



Max Bricka, CPSM  
PURCHASING AGENT / DIRECTOR

8/31/16

Williamson County Commissioners Court

Re: Sole Source recommendation for Election Systems & Software, LLC

Dear County Judge and Commissioners,

Recently our county Elections department made a request for qualifying the **sole source purchase of hardware, software, maintenance services and training for iVotronic voting equipment**. These items are supplied by Election Systems & Software, LLC who is the owner, manufacturer, patent holder, and the only provider of their products, software, maintenance and training.

After reviewing all documentation requested and submitted, **I recommend qualifying this request as a sole source purchase and exempting these goods from competitive bidding requirements per Texas Local Government Code sections 262.003 (a) and 262.024 (a) (7),**

The process has included the following:

- Public posting of an RFI in BidSync for 14 days, with no responses received from any other competitor, requiring additional analysis or consideration.
- A signed Sole Source Justification Request from Christopher Davis, Elections Administrator
- A signed letter of justification from the supplier, establishing why their product / service is only available from their company
- A notarized Sole Source Affidavit completed by the supplier
- A signed letter of recommendation from Christopher Davis, Elections Administrator
- A price quote of requested items / services

**The term of this Sole Source exemption will be effective for 36 months from the date of approval.**

If you have any questions or concerns, please contact me at any time.

Sincerely,

Purchasing Agent / Director

Welcome Blake.Skiles@wilco.org | [Logout](#)Need assistance?  
**Contact us**  
or call 800 990 9339[Home](#)[Search](#)[Source](#)[Tools](#)[Schedule](#) [Task](#) [Note](#)[Vendor view of bid](#)[Chat](#) | [Description](#)**Bid #1608-110 - Intent To Deem Election Systems & Software LLC As Sole Source Provider**

<b>Time Left</b>	closed	<b># of offers</b>	0
<b>Bid Started</b>	Aug 10, 2016 4:50:16 PM CDT	<b>Notifications</b>	<a href="#">Report</a> <a href="#">(Bidder Activity)</a>
<b>Bid Ended</b>	This bid closed on Aug 25, 2016 3:00:00 PM CDT	<b># of suppliers viewed</b>	14 <a href="#">(View)</a>
<b>Agency Information</b>	Williamson County, Texas, TX <a href="#">(view agency's bids)</a>	<b>Q &amp; A</b>	<a href="#">Questions &amp; Answers</a>
<b>Department</b>	Purchasing <a href="#">(view department's bids)</a>		
<b>Bid Classifications</b>	<a href="#">Classification Codes</a>		
<b>Bid Regions</b>	<a href="#">Regions</a>		
<b>Bid Contact</b>	<a href="#">see contact information</a>		
<b>Delivery Location</b>	One or more of the following locations		
	Williamson County, Texas		
	<a href="#">No Location Specified</a>		
	Qty 1		
	Expected Expenditure n/a		
<b>View Rules</b>	Click here to <a href="#">change</a> the rules for this bid.		
<b>Bid Packet</b>	<a href="#">Packet for Bid 1608-110</a> <a href="#">(download)</a>		
<b>Best and Final Offer:</b>	<a href="#">Create</a>		

**Approval**

**View Approval Flow** [View Approval Flow](#)

**Approval Status** [Approved](#)

**Description**

<b>Bid Number</b>	1608-110
<b>Title</b>	Please Attach Any Supporting Documents To This Line
<b>Contract Duration</b>	One Time Purchase
<b>Budgeted Amount</b>	\$0.00 <a href="#">(change)</a>
<b>Bid Comments</b>	<p>Williamson County, Texas intends to award a sole-source contract with Election Systems &amp; Software LLC for the following item:</p> <p>Ivotronic Voting Devices and related hardware, software, maintenance, &amp; training</p> <p><b>THIS IS NOT A REQUEST FOR COMPETITIVE PROPOSALS AND A SOLICITATION WILL NOT BE ISSUED.</b> Interested parties must show clear and compelling evidence of competitive equivalency in order for alternative goods or services to be considered. Williamson County will review any information collected through this RFI to determine if offers of any equivalent goods or services meet the needs of the County. If it is concluded that additional suppliers of equivalent goods or services do exist, then a formal solicitation may follow.</p> <p>If no affirmative responses are received by 3:00PM, August 25, 2016 showing clear and compelling evidence of competitive equivalency to the items described herein, an award will be made without further notice. Oral communications are not acceptable in response to this notice.</p>
<b>Description</b>	Please Attach Any Supporting Documents To This Line

**Documents**[Select All](#) | [Select None](#) | [Download Selected](#)1. [Conflict of Interest Form - Local Gov](#) [\(download\)](#)



Williamson County Purchasing Department  
901 South Austin Ave.  
Georgetown, Texas 78626  
(512) 943-3553  
[www.wilco.org/purchasing](http://www.wilco.org/purchasing)  
[purchase@wilco.org](mailto:purchase@wilco.org)

## Sole Source Justification Request

### This request is for a:

**Sole Source Item** (goods or services are available from ONLY this supplier due to a unique capability, patent, copyright, secret process, or capability to meet the requirements of the solicitation)

This Sole Source justification requires additional documentation and requirements as listed below. **One of these steps may require placing a public notice in BidSync for 14 days, in order to allow any possible competitors to come forward with equivalent goods or services.** This step will be completed by the Purchasing Team that supports your office or county department after all required documents have been submitted. In addition, all sole source justifications must be approved in Commissioners Court.

**Required Documentation that must accompany this request before this purchase can be considered** (any missing documentation will result in delays). *Check all included documents:*

- ☒ This request form completed and signed
- ☒ A written quote from the supplier, listing the goods, services and pricing
- ☒ Letter of justification from the supplier (on company letterhead and signed by an authorized representative) establishing why they are the only Sole Source provider of the service or item
- ☒ Notarized Sole source affidavit completed by the supplier
- ☒ Signed letter of recommendation from the Elected Official or County Department Head

Requestor Name and County Office / Department: Christopher Davis / Elections Office

Requestor Title: Elections Administrator Requestor Phone Number: ext. 3-1622

Requested Sole Source Supplier:

Company Name: Election Systems & Software, LLC

Contact Name: Mark White

Address 11208 John Galt Blvd.

City: Omaha State: NE Zip Code: 68137

Phone Number: 936-662-0404 Email Address: mrwhite@essvote.com

Website: www.essvote.com

Is the recommended supplier the manufacturer? ☒ Yes ☐ No

Does the manufacturer sell the item(s) through distributors? ☐ Yes ☒ No

Description of the Product or Service: (if additional space is needed, include a separate page) *Describe the full scope of work, including installation if required, items should include brand, model and part number if applicable.*

Sale of voting system equipment and the performance of election related services. Maintenance, supplies, <sup>hardware</sup> and software used in connection with the voting system equipment and ballot by mail.

**Schedule:** *Identify the date items are needed to be delivered, or month work is to be performed. Please be specific and do not use "ASAP".*

October 1, 2016

Estimated Cost: Pricing/cost documentation is attached.

**SOLE SOURCE RATIONALE**

**Complete the following checklist:**

**The requested supplier is the only source of required item(s) or service(s) because:**

*Check all that apply:*

- ☒ The required item or service is proprietary to the supplier
- ☒ The recommended supplier holds the patent on the requested item(s)
- ☒ The recommended supplier is the only supplier capable of performing the requested service
- ☐ A specific item is needed
- ☐ To be compatible or interchangeable with existing hardware
- ☐ As a spare or replacement hardware
- ☒ For the repair or modification of existing hardware
- ☐ For technical evaluation or testing
- ☐ Have there been any prior attempts to obtain competitive bids or proposals for the items or services that failed?

If so, please list and describe such attempts:

- ☐ There is a substantial risk in selecting another product or service provider.

If so, please describe:

- ☐ It is not possible to obtain competitive bids for consideration.

If so, why:

☐ Are there any other companies who can provide the services or needed items?

If so, please list and provide explanation of why they were unable to meet the requirements:

☐ List any other sources, suppliers, products or service providers that you reviewed in your selection process:

☐ List all research methods that you reviewed in your selection process (i.e.: specific internet searches, trade publications, references, etc.):

#### ACKNOWLEDGEMENT

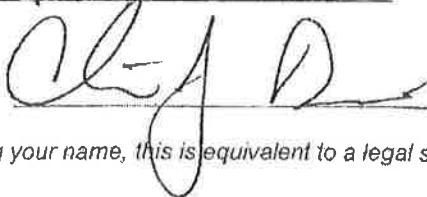
I affirm and acknowledge Williamson County's requirements, justification and criteria for Sole Source purchases. I have gathered the required technical information, provided all required documentation, have made a concerted effort to review comparable / equal equipment or services to the best of my ability, and further affirm that there is no conflict of interest in my recommendation of the selected item(s), service(s) or supplier.

I also acknowledge and understand that I may be subject to criminal prosecution for the willful falsification of information in this document. I, by the act of signing or typing my name below, hereby certify under penalty of perjury, under the laws of the State of Texas, the foregoing is true and correct.

Date:

8/8/16

Signature:



\* By typing your name, this is equivalent to a legal signature

**NOTE: After a passage of time, an item or service may no longer qualify as a sole source purchase due to other similar items or services becoming available from other suppliers. Thus, all prior sole source determinations must be reapproved by the Williamson County Purchasing Department following completion of a Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders.**



**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](http://www.essvote.com)

April 29, 2016

Christopher J. Davis  
Williamson County, Texas  
301 SE Inner Loop  
Georgetown TX 78626

**RE: Election Systems & Software ("ES&S") Equipment, Software and  
Support Services**

Dear Chris:

This letter is in response to Williamson County, Texas' (the "County") request for information regarding ES&S' proprietary election equipment, proprietary election software and election support services. This letter provides the County with information on ES&S' proprietary iVotronic and ES&S' proprietary Model 650 (the "ES&S Equipment") as well as ES&S' proprietary ES&S Equipment firmware and ES&S Unity® software (collectively the "ES&S Software").

Please be advised that ES&S owns all patents, copyrights and trademarks ("Intellectual Property") associated with the ES&S Equipment. Further, ES&S is the sole and exclusive developer and manufacturer of the ES&S Equipment and only ES&S may sell such equipment in the marketplace. In addition, 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 (maintenance) parts of the ES&S Equipment may only be obtained directly from ES&S, only ES&S and ES&S trained technicians can ensure that such ES&S proprietary component parts are installed in the ES&S Equipment. This is important to note as the ES&S Equipment are certified both at the Federal and State level and require the replacement of the same certified component parts which were included in the ES&S Equipment at the time such ES&S Equipment was certified. By purchasing the ES&S Equipment from ES&S as well as utilizing ES&S for the performance of preventative and repair maintenance and support 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.

With respect to the ES&S Software, 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 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.

Finally, as ES&S owns all of the Intellectual Property in the ES&S Software only ES&S is able to use its software to perform training, ballot layout, coding and programming

NAME  
April 29, 2016  
Page: 2

services as well as ballot management services for the County. No other vendor in the market today has the right to use ES&S' Software to perform the foregoing election services.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. J. Hallett", written in dark ink.

Timothy J. Hallett  
Associate General Counsel



Williamson County Purchasing Department  
901 South Austin Avenue  
Georgetown, Texas 78626  
(512) 943-3553  
[www.wilco.org/purchasing](http://www.wilco.org/purchasing)  
[purchase@wilco.org](mailto:purchase@wilco.org)

## NOTARIZED SOLE-SOURCE PURCHASE AFFIDAVIT

STATE OF TEXAS  
COUNTY OF WILLIAMSON

### KNOW ALL MEN BY THESE PRESENTS THAT:

Before me, the undersigned authority duly authorized to take acknowledgments and administer oaths, on this day personally appeared Richard J. Jablonski, who after being duly sworn on oath stated the following:

My name is Richard J. Jablonski. My title is VP of Finance.  
I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply to the purchase of an item that can be obtained from only one source. See, Texas Local Government Code section 262.003.

#### Sole-source items include:

Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies, films, manuscripts, or books, electric power, gas, water, and other utility services, and captive replacement parts or components for equipment.

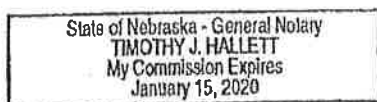
I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: Voting system, equipment, & software.  
I am the sole-source supplier of this item because: Proprietary system/Exclusive Control. I agree that if I ever cease being the sole-source supplier of this item, I shall immediately make a full disclosure in writing to the Williamson County Purchasing Department of all relevant facts and circumstances.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit on the 6<sup>th</sup> day of

May, 2016.  
[Signature]  
[Signature]

Richard J. Jablonski, VP of Finance  
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on May 6, 2016, by  
Timothy J. Hallett.  
[Printed Name]



[Signature] Notary Public  
State of Nebraska  
My Commission expires on January 15, 2020





Christopher Davis  
ELECTIONS ADMINISTRATOR

August 8, 2016

Blake Skiles  
Purchasing Specialist II  
Williamson County Purchasing  
901 S. Austin Ave.  
Georgetown, TX 78626

RE: Letter of Recommendation for Voting System Equipment and Election-Related Services from Elections Systems & Software, LLC

Blake,

As directed via your prior correspondence, please consider this letter as my formal recommendation that Williamson County begin the sole source purchasing process for Voting System Equipment and Election-Related Services provided by Elections Systems & Software, LLC.

If I can provide you or your department with any more information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Davis', written over the printed name 'Christopher Davis'.

Christopher Davis

WILLIAMSON COUNTY  
301 S.E. Inner Loop, Suite 104  
Georgetown, Texas 78626  
Phone 512.943.1630  
Fax 512.943.1634  
Email [cjdavis@wilco.org](mailto:cjdavis@wilco.org)



May 3, 2016

Christopher J. Davis  
Elections Administrator  
Williamson County, Texas

Addendum to Sole Source Letter  
Williamson County Texas

**PRICING: IVOTRONICS**

Ivotronic Direct Record Electronic Voting Device (Refurbished only)  
(includes terminal, PEB and flashcard)  
\$1175.00 each

ADA Ivotronic Direct Record Electronic Voting Device (Refurbished only)  
(includes terminal, PEB and flashcard)  
\$1275.00 each

**Ivotronic Voting Booths**

Clamshell Booths (Refurbished only)  
\$225.00 each

Real Time Audit Log (RTAL) voting Booths  
New \$700.00 each  
Refurbished \$525.00 each

**Ivotronic related peripherals:**

Printer Packs (Refurbished only) \$425.00 each  
Flashcards \$75.00 each  
PEB's \$75.00 each

PRICING: M-650

M-650 Central Count Ballot Tabulator (new)  
(includes scanner, cart, report printer, audit printer, start up kit and dust cover)  
\$40,000.00 each

M-650 Central Count Ballot Tabulator (refurbished)  
(includes scanner, cart, report printer, audit printer, start up kit and dust cover)  
\$20,000.00

PRICING: TRAINING

Equipment Operations Training  
Software Training

On Site Training: Conducted at Williamson County Elections Office  
\$1575.00 per day

Off Site Training: Conducted at Election Systems & Software facility  
\$1000.00 per day

PRICING: BALLOT MANAGEMENT SERVICES

Production and Mailing of By-Mail Ballots and related peripherals  
\$1.75 per ballot packet  
(Price reflects pricing for all ballots regardless of quantity)