

Non-Competitive Contract with Comprint Systems Incorporated for Election Services Applications and Maintenance

Date: February 11, 2025
To: General Government Committee
From: City Clerk and Chief Procurement Officer
Wards: All

SUMMARY

The purpose of this report is to request City Council authority to enter into a non-competitive contract with Comprint Systems Incorporated for the provision of technology applications used by the City Clerk to (i) update and view the voters' list; (ii) manage contracts for 1000+ voting place locations; (iii) maintain the "My Vote" information portal for electors; (iv) administer mail-in voting; and (v) track and resolve operational issues during advance vote and on election day, among other key functions. The contract will be for a six (6) year period commencing no earlier than May 1, 2025, with options for it to be renewed for four (4) additional one (1) year periods, at the discretion of the City.

Access to these applications will support the City Clerk's administration of fair, open, secure and accessible general municipal and school board elections in 2026 and 2030, and any other potential by-election events during this period.

Pursuant to City of Toronto Municipal Code Chapter 195, Procurement, Section 195-7.3 (D), Standing Committee and Council approval is required for all procurement valued up to or over \$500,000, or where the term of the contract exceeds five (5) years or exceeds the projected capital funding for the project as approved by Council. Approval is also required under City of Toronto Municipal Code Chapter 71, Financial Control, Section 71-11A., as the procurement value exceeds the threshold of \$500,000 net of HST allowed under staff authority.

RECOMMENDATIONS

The City Clerk and Chief Procurement Officer recommend that:

1. City Council authorize the City Clerk to negotiate and execute a non-competitive contract with Comprint Systems Incorporated in the amount of \$9,485,507 net of all taxes and charges (\$9,652,452 net of Harmonized Sales Tax recoveries) to provide election services technology, and related application maintenance, for a six (6) year

period beginning no earlier than May 1, 2025, with an option to renew the contract for four (4) additional one (1) year periods at the discretion of the City on terms and conditions satisfactory to the City Clerk and in a form satisfactory to the City Solicitor.

FINANCIAL IMPACT

The total potential contract award for the purchase of election services technology and application maintenance, including related goods and services, is \$9,485,507 net of all taxes and charges (\$9,652,452 net of Harmonized Sales Tax recoveries).

Funding for the 2025 requirements for the initial contract period is available in the 2025 Operating Budget for the City Clerk's Office. Funding for future year requirements during the initial six-year contract period, or for any additional one-year contract extensions exercised between 2031 and 2035, will be included in future year Operating Budget requests.

Projected annual funding requirements are outlined in Table 1 below, and additional funding requirement details are provided in Attachment 1.

Table 1: Funding Summary (net of HST recoveries)

Contract Period	Cost Centres & Cost Elements	Total for General Elections	Total for Potential By-Elections	Total
Initial Term				
May 1, 2025 - December 31, 2025	GV0016 and GV0017, CE4474 CE4828	\$469,928	\$660,931	\$1,130,859
January 1, 2026 - December 31, 2026		\$1,150,578	\$ -	\$1,150,578
January 1, 2027 - December 31, 2027		\$190,291	\$164,393	\$354,684
January 1, 2028 - December 31, 2028		\$190,291	\$753,561	\$943,853
January 1, 2029 - December 31, 2029		\$190,291	\$165,513	\$355,804
January 1, 2030 - December 31, 2030		\$1,390,816	\$ -	\$1,390,816
January 1, 2031 - April 30, 2031		\$79,291	\$212,617	\$291,909

Contract Period	Cost Centres & Cost Elements	Total for General Elections	Total for Potential By-Elections	Total
Total Initial Term		\$3,661,486	\$1,957,016	\$5,618,502
Optional Terms				
May 1, 2031 - December 31, 2031	GV0016 and GV0017 CE4474 CE4828	\$158,573	\$ -	\$158,573
January 1, 2032 - December 31, 2032		\$237,864	\$938,934	\$1,176,798
January 1, 2033 - December 31, 2033		\$237,864	\$212,617	\$450,481
January 1, 2034 - December 31, 2034		\$1,921,733	\$ -	\$1,921,733
January 1, 2035 - April 30, 2035		\$79,291	\$247,073	\$326,365
Total Optional Terms		\$2,635,325	\$1,398,624	\$4,033,950
Total Initial and Optional Terms		\$6,296,812	\$3,355,640	\$9,652,452

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council, at its meeting on March 29, 2023, authorized the City Clerk to amend Purchase Order Number 6044628 with Comprint Systems Inc. for a Voters' List Management Solution and to extend its validity date to December 31, 2024.
<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.1>

City Council, at its meeting on February 2, 2022, authorized the City Clerk to amend Purchase Order Number 6044628 with Comprint Systems Inc. for a Voters' List Management Solution for the 2022 election.
<https://secure.toronto.ca/council/agenda-item.do?item=2022.EX29.10>

City Council, at its meeting on October 1, 2021, amended Municipal Code Chapter 53, Elections to authorize a mail-in voting program for the City's municipal and school board elections and by-elections.
<https://secure.toronto.ca/council/agenda-item.do?item=2021.EX26.1>

Bid Committee, at its meeting on October 26, 2016, granted authority to award Request for Proposal No. 3402-16-3059 to Comprint Systems Inc./DataFix for a Voters' List Management Solution.

<https://secure.toronto.ca/council/agenda-item.do?item=2016.BD107.1>

COMMENTS

Background on the Use of Technology in Toronto Elections

The City Clerk's Office uses a mix of more than 20 inter-dependent (internally developed and vendor provided) public facing and back-end digital applications to support the planning and administration of fair, open, secure and accessible municipal and school board elections in accordance with the authorities and requirements of the *Municipal Elections Act, 1996*.

Voters, candidates, third party advertisers, election administrators and workers rely on the data that is captured, stored, shared and processed by these applications (and associated databases, portals and platforms) to support a range of election related functions, equipment, and business processes, including but not limited to election worker management, inventory tracking, candidate management and financial filing, sub-division mapping, and results tabulation and production.

The subset of applications which are part of the City's existing election services technology solution contract supports the following functions: the voters' list; voting place management and contracts; advance vote and election day issues tracking; mail-in voting; and the "MyVote" information portal which provides electors with information on the election, voting places and candidates based on an inputted address.

2016 Acquisition of a Voters' List Management Solution and Related Applications

In 2016, through RFP No. 3402-16-3059, the City received proposals from suppliers for the provision of a secure, scalable and flexible externally hosted off-the-shelf voters' list management solution (and related applications) which would require limited new development and be able to be easily integrated with other Toronto Elections applications.

Through this process, in January 2017, a five-year contract was awarded to Comprint Systems Inc. o/a DataFix pursuant to Bid Award BD107.1 for a Voters' List Management System (VLMS) which included optional modules that were used in preparation for the 2018 general election, namely a Voting Place Management System (VPMS); an Election Day Management System (EDMS); and the 'MyVote' public web application.

Contract extensions, authorized by Council pursuant to items 2022.EX29.10 and 2023.CC5.1, were subsequently awarded in 2022 and 2023 to ensure continuity of DataFix's technology services for the 2022 general municipal election, the 2023 Mayoral by-election and various ward councillor and school board trustee by-election events. A further contract extension was granted at the end of 2024 (expiring on April 30, 2025) to

meet business requirements linked to the Toronto District School Board Ward 11 by-election for Trustee to be held on March 3, 2025.

Recent Procurement Efforts

Throughout 2024 the City Clerk's Office worked with the Purchasing and Materials Management (PMMD) and Technology Services (TSD) divisions to secure a new election services technology solution through a fair, transparent, and competitive Request for Proposals (RFP) process supported by a Fairness Monitor.

RFP Doc4490567733 for an election services technology solution for an initial period of six (6) years and four (4) optional one-year periods was issued on May 23, 2024. Two proposals were received by the August 2, 2024 closing date.

Upon reviewing the submissions, it was determined that one bid was non-compliant, while the other bid's pricing exceeded the funding approval limits. As a result, the solicitation was cancelled.

PMMD issued a cancellation notice for RFP Doc4490567733 on January 2, 2025 in accordance with the Chief Procurement Officer's authority under Toronto Municipal Code Chapter 195 (Procurement) section 9.1(A).

Rationale for Non-Competitive Contract and Conclusion

This report recommends that City Council authorize the City Clerk to negotiate and execute a non-competitive contract with Comprint Systems Inc. o/a DataFix in the amount of \$9,485,507 net of all taxes and charges (\$9,652,452 net of Harmonized Sales Tax recoveries) to provide election services technology, and related application maintenance, for a six-year period starting no earlier than May 1, 2025, with options to renew for four (4) additional one-year periods at the discretion of the City from the effective date of the agreement, on terms and conditions satisfactory to the City Clerk and in a form satisfactory to the City Solicitor.

The required non-competitive contract meets the criteria of the non-competitive exception code 14, Competitive Solicitation Unsuccessful under the Procurement By-Law (195-7.1.(F)) Additional supporting rationale for this recommendation includes the following considerations:

1. The City Clerk and Chief Procurement Officer have determined there is not sufficient time to administer a full new competitive (RFP) procurement process for election services technology and application maintenance without potentially compromising preparations for the next general municipal election in 2026 (or potential by-elections beforehand), including with respect to application and data integration, testing and validation.
2. Although its proposal in response to RFP Doc4490567733 was deemed by the Chief Procurement Officer to be non-compliant DataFix's proposal scored highest in every assessed category of the RFP, including with respect to pricing.

3. The City's issuance of RFP Doc4490567733 solicited market pricing data for the provision of a suite of election technology applications from two leading suppliers. This information can be used, in the near term and instance at hand, by City staff to benchmark and assess the reasonableness of pricing proposals during the development of a non-competitive agreement for the same set of services.

4. As the City's incumbent supplier, DataFix has provided reliable and consistent election technology applications, expertise and support to Toronto Elections over the past nine years, supporting the City Clerk's ability during this period to successfully plan and deliver two (2) general municipal elections, one (1) mayoral by-election, three (3) councillor by-elections, and three (3) school board trustee by-elections.

5. An agreement with DataFix for election services technology will provide for business continuity, minimize staff (re)training requirements, and help manage risks and timelines associated with (new) vendor solution implementation, testing and/or customization.

Negotiating, awarding, and holding a multi-year contract with DataFix for election services technology (and related application maintenance) will support the City Clerk's administration of fair, open, secure and accessible election events between 2025 and 2030 in accordance with the requirements of the Municipal Elections Act, 1996.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

Geneviève Sharkey
Chief Procurement Officer

ATTACHMENTS

Appendix 1 - Detailed Funding Requirements