

## **EAST AYRSHIRE COUNCIL**

**CABINET - 5 NOVEMBER 2008**

### **NEGOTIATED PROCUREMENT FOR THE PROVISION OF E-COUNTING SERVICES AND POSTAL VOTING BALLOT PACKS IN RESPECT OF FORTHCOMING BY-ELECTION FOR WARD 7 BALLOCHMYLE**

#### **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 and postal voting ballot packs in respect of the forthcoming By-Election for Ward 7, Ballochmyle.

#### **2. BACKGROUND**

- 2.1** Within Ward 7, a vacancy exists for a Councillor and an election will take place to fill that vacancy on Thursday 11 December 2008. 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 one 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).
- 2.2** In accordance with the preparation of postal vote stationery, there have been a number of legislative changes which have impacted on the administration of the postal voting process and many of these changes have a direct bearing on how the postal vote stationery for elections is produced. For several elections, postal vote stationery has been printed externally by specialist companies and it is intended to continue with this practice in respect of the forthcoming By-Election.

#### **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".

**3.2** In order to comply with statutory timescales in respect of the prospective By-Election, there is insufficient time to carry out a tendering process to secure the services required in terms of the provision of e-counting and the provision of postal vote stationery.

**3.3** The undernoted companies have extensive experience within the field and both companies have a successful working partnership in terms of the joint production of election material, to meet both the needs of e-counting and postal voting.

### **3.3.1 DRS: Data Services Limited**

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 principle 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 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 recently been involved in a number of By-Elections within Edinburgh and Glasgow City Councils.

### **3.3.2 ERS: Electoral Reform Services**

ERS is the leading provider of election services in the UK and has a history of successful operations in terms of various elements of election administration. ERS was successfully utilised by the Returning Officer in the production of postal vote stationery for the recent Scottish Parliamentary and Local Government Elections in 2007. In addition, the company has produced and on time delivered over 1.5m ballot papers for the 2005 Parliament and Local Elections. In addition, the company has also been involved in the production of postal ballot packs for By-Elections and Referendums including Edinburgh, Glasgow, Torbay, Birmingham and Bristol Councils.

## **4. FINANCIAL IMPLICATIONS**

**4.1** The cost of securing an e-counting service is dependent on how quickly scanning requires to take place; turnout and number of scanners. However, estimated costs for the provision of e-counting and postal stationery services is in the region of between £17,000 and £19,000.

## **5. LEGAL IMPLICATIONS**

**5.1** The Local Government (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 and the provision of postal vote stationery from ERS: Electoral Reform Services 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

30 October 2008

BW/SR

### **LIST OF BACKGROUND PAPERS**

1. Information on DRS/ERS.

Any person wishing to inspect the background papers relative to this report should contact Bill Walkinshaw, Head of Democratic Services on Tel No (01563) 576135. 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.**