



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 24, 2023
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
4:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. ITEM REFERRED TO COMMITTEE:

- a) R2023-0292: A Resolution (i) authorizing the County Executive, to execute the Memorandum of Understanding among Cuyahoga County, Cuyahoga County Board of Elections, and the Ohio Department of Administrative Services, in connection with the funding for the purchase of electronic pollbooks and other necessary equipment; and (ii) authorizing a state contract term Purchase Agreement with Tenex Software Solutions, Inc., in an amount not-to-exceed \$1,046,283.00 for the purchase of electronic pollbooks and other necessary equipment; authorizing the County Executive to execute all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

5. MISCELLANEOUS BUSINESS

6. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*

County Council of Cuyahoga County, Ohio
Resolution No. R2023-0292

<p>Sponsored by: County Executive Ronayne/Board of Elections</p>	<p>A Resolution; (i) authorizing the County Executive, to execute the Memorandum of Understanding among Cuyahoga County, Cuyahoga County Board of Elections, and the Ohio Department of Administrative Services, in connection with the funding for the purchase of electronic pollbooks and other necessary equipment; and (ii) authorizing a state contract term Purchase Agreement with Tenex Software Solutions, Inc., in an amount not-to-exceed \$1,046,283.00 for the purchase of electronic pollbooks and other necessary equipment; authorizing the County Executive to execute all other documents consistent with this Resolution, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Board of Elections recommends (i) entering into a Memorandum of Understanding among Cuyahoga County, Cuyahoga County Board of Elections, and the Ohio Department of Administrative Services, in connection with the funding for the purchase of electronic pollbooks and other necessary equipment; and (ii) entering into a state contract term Purchase Agreement with Tenex Software Solutions, Inc., in an amount not-to-exceed \$1,046,283.00 for the purchase of electronic pollbooks and other necessary equipment; and

WHEREAS, the primary goals of this project is to (i) clarify the process of selecting, purchasing and funding electronic pollbooks and other necessary equipment, and ii) the purchase 1,450 electronic pollbooks, software licenses, hardware, and maintenance and support for use by the Board of Election; and

WHEREAS, this project is funded as follows: \$1,046,283.00 from the General Fund, to be reimbursed in an amount up to \$821,449.00 by State funds; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council authorizes entering into a Memorandum of Understanding among Cuyahoga County, Cuyahoga County Board of Elections, and the Ohio Department of Administrative Services, in connection with the funding for the purchase of electronic pollbooks and other necessary equipment; and (ii) entering into a state contract term Purchase Agreement with Tenex Software Solutions, Inc., in an amount not-to-exceed \$1,046,283.00 for the purchase of electronic pollbooks and other necessary equipment

SECTION 2. That the County Executive is authorized to execute the amendment and all documents consistent with this Resolution. To the extent that any exemptions are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County, and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____

_____, 20__

PURCHASE-RELATED TRANSACTIONS

Title	Replacement Electronic Pollbooks
Department or Agency Name	Cuyahoga County Board of Elections
Requested Action	<input type="checkbox"/> Contract <input checked="" type="checkbox"/> Agreement <input type="checkbox"/> Lease <input type="checkbox"/> Amendment <input type="checkbox"/> Revenue Generating <input checked="" type="checkbox"/> Purchase Order <input type="checkbox"/> Other (please specify):

Original (O)/ Amendment (A-#)	Contract No. (If PO, list PO#)	Vendor Name	Time Period	Amount	Date BOC Approved/ Council's Journal Date	Approval No.

Service/Item Description (include quantity if applicable). Indicate whether New or Existing service or purchase.
 Authorization for the Director to enter into a Memorandum of Understanding with the Secretary of State's Office (SOS) and County Council and County Executive for the purchase of Tenex Software Solutions electronic pollbook systems pursuant to SOS Advisory 2023-03.

For purchases of furniture, computers, vehicles: Additional Replacement
Age of items being replaced: _____ **How will replaced items be disposed of?** _____

Project Goals, Outcomes or Purpose (list 3): The County will have the most up to date equipment required to complete elections.

If a County Council item, are you requesting passage of the item without 3 readings. Yes No

In the boxes below, list Vendor/Contractor, etc. Name, Street Address, City, State and Zip Code. Beside each vendor/contractor, etc. provide owner, executive director, other (specify)

Vendor Name and address: Tenex Software Solutions	Owner, executive director, other (specify):
5021 W. Laurel St. Tampa Fl, 33607	Ravi Kallem
Vendor Council District:	Project Council District:
If applicable provide the full address or list the municipality(ies) impacted by the project.	

COMPETITIVE PROCUREMENT	NON-COMPETITIVE PROCUREMENT
RQ # <i>if applicable</i> <input type="checkbox"/> RFB <input type="checkbox"/> RFP <input type="checkbox"/> RFQ <input type="checkbox"/> Informal <input type="checkbox"/> Formal Closing Date:	Provide a short summary for not using competitive bid process.

	*See Justification for additional information.
The total value of the solicitation: 1, 046,283.00	<input checked="" type="checkbox"/> Exemption
Number of Solicitations (sent/received) /	<input checked="" type="checkbox"/> State Contract, list STS number and expiration date <input type="checkbox"/> Government Coop (Joint Purchasing Program/GSA), list number and expiration date
Participation/Goals (%): () DBE () SBE () MBE () WBE. Were goals met by awarded vendor per DEI tab sheet review?: <input type="checkbox"/> Yes <input type="checkbox"/> No, please explain.	<input type="checkbox"/> Sole Source <input type="checkbox"/> Public Notice posted by Department of Purchasing. Enter # of additional responses received from posting ().
Recommended Vendor was low bidder: <input type="checkbox"/> Yes <input type="checkbox"/> No, please explain:	<input checked="" type="checkbox"/> Government Purchase <input type="checkbox"/> Alternative Procurement Process
How did pricing compare among bids received?	<input type="checkbox"/> Contract Amendment (list original procurement) <input type="checkbox"/> Other Procurement Method, please describe:

Is Purchase/Services technology related <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, complete section below:	
<input type="checkbox"/> Check if item on IT Standard List of approved purchase.	If item is not on IT Standard List state date of TAC approval:
Is the item ERP related? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, answer the below questions.	
Are services covered under the original ERP Budget or Project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, please explain.	
Are the purchases compatible with the new ERP system? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, please explain.	

FUNDING SOURCE: i.e. General Fund, Health and Human Services Levy Funds, Community Development Block Grant (No acronyms i.e. HHS Levy, CDBG, etc.). Include % if more than one source.
General Fund
Is funding for this included in the approved budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "no" please explain): State award and county obligation for any funds over the state provided amount, will need appropriation then County will be reimbursed 85% of total cost.
Payment Schedule: <input type="checkbox"/> Invoiced <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Other (please explain):

Provide status of project.	
<input checked="" type="checkbox"/> New Service or purchase <input type="checkbox"/> Recurring service or purchase	Is contract late <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, In the fields below provide reason for late and timeline of late submission
Reason:	
Timeline: Project/Procurement Start Date	

Rev. 7/24/23

(date your team started working on this item):	
Date documents were requested from vendor:	
Date of insurance approval from risk manager:	
Date Department of Law approved Contract:	
Date item was entered and released in Infor:	
Detail any issues that arose during processing in Infor, such as the item being disapproved and requiring correction:	
If late, have services begun? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, please explain)	
Have payments be made? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, please explain)	

HISTORY (see instructions):

Department of Purchasing – Required Documents Checklist

Upload as “word” document in Infor

Infor/Lawson RQ#:	N/A
Infor/Lawson PO# Code (if applicable):	EXTB
Event #	NA
PO# (if not a contact)	PENDING
CM Contract#	NA

I certify that I have followed the current purchasing policies and procedures and no items being purchased under this requisition have been ordered or received.

	Department	Clerk of the Board
Briefing Memo	LMH	CMK

Late Submittal Required:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Why is the contract being submitted late?	N/A	
What is being done to prevent this from reoccurring?	N/A	

TAC or CTO Required or authorized IT Standard	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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EXTERNAL BOARD				
Required Documents for All Purchases				
Reviewed by Purchasing				
			Department initials	Purchasing
IG# - Expires 12/31/25			VJR	GHM
Debarment	Date:	10/4/23	VJR	GHM
Auditor’s Finding	Date:	10/4/23	VJR	GHM
Vendor’s Submission * (or BSO Bid Tabulation)			VJR	GHM
Independent Contractor (I.C.) Requirement	Date:	10/4/23	VJR	GHM
Checklist			VJR	GHM

*If State Contract or Cooperative purchase, must have the contract number and expiration date listed

Required Documents Dependent upon Procurement Type				
Reviewed by Purchasing				
			Department initials	Purchasing
Annual Non-Competitive Bid Contract Statement (only needed if not going to BOC or Council for approval)	Date:			NA
External Board Approval Document			VJR	GHM
Bid Specification Packet				NA
Tabulation Sheet and/or Evaluation/Scoring Summary				NA
Notice of Intent to Award Letter				NA
Award Letter				NA
Diversity Documents				NA
Justification Form				NA
State Contract Cover Sheet			VJR	GHM

Department of Purchasing – Required Documents Checklist

Upload as “word” document in Infor

Cooperative Purchase Contract Cover Sheet		NA
Sole Source Affidavit		NA
Sole Source Justification		NA
Prior RFP Exemption/Alternative Procurement Approval Letter		NA
Furniture Request Form		NA
Proof of Public Notice publication		NA
Invoice (for items already purchased but not approved)		NA
TAC/CTO Approval or IT Standards (attach and identify relevant page #s), if required.	VJR (10-5-23)	GHM – Pending 10/5/23 TAC meeting

Other documentation may be required depending upon your specific item

Glossary of Terms at: <https://intranet.cuyahoga.cc/policies-procedures/procurement-information>

Reviewed by Law	
	Department initials
Agreement/Contracts & Exhibits	Related MOU document attached GHM
Matrix Law Screen Shot	N/A
COI	N/A
Workers’ Compensation Insurance	N/A
Performance Bond	N/A

Vendor Information

Vendor Name	Dollar Amount
Tenex Software Solutions	\$1,046,283.00

Requisitions up to & including \$5,000.00 will be reviewed by the assigned purchasing agent in the Department of Purchasing. If all requirements are met, the item can be approved by DoP without additional consideration. For the following items the OnBase Agenda Action form must be completed. The item will be held until it is approved by the Board of Control.

- Requisitions over \$5,000.00
- Requisition submitted in which the item has been ordered and/or received

DOP REVIEW NOTE

The Cuyahoga County Board of Election requesting the approval of the purchase of electronic poll books, software licenses, hardware and maintenance support for the period 6/1/2017 - 5/31/2027 from Tenex Software Solutions, Inc. for the amount NTE \$1,046,283.00. The Ohio Secretary of State allocated \$821,449.00 for the County as a reimbursement for the Purposes implementing Section 285.12 of H.B.45 in acquiring electronic Pollbooks and ancillary equipment. GHM 10/04/2023.

Acquiring Electronic Pollbooks With State Funding

History

In June of 2015, the 131st Ohio General Assembly passed House Bill (H.B.) 64, the state operating budget. This budget included funding for the purchase of electronic pollbooks (EPBs) by boards of elections. The Cuyahoga County Board of Elections (CCBOE) was allocated \$1,460,000. After an exhaustive 17-month search process, the CCBOE chose Tenex Software Solutions to be its EPB vendor in January of 2017. The first election Tenex EPBs were utilized was the May 2, 2017 Primary Election.

The selection of Tenex has proven to be a very prudent one. The EPBs have been reliable and Tenex has listened to feedback from the CCBOE and continually improved its product. In total, Tenex EPBs have been used in 26 different elections, so it has stood the test of time.

State Funding Details

In H.B. 45 of the 134th General Assembly, the legislature appropriated \$7,500,000 for Ohio county boards of elections to procure electronic pollbooks. The legislature, in H.B. 33 of the 135th General Assembly, made changes to the procurement and reimbursement process. The main takeaway from these changes for the CCBOE is it will now notify the Secretary of State (SOS) of its EPB selection but will then purchase the equipment and any ancillary supplies *itself*. The SOS will then reimburse the CCBOE directly (not the county's general fund).

This is a different process than the purchase of new voting equipment (Table A), when boards of elections notified the SOS of their voting equipment selection, but then the SOS, working with the Department of Administrative Services (DAS), would coordinate the payment to the vendor.

Each county is allocated a pro rata share of the \$7,500,000 appropriation based on the number of registered voters in the county as of July 1, 2022. For the CCBOE, its share comes to **\$821,449.00**. The CCBOE is eligible to be reimbursed for 85% of the purchase of EPBs and related equipment up to its allocated amount, whichever is less. Reimbursement cannot exceed \$821,449.00.

Requirements & Timeline

Funding for EPBs expires on June 30, 2024, so the necessary documentation to be reimbursed for the purchase must be received by the SOS no later than **May 1, 2024**. *Advisory 2023-03* states that boards of elections *should* purchase at a minimum one EPB per precinct in the county (for the CCBOE that would be a minimum of 967). The CCBOE will **purchase 1,450 EPBs** to match the number units that are currently covered by our annual maintenance and licensing agreement. This agreement runs through May 31, 2027.

To receive reimbursement, the CCBOE must be an active member of the DAS Cooperative Purchasing Program and enter into a Memorandum of Understanding (MOU) with the SOS and County Council. An MOU template was provided with *Advisory 2023-03*. The CCBOE should work with its county prosecuting attorney to ensure the MOU is executed.

Tenex has informed the CCBOE it needs 90 to 120 days of lead time to secure, deliver, and configure the new equipment for use in an election. The goal is to implement new EPBs at the March 19, 2024 Presidential Primary Election. This places the delivery of new EPBs and accessories as tentatively the middle of January 2024.

Obtaining Reimbursement

To be reimbursed, the CCBOE must provide the following to the SOS by **May 1, 2024**:

- A copy of the completed and signed MOU;
- A copy of the invoice for the contract purchase of EPBs and related equipment;
- A copy of the purchase order for the contract purchase of EPBs and related equipment; and
- Proof of payment of the invoice, if available.

What is New?

The purchase of new EPBs from Tenex will provide the CCBOE with 10th generation iPads, the newest model. This will significantly increase the display screen size of the EPBs from 7.9 to 10.9 inches. The new iPads will allow the CCBOE to have the latest version of iOS (16) installed. The current EPBs, due to their age, have been capped at iOS 12. The advantages of this include faster processing speeds, and a more secure software system.

Just as important is what has not changed – which is the software program poll workers and voters have grown accustomed to. The look, feel, and functionality of the new EPB will be nearly identical to that of the current EPB. In addition, the existing printers that pair with the EPB work with the new software and remain in good operating order.

Next Steps

- The Cuyahoga County Board of Elections approves the purchase of new EPBs from Tenex Software Solutions.
- The Cuyahoga County Council approves the purchase and funding the difference between what the CCBOE is reimbursed for the purchase of new EPBs from the SOS and the total cost of the product and accessories.
 - The purchase will be brought before TAC on October 12th.
 - The purchase will be introduced at the October 24th County Council meeting.
 - The CCBOE will present at the November 14th County Council meeting.

- The County Council will hopefully approve the purchase and the funding of it at the November 28th County Council meeting (if necessary).
- Place the order with Tenex (the CCBOE has already made the Office of Budget and Management aware of this impending purchase).
- Submit to the SOS the required documentation noted in the Obtaining Reimbursement section above.

CONTRACT EVALUATION FORM

Contractor	Tenex Software Solutions				
Current Contract History: CE/AG# (if applicable) Infor/Lawson PO#:					
RQ#	BE-17-39493				
Time Period of Original Contract	6-1-2017 to 5-31-2027				
Background Statement	Authorizing a state contract with Tenex Software Solutions, Inc. in the amount not-to-exceed \$3,335,350.00 for the purchase of electronic poll books, software licenses, hardware and maintenance support for the period 6/1/2017 - 5/31/2027				
Service Description	The purchase of electronic poll books, software licenses, hardware and maintenance support for the period 6/1/2017 - 5/31/2027				
Performance Indicators	N/A				
Actual Performance versus performance indicators (include statistics):	Contract requirements have been met.				
Rating of Overall Performance of Contractor	Superior	Above Average	Average	Below Average	Poor
Select One (X)		X			
Justification of Rating	The maintenance contract has been adhered to per the agreement.				
Department Contact	Shaunquitta Walker Fiscal Manager 216-443-6442				
User Department	Board of Elections				
Date	10/4/23				