



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 16-1005 **Name:** Agreement with ES&S

**In control:** County Clerk/Registrar of Voters

**On agenda:** 8/9/2016 **Final action:** 8/9/2016

**Enactment date:** **Enactment #:** Agreement No. 16-476

**Title:** Approve and authorize the Chairman to execute an Agreement with Election Systems and Software, LLC for signature capture and comparison equipment, maintenance and support, August 10, 2016 through June 30, 2019, which includes a three-year base contract and two one-year optional renewals, total not to exceed \$310,216

### Sponsors:

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### Code sections:

**Attachments:** 1. Agenda Item, 2. Agreement A-16-476 with ES&S

Date	Ver.	Action By	Action	Result
8/9/2016	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** August 9, 2016

**TO:** Board of Supervisors

**SUBMITTED BY:** Brandi L. Orth, County Clerk/Registrar of Voters

**SUBJECT:** Agreement with Election Systems and Software, LLC

### RECOMMENDED ACTION:

**Approve and authorize the Chairman to execute an Agreement with Election Systems and Software, LLC for signature capture and comparison equipment, maintenance and support, August 10, 2016 through June 30, 2019, which includes a three-year base contract and two one-year optional renewals, total not to exceed \$310,216.**

Approval of the recommended action will allow the County Clerk-Elections Department to contract with Election Systems and Software, LLC (ES&S) for the purchase of signature capture and comparison equipment, including maintenance and support, as a result of a competitive bid process. The purchase will be made with federal Help America Vote Act (HAVA) 301 funding. There is no increase in Net County Cost associated with the recommended action.

### ALTERNATIVE ACTION:

There is no viable alternative action. California Elections Code 3019 et seq. requires the Department to compare the signature on the vote by mail return envelope to the signature on the voter's registration record. Up to 200,000 signatures per election are checked through an automated process with signature capture and comparison equipment. The current system was purchased in 2007 and is no longer compatible with newer operating systems. Should your Board not approve the recommended Agreement, the signature comparison function would revert to a manual process.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The purchase of this replacement system will be 100% offset with federal HAVA 301 funding. The maximum cost of the recommended Agreement with ES&S during the initial contract period of August 10, 2016 through June 30, 2019 is \$264,956. The maximum cost for the first optional renewal period is \$22,630 and the maximum cost for the second optional renewal period is \$22,630. The total contract maximum for the period of August 10, 2016 through June 30, 2021 is \$310,216. Sufficient appropriations for this fixed asset purchase (Account/Program: 8300/91262) are included in the Adopted FY 2016-17 County Clerk-Elections Organization 28500500 budget. Appropriations for future year costs will be included in subsequent budget requests.

#### DISCUSSION:

California Elections Code 3019 et seq. requires vote by mail signatures to be verified against the voter registration record. The County currently uses the ES&S AccuVote Envelope Scanner Equipment (AVES) system and VoteRemote™ software to capture and recognize signatures from vote by mail ballot envelopes. The equipment was purchased as part of the implementation of HAVA in 2007. The County's Agreement with ES&S for the scanning equipment expired on December 31, 2014.

In 2015, ES&S informed the Department that they developed new signature capture and comparison equipment and would no longer contract to support the AVES system and VoteRemote™ software due to obsolescence. During the April 5, 2016 and June 7, 2016 elections, the Department purchased temporary AVES and Vote Remote™ licensing and software support services from ES&S through a purchase order approved by the Department of Internal Services, Purchasing Division.

On October 20, 2015, the County Clerk - Elections Department issued RFP No. 578-5389 for signature capture and comparison services. RFP notices were mailed to 32 vendors. Three proposals were received by the Department of Internal Services, Purchasing Division, and each response was reviewed by a Bid Review Committee made up of two representatives from the Fresno County Clerk - Elections Department and one Elections representative from outside the County of Fresno. Each committee member reviewed and rated each of the proposals. The review committee recommended ES&S for funding. The panel noted several strengths in the proposal submitted by ES&S which included: good security and equipment, satisfactory time frame for implementation, availability of options, and a lower cost. ES&S provides signature capture and comparison equipment to several counties including Alameda County, Nevada County and Los Angeles County.

Upon approval of the recommended action, the Agreement will allow the Department to purchase two Mail Ballot Verifiers, models MBV1000 and MBV2000 with federal HAVA 301 funds. The MBV1000 model is designed as a next-generation replacement for the existing AVES system and can process 4,000 envelopes an hour. The MBV2000 model has sorting capabilities and can process 6,000 envelopes an hour. Several additional features are included in both models, which improve processing efficiency, transparency and accuracy. Due to these improvements and the modernization of the equipment, the Department anticipates a savings in staff time dedicated to the signature capture and comparison process.

Support and maintenance for the signature capture and comparison equipment will be included throughout the initial contract period and optional renewal periods. The implementation schedule allows for the new equipment to be used in the November 2016 Statewide Presidential General Election. The Department negotiated a \$5,000 discount for the purchase of the equipment. This Agreement includes the County's boilerplate indemnification language favoring the County as well as differing indemnification language favoring ES&S. This may have an effect on the reciprocal nature of mutual indemnification. This Agreement also contains a limitation of liability clause which restricts the liability of ES&S to no more than the aggregate amount paid to ES&S.

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with ES&S

CAO ANALYST:

Ronald Alexander