new ballot scanning and tabulating system, which it hoped to issue in late 2019. However, due to a delay in the adoption of new voting systems guidelines by the US Elections Assistance Commission (EAC), the voting systems manufacturers have not completed the design of new systems or upgrades of existing systems to meet the new standards (called VVSG 2.0, adopted by the EAC on 2/10/21). Moreover, the EAC's testing and certification process may not be ready to test the new or upgraded systems until 2024. This has caused us to delay the issuance of the tabulating system RFP until early 2024 at the earliest.

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

The vendor offered the same pricing as last year, which was a significant discount of \$218,633 over the previous year's lease cost.

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

If the EAC is able to test and certify new or upgraded tabulating equipment from the several voting systems vendors by early 2024, the Department expects to issue an RFP to lease a new ballot scanning and tabulating system after that. Until we complete the procurement of a new tabulating system that is certified to the VVSG 2.0, we will continue to extend this agreement.

PART IV: APPROVALS

Signature of requesting Department's Commissioner (or designee):	<i>Julie L. Flynn</i>		
Printed Name:	<i>Julie L. Flynn</i>	Date:	<i>5-31-2022</i>
Signature of DAFS Procurement Official:	<i>Joseph Zrioka</i>		
Printed Name:	Joseph Zrioka	Date:	6/22/2022