

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE CONTRACT**

AGENCY: Board of Elections
CONTRACT NO: TBD
CAPTION: Election Management System
CONTRACTOR: Election System and Software (ES&S)

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700, 1701, and 2005.2(b)

2. MINIMUM NEED:

The D.C. Board of Elections (“the Board”) is seeking to lease an election management system (EMS) with voting equipment that is compatible with and shall interact seamlessly with its existing election data management system (Unity). The EMS shall consist of tabulation software, digital scan voting equipment (DSVE), and a touch screen ballot marking device (BMD). The Board will acquire 190 DSVEs and 400 BMDs. The BMDs shall enable certain visually and manually impaired voters in the District of Columbia to vote without assistance.

The goal of the project is to assist the District of Columbia in complying with the “American with Disabilities Act of 1990” (ADA) and the Help America Vote Act of 2002” (HAVA).

The period of performance is from the time of award through September 30, 2016.

3. ESTIMATED REASONABLE PRICE:

The estimated fair and reasonable price for the contract is \$967,630.00.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

- A. Election System and Software, LLC, is the only vendor that can provide these services to the District which is compatible to purchased election ballots. The discontinued use of the goods and services shall waste the District's money and resources.
- B. Public Notice of OCP's intent to award a sole source contract was posted to our website for 10 calendar days pursuant to the requirements of OCP Policy 3000. The new posting was submitted to OCP's website on January 26, 2016.
- C. A market survey was conducted and Election System and Software, LLC, was determined to be the only vendor capable of performing Unity upgrade services.

5. CERTIFICATION BY AGENCY DIRECTOR:

I hereby certify that the above findings are true, correct and complete to the best of my knowledge and belief.

Date

Terri Stroud
Senior Staff Attorney/Acting Executive Director

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act (PPRA) of 2010 (D.C. Official Code §2-354.04) and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Jeffrey Tisdale
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under Section 303, 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the Sole Source method of procurement.

Date

George Schutter
Acting Chief Procurement Officer