



# Monterey County

Board of Supervisors  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

Legistar File Number: A 19-304

August 27, 2019

**Introduced:** 7/19/2019

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

- a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Fluence Automation, LLC to provide software, maintenance and support services for a "Vote by Mail" processing system for a term retroactive to November 1, 2018 through October 31, 2021, for a total amount not to exceed \$96,657;
- b. Accept non-standard warranty, liability and indemnification contract provisions as recommended by the Registrar of Voters; and
- c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute no more than two amendments, subject to County Counsel review, extending the Agreement by one (1) year each, which do not significantly alter the scope of work and do not exceed an increase of 10% of the original amount.

### 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 Fluence Automation, LLC to provide software, maintenance and support services for a "Vote by Mail" processing system for a term retroactive to November 1, 2018 through October 31, 2021, for a total amount not to exceed \$96,657;
- b. Accept non-standard warranty, liability and indemnification contract provisions as recommended by the Registrar of Voters; and
- c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute no more than two amendments, subject to County Counsel review, extending the Agreement by one (1) year each, which do not significantly alter the scope of work and do not exceed an increase of 10% of the original amount.

### SUMMARY:

Monterey County executed an Agreement with Fluence Automation, LLC, formerly Bell and Howell, LLC, in 2017 for the purchase and installation of a vote by mail processing system.

The total estimated cost for this Equipment Service and Software Support Agreement for the period of November 1, 2018 through October 31, 2021 is \$96,657, consisting of software, maintenance and support services. If the additional potential extensions are issued, the total cost through October 2023 will not exceed \$168,941 for the five-year period.

The proposed software Agreement is "non-standard" for the County with respect to warranties, liability 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 protecting the purchase of the vote by mail processing system.

A copy of the proposed Agreement is attached hereto and on file with the Clerk to the Board.

DISCUSSION:

On March 13, 2017, the County executed an Agreement in the amount of \$437,630.74 with Fluence Automation, LLC, formerly Bell and Howell, LLC, through a Western States Contracting Alliance (WSCA)/National Association of State Procurement Officials (NASPO) contract to purchase grant funded mail equipment. The original agreement included initial support services and lapsed on October 31, 2018. The proposed equipment service and software support agreement with Fluence Automation, LLC would provide continuity of services for the purchased Criterion Elevate "Vote by Mail" processing system that verifies and sorts vote by mail envelopes and updates voter registration database records. Miscommunication and negotiations to align the contractor's terms and conditions delayed the ability to present this item to the Board of Supervisors earlier.

OTHER AGENCY INVOLVEMENT:

The Agreement has been reviewed by the Auditor-Controller regarding fiscal provisions. The Agreement has been reviewed by County Counsel as to form, and by Risk Management as to indemnity and insurance.

FINANCING:

Funding for this agreement is available in Elections FY 2019-20 Budget Unit 8064 Object 6321 in the amount of \$31,900. 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:

Administration:

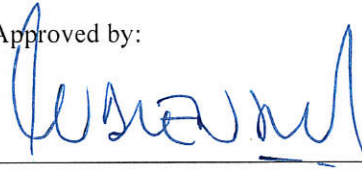
Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Prepared by:



Izabela Lesik x 1491  
Management Analyst

Approved by:



Claudio Valenzuela x 1499  
Registrar of Voters

Attachments:

Board Report

Proposed Fluence Agreement 2019