

**MEMORANDUM
COUNTY OF PLACER
ADMINISTRATIVE SERVICES DEPARTMENT
PROCUREMENT SERVICES DIVISION**

TO: Honorable Board of Supervisors
FROM: Brett Wood, Purchasing Manager
DATE: February 25, 2014
SUBJECT: Voting Equipment Hardware Maintenance and Software Licensing – Dominion Voting Systems, Inc.

ACTION REQUESTED

1. Approve the award of a sole source purchase order with Dominion Voting Systems, Inc. of Denver, CO for voting equipment hardware maintenance and software licensing in the maximum amount of \$60,733, funded by the County Clerk-Recorder-Elections' FY2013-14 budget with no additional net County cost, and authorize the Purchasing Manager to sign the resulting purchase order subsequent to County Counsel and Risk Management review.

BACKGROUND

The Clerk-Recorder-Elections Office currently uses Accuvote OS optical scanners, Accuvote TSX touch-screen voting stations, and AccuFeed units during elections to assist the office with counting ballots. The equipment is utilized in conjunction with software which allows an interface with the County's Elections Information Management System. The hardware and software need to be maintained to avoid an interruption in the election counting process.

The office requires a certified firm to provide software licensing and hardware maintenance for the County's voting equipment. To continue to operate the TSX equipment, the contracted firm must retain a Secure Socket Layer (SSL) certificate. Dominion Voting Systems of Denver, CO developed and was approved by the Secretary of the State to be the sole source of this certificate. Using this firm for software licensing and hardware maintenance will provide the SSL certificate as well as access to enhancements or upgrades to our current voting equipment.

Risk Management recommended the removal of the limitation of liability. The department persuaded the vendor to increase the limitation of liability from \$60,733 (amount of contract) to \$250,000. The alternatives to approving this contract would be to 1) seek out another federally-certified and state-approved voting system at an estimated cost of \$8 million to \$12 million dollars, or 2) sign only a SSL certificate agreement with Dominion Voting Systems as the sole source vendor for this product, which will contain no liability protection for the County.

Purchasing Policy Manual, Section 1.3 (b) allows for an exception to the competitive bidding process for procurement actions authorized and necessarily incurred in the preparation for, and conduct of elections as described in The State of California Election Code Section 13001, and amended per Assembly Bill No. 783, Chapter 714.

Your Board's approval is required to proceed with the award of a purchase order in the maximum amount of \$60,733 and to authorize the Purchasing Manager to sign the resulting purchase order.

FISCAL IMPACT

Upon your Board's approval, a purchase order will be awarded to Dominion Voting Systems, Inc. in the amount of \$60,733 for the purchase of hardware maintenance and software licensing to support the County's Accuvote OS and TSX voting equipment and AccuFeed units. Funding is included in the County Clerk-Recorder-Elections' FY2013-14 department budget.

Cc: Lisa Cramer, Assistant County Clerk
Ryan Ronco, Assistant Recorder-Registrar