



Legislation Details (With Board Report)

File #: A 19-388 **Name:** Dominion Voting Systems Lease Amendment 1 Elections
Type: BoS Agreement **Status:** Passed - Elections' Office
File created: 10/23/2019 **In control:** Board of Supervisors
On agenda: 11/5/2019 **Final action:** 11/5/2019

Title: a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute non-standard Amendment No. 1 with Dominion Voting Systems, Inc. to deliver additional leased voting equipment and extend software, maintenance and support services, extending the agreement for two (2) additional years, through December 31, 2025, and increasing the agreement amount by \$1,099,634.31, for a revised total amount not to exceed \$2,338,954.01; and
b. Accept the non-standard terms and conditions contained in the vendor's original contract pursuant to the recommendation of the Registrar of Voters as before.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Proposed Dominion Amendment 2019, 3. Agreement Dominion Lease 2017, 4. Completed Board Order Item No. 63

Date	Ver.	Action By	Action	Result
11/5/2019	1	Board of Supervisors	approved - elections office	Pass

a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute non-standard Amendment No. 1 with Dominion Voting Systems, Inc. to deliver additional leased voting equipment and extend software, maintenance and support services, extending the agreement for two (2) additional years, through December 31, 2025, and increasing the agreement amount by \$1,099,634.31, for a revised total amount not to exceed \$2,338,954.01; and
b. Accept the non-standard terms and conditions contained in the vendor's original contract pursuant to the recommendation of the Registrar of Voters as before.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute non-standard Amendment No. 1 with Dominion Voting Systems, Inc. to deliver additional leased voting equipment and extend software, maintenance and support services, extending the agreement for two (2) additional years, through December 31, 2025, and increasing the agreement amount by \$1,099,634.31, for a revised total amount not to exceed \$2,338,954.01; and
b. Accept the non-standard terms and conditions contained in the vendor's original contract pursuant to the recommendation of the Registrar of Voters as before.

SUMMARY:

Monterey County has an existing "non-standard" Managed Service Agreement with Dominion Voting Systems, Inc. for hardware, software, maintenance and support services for eight ImageCast central tabulation scanners. The hardware and software together constitute a voting system, which enables the Elections Department to tabulate votes. The original Agreement was approved for six years through December 31, 2023 in the amount of \$1,239,319.70.

The proposed Amendment would add portable ADA compliant touchscreen electronic voting tablets for all precinct polling locations, along with accompanying power supplies and voting booths. It would extend the term to eight years and \$2,338,954.01 total.

The Secretary of State of California set aside \$1,160,500 for Monterey County's voting system replacement, which would require a county match and is retroactive to 2015. The Board approved Agreement Number 18G30127 on February 26, 2019 to receive these AB 1824, Chapter 38 matching grant funds.

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

DISCUSSION:

Elections retired an aged voting system consisting of Sequoia central count optical scanner ballot tabulators in preparation for the volume of consolidated elections and increased voter registration and turnout, in order to maintain a timely election night reporting schedule. The Agreement executed in 2017 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 tallies all of the paper ballots for each election, including Vote by Mail ballots and provisional ballots, creates the results report for publishing, and scans a record of any ballot for human examination to determine the intent of the voter.

The proposed Amendment would expand the number of portable ADA compliant touchscreen electronic voting tablets from four to 174 in order to make one available at each precinct polling location, along with a power supply and voting booth, as mandated by the Help America Vote Act Section 301(a)(3). It would increase the length of the term from six year to eight years and the total amount from \$1,239,319.70 to \$2,338,954.01 through December 31, 2025, adding two years to the Agreement term and \$1,099,634.31 to the total original amount. This will allow for departmental operational consistency through two election cycles and a more competitive future selection of multiple options, if necessary.

The Secretary of State of California withdrew certification of Sequoia Edge Direct Recording Electronic equipment used at polling locations to provide accessible voting machines to voters with specific needs effective August 27, 2019. A small number of voters with disabilities or limited English proficiency use these machines to vote unassisted in private and Help America Vote Act Section 301(a)(3) mandates that one device be available at each location. The department initially leased four certified accessible marking devices as part of the original Agreement during the 2018 election cycle and these were successfully incorporated during early voting at the Elections Department. The Amendment would increase the number of these devices to 174 to replace the decertified equipment for each precinct polling location.

OTHER AGENCY INVOLVEMENT:

The Amendment has been reviewed by the Auditor-Controller regarding fiscal provisions. The Amendment has been reviewed by County Counsel as to form, and 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 is available in Elections FY 2019-20 Budget in the amount of \$295,000. The proposed amendment amount would be \$323,161.17 per year, an increase of \$28,161.17 over the amount included in the current year's budget. There is no reason to anticipate additional cost to the County General Fund with this recommendation for this fiscal year as Elections anticipates covering the difference with a grant offset of \$100,000 and staffing savings from activities made redundant as a result of this new technology.

The Secretary of State of California has set aside \$1,911,396.30 for Monterey County's voting system replacement, which would require a 25% county match and is retroactive to 2015. The Board approved Agreement Number 18G30127 on February 26, 2019 to receive these AB 1824, Chapter 38 matching grant funds.

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:

Approved by:

Izabela Lesik x 1491
Management Analyst

Claudio Valenzuela x 1499
Registrar of Voters

Attachments:

Proposed Dominion Amendment 2019
Agreement Dominion Lease 2017