



# Board Agenda Item 11

DATE: November 7, 2023  
TO: Board of Supervisors  
SUBMITTED BY: James A Kus, Fresno County Clerk/Registrar of Voters  
SUBJECT: Ballot Printing Agreement

RECOMMENDED ACTION(S):

**Consider and take action on one of the following options:**

**Option 1: Approve and authorize the Chairman to execute an Agreement with Integrated Voting Systems, Inc., dba Integrated Voting Solutions, for ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services, effective November 7, 2023 to June 30, 2024, not to exceed \$1,645,000; or**

**Option 2: Approve and authorize the Chairman to execute an Agreement with Pro Document Solutions, Inc., dba ProVoteSolutions, for ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services, effective November 7, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$8,000,000.**

There is no additional Net County Cost associated with the recommended action, which will enable the County to enter into an agreement with either Integrated Voting Systems, Inc., dba Integrated Voting Solutions (IVS) (Option 1) or ProVoteSolutions (ProVote) (Option 2), to provide ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services to the County Clerk/Registrar of Voters Department (Department). This item is Countywide.

ALTERNATIVE ACTION(S):

California Elections Code requires the Department to provide ballot materials to registered voters. If your Board does not approve one of the proposed options, the County will not have a contractor to print ballots or provide vote by mail processing and vote by mail envelopes for the March 2024 Presidential Primary Election and no contracted vendor to distribute required notices for Voter Registration List Maintenance.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action.

For Option 1, the maximum cost of the recommended agreement with IVS during the period of November 7, 2023 through June 30, 2024 is \$1,645,000.

For Option 2, the maximum cost of the recommended agreement with ProVote during the initial contract period of November 7, 2023 through June 30, 2026 is \$4,800,000. The maximum cost for each of the two potential 12-month renewal periods is \$1,600,000. The total contract maximum for the potential five (5) year

term, for the period of November 7, 2023 through June 30, 2028, is \$8,000,000.

A portion of the costs for either Option 1 or Option 2 will be financed with offsetting revenues through the pro-rata election billing process. Sufficient appropriations and offsetting revenues are included in the County Clerk-Elections Org 28500100 FY 2023-24 Adopted budget and will be included in subsequent budget requests.

DISCUSSION:

The California Elections Code specifies requirements for ballot printing, vote by mail processing and vote by mail envelopes. There are currently 507,342 active registered voters living in Fresno County. Each active registered voter is provided with a vote by mail ballot or the opportunity to receive assistance at one of approximately 53 Vote Centers. In the November 2022 Consolidated Statewide General Election, 87% of all ballots cast in Fresno County were by a vote by mail ballot.

Federal and State law requires regular mailed communications when a citizen registers to vote or an update occurs to a voter's registration status. These Voter Registration List Maintenance mailings occur bi-weekly and monthly under State regulations. Fresno County mailed over 139,000 Voter Registration list Maintenance notices in Fiscal Year 22/23.

On February 21, 2023, the Department issued Request for Proposals ("RFP") No.23-025 for ballot printing and Vote by Mail services to include: Vote by Mail ballot printing, Vote by Mail Envelope acquisition and preparation, Vote by Mail informational insert preparation, Vote by Mail packet preparation and insertion, Vote by Mail packet mailing, supplying blank ballot paper for in-person Ballot on Demand printing, County Voter Information Guide addressing and mailing, Election specific postcard production and mailing, mailing of Federal and State required Voter Registration Maintenance notices, and the development and printing of other election associated materials. RFP notices were mailed to seven vendors. Three (3) proposals were received by the Internal Services Department - Purchasing Division, and each response was reviewed and rated by a Bid Review Committee ("Committee") made up of management staff members of the Fresno County Clerk/Registrar of Voters Department and the Fresno County Internal Services Department. The Committee recommended IVS for funding. The Committee noted several strengths in IVS's proposal which included: experience preparing official ballots for the County of Fresno, printing performed in California, ability to satisfy the County's two-hour turnaround time, and competitive costs, including a 10% prepayment discount. The Committee ranked ProVote as second to IVS, noting strengths that included: printing performed in California, ability to satisfy the County's two-hour turnaround time, competitive costs, experience preparing official ballots for multiple counties in California, and a highly professional response document.

On October 10, 2023, your Board rejected a three-year retroactive Agreement between Fresno County and IVS, which included two optional 12-month renewal periods. A secondary proposal was brought forward by Supervisor Mendes to facilitate a one-year Agreement with IVS, which was also rejected by your Board.

OPTIONS:

Option 1 would authorize IVS to provide ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services for the March 2024 Consolidated Presidential Primary Election. If your Board selects Option 1, the Department will issue a new RFP for ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services for a three-year term, with two optional 12-month renewal periods, to include the November 2024 Consolidated Presidential General Election and future elections.

The proposed Agreement with IVS differs from the County's model service agreement in that it contains limited mutual indemnification language, as well as a liquidated damages clause. IVS requested indemnification limited to legal actions that arise from the performance or failure to perform by the County under the proposed Agreement. The Department has determined that the highly regimented statutory

deadlines and requirements inherent in this proposed Agreement support the inclusion of these clauses. Risk Management has reviewed and is aware of the limited mutual indemnification language. This proposed Agreement contains additional data security and cyber liability insurance requirements requested by Risk Management and the Internal Services Department subsequent to the RFP process. Language has been added to the proposed Agreement allowing for the payment of certain expenses incurred by IVS to purchase cyber liability insurance coverage and to comply with data security requirements in an amount not exceed \$45,000. IVS is still considered the lowest bidder notwithstanding the additional requirements and payment for these expenses.

Option 2 would authorize ProVote to provide ballot printing, vote by mail processing, vote by mail envelopes, and other mailer services for the March 2024 Consolidated Presidential Primary Election, the November 2024 Consolidated Presidential General Election, and future elections within the three-year term. This proposed Agreement includes two optional 12-month renewal periods.

The proposed Agreement with ProVote differs from the County's model service agreement in that it contains a liquidated damages clause. This proposed Agreement contains additional data security and cyber liability insurance requirements requested by Risk Management and the Internal Services Department subsequent to the RFP process.

The Department recommends for your Board to select Option 1. Approval of Option 1 will result in minimum delay and disruption in preparation for the statewide March 2024 Consolidated Presidential Primary Election due to IVS's 20-year history of working on Fresno County elections. IVS has been an exemplary partner to the County, actively stepping forward to offset delays caused by the Department or other vendors, ensuring that ballots and election materials were available to voters on time. The Department believes that approving Option 1 provides the best service opportunity to the voters of Fresno County while also allowing flexibility for additional long-term evaluation of available vendors.

The Department supports Option 2 as ProVote was a close second to IVS in the ranking of RFP respondents. ProVote's service costs were less than 10% higher than IVS. ProVote is based in the Central Valley and has a long history of working with other California counties providing election services. ProVote continues to expand their election services offerings, having recently been contracted by Riverside County to provide election printing services.

The one major concern that the Department has regarding Option 2 is time pressure placed upon the County and ProVote to prepare for the March 2024 Consolidated Presidential Primary Election - integrating procedures and processes at this late date is an outsized opportunity to create a printing or mailing error. If your Board selects Option 2, the Department will work closely with ProVote to mitigate this challenge.

Option 1 or Option 2 will provide necessary services to successfully complete the March 2024 Consolidated Presidential Primary Election. The Department emphasizes the need to approve a vendor so that printing and mailing preparation for this election may begin in earnest. Under either proposed Agreement, the first deadline to order material for the Election will be November 9, 2024. Additionally, to meet ongoing Federal and State legal requirements, the Department must continue to send out Voter Registration List Maintenance postcards.

REFERENCE MATERIAL:

BAI #34, October 10, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Integrated Voting Systems, Inc.  
On file with Clerk - Agreement with Pro Document Solutions, Inc.

CAO ANALYST:

Ahla Yang