



## JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

**Sole Source Purchases** are defined clearly, based upon a legitimate need, and are limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and/or cost effective feature requirement. The use of sole source purchases must be justified and shall be limited only to those specific instances in which compatibility or technical performance needs are being satisfied.

**Sole Source Services** are defined as a service provider providing technical expertise of such a unique nature that the service provider is clearly and justifiably the only practicable source available to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the service provider.

This form must be filled out for the request to purchase any good or non-professional service that requires a competitive procurement process (informal quotes (\$1001-\$10,000), formal quotes (\$10,001 - \$19,999.99), or formal bid (\$20,000 or more) as defined in the LFUCG's Purchasing Manual. This form must be completed in its entirety and attached to the purchase requisition.

**Note: Sole Source Purchase requests for goods exceeding \$20,000 will require approval by the Urban County Council by submitting an Administrative Review Form. A copy of this form must be signed off by Central Purchasing and attached to the Administrative Review Form.**

### Requesting Division

Name Don Blevins Division/Dept Fayette County Clerk

Phone 859-253-3344 Email dblevins@fayettecountyclerk.com

Type of Purchase: ( x ) Goods/Materials/Equipment ( ) Services

Cost: To be determined

Sole Source Request for the Purchase of: Voting Machines and mobile ballot box/audio cards.

- One Time Purchase       To Establish Sole Source Provider Contract  
(subject to annual review and approval by Central Purchasing and/or Urban County Council)

### Vendor Information

Business Name Harp Enterprises, Inc.

Contact Name Roger Baird, President

Address 2400 Merchant St. Lex, KY 40511

Phone 859-253-2601 Email rbaird@harpenprisesinc.com

STATEMENT OF NEED: (Add additional pages as needed)



## JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

My division/department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the LFUCG. I know of no conflict of interest on my part, and I have no personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials, persons or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

**1. Describe the product or service and list the necessary features this product provides that are not available from any other option.**

Hart InterCivic eSlate voting machines certified by the Kentucky State Board of Elections as conforming to all requirements for voting machines as set forth in KRS 117.125, KRS 117.381, and KRS 117.383 and mobile ballot box/audio cards. These machines/cards must be compatible with the Hart InterCivic voting systems previously purchased by LFUCG.

**2. Below are eligible reasons for sole source. Check one and describe.**

Licensed or patented product or service. No other vendor provides this. Warranty or defect correction service obligations to the consultant. Describe why it is mandatory to use this licensed or patented product or service.

Existing LFUCG equipment, inventory, custom-built information system, custom-built data inventory system, or similar products or programs. Describe. If product is off-the-shelf, list efforts to find other vendors (i.e. web site search, contacting the manufacturer to see if other dealers are available to service this region, etc.)

Uniqueness of the service. Describe.

The LFUCG has established a standard for this manufacturer, supplier, or provider and there is only one vendor. Attach documentation from manufacturer to confirm that only one dealer provides the product.

Factory-authorized warranty service available only from this single dealer. Sole availability at the location required. Describe.

Used item with bargain price (describe what a new item would cost). Describe.

Other – The above reasons are the most common and established causes for an eligible sole source. If you have a different reason, please describe:

---



## JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

**3. Describe efforts to find other vendors or consultants (i.e. phone inquires, web site search, contacting the manufacturer to see if other dealers are available to service region, etc.).**

Contacted manufacturer and asked about other vendors offering the products (see attached letter).

**4. How was the price offered determined to be fair and reasonable?**

(Explain what the basis was for comparison and include cost analyses as applicable.)

The prices quoted by the Harp Enterprises, Inc.(vendor) are the same prices listed in Hart InterCivic's (manufacturer) current catalog.

**5. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.**

---

---

---



August 6, 2012

Fayette County, Kentucky  
County Clerk's Office  
Attn: Paula Phillips  
162 East Main Street  
Lexington, KY 40507

Dear Ms. Phillips,

This letter is regarding Hart InterCivic's *Hart Voting System* (HVS) and its associated Hart software, Hart hardware and Hart ballot programming. In the State of Kentucky the HVS and/or its individual components, software, and support may only be purchased or licensed from Hart InterCivic, Inc. and its authorized reseller, Harp Enterprises, Inc. The license to use the software may only be issued by Hart to its authorized reseller, Harp. Maintenance for the Hart software and Hart hardware is only provided by Hart and Harp.

The Hart Voting System (HVS) hardware, software and utility applications, including Hart ballot programming, are a proprietary group of products and services necessary for an authorized Hart customer to accomplish ballot creation, election management, tabulation and maintenance of the HVS equipment. The software and voting equipment will enable the customer to comply with the Help America Vote Act (HAVA) of 2002. The HVS software and equipment is certified by the Kentucky State Board of Elections for use in elections conducted in the State of Kentucky. Hart InterCivic, Inc. and its authorized reseller, Harp Enterprises, Inc. are the only vendors in Kentucky capable of and authorized to provide support and services for Hart's HVS system and products.

If you have questions regarding any aspect of these Hart products and their authorized use, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Phillip W. Braithwaite'.

Phillip W. Braithwaite  
CEO