

Notice of Intent to Certify Sole Source

To: Interested Parties
From: Craig P. Orgeron, CPM, Ph.D.
CC: ITS Project Number 49553
Date: April 28, 2026
Re: Sole Source Certification Number 4755 to provide election management software licenses, coding and programming services for the Mississippi Secretary of State's Office (MSOS)
Contact Name: Jake Alexander
Contact Phone Number: 601-432-8090
Contact E-mail Address: Jake.Alexander@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4755 for the Secretary of State's Office (MSOS), please be advised that ITS intends to award Election Systems & Software, LLC (ES&S), as the sole source provider of election management software licenses, coding and programming services through December, 31 2030, in an amount not to exceed \$3,579,848.00. Please be advised that ITS will determine if additional products or services are within scope during the certification period and may increase the spending authority accordingly. Should Election Systems & Software, LLC (ES&S) change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment B: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

Election Systems & Software, LLC (ES&S) is the sole and exclusive developer, certifier and licensor of the proprietary Electionware management software, equipment firmware, coding and programming services. Only ES&S can provide help desk support services for the software, as well as provide any and all upgrades, enhancements, maintenance patches and other changes to the software as may be required. No other vendor in the marketplace today is authorized to license or provide maintenance services for the ES&S software. Only ES&S can

provide the software and election coding for the counties that utilize ES&S voting machines.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

ES&S is the only authorized vendor who may utilize the software to perform ES&S Election Services for the State of Mississippi and its counties. Only ES&S personnel have access to ES&S' help desk support services and developers should any issues arise during performance of the E&S Election Services. The software operates exclusively with and is federally certified for use with ES&S's proprietary voting equipment.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

No other vendor in the marketplace today is authorized to license or provide maintenance and support services for the ES&S Software. There is no other voting equipment in the marketplace that will work in conjunction with ES&S's software other than ES&S's proprietary voting equipment. The Vendor's sole source certification letter is included as Attachment A.

4. Explanation of why the amount to be expended for the services is reasonable.

The amount to be expended is reasonable as it reflects negotiated statewide pricing that leverages the State's purchasing power to reduce overall costs compared to counties procuring services individually. The pricing is consistent with current market conditions, including voter-based pricing models and inflationary adjustments, while continuing to provide measurable cost savings and budget predictability. Additionally, the contract ensures uniform, secure, and compliant election services across all counties, which would be more costly and less efficient under a decentralized approach.

5. Explanation of what the agency did to obtain the best possible price for these services.

By consolidating all counties under a single agreement, the State leveraged collective purchasing power to secure discounted rates and more favorable terms than would be available through individual county procurements. Additionally, the renewal maintains these negotiated discounts and pricing structure, ensuring continued cost savings and price stability over the contract term.

Schedule

Task	Date
First Advertisement Date	04/28/26
Second Advertisement Date	05/05/26
Response Deadline From Objectors	05/12/26 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 05/13/26

Project Details

In June 2005, the ITS Board approved the Secretary of State's Office to purchase TSX Electronic Ballot Stations, software licenses and applications, and maintenance support from Diebold Election Solutions, Inc. for use in statewide and county elections. Ancillary Services were also purchased to support election coding and programming. A Turnkey Agreement was executed and amended over the past 18 years, during which additional hardware, training, ancillary services, and support were purchased from Premier Election Solutions formerly known as Diebold Election Systems, Inc, and now operating as Election Systems & Software, LLC (ES&S). A Maintenance Agreement was executed with ES&S in 2013, with amendments made through December 31, 2022. These contracts have now expired.

Some counties have purchased different machines over the years and have been responsible for covering their own software and licensing costs. Only 13 counties still utilize the TSX machines and are currently in the process of procuring new voting equipment. The voting machine market has evolved significantly since 2005, and with rising inflation, the cost to each county for the 2023 elections and beyond will be substantially higher. A new contract was necessary to establish lower fixed rate pricing statewide. MSOS procured a four-year statewide contract with ES&S and now seeks to renew the agreement for an additional four years at a cost of \$3,579,848.00. Since 2005, MSOS has spent \$31,775,638.54 on these products.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the election management software licenses, coding and programming services should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Election Systems & Software, LLC (ES&S).

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, May 12, 2026, at 3:00 p.m. (Central Time) to Jake Alexander at Jake.Alexander@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Jake Alexander to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4755-49553
Accepted until May 12, 2026 @ 3:00 p.m.,
ATTENTION: Jake Alexander**

If you have any questions concerning the information above or if we can be of further assistance, please contact Jake Alexander at 601-432-8090 or via email at Jake.Alexander@its.ms.gov.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



January 15, 2026

Mr. Kyle Kirkpatrick
Assistant Secretary of State
Elections Division
Mississippi Secretary of State's Office
125 S Congress Street
Jackson, MS 93201

RE: Election Systems & Software, LLC ("ES&S") Software and Coding and Programing Services

Dear Mr. Kirkpatrick:

This letter is in response to the State of Mississippi's ("State") request for information regarding ES&S' proprietary election software and proprietary election services. This letter provides the State with information on ES&S' proprietary Electionware Election Management Software and ES&S Equipment firmware (collectively, the "ES&S Software") and ES&S's proprietary coding and programing services ("ES&S Election Services").

With respect to the ES&S Software, please be advised that ES&S is the sole and exclusive developer, certifier and licensor of the ES&S Software. As such, ES&S owns all intellectual property in its proprietary ES&S Software. Further, only ES&S can provide help desk support services for the ES&S Software, as well as provide any and all upgrades, enhancements, maintenance patches and other changes to the ES&S Software as may be required by ES&S or its customers. No other vendor in the marketplace today is authorized to license or provide maintenance and support services for the ES&S Software.

As such, ES&S is the only authorized vendor who may utilize the ES&S Software to perform ES&S Election Services for the State and the counties within the State of Mississippi ("Counties"). In addition, only ES&S can assure the State and its Counties that ballots coded and programed by ES&S will work in conjunction with ES&S' voting tabulation system used by the Counties. Further, only ES&S personnel have access to ES&S' help desk support services and ES&S' developers in the event any issues may arise during performance of the ES&S Election Services. This is important to note, as such access allows ES&S personnel the ability to go directly to the source to resolve any issues which they may encounter while performing the ES&S Election Services.

Mr. Kyle Kirkpatrick
January 15, 2026
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Additionally, the ES&S Software only works with and is federally certified for use with ES&S's proprietary voting equipment. There is no other voting equipment in the marketplace that will work in conjunction with ES&S's Software other than ES&S's proprietary voting equipment.

Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Anderson". The signature is fluid and cursive, with a prominent initial "E".

Eric A. Anderson
General Counsel

cc: Bill Lowe, ES&S

Attachment B

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment A.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$75,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.