

## **Appendix G**

### **How to Use**

This document provides a NYS County Board of Elections (hereinafter "Authorized User") with instructions on how to use the Voting Systems and Related Services and Accessories Contract ("Contract").

General procurement information is available at the New York State Office of General Services ("OGS") Procurement website. <https://ogs.ny.gov/procurement/buyer-information>

An Authorized User must adhere to the terms and conditions of the Contract and the instructions herein when procuring Products under the Contract. Terms and conditions of the Contract were created based on the requirements and specifications of Solicitation 23198. An Authorized User who makes purchases from this Centralized Contract, such as through the use of a Purchase Order, does not have to, and shall not, enter into any additional contracts or agreements with a Contractor. Such purchases are covered by the terms and conditions of the Centralized Contract.

Contract information, including a list of contractors, contractor information, and price lists can be found on the Contract website. An Authorized User may contact the OGS Contract Manager at the email address on the website with any questions, concerns, or clarifications regarding the Contract.

<https://online.ogs.ny.gov/purchase/spg/awards/2230023198CAN.HTM>

An Authorized User with operational questions related to an existing New York State Board of Elections ("SBOE") certified Voting System or Related Services and Accessories or the SBOE certification process may contact the Elections Operations Unit of the SBOE at [Election\\_Ops@elections.ny.gov](mailto:Election_Ops@elections.ny.gov) or 518-473-5086.

## **SECTION 1 GENERAL INFORMATION**

### **1.1 CONTRACT SCOPE.**

This Contract establishes a purchasing vehicle for an individual Authorized User to acquire Voting Systems and related services, accessories, consumables, training and maintenance. Per NYS Election Law, the SBOE must certify any Voting System before it can be used by an Authorized User in New York State.

### **1.2 PRODUCTS IN SCOPE.**

Products purchased under this Contract must be included on the Contractor's Appendix E, *NYS Contract Price List* prior to purchase.

#### **1.1.1 Voting Systems.**

A Contractor's Voting System(s), ballot marking or other voting device(s) accessible to individuals with disabilities.

#### **1.1.2 Related Services and Accessories.**

In addition to the standard system(s), Contractors may include related accessories, consumables, training, maintenance, and other related services, as approved by SBOE.

### **1.3 CONTRACT TERM.**

The term of a Centralized Contract(s) awarded under Award 23198 is up to five (5) years with a single one (1) year extension option. Please refer to the Contractor Information Summary page on the Contract website for a Contractor's specific contract period.

## **SECTION 2 AUTHORIZED USER CONSIDERATIONS.**

### **2.1 GENERAL.**

An Authorized User may utilize a Contractor's Appendix E, *NYS Contract Price List* and work with the Contractor to develop a Purchase Order for a project. The Purchase Order will memorialize the responsibilities of the Contractor with respect to a given transaction with an Authorized User and may include items such as, but not limited to: a statement of work, a payment schedule, and a list of deliverables based on the Authorized User's requirements. Authorized Users should review the terms and conditions of the Contract and the Contractors' NYS Contract Price List for approved and available Products.

### **2.2 PURCHASE ORDER INCLUSIONS.**

A Purchase Order may include, as applicable, such factors as, but not limited to:

- Scope/statement of work;
- Manufacturer Part/Stock Numbers;
- Additional security requirements;
- Additional insurance requirements;
- Delivery requirements, including:
  - Product delivery date,
  - Delivery to an inside location, and
  - Any other unique delivery requirements;
- Hardware and Software environment;
- Systems/Networks to integrate with;
- Installation date; and
- Travel Reimbursement.

### **2.3 PRIMARY SECURITY AND PRIVACY MANDATES.**

The information collected and maintained by Authorized Users is protected by a myriad of Federal and State laws and regulations. Access to and use of sensitive and confidential information is limited to authorized government employees and legally designated agents for authorized purposes only. All details should be outlined in the Authorized User's Purchase Order prior to the engagement of services under this Contract.

In addition to all other existing primary security and privacy mandates that apply to User Data, Authorized Users are reminded to consider and address any privacy mandates that exist in sections of NYS Election Law and the New York Codes, Rules and Regulations applicable to Voting Systems when developing a Purchase Order.

### **2.4 ACCEPTANCE TESTING.**

Any Voting System purchased under this Contract is subject to the acceptance testing requirements set forth in 9 CRR-NY 6209.

## **SECTION 3 HOW TO PURCHASE FROM THE VOTING SYSTEM CONTRACT.**

### **3.1 ORDERING.**

Authorized Users shall procure Products that best meet their form, function, and utility requirements. Authorized Users are not required to release an RFQ to purchase under this Contract, however they are encouraged to seek multiple quotes when practical, and negotiate better pricing before purchasing. Not-to-exceed pricing is contained within the Contractors' NYS Contract Price Lists and has been posted on the Contract website for use by Authorized Users. After selecting Products and finalizing an order with the Contractor, the Authorized User may issue a Purchase Order to the

Contractor.

Pursuant to State Finance Law § 163(10)(c), at the time of purchase, Authorized Users must base their selection among multiple Contracts upon which is the most practical and economical alternative that is in the best interests of the State.

### **3.2 INVOICING.**

All invoices shall at a minimum, include the items listed below and any additional information identified in the Purchase Order:

- Voting Systems Contract Number
- Contractor Name
- NYS Vendor ID
- Manufacturer Part Number
- Product Name
- Product Description
- Quantity
- Net NYS Price for each Product
- Specific designation of special price(s) which may be better than the Net NYS Price
- Invoice Total

### **3.3 PRODUCT PRICING.**

All Contractors' NYS Price Lists are posted on the Contract website. Authorized Users should compare all Products and pricing and select the Product that best meets the Authorized User's needs. When reviewing quotes and invoices, Authorized Users should ensure a Contractor's quoted pricing is at or below the Net NYS Price as reflected on the Contractor's price list on the Contract website.

### **3.4 PRODUCT DELIVERY.**

Per Appendix B, *General Specifications*, Section 31. *Product Delivery*, Contractors must deliver the units ordered by the Authorized User within thirty (30) calendar days after receipt of a Purchase Order by the Contractor, unless otherwise agreed to by the Authorized User and the Contractor. The thirty (30) days will start at the time of receipt of a Purchase Order and will conclude with delivery to the Authorized User. This thirty (30) calendar timeframe will include all work to be done by a Contractor.

### **3.5 AT-RISK WORK PROHIBITED.**

Authorized Users are cautioned that at-risk work is strictly prohibited. No work is to be undertaken by the Contractor prior to receipt of the executed Purchase Order.

### **3.6 PROCUREMENT RECORD AND NEW YORK STATE PROCUREMENT COUNCIL GUIDELINES.**

The Authorized User is reminded that it must adhere to the procedures of this Contract, its own internal procurement policies and procedures and all federal, State and/or local statutes, when applicable.

The following link to the New York State Procurement Council Guidelines provides additional procurement information and examples of documentation that should be created and maintained by the Authorized User as part of a procurement record:

<https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

### **3.7 OFFICE OF THE STATE COMPTROLLER.**

For purchases available from this Contract, the Authorized User may issue a Purchase Order directly to the Contractor, following Office of the State Comptroller (OSC) approval if applicable

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Authorized Users are reminded that the Office of the State Comptroller retains the right to post-audit any procurement, including those executed from this Contract. Authorized Users are reminded to follow all procurement guidelines.

**3.8 END POINT DEVICE SECURITY REQUIREMENTS FOR STATE AGENCY AUTHORIZED USERS**

In accordance with Section 165 of NYS Finance Law, State Agency Authorized Users must ensure all “end point device” purchases are consistent with any relevant standards, guidelines, or guidance developed as part of the National Institute of Standards and Technology (NIST) Cybersecurity Framework.

Suggestions for verifying NIST compliance: NIST standard compliance should be in the Manufacturer's/service providers specs for a product. The AU should reference the requirements as part of their RFQ or engagement with the Contractor and require the Contractor to demonstrate they are offering a product that meets the standard or an explanation of why there is no applicable NIST standard as part of the bid or engagement response.