

# SUSAN LAMB

FAYETTE COUNTY CLERK



TO: Mayor Linda Gorton  
Urban County Council

FROM: *Susan Lamb*  
Susan Lamb  
Fayette County Clerk

DATE: March 2, 2023

SUBJECT: Sole Source Vendor Request

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Request:

To request Harp Enterprises, Inc. as a sole source provider of voting machines and related maintenance, equipment, supplies and services related to the Primary and General Elections.

Purpose of Request:

The voting machines are being used to carry out the Primary and General Elections in Fayette County. Over the next several fiscal periods, we will maintain the machines and utilize Harp Enterprises' services during the election periods. As Harp Enterprises, Inc. is the only authorized reseller in Kentucky, we are requesting a sole source vendor designation allowing us to use their services, as needed.

Projected Cost in FY23 and in Future Budget Years:

The projected cost for FY23 is \$268,810

The projected cost for FY24 is \$326,010 (assumed approved budget)

Funds Budgeted:

Funds are budgeted in accounts 1101-112002-0001-75101 = \$258,810 and 1101-112002-0001-76101 = \$10,000 in FY23

Funds are budgeted in accounts 1101-112002-0001-75101 = \$258,810; 1101-112002-0001-76101 = \$12,000 and 1101-112002-0001-75801 = \$55,200 in FY24



# 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 Susan Lamb, Fayette County Clerk Division/Dept County Clerk

Phone 859-253-8361 Email Tgrubbs@fayettecountyclerk.com

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

Cost: FY2023 = \$268,810 ; FY2024 = \$326,010 (assumed approved budget)

Sole Source Request for the Purchase of: Primary and General Election Expenses

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 \_\_\_\_\_

Address 2400 Merchant Street, Lexington, KY 40511

Phone 859-253-2601 Email www.HarpEnterprisesInc.com



## JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

**STATEMENT OF NEED:** (Add additional pages as needed)

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.**

Harp provides ballot setup and supplies for our voting machines. Harp also provides Election Day personnel for machine troubleshooting and machine repair.

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**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.

**Maintenance, Supplies and Services provided for the Primary and General Elections.**

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:-

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## 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.).

Harp is the provider for the voting machines used during the General and Primary Elections.

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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.)

Estimation based on new ballot machines and comparisons to costs of previous elections.

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

N/A

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January 11, 2023

Gilda Walters  
Fayette County, KY  
162 E Main St., Room 131  
Lexington, KY 40507

Dear Ms. Walters,

This letter is regarding Hart InterCivic's Verity Voting System (Verity) and Hart's authorized reseller Harp Enterprises. Harp Enterprises is the sole authorized reseller of Hart products in the State of Kentucky, and Verity and/or its individual components, including hardware, software, and support may only be purchased or licensed from Harp Enterprises.

Verity software applications are a proprietary group of products necessary for an authorized Harp customer to accomplish ballot creation, election management, tabulation and maintenance of the Verity equipment. The software and voting equipment will enable the customer to comply with the Help America Vote Act (HAVA) of 2002. Verity software and equipment is certified for use in elections conducted in the State of Kentucky. Harp Enterprises is the only vendor capable of and authorized to provide support for Hart's Verity system and products in the State of Kentucky.

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 'Julie Mathis', with a stylized flourish at the end.

Julie Mathis  
President & CEO

