

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

**CAPTION:** ES&S Voting Equipment – FY19  
**CONTRACTOR:** Election Systems & Software, LLC  
**PROGRAM AGENCY:** DC Board of Elections

**FINDINGS**

**1. AUTHORIZATION:**

D.C. OFFICIAL CODE §2–354.04, 27 DCMR 1304, 1700 and 1701

**2. MINIMUM NEED:**

The District of Columbia Board of Elections has an immediate need to purchase its existing inventory of election equipment – (190) DS 200, Precinct Scanners & Tabulators; (1) DS 850 Central Scanner & Tabulator; (400) ExpressVote, Universal Voting System, Kiosks & Election Ware from Elections Systems & Software, LLC (ES&S), to be used by all District voters and accessible to voters with physical, vision and literacy challenges. The goal of this purchase is to assist the District of Columbia in complying with the “American with Disabilities Act of 1990,” the “Help America Vote Act of 2002” and other District of Columbia laws and regulations.

**3. ESTIMATED REASONABLE COST:**

The anticipated cost of \$999,995.00 is fair and reasonable.

**4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:**

A. From 2010 to 2016, the District of Columbia Board of Elections (BOE) purchased and used the DS Model M100 Precinct and tabulators and Model iVotronic, Direct Recording Electronic (DRE) voting machines, from Elections Systems & Software, (ES&S). In February 2016, The District of Columbia Board of Elections entered into a contract lease agreement with Elections Systems & Software, to upgrade the Express Vote touchscreen machines and the DS 200 Precinct scanners. The final option year of that contract will expire on September 30, 2018:

B. Elections Systems & Software, (ES&S) is the sole-proprietor and owner of the ExpressVote, Universal Voting System. The ballot market system is included as proprietary software within the ExpressVote Universal Voting System. In addition, the ballot tabulation system necessary for tallying all the votes recorded during an election must be able to communicate with the prescribed hardware which is orchestrated by Elections Systems & Software. To ensure accuracy of the ballot tabulation for each election, there must be complete compatibility between the ballots used, the equipment used to record the voter’s choices and the system used for the ballot tabulation. The voting equipment, associated voting system products/supplies, and ballot tabulation software are all proprietary to Elections Systems & Software (ES&S).

C. A market research was performed of certified voting systems and was determined that Elections Systems and Software, (ES&S) is the only vendor that owns and distributes the ExpressVote, Universal Voting System which is currently being used by the District of Columbia Board of Elections. Purchasing and installing a new (different) voting system and the inability to provide adequate and sufficient training to the Board of Election's staff and poll workers will cause a disruption to the citizens of the District of Columbia's ability to cast their vote in the November 6, 2018 General election and thereby will violate their right to vote.

**5. CERTIFICATION BY AGENCY HEAD:**

I hereby certify that the above findings are true, correct and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Alice P. Miller  
Executive Director

**6. CERTIFICATION BY THE 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 recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Alvin N. Stith  
Contracting Officer

**7. CERTIFICATION BY THE CONTRACTING OFFICER:**

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 bidding process under either Section 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 A. Schutter, III  
Chief Procurement Officer

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CONTRACTING AND PROCUREMENT**

**PROCUREMENT ANNOUNCEMENT**

**The Government of the District of Columbia is soliciting bids or proposals for the following:**

**CAPTION: Purchase New Voting equipment**

**MARKET TYPE: Open Market**

**ADVERTISING/ISSUANCE DATE:**

**REQUEST FOR PROPOSALS:**

**RFP NUMBER:**

**CLOSING DATE: 9/15/18**

**CLOSING TIME: 2:p.m.**

**BID DOCUMENTS ARE AVAILABLE AT:**

**OCP WEBSITE ADDRESS: [www .ocp.dc.gov](http://www.ocp.dc.gov)**