



Purchasing Department

02/21/19

Williamson County Commissioners Court

Re: Sole Source recommendation for Elections Budgeting and Billing Software

Dear County Judge and Commissioners,

Recently our Elections Department made a request for a contract with Election Data Solutions, Inc. for ElectBooks software and license. These actions require qualification as a **sole source purchase of Elections Budgeting and Billing Software. These services are supplied only by Election Data Solutions, Inc. who is the owner, and the only provider of this service.**

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 zero (0) responses received from another competitor.
- 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 price quote of requested items/services and amendment

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,

Randy Barker
Purchasing Agent/Director
Williamson County Purchasing Department

Bid #1902-292 - Intent to deem Election Data Solutions Inc., as the Sole Source for Electbooks

Creation Date **Feb 5, 2019**

End Date **Feb 21, 2019 2:00:00 PM CST**

Start Date **Feb 6, 2019 4:16:03 PM CST**

Awarded Date **Not Yet Awarded**

1902-292--01-01 Please attach any supporting documentation to this line.					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					

** All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents. The agency will notify the successful vendor upon award of the contract and, as according to the law, all bid/proposal responses received may be available for inspection at that time.



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

Sole Source Justification Request

Definition of a Sole Source Purchase

Sole Source Item – goods and/or services which can only be obtained from ONLY ONE source, including:

- 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,
- Captive replacement parts or components for equipment which there is no commercially available substitute, and which can be obtained only from the manufacturer and/or manufacturer's distributor; item where compatibility is the overriding consideration, such as computer operating software enhancements for an existing system, continuation of an existing contract when work is so closely related to that of the uncompleted basic contract that it would not be feasible to consider another potential contractor.

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 a the only Sole Source provider of the service or item needed.**
- Notarized Sole Source affidavit completed by the supplier**
- Signed letter of recommendation from the Elected Official or County Department Head. Must provide a detailed written explanation as to why competitively bidding the product or service would be impracticable and that the cost charged by the supplier is reasonable and customary.**

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: _____, 20__

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 new Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders. The sole source term is generally aligned with the contract term. In certain cases, the Purchasing Agent may determine that the 14-day public posting in BidSync is not necessary. This depends on the circumstance of the particular item/service and the type of sole source.

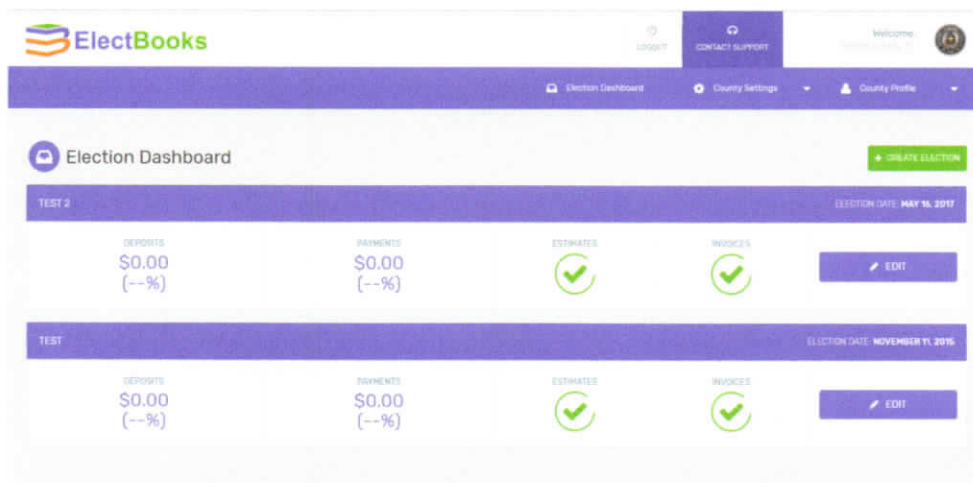


PROPOSAL FOR ELECTBOOKS SOFTWARE in WILLIAMSON COUNTY, TEXAS

February 21, 2019

ElectBooks provides cloud-based, turnkey election billing software in a Software as a Service (SAAS) format to election offices throughout the United States.

This proposal is for the implementation and training of the ElectBooks software in Williamson County, Texas.



Dashboard displays existing billable elections, including expenses, payments, estimates, and invoices all at a glance.

Functional Specifications

- Complete billing software for elections beginning to end.
- Elections can be built by manual entry or through an import/export process.
- Compiles and prints estimates for presentation to your jurisdictions pre-election.
- Your election services contract is built into the software and can be emailed to the jurisdictions.
- Invoices are built in the software and emailed to your jurisdictions.
- All expenses are tracked and invoiced through the software directly to the client.
- Polling site, equipment, poll workers, and consumable costs are all assigned to jurisdictions and can be split between multiple jurisdictions.



Based on Williamson County registered voter population, we propose:

SFTWARE	UNITS	COST PER UNIT	EXTENDED COST
One time licensing fee (through Feb 21, 2020).	330,541 (registered voters)	.06	\$19,832.46
Annual software license beginning Feb 22, 2020 *estimate; actual will be invoiced for registered voter totals on Feb 22, 2020, and each Feb 22nd thereafter.	330,541	.01	\$ 3,305.41

Installation and Training

ElectBooks will provide training and consultation on the installation and use of the ElectBooks software. Designated administrators and authorized assistants will receive an initial training session via webinar, and subsequent sessions as mutually agreed upon.

This *agreement of intent* does not commit either party to purchase, sell, or lease, only to properly plan for this transaction. Parties mutually agree not to disclose information covered in this proposal except where necessary to negotiate specific contract terms. This proposal is good for 60 days.

Customer Signature/Title

Date

Sandra H...

ElectBooks Signature/Title

2/21/19

Date



September 26, 2018

Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626

To Whom This May Concern,

This letter is to confirm that "ElectBooks" is a proprietary product developed, designed and produced solely by Election Data Solutions, Inc.

Election Data Solutions, Inc. is the only company that markets and distributes this product. Please see our attached certificate from the United States Patent and Trademark Office regarding this product.

If you have any further questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads 'Sandra Hed'.

Sandra Hed
President
Election Data Solutions, Inc.



Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
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 Sandra Hed, who after being duly sworn on oath stated the following:

My name is Sandra Hed. My title is President of Election Data Solutions.
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: "ElectBooks" Software.
I am the sole-source supplier of this item because: "ElectBooks" is a proprietary product developed, designed and produced solely by Election Data Solutions. 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 26th day of September, 2018.

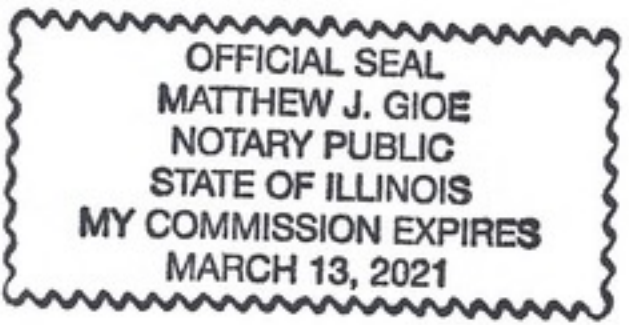
Sandra Hed
[Signature]

Sandra Hed, President
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on September 26, 2018, by Sandra Hed.
[Printed Name]

Matthew Gioe
[Signature] Notary Public

State of Illinois
My Commission expires on March 13, 2021





Christopher Davis
ELECTIONS ADMINISTRATOR

December 17, 2018

Randy Barker
Purchasing Agent
Williamson County Purchasing
901 S Austin Avenue
Georgetown, TX 78626

Re: Letter of Recommendation – Sole Source Justification
Election Data Solutions – ElectBooks

Mr. Barker,

Please consider this letter as my formal recommendation that Williamson County begin the sole source purchasing process for ElectBooks provided by Election Data Solutions, Inc.

Competitively bidding this product is impracticable as we have been unable to provide another vendor that provides this type of product through internet searches and conversations with other vendors at various election-related conferences, seminars and trainings.

The cost charged by the supplier is reasonable and customary as both the one-time license fee (through September 10, 2019) and the annual software license fee are based on the number of registered voters in Williamson County.

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

Sincerely,

Christopher J. Davis
Elections Administrator
Williamson County Elections

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