



Board Agenda Item 24

DATE: May 25, 2021

TO: Board of Supervisors

SUBMITTED BY: James A. Kus, County Clerk/Registrar of Voters

SUBJECT: County Voter Information Guide Printing Agreement with Toppan Merrill LLC.

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Toppan Merrill LLC. has the capacity to offer the county a significantly reduced rate; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Toppan Merrill LLC. for County Voter Information Guide (CVIG) printing effective July 1, 2021 not to exceed two consecutive years, total not to exceed \$1,500,000.**

There is no additional Net County Cost associated with the recommended actions. Approval of the first recommended action will allow for the suspension of the competitive bidding process. The second recommended action will allow for the County Clerk - Elections Department to contract with Toppan Merrill for the composition, formatting, and printing of County Voter Information Guides and associated services. This item is countywide.

ALTERNATIVE ACTION(S):

If the Board does not approve the recommended actions the Department will be required to initiate a Request for Proposal (RFP) process and would not be able to take advantage of the proposed discounts offered by the vendor. Should a vendor other than Toppan Merrill be selected through such a process, the Department may not have adequate time to transition to a different vendor for any major upcoming elections including a potential gubernatorial recall in late 2021.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process is consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances. Toppan Merrill has agreed to provide the Department with a discount of approximately 7% for composition, formatting, and printing fees compared to 2015 rates provided to the Department. Toppan Merrill is the Department's current vendor for these services and has provided exemplary service since 2015. The best interests of the County would be served by contracting with an established vendor at a discount of approximately 7% off of 2015 rates as opposed to securing competitive bids. The Internal Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process and that this decision is in the best interests of the County.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum cost of the proposed Agreement with Toppan Merrill during the full term is \$1,500,000. A portion of these costs will be funded with offsetting revenues through the pro-rata election billing process to entities participating in elections. Sufficient appropriations and offsetting revenues will be included in the Org 2850 FY 2021-22 Requested Budget and future budget requests.

DISCUSSION:

The California Elections Code requires that voter specific CVIG booklets be sent to each registered voter. There are currently 503,629 active registered voters living in Fresno County. These booklets include descriptions of contests and measures, candidate statements, impartial analysis of measures, ballot arguments, measure text, voting instructions, and lists and maps of vote centers and drop boxes. CVIGs are mailed to all active registered voters for each election 40 to 15 days before Election Day.

Upon approval by your Board, the recommended actions will allow the Department to suspend the competitive bidding process and enter into an agreement with Toppan Merrill Inc. for CVIG printing. In January 2021 the Department, in consultation with the Purchasing Manager, approached the vendor to ascertain their interest in offering the Department a discounted rate in lieu of a formal bid process. The vendor agreed to reduce most service types by an average of 7%. In our discussions with the vendor it was disclosed that in RFP responses elsewhere the company is typically proposing fees 10% higher than those in the current agreement.

Toppan Merrill has been providing services to the County Clerk - Elections Department since 2015 when they were unanimously selected through an RFP process. The vendor's performance has exceeded department expectations throughout this time and the department has enjoyed a positive and collaborative relationship with the vendor in service of county deadlines and specifications. The best interests of the County would be served by contracting with an established vendor at a discount of approximately 7% off of 2015 rates as opposed to securing competitive bids.

The Department has carefully evaluated the potential costs and benefits of an RFP process for this service. 2020 and the current year-to-date have presented monumental challenges for the department including the execution of the November 2020 Presidential General Election in the midst of the COVID-19 Pandemic, unexpected turnover in key leadership positions, and the shifting of staff focus to signature verification for the gubernatorial recall. Upon evaluation of these factors, the Department approached the Purchasing Manager to ascertain the feasibility of suspending competition with the vendor if they should agree to provide reduced rates. With support from the Purchasing Manager, the Department approached the vendor with this proposal and the vendor provided the rates discussed herein. The timing of the expected Recall election is of utmost concern to the department. Transitioning to a new vendor could present significant challenges and potential setbacks to the Department while executing this upcoming election. Due to unique nature of a statewide recall, the turnaround time for CVIG composition and printing will be shorter than the typical timeframe by approximately 25 days.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Form
On file with Clerk - Agreement with Toppan Merrill LLC

CAO ANALYST:

Raul Guerra