



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Purchasing Division

515 East Musser Street, Suite 300 | Carson City, Nevada 89701
Phone: 775-684-0170 | Fax: 775-684-0188

Purchasing Use Only:

Approval#: 24040100

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

ALL FIELDS ARE REQUIRED - INCOMPLETE REQUESTS WILL BE RETURNED TO THE AGENCY

1a	Agency Contact Information - Note: Approved copy will be sent to <u>ONLY</u> the contact(s) listed below:		
	STATE AGENCY NAME REQUIRED: <i>Secretary of State</i>		
	<i>Contact Name and Title</i>	<i>Phone Number</i>	<i>Email Address</i>
	<i>Ashley Griffiths, Admin Services Officer 3</i>	<i>775-684-5738</i>	<i>agriffitts@sos.nv.gov</i>
	<i>Miguel Camacho, Management Analyst 2</i>	<i>775-684-7156</i>	<i>mcamacho@sos.nv.gov</i>

1b	Vendor Information:	
	Vendor Name:	<i>Elections Systems & Software</i>
	Contact Name:	<i>Chelsea Machado</i>
	Complete Address:	<i>11208 John Galt Blvd</i>
	City, State, and Zip Code	<i>Omaha, NE 68137</i>
	Telephone Number:	<i>877-377-8683</i>
Email Address:	<i>Chelsea.Machado@essvote.com</i>	

1c	Type of Waiver Requested – Check the appropriate type:	
	Sole or Single Source:	<input checked="" type="checkbox"/>
	Professional Service Exemption:	

1d	Contract Information:			
	Is this a new Contract? Check One:	Yes:	<input checked="" type="checkbox"/>	No:
	If 'No' Enter Amendment Number:	#		
	Enter CETS Number:	#		

1e	Term:			
	One (1) Time Purchase? Check One:	Yes:		No:
	Contract:	Start Date:	<i>04/01/2024</i>	End Date:

1f	Funding:	
	State Appropriated:	<i>General Fund BA 1051</i>
	Federal Funds:	
	Grant Funds:	
	Other (Explain):	

Rec'd 03/28/24

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1g	<p>Total Estimated Value of <u>this</u> Service Contract, Amendment or Purchase:</p> <p><i>\$114,000.00</i></p>
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2	<p>Provide a description of work/services to be performed or services with goods to be purchased:</p> <p><i>Provide creation and development of election data to be used in up to 3 mock elections for the implementation of the VREMS project. Election data is used to create ballots for the election consisting of all required office headings, candidates and contests. The data will also create various ballot styles to produce appropriate ballots for the county precincts. This data will enable the counties to develop and tabulate mail ballots as well. 2 of the 17 counties use Election Systems & Software election equipment and require the vendor to create election data, test decks, and provide additional support in troubleshooting any issues with the election data or voting equipment. Since the equipment is proprietary Election Systems & Software is the only option to receive the data for the mock election.</i></p>
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3	<p>What are the unique features/qualifications required for these services/services with goods that are not available from any other vendor?</p> <p><i>The counties are using voting equipment (tabulators, voting machines, voter verifiable paper audit trails, mail ballot readers, etc.) which has been purchased through Election Systems & Software. For each election, this vendor is required to develop and modify the election data to appropriately program the voting equipment ensuring all candidates, contests, and voter data is appropriately coded for the equipment. No other vendor is approved to code election data for Election Systems & Software equipment. This mock election is a vital step in the implementation of the VREMS project.</i></p>
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4	<p>Explain why these services/services with goods cannot be competitively bid and why this purchase is economically only available from a single source:</p> <p><i>The equipment used by the counties is proprietary and is only able to be coded by Election Systems & Software.</i></p>
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5	<p>Were alternative services or commodities evaluated?</p>	Check One:	
		Yes	No
			X
	<p>a. <u>If yes</u>, what were they and why were they unacceptable? Please be specific about features, characteristics, requirements, capabilities and compatibility.</p>		
	<p>b. <u>If not</u>, why were alternatives not evaluated?</p> <p><i>The counties using Election Systems & Software equipment are required to have updated election data coded which is only available by Election Systems & Software. The mock election must be conducted in the same manner as any other election and will need to be coded by Election Systems & Software.</i></p>		

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6	Has the agency purchased these services/services with goods in the past? Check One:					Yes	No
	NOTE: To avoid delays or your request being rejected, if your previous purchase(s) was made via solicitation waiver(s), a copy or copies of <u>ALL PREVIOUS WAIVERS MUST ACCOMPANY THIS REQUEST.</u>						X
	a. <u>If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for these services/services with goods, the following information must be provided along with the CETS contract number(s) associated with each:</u>						
	Term		Value	Short Description	Provide Type of Procurement RFP#, RFQ#, Waiver #	CETS #	
	Start Date	End Date					
			\$				
			\$				
		\$					
		\$					
		\$					

7	What are the potential consequences to the State if the waiver request is denied and the services/services with goods is competitively bid?
	<i>If this waiver request is denied this will prevent the VREMS project from being able to develop and test the appropriate policies and procedures to meet the requirements mandated by AB422, as mock elections are a vital step in ensuring the implementation of the project meets all requirements within Nevada Revised Statutes 293 and 293B.</i>

8	What efforts were made or conducted to substantiate there is no competition for the services/services with goods and to ensure the price for this purchase is fair and reasonable?
	<i>Counties that are contracted with Election Systems & Software for software, maintenance, and licensing of their voting equipment. No other company is able to code election data for these pieces of equipment, as the equipment is proprietary.</i>

9	Will this purchase obligate the State to this vendor for future purchases? Check One:	Yes	No
	NOTE: Before selecting your answer, please review information included on Page 2, <u>Section 9 of the instructions.</u>		X
	a. <i>If yes, please provide details regarding future obligations or needs.</i>		

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By signing below, I know and understand the contents of this Solicitation Waiver Request and Justification and attest that all statements are true and correct. Signatures are required from the agency representatives indicated below. The same individual cannot provide approval signatures in both sections.

Ashley Griffiths
 Ashley Griffiths (Mar 27, 2024 14:40 PDT)

Signature of Agency Representative Initiating Request

<u>Ashley Griffiths</u>	<u>03/27/2024</u>
Print Name of Agency Representative Initiating Request	Date

Mark Wlaschin

Signature of Agency Head Authorizing Request

<u>Mark Wlaschin</u>	<u>03/27/2024</u>
Print Name of Agency Head Authorizing Request	Date

FOR PURCHASING USE ONLY – PLEASE NOTE: *In an effort to avoid possible conflict with any equipment, system or process already installed or in place by the State of Nevada or to assist in our due diligence, State Purchasing may solicit a review of your request from another agency or entity. The signature below indicates another agency or entity has reviewed the information you provided. This signature does not exempt your agency from any other processes that may be required.*

 Name of agency or entity who provided information or review:

 Representative Providing Review

_____ Print Name of Representative Providing Review	_____ Date
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Please consider this memo as my approval of your request. This exemption is granted pursuant to NAC 333.150 or NRS 333.400. This exemption may be rescinded in the event reliable information becomes available upon which the Purchasing Administrator determines that the service or good sought may in fact be contracted for in a more effective manner. Pursuant to NRS 333.700(7), contracts for services do not become effective without the prior approval of the State Board of Examiners (BOE).

If you have any questions or concerns, please contact Cindy Stoeffler at 775-684-0173 or email at estoeffler@admin.nv.gov.

NOTE: If this box is checked, the agency must include the EITS TIN/CIN approval or approval update as an attachment in CETS.	
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Approved by:



 Administrator, Purchasing Division or Designee

4/11/24
 Date