



Monterey County

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Board Report

Legistar File Number: A 17-352

August 29, 2017

Introduced: 8/15/2017

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Agreement

- a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Dominion Voting Systems, Inc. to install leased voting equipment and provide software, maintenance and support services retroactive to August 1, 2017 through December 31, 2023, for a total amount not to exceed \$1,239,319.70; and
- b. Accept the non-standard terms and conditions contained in the vendor's contract pursuant to the recommendation of the Registrar of Voters.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Dominion Voting Systems, Inc. to install leased voting equipment and provide software, maintenance and support services retroactive to August 1, 2017 through December 31, 2023, for a total amount not to exceed \$1,239,319.70; and
- b. Accept the non-standard terms and conditions contained in the vendor's contract pursuant to the recommendation of the Registrar of Voters.

SUMMARY:

This County has an existing Agreement with Dominion Voting Systems, Inc. for hardware, software, maintenance and support services for four 400C tabulation machines. The hardware and software together constitute a voting system, which enables the Elections Department to tabulate votes.

The total estimated cost for this Managed Service Agreement to lease and install a new system for six years is \$1,239,319.70, consisting of hardware, software, maintenance and support services.

The proposed software Agreement is "non-standard" for the County with respect to warranties and indemnification provisions. It is the recommendation of the Registrar of Voters to approve the non-standard terms and conditions to conduct more efficient elections and reduce staffing costs while familiarizing staff with an upgraded voting system and tabulation process prior to a larger election year.

A copy of the Agreement is on file with the Clerk to the Board.

DISCUSSION:

On June 4, 2010, Dominion Voting Systems acquired Sequoia Voting Systems' (Sequoia) inventory and all intellectual property including Sequoia's precinct and central count optical scanners purchased by the Elections Department with federal Helping America Vote Act 301

and Proposition 41 funds as authorized by your Board in 2004. Central Count 400C Optical Scan ballot tabulators count all of the ballots for each election. Your Board most recently approved an amendment to an existing maintenance agreement with the vendor on June 23, 2015.

Elections would now like to retire this aged system in preparation for the volume of consolidated Statewide and local elections, in order to maintain a timely election night reporting schedule. This current lease Agreement is with the same vendor for similar types of services. The Agreement contains maintenance services and warranty for eight ImageCast Central Scanners, four portable ADA compliant touchscreen electronic voting tablets, required software and licenses, on-site and off-site election support services, installation, testing and staff system training. The voting system will tally all of the paper ballots for each election, including Vote by Mail ballots and provisional ballots, create the results report for publishing, and scan a record of any ballot for human examination to determine the intent of the voter.

OTHER AGENCY INVOLVEMENT:

The Agreement has been reviewed by the Auditor-Controller and Contracts Purchasing regarding terms and fiscal provisions. The Agreement has been reviewed by County Counsel as to form, and by Risk Management as to indemnity and insurance. Risk Management cannot approve due to non-standard terms and conditions regarding insurance and indemnity provisions. County Counsel points out that the agreement contains non-standard provisions regarding limitations on warranty; limitations on the type of and amount of damages available to County in event of a breach of contract; County obligation to indemnify vendor for claims arising out of County data; and non-standard termination provisions.

FINANCING:

Funding for this agreement was incorporated into Elections FY 2017-18 Budget Unit 8064 in the amount of \$206,553.28. There will be no additional cost to the County General Fund associated with this recommendation.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

Plan and develop a sustainable, physical infrastructure that improves the quality of life

for County residents and supports economic development results.

Public Safety:

Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by:



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Approved by:



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Registrar of Voters

Attachments:

Proposed Dominion Agreement 2017