



State of Utah

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Governor

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Lieutenant Governor

Department of Administrative Services Division of Purchasing and General Services

JENNEY REES
Executive Director

CHRISTOPHER W. HUGHES
Division Director

03/02/2021

Elaine Moore



Elainemoore3@hotmail.com



RE: GRAMA Request Response – Software Escrow Agreement for Voting System Vendors

Dear Elaine Moore,

On February 24, 2021 you submitted a GRAMA request to the Division of Purchasing & General Services for the following documents:

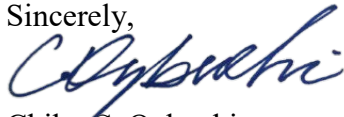
- 1) I am requesting a copy of software escrow agreement with the vender: Dominion Voting Systems Inc. Utah has expired contract AR1910 with Dominion Voting Systems that is available online. Dominion requires a software escrow agreement with each state who they have a contract with.
- 2) I am requesting a copy of software escrow agreement with the vender: Election Systems & Software. The purchasing contract AR2762 references the state of Utah software escrow agreement with Iron Mountain Intellectual Property Management. ES&S equipment escrow in attachment E, Detailed Scope of Work for Purchasing Contract #AR2762: "ES&S maintains in escrow with Iron Mountain Intellectual Property Management, a copy of all program source code developed and used for our proprietary software and firmware, as well as any changes, modifications or updates to source code. Should ES&S cease operations and become unable to maintain and support proprietary software and firmware while under an obligation to do so, the State shall have the right to obtain the source code to the extent necessary to enable the State to use ES&S' proprietary software and firmware in accordance with the terms of the final contract to be mutually agreed upon by the parties. The source code will remain property of ES&S and may not be otherwise used by the State except as set forth in the escrow agreement.
- 3) I am requesting a copy of the software escrow agreement with vendor Knowink, LCC.

Your request for records is hereby granted.

Attached, you will find the contract documents for AR1910 (Dominion Voting Systems inc.), AR2762 (Election Systems and Software), and PD3126 (Knowink LLC). Please note that agreements relating to the contracts are contained in the documents attached.

If you have any questions, please do not hesitate to contact me at cogbuehi@utah.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Ogbuehi", written in a cursive style.

Chike C. Ogbuehi

Division of Purchasing and General Services