

## **EAST AYRSHIRE COUNCIL**

**CABINET - 19 AUGUST 2009**

### **NEGOTIATED PROCUREMENT FOR THE PROVISION OF E-COUNTING SERVICES IN RESPECT OF THE FORTHCOMING BY-ELECTION FOR WARD 9 DOON VALLEY**

#### **Report by the Depute Chief Executive/Executive Director of Corporate Support**

#### **1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval for the negotiated provision of e-counting services in respect of the forthcoming By-Election for Ward 9, Doon Valley.

#### **2. BACKGROUND**

- 2.1 Within Ward 9, a vacancy exists for a Councillor and an election will require to take place to fill that vacancy no later than Thursday 15 October 2009. In accordance with the Local Government (Scotland) Act 2004, in each electoral ward in which there is a contested election, a poll shall be held under the Single Transferable Vote arrangements where voters may indicate their first and or more preferences. In addition, in accordance with the Scottish Local Government Elections Order 2007 and the Rules for Conduct of a Scottish Local Government Election, the Returning Officer shall provide an electronic counting system and the count shall be conducted by means of such electronic counting system (unless it proves impossible or impracticable to do so).

#### **3. PROCUREMENT IMPLICATIONS**

- 3.1 The Council's Standing Orders relating to Contracts (Paragraph 20(1)) states that "Where the appropriate Executive Director/Executive Head of Service/Head of Service considers that a tender should be negotiated with one person, he/she shall, before entering into negotiations, obtain the approval of the Cabinet, both in respect of the negotiation and of the person with whom the tender has to be negotiated, stating the reasons for the proposed negotiated procurement route".

#### **4. DRS: DATA SERVICES LIMITED**

- 4.1 DRS: Data and Research Services Plc is a leading supplier of data capture solutions, with over 30 years experience both in the UK and internationally. The company's principal activity is the supply of products and services for automated data capture - the process of entering data into computer databases for storage and analysis. DRS were utilised by the Returning Officer for the successful implementation of electronic counting in respect of the Scottish Parliamentary and Local Government Elections for the Kilmarnock and Loudoun Scottish Parliamentary Election and East Ayrshire Council Elections in 2007. The company were also utilised by the Returning

Officer for the successful implementation of electronic counting in respect of the By-Election for Ward 7 on 11 December 2008. The company has also been utilised by the Greater London Authority Mayor and Assembly Elections in 2000 and in 2004, together with the European Parliamentary Elections in the London Region in 2004. The company has also been involved in a number of successful By-Elections within Edinburgh and Glasgow City Councils in 2008/09

#### **4. FINANCIAL IMPLICATIONS**

- 4.1** The cost of securing an e-counting service is dependent on how quickly scanning requires to take place, electorate, turnout and number of scanners. However, estimated cost for the provision of e-counting services for this By-Election is estimated at £18000.

#### **5. LEGAL IMPLICATIONS**

- 5.1** The Local Governance (Scotland) Act 2004 requires Local Government Elections to be implemented under the Single Transferable Vote arrangements. The Scottish Local Government Elections Order 2007 and the related Election Rules, require the Returning Officer to provide an electronic counting system and a count to be conducted by means of such electronic counting system.

#### **6. RISK MANAGEMENT**

- 6.1** Provision exists where it is impossible or impracticable to conduct a count electronically, to carry out a manual count. However, a manual count will incur additional time to complete successfully and the additional time would be in the region of 6 hours to complete such a count as opposed 1/1.5 hours. Accordingly, a manual count would not be held immediately following close of poll but would commence the next day. In recognition of the future requirement, in terms of the need to deliver efficiently, effectively and within a reasonable timeframe, elections carried out under the Single Transferable Vote arrangements, it is recognised that the count at such elections will require to be carried out electronically and, accordingly, this practice should also apply to By-Elections.

#### **7. COMMUNITY PLANNING IMPLICATIONS - Nil.**

#### **8. RECOMMENDATIONS**

- 8.1** It is recommended that Cabinet:-
- (i) approve the negotiation of the provision of e-counting services from DRS Data Services Ltd in accordance with Paragraph 20(1) of the Council's Standing Orders Relating to Contracts; and
  - (ii) to otherwise, note the contents of the report.

Elizabeth Morton  
Depute Chief Executive/Executive Director of Corporate Support

5 August 2009

BW/KS

**LIST OF BACKGROUND PAPERS - NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Tel No (01563) 576135.

**Implementation Officer: Bill Walkinshaw, Head of Democratic Services.**