



ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

REPORT e-Counting Project 2017 – Update as at January 2015

MEETING 30 January 2015

INTRODUCTION

1. This is the first update on the current status of the preparatory work which is underway in relation to the next local government elections which are expected to be held on 4 May 2017. The Board will be kept updated as this work develops.

ONGOING WORK

2. The principal focus of current work concerns the completion of the suite of documents which is required to commence the procurement process for the e-counting solution. The key points to note are:

- **Project Board** – following a workshop in December 2014, the first meeting of the Board took place in mid-January 2015. The Board is chaired by Don McGillivray, as the Senior Responsible Officer within the Scottish Government for elections work. Returning Officers and Depute Returning Officers are also represented. The project will be resourced and managed on a day-to-day basis by the Scottish Government Elections and Constitution Team. The Project Board's remit is to provide leadership and advice on the delivery of an efficient and effective e-counting solution for 2017. In addition, a Reference Group comprising experienced members of the elections community in Scotland is being established from the encouraging number of election practitioners who expressed an interest in participating. A Project Initiation Document has been prepared and the associated Risk Register will be maintained throughout the duration of the project.
- **Key Documents** - The Invitation to Tender (ITT) documentation is being issued as a Single Supplier Framework Agreement and comprises, Instructions to Tenderers, Selection Criteria, Model Framework Terms and Conditions with a number of other schedules.

- **Outline timetable** - The key dates in the early phase of the project are as follows: Issue of ITT during week commencing 26 January 2015, for return by around 7 April, tender evaluation period to run from around 8 April for one month, with the Tender Evaluation Panel meeting on 11 May and bidders presentations scheduled for week commencing 25 May.
- **Tender Evaluation Panel** – Expressions of interest in participating in the tender evaluation process have been sought from a Returning Officer, a Depute Returning Officer and an ICT officer. Scottish Government Officials and a representative of the EMB will also participate in the evaluation process.
- **Data collection** – Updated data on electorate numbers, number of absent voters, estimated turnout, election suppliers etc has been requested and a summary of the responses will be circulated when all replies have been received.
- **Beyond 2017** – The proposed contract will cover the 2017 elections, and by-elections, if required by Returning Officers, in the period to February 2021. At the Workshop in December, the question was raised as to whether an option to extend the framework agreement could be included in the proposed contract, to cover the next set of elections, which are currently expected to take place in May 2021. The suggestion is considered to be in the interests of taxpayers given the resource implications of undertaking a full procurement exercise for each cycle of local government elections. Legal advice from the Scottish Government Legal Department has confirmed that seeking to include an option to extend the contract beyond this point would require a lengthy negotiation around the justification for breaching EU regulations. Investing time in such negotiations would present an unacceptable risk to the delivery of a solution for 2017. However, it will be possible for local authorities to enter into a fresh set of call-off contracts just before the framework agreement expires, which can cover the delivery of services beyond that point. This means that Returning Officers would be able to enter into a new call-off contract to cover the next cycle of elections and beyond, should they feel that appropriate. The implications of such an approach will require further consideration.
- **Contract conditions** – In preparing for the 2012 elections, a considerable amount of time was devoted by some authorities to revising the terms of the individual User Agreements to reflect requirements of particular authorities. Legal colleagues within the Scottish Government have indicated that the standard Scottish Government terms and conditions under the framework agreement must be used. Returning Officers will of course be able to agree a specification for the services required for the count, within the scope of the overall specification set out in the framework agreement.

RECOMMENDATION

3. The Board is invited to note the current status of preparatory work to procure an e-counting solution for the 2017 local government elections.

D McGregor,

Edinburgh,
22 January 2015.