

COUNCIL COMMUNICATION

From: The City Manager

Subject: Sales Order Agreement for AutoMARK Purchase

Manager's Recommendation:

I recommend approval of the Sales Order Agreement with Election Systems & Software (ES&S) as part of the purchase of the AutoMARK equipment required under the Help America Vote Act. It is further recommended that the City Manager or his designee be authorized to sign the agreement on behalf of the City. The contract is approved by me as to substance and by the City Attorney as to form.

Funds are budgeted in the General Fund Election Division Capital Outlay Office Equipment Account No. 101-1731-701-9760.

Justification:

On May 28, 2008, City Council approved the purchase of two (2) AutoMARK voting terminals to be placed in Precincts 4A (Central Fire Station) and 18B (Butman-Fish Library). These precincts were added to better accommodate voters since the number of registered voters at Maplewood Manor and Rosein Towers were close to exceeding the 2,999 legal limit. Following approval of the purchase, the City Clerk received a Sales Order Agreement which provided terms and conditions for the purchase with regard to maintenance services during the post-warranty period for the equipment's hardware and software. Since that time, the City Attorney's Office has been working with ES&S and has reached amenable terms for the Sales Order Agreement. Generally, ES&S provides a one-year warranty for the equipment; however, the State of Michigan has agreed to warrant the equipment for three (3) years at no expense to the City. Following the three (3) years, if the City desires to continue the warranty, the maintenance cost will be \$909.00 annually. The City shall notify ES&S in writing if it chooses to terminate the warranty following the three-year period. The City will bear the expense for any future certifications or re-certifications required by the state and will also be responsible to properly store the equipment in one location in the event service is required.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.