



Board Report

File #: A 17-276, Version: 1

- a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with DFM Associates to license and support Election Information Management System (EIMS) voter and election software for the period July 1, 2017 to June 30, 2022 for a total amount not to exceed \$578,616; and
- b. Accept the non-standard terms and conditions contained in the vendor's contract pursuant to the recommendation of 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 \$150,000 per additional year.

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 DFM Associates to license and support EIMS voter and election software for the period July 1, 2017 to June 30, 2022 for a total amount not to exceed \$578,616; and
- b. Accept the non-standard terms and conditions contained in the vendor's contract pursuant to the recommendation of 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 \$150,000 per additional year.

SUMMARY/DISCUSSION:

This agreement with DFM Associates is for the license and support of voter registration and other elections services software, entitled Election Information Management System (EIMS). This software will enable the Elections Department to manage the database of registered Monterey County voters, adjust precinct and polling place information, file candidates and export ballot design data.

The total estimated cost for the Agreement period of July 1, 2017 to June 30, 2022 is \$578,616.

The California Secretary of State requires that election software used by local jurisdictions be compatible with the state software and election system, "VoteCal". Currently, only two vendors provide election software compatible with VoteCal and thus, only two vendors are available to Monterey County to provide election management services. The Elections Department had an agreement for this type of software and support for over 25 years with one of these vendors. That vendor's software no longer provides the County with all the functions needed to provide a full range of election services. Fully functional elections software is required for the Elections Department to remain in compliance with all Federal, State, and County laws, rules, and regulations for conducting elections. Based on feedback from other local jurisdictions, the Elections Department believes that the EIMS software provided by DFM Associates will meet its needs.

The proposed software Agreement with DFM Associates for license and maintenance of its EIMS software is “non-standard” for the County. It is the recommendation of the Registrar of Voters to approve the non-standard terms and conditions to continue conducting daily elections business and maintain the required connection to the Statewide VoteCal database.

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

OTHER AGENCY INVOLVEMENT:

The Agreement has been reviewed by the Auditor-Controller and Contracts Purchasing regarding terms and fiscal provisions. Contracts Purchasing approved DFM Associates as a Sole Source vendor. The Agreement has been reviewed by County Counsel as to form and by Risk Management as to indemnity and insurance, but they cannot approve due to non-standard terms and conditions. County Counsel cannot approve the agreement due to the following non-standard provisions: 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; absence of insurance and indemnity provisions protecting the County; non-standard termination provisions; and non-standard venue provisions. Risk does not approve non-standard insurance and indemnity provisions.

FINANCING:

Funding for this agreement was incorporated into Elections FY 2017-18 Budget Unit 8064. The rate under this new agreement for the initial year will remain the same as with the prior vendor. There will be no additional cost to the County General Fund associated with this recommendation. In the second year and holding constant through year five of the agreement, the cost will be \$122,004 annually.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approval of this agreement will enable the Elections Department to provide election services as required by law to the Monterey County electorate.

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:

Approved by:

Izabela Lesik x 1491
Management Analyst

Claudio Valenzuela x 1499
Registrar of Voters

Attachments:
Proposed DFM EIMS Agreement 2017