



## **COUNTY OF SANTA CLARA, CALIFORNIA**

**REQUEST FOR PROPOSAL # 2565  
FOR  
REGISTRAR OF VOTERS  
DIRECT RECORDING ELECTRONIC VOTING SYSTEM**

**JULY 19, 2002**

**RFP DUE:  
FRIDAY, AUGUST 9, 2002 AT 4:00 P.M.**

**IN THE GSA PROCUREMENT DEPARTMENT  
333 WEST JULIAN STREET, 4<sup>TH</sup> FLOOR  
SAN JOSE, CA 95110**

**CONTACT: JENTI VANDERTUIG  
(408) 491-7404  
[JENTI.VANDERTUIG@PUR.CO.SCL.CA.US](mailto:JENTI.VANDERTUIG@PUR.CO.SCL.CA.US)**

**MANDATORY PRE-PROPOSAL CONFERENCE  
Date and Time: July 26, 2002 from 10:00 A.M. to 12:00 Noon  
Location: 1555 Berger Drive, Bldg. 2, San Jose, CA 95112**

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### Attachments:

- 1) Santa Clara County Purchasing Standard Instructions and Conditions
- 2) Attachment 1 – RFP System Requirements Spreadsheet
- 3) Attachment 2 – Proposal Price Summary
- 4) Exhibit A - Insurance Requirements
- 5) Exhibit D – Designation of Sub-Contractors
- 6) Exhibit E – Liquidated Damages
- 7) Exhibit R - Customer References
- 8) Exhibit T - Non-Collusion Declaration

### Key Definitions:

**“Ancillary Services”**: All necessary delivery, deployment, installation, testing (pre-election acceptance testing and post-election testing), training (including on-site staff training, election officer training, power point, video and website election officer training materials, manuals and handouts; warehouse, distribution center, electronic election network hub training), Voter Awareness Program creation, implementation and execution, logistical and technical support (off-site available 24-7) hardware and software maintenance, checklists and instructions for Registrar of Voter staff and Polling Place Workers participating in the Pilot Project, integration and interface solutions, hardware and software maintenance, and storage recommendations.

**BCWin**: Ballot Tabulation System

**SECTION I. INVITATION**

The County of Santa Clara is seeking proposals from qualified firms to provide a new Direct Recording Electronic (DRE) Voting System.

**SECTION II. INSTRUCTIONS TO PROPOSERS**

1. **Preparation of RFP** Proposer shall submit the completed Request for Proposal with appropriate attachments or explanatory materials. All attachments shall be identified with the proposer's name, proposal number and page number. No oral, telegraph, telephone, facsimile or electronic responses will be accepted. All costs for the preparation of the RFP shall be borne by the proposer. Proposals must be completed in ink or typewritten.

**Direct all questions regarding this RFP to the GSA Procurement, Procurement Manager, Jenti Vandertuig @ 408-491-7404.**

2. **Proposal Documents** - The following, in addition to this RFP constitute the bid documents and are the instructions and conditions:

- Santa Clara County Purchasing Department Standard Instructions and Conditions
- Attachment 1 – RFP System Requirements Spreadsheet
- Attachment 2 – Proposal Price Summary
- Exhibit A – Indemnity and Insurance Requirements
- Exhibit D – Designation of Sub-Contractors
- Exhibit E – Liquidated Damages
- Exhibit R – Customer References
- Exhibit T – Non-Collusion Declaration

3. **Proposal Process Schedule** - The following is an anticipated proposal and engagement schedule. The County may change the estimated dates and process as deemed necessary.

July 19, 2002 by 5:00 P.M.	Issue Request for Proposal
July 25, 2002 by 10:00 A.M.	Last date to submit questions prior to Pre-Proposal Conference
July 26, 2002 at 10:00 A.M.	Mandatory Pre-Proposal Conference
August 1, 2002 by 5:00 P.M.	Last date to submit questions prior to proposal response
August 3, 2002 by 5:00 P.M.	County to respond to questions from proposers
August 9, 2002 by 4:00 P.M.	RFP response due
August 15 – 17, 2002	Demonstration to Community Groups. Community Groups' comments forwarded to the Technical Team
Week of August 19, 2002	Evaluation by the Technical Team
Week of August 26, 2002	Evaluation by Selection Committee. Selection Committee will select successful Proposer(s) and forward to GSA Director of Procurement to begin contract negotiations.
September 6, 2002	Contract Awarded

October 4, 2002

Equipment and software, fully tested, ready to deploy for Pilot Project, delivered to Registrar of Voters.

4. **Mandatory Pre-Proposal Conference** - The purpose of this conference is to review the RFP, provide clarification and respond to questions. Any questions that you have on the proposal shall be submitted via e-mail to [Jenti.Vandertuig@pur.co.scl.ca.us](mailto:Jenti.Vandertuig@pur.co.scl.ca.us) to the County of Santa Clara, GSA Procurement Department by July 25, 2002 by 10:00 A.M. Any questions that you may have after the pre-proposal conference must be submitted by August 1, 2002 by 5:00 P.M. and the County shall respond via e-mail by August 3, 2002 by 5:00 P.M. If there are any material changes, an amendment will be issued.

**Date:** July 26, 2002  
**Time:** 10:00 A.M. to 12:00 Noon  
**Location:** Office of the Registrar of Voters  
1555 Berger Drive, Building 2  
San Jose, CA 95112

Proposers are required to submit a copy of a sample contract to the County (Point of Contact – Jenti Vandertuig) during the Pre-Proposal Conference.

5. **Mandatory Community Group Demonstration** - Part of the process of selecting a Proposer(s) will involve input from concerned community groups and the general public. It is mandatory that any Proposer having submitted a response to the RFP attends and participates in these demonstrations. **These demonstrations will be held at the Office of the Registrar of Voters located at 1555 Berger Drive, Building 2, San Jose, CA 95112 on the following dates:**

<b>August 15, 2002</b>	<b>6:30 PM to 9:30 PM</b>
<b>August 16, 2002</b>	<b>9:00 AM to Noon</b>
<b>August 17, 2002</b>	<b>9:00 AM to 4:00 PM</b>

6. **Submission of Response to RFP** - Proposer shall submit the following:  
Original and ten (10) hard copies of the completed proposal including this completed document.  
Attachment 1 – RFP System Requirements Spreadsheet  
Attachment 2 – Proposal Price Summary  
Exhibit D – Designation of Sub-Contractors  
Exhibit E – Liquidated Damages  
Exhibit R – Customer References  
Exhibit T – Non-Collusion Declaration

Successful Proposer(s) shall provide the following within ten (10) days of contract award:

Insurance Certificate: See Exhibit A.

Responses to the Request for Proposal shall be delivered in a sealed envelope clearly marked with the applicable RFP #, assigned by the County, addressed to:

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County of Santa Clara  
GSA Procurement Department  
333 West Julian St., 4<sup>th</sup> Floor  
San Jose, CA 95110

7. **Public Opening RFP** – There will be no public opening for this RFP. After award all proposals will be available for public review.
8. **Multiple Proposals** – Only one proposal will be accepted from any one person, partnership, corporation or other entity; however, several alternatives may be included in one proposal.
9. **Late Responses** - All responses to the RFP must be delivered in person or received by mail no later than **August 9, 2002 at 4:00 PM**. Proposer shall be responsible for the timely delivery of information. Responses received after the deadline shall not be accepted.
10. **Point of Contact** - All questions regarding this Request for Proposal shall be directed to the Procurement Manager, Jenti Vandertuig. She may be reached by e-mail at [jenti.vandertuig@pur.co.scl.ca.us](mailto:jenti.vandertuig@pur.co.scl.ca.us). No other individual has the authority to respond to any questions submitted. Failure to adhere to this process shall disqualify the Proposer.
11. **Certification** - At the time of submission of proposals to the County, Proposer(s) must be certified by the California Secretary of State and have multiple language capabilities, including character based languages. The County shall confirm with the California Secretary of State that the respondents are certified.
12. **Non-Collusion Certification** - Proposer shall execute a Non-Collusion Declaration on the form furnished by the County. Exhibit T will be attached to this Request for Proposal.
13. **Liquidated Damages** - Proposer shall execute the Liquidated Damages provision on the form furnished by the County. Exhibit E will be attached to this Request for Proposal.
14. **Designation of Sub-Contractors** – Proposer shall execute the Designation of Sub-Contractors on the form furnished by the County. Exhibit D will be attached to this Request for Proposal.
15. **RFP Evaluation Criteria** - If an award is made, it will be made to the responsive and responsible Proposer(s) that offers the County the greatest value based on an analysis involving a number of criteria. Proposals will be evaluated by the Technical Team, which will make a recommendation to the Selection Committee. The Selection Committee will evaluate and select the successful Proposer(s) and request the Santa Clara County, GSA Director of Procurement to commence contract negotiations. Following the conclusion of contract negotiations, the final award will be executed by the County Executive or his designee subject to approval as to form and legality by County Counsel.

The Selection Committee shall be composed of the Registrar of Voters and the County Executive's Office. A Proposer may be required to install and demonstrate software and/or hardware as required by the Selection Committee. The Selection Committee may, at its discretion, enlist subject matter experts as observers to any presentation, interview or demonstration.

The Selection Committee shall select Proposer(s) that best meet the County needs set forth in this RFP based on such factors as completeness of response, technical criteria, cost/pricing, qualifications and implementation plan. The evaluation of the proposals shall be within the sole judgment and discretion of the Selection Committee.

16. **Local Preference** - In the procurement of Independent Contractors to perform services for the County, regardless of the dollar value of the proposed contract, when two or more competing vendors are equally qualified, local firms shall be given preference.

In the procurement of Commodities and Equipment for the County, regardless of the dollar value of the proposed contract, when two or more competing vendors offer commodities and equipment of equal value for an equal price, local firms shall be given preference.

17. **Reservations** - The County reserves the right to do the following at any time and for its own convenience, at its sole discretion:

To reject any and all proposals, without indicating any reasons for such rejection.  
Waive or correct any minor or inadvertent defect, irregularity or technical error in any Proposal or procedure, as part of the RFP or any subsequent negotiation process.

Select one or more Proposers to complete the Pilot Project. Following completion of the Pilot Project, the County may determine to negotiate with the successful Proposer, or if there is more than one successful Proposer, the County will rank the Proposers according to successful performance of the Pilot Project and may negotiate with the first ranked Proposer, for a contract for Full System Implementation for the November, 2003 election. If the first ranked Proposer and the County cannot reach agreement within a reasonable time, then the County may elect to terminate those negotiations and negotiate with the second ranked Proposer, if any, for a contract for Full System Implementation. Alternatively, the County may terminate all negotiations at any time. The County may determine whether to commence a process for Request for Proposals for the selection of a vendor for the Full System Implementation for the November, 2003 election.

Request that certain or all Proposers supplement or modify all or certain aspects of their respective proposals or other documents or materials submitted in connection therewith.

Terminate this RFP and issue a new request for proposals any time thereafter;

Procure any materials or services specified in this RFP by another means.

Modify all or any portion of the selection procedure, the specifications or requirements for any such materials or services or the contents or format of the proposals.

Extend any or all deadlines specified in this RFP, including deadlines for

accepting Proposals.

Negotiate with any or none of the Proposers.

Modify the terms of the Final Agreement as such terms may be described in this RFP.

If negotiations at any time with any Proposer(s) fail to proceed to the reasonable satisfaction of the County, terminate such negotiations without liability and to negotiate with other Proposer(s) and enter into a contract.

Disqualify any Proposer on the basis of any real or apparent conflict of interest or evidence of collusion that is disclosed by the proposal or other data available to the County. Such disqualification is at the sole discretion of the County.

Reject the proposal of any Proposer that is in breach of or in default under any other agreement with the County.

Reject any Proposer deemed by the County to be non-responsive, unreliable, unqualified or non-responsible.

To postpone the date and time announced for receipt of Request for Proposal by issuance of an Addendum at any time prior to the deadline for receipt of responses to the RFP.

18. **Notification of Withdrawals of Proposals** - Proposals may be modified or withdrawn prior to the date and time specified for proposal submission by an authorized representative of the bidder or by formal written notice. All proposals not withdrawn prior to response due date will become the property of the County of Santa Clara.

### SECTION III. CONTRACTUAL OBLIGATIONS

1. **Compliance with Laws** - Proposer(s) shall, during the term of this contract, comply with all applicable federal, state, and local rules, regulations, and laws.
2. **Access and Retention of Records** - Proposer(s) shall maintain financial records adequate to show that County funds paid under the contract were used for purposes consistent with the terms of the contract. These records shall be maintained during the term of this contract and for a period of three (3) years from termination of this contract or until all claims, if any, have been resolved, whichever period is longer, or longer if otherwise required under other provisions of the contract.
3. **Accountability** - Proposer(s) will be required to submit weekly status reports covering such items as work in process, milestones attained, missed milestones, milestones to be completed, resources expended, problems encountered and corrective action taken.

Proposer(s) will be expected to provide and update weekly the written plan for the Pilot Project. At a minimum, this plan will include tasks, task status, task start and completion dates, and assigned resources.

The vendor response must include an initial Pilot Project plan showing task durations. In addition to tasks, the following milestone dates are to be shown: completion of pilot, completion of training, completion of final roll-out for the Pilot Project and Full System Implementation for the November 2003 Election.

4. **Project Management** - The Proposer(s) will be responsible for supplying expertise and leadership for the professional project planning of all tasks required for the success of this procurement through a single Project Manager. The completion of these tasks shall be cooperatively managed by the Proposer(s) Project Manager(s) and the designated County Project Manager.

This procurement involves new technology for the County and the County is relying on the Proposer, through the Proposer's Project Manager, who is responsible for the necessary planning, communication and leadership to insure success and timely identification of problems.

The County's Project Manager and the Proposer's Project Manager(s) will meet regularly and frequently, including other team members as appropriate. The meeting will include discussion and management of project progress, problems and plans. Notes of items discussed and outstanding issues will be documented and distributed after each meeting by the County Project Manager.

5. **Continuity Of Key Project Personnel** - The Proposer(s) will be required to identify and contractually assign specific personnel to the successful completion of implementation of the Pilot Project. Any changes in project personnel from those proposed will require prior written approval of the County of Santa Clara. The County of Santa Clara reserves the right to request a change in the Contractor's representation if, at the County of Santa Clara sole discretion, assigned personnel are not adequately satisfying the County of Santa Clara requirements.
6. **Prime Contractor Responsibilities** - The Proposer(s) will be required to assume responsibility for delivery, installation, warranties, and maintenance of all software, hardware and support services offered in the proposal, whether or not the Proposer(s) is (are) the manufacturer or producer. Further, the County will consider the Proposer(s) to be the sole point of contact with regard to all contractual matters, including payment of any and all charges.
7. **Inclusion of Documents** – This RFP, the proposal submitted in response to this RFP and any written correspondence submitted prior to negotiation of the final contract will be required to be incorporated as part of any final contract.
8. **Payment Terms** - Payment terms (Prompt Payment Discounts), if offered, must be prominently noted on all invoices. The County of Santa Clara intends to implement the selected system(s) payments based on completion and acceptance of deliverables, reimbursement arrangements with the Secretary of State and County of Santa Clara budgetary requirements.
9. **Freight Terms** - All shipments shall be freight prepaid and allowed.
10. **FOB** – All shipments are FOB Destination
11. **Deliveries and Installation Location**



Deliver and set in place at:  
Santa Clara County  
Registrar of Voters Warehouse  
1553 Berger Dr., Bldg 1  
San Jose, CA 95112

12. **Full System Implementation** – All Full System Implementation aspects of a submitted Proposal shall be firm for a minimum of 180 days after the selection of Proposer(s).
13. **No Waiver** - No waiver by the County of any provision of this RFP shall be implied from any failure by the County to recognize or to take action on account of any failure by a Contractor to observe any provision of this RFP.
14. **No Financial Responsibility or Obligation to Contract** - This RFP is merely an invitation to submit proposals and participate in the November 5, 2002 Pilot Project, and the possibility of Full System Implementation. Nothing contained in this RFP, nor completion of any phase of the selection process described herein, shall commit the County in any way to enter into a contract (including a final agreement) or to proceed with the final selection process. The selection of any proposal at any phase of the selection process shall not imply acceptance by the County of all terms of the proposal, which may be subject to further negotiation and approvals before the County may be legally bound thereby. Without limiting the scope of the foregoing, the County shall have no obligation in connection with this RFP to pay any costs or expenses incurred by any Proposer in connection with (a) the preparation or presentation of its proposal; (b) any amendments, modifications or supplements to this RFP; (c) negotiations with the County or any other party arising out of or relating to this RFP or the subject matter of this RFP.
15. **Proposals are Confidential Until Contract Award** - Generally, each proposal and all documentation, including financial information, submitted by any Proposer to the County is confidential until a contract is awarded, when such documents become public records under state and local law. The County discourages claims of confidentiality (except as provided herein during the selection process) or of trade secrets; however if a Proposer feels compelled to make this claim after the Agreement is executed, if any, then: 1) the Proposer must clearly label each document deemed a trade secret or confidential for some other reason, 2) shall assist the County in defending any request for disclosure with which the Proposer has determined not to release; and 3) shall indemnify and hold harmless the County from any loss, claim or suit, including attorneys' fees, brought by any person challenging the claim for release of the documents. However, the County will not under any circumstances be responsible for any damages or losses incurred by a Proposer or any other person or entity because of the release of such information.

The County will not return the original or any copies of the proposals or other information or documents submitted to the County.

16. **Grounds for Rejection or Disqualification** - Any false, incomplete or otherwise unresponsive statements in or in connection with a proposal or any documentation or other information supplied to the County by a Proposer shall be cause for rejection by

the County of the proposal or disqualification of the Contractor, at the County's sole discretion. Any judgment as to the significance of any falsity, incompleteness or unresponsiveness shall be the prerogative of the County, and its judgment shall be final.

17. **Arbitration of Disputes** - Any Contract Issue that cannot be settled by mediation may, upon the demand by either party, be submitted to non-binding arbitration by JAMS/Endispute, or if JAMS/Endispute is not then in operation or is not then available, by the American Arbitration Association (the "Arbitration Group"), in accordance with its then applicable rules, as amended by the following:

Any demand for arbitration shall be given in writing to the other party to this Agreement and to the Arbitration Group. The demand shall specifically describe the Contract Issue, including the amounts in controversy and/or other relief sought. A demand for arbitration shall be made within a reasonable time after the right to demand arbitration under this Agreement has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such Contract Issue would be barred by the applicable statute of limitations. A party who files a Notice of Demand for Arbitration must assert in the demand all Contract Issues then known to that party.

The Contract Issue shall be heard by one (1) arbitrator mutually selected by the parties, or if the parties cannot agree on a single mutual arbitrator within ten (10) days following the demand for arbitration, the Contract Issue shall be heard by an arbitrator selected in accordance with the procedure described in this Section provided, however, that the arbitrator shall be a former trial judge of the federal or state courts in California.

The arbitrator shall take such reasonable steps as may be necessary to hold a private hearing within sixty (60) days after the initial demand for arbitration and to conclude the hearing within two (2) days thereafter. Not later than seven (7) days prior to the hearing date set by the arbitrator, each party shall submit a brief with a single proposal for settlement. Evidence concerning the financial position of the parties, any offer made or the details of any negotiation prior to arbitration and the cost to the parties of their representatives, selected arbitrators and counsel shall not be disclosed. The place of the arbitration hearing shall be San Jose, California.

The arbitrator's non-binding decision may award only such relief or remedy as would be available pursuant to judicial proceedings in a court of competent jurisdiction, including injunctive and affirmative relief; provided, however, that the arbitrator may not award punitive damages.

18. **Disclaimer of Claims** - By the submission of any proposal or any other act or omission in response to this RFP and by submitting a proposal, each Contractor disclaims any and all of the following: (1) any aspect of this RFP, the selection processes, the pilot programs or any part thereof; (2) any informalities or defects in the selection process; (3) the exercise by the County of any of the rights reserved in this RFP; (4) the acceptance or rejection of any proposal; (5) any statement, representation, act or omission of the County or any of its officials, employees, agents or representatives; (6) the exercise of any discretion set forth in this RFP or concerning any of the matters described in this RFP; or (7) any other matters arising in whole or in part out of any of

the foregoing.

19. **Representations to the Media** - Proposer shall make no representation to or in the media that participation in the Santa Clara County Registrar of Voters Pilot Project implies or represents any indication of support or endorsement of any company.

#### **SECTION IV. SCOPE OF THE PROJECT**

The Santa Clara County Registrar of Voters (ROV) is requesting proposals from qualified Proposer(s) for a new Direct Recording Electronic (DRE) Voting System for the casting and counting of votes, and the tabulation and reporting of election results for the November 5, 2002 Election. The successful Proposer(s) will not only supply all hardware and software constituting the new system, but will also provide all necessary installation, programming, testing, training, maintenance, support (on-site, and off-site at 24/7 level), delivery, deployment, storage modification recommendations and software integration solutions ("Ancillary Services") during the term of the Pilot Project through the Official Canvass, October 4, 2002 through December 3, 2002.

Santa Clara County currently has nearly 740,000 registered voters and recent elections have included up to 1,250 polling locations. Each polling site has approximately six voting booths. The average polling location approximates 775 registered voters. Ballot types can range from a few in Special Elections, to approximately 20 in UDEL elections, to over 4,000 as in the March 2002 Primary Election. The county currently provides sample ballots in multiple languages: English, Spanish, Vietnamese and Chinese.

Since 1993, Santa Clara County has utilized the Poll Star voting system. Inspectors return ballots from polling places to one of 18 return centers in the county. Return centers then forward ballots to the ROV office where they are run through an automated card reader.

A recent California court decision, involving nine California counties, including Santa Clara, decided that these counties will have their punch card voting systems decertified and a new system in place by March 2004. In order to meet that deadline, the ROV would like to have full conversion in time for the November, 2003 UDEL election, and a pilot project for the November, 2002 General Election.

#### **November 5, 2002 Election - Pilot Project Requirements**

As a way to introduce the voters in the county to the new Direct Recording Electronic (DRE) Voting System, the county would like to provide a Pilot Project for the November 5, 2002 General Election ("Election Day"). This Pilot Project will consist of two components - an early voting component at the Registrar of Voters Office and the Election Day component that will provide DRE voting in approximately 25 polling places throughout Santa Clara County ("Pilot Polling Places"). The Registrar of Voters anticipates that the successful Proposer(s) will be responsible for from five to twenty-five voting precincts. More than one Proposer may be selected so the twenty-five precincts may be divided among the successful Proposers.

This pilot project will enable the County to introduce the new system to the electorate and to provide an opportunity for familiarizing voters with the system(s), to elicit feedback from the public in its ease of use, and to instill public confidence in the administration and accuracy of the system(s) before Full System Implementation in November 2003. The early voting component shall be fully operational and open to voters from specified precincts beginning October 21, 2002 through the November 5, 2002 election at the Registrar of Voters Office.

At a minimum, the Early Voting component shall include:

- At least two voting units and a maximum of eight, one of which is ADA compliant;
- Any ancillary devices required for data entry, printing reports, smart cards, etc;
- All consumables required to support the new system during the early voting period through Election Day;
- Spare and repair parts as required to support the new system during this period through completion of the Election Day tabulation of votes and through completion of the Official Canvass.
- All Ancillary Services to be provided by the Proposer(s) as defined in the Table of Contents.

At a minimum, the Election Day component shall include:

- At least five voting units at each Pilot Polling Place, one of which is ADA compliant;
- Any ancillary devices required for data entry, printing reports, smart cards, etc.;
- All consumables required to support the new system during Election Day;
- Spare and repair parts as required to support the new system;
- All Ancillary Services to be provided by the Proposer(s) as defined in the Table of Contents;
- The ability to combine data from absentee, the DRE and Poll Star voting systems and to present aggregate results through the Ballot Tabulation System, BCWin.

## **SECTION V. SYSTEM REQUIREMENTS APPLICABLE TO BOTH PILOT PROJECT AND FULL SYSTEM IMPLEMENTATION (EXCEPT AS NOTED)**

**All Proposers must complete Attachment 1, RFP System Requirements Spreadsheet to respond to these system requirements.**

The Pilot Project is a pre-cursor to the Full System Implementation (FSI), and will not require an absentee ballot component. However, the Full System Implementation for November, 2003, when installed, must be capable of serving up to 800,000 registered voters in 1250 voting precincts, **and** have an absentee component. Both the Pilot Project and FSI must include:

1. A demonstrated track record in conducting election with complex ballots (four languages, 80 districts and at least 500,000 registered voters) and be certified to perform all required certification standards set by the California Secretary of State.

2. Multiple language capability, including character based languages such as Chinese, and the ability to import data from the translation vendors is highly desirable.
3. Audio requirements in English, Spanish, Vietnamese and Chinese and meet the ADA and California Secretary of State's current standards on handicapped accessibility by allowing disabled voters full access to the voting device and the ballot and to vote unassisted, including portability to accommodate curbside voting.
4. Provide ballot layout in an "enter-once" system and the ability to export ballot layout to vendors for sample, absentee and mail ballots.
5. Logic and accuracy testing for the system and individual units; system must be able to accommodate ballot rotation and Instant Runoff Voting.
6. Export and import data from the Santa Clara County Registrar of Voters current DFM Election Management System, including the Absentee Ballot Program, in rich text format, or to provide another equivalent system.
7. Full technical support during Early Voting and on Election Day including on-site technical support; off-site support staff available 24/7 with toll free access during all aspects of the Pilot Project and Full System Implementation, through completion of the Official Canvass.
8. Back-up systems, uninterrupted power supply (UPS) capabilities.
9. Recommended pre-election and post-election equipment testing procedures, maintenance and testing requirements.
10. Training of Registrar of Voter Staff, Poll Workers and voters at dates, times and places determined by the ROV.
11. Creating, implementing and executing a Public Awareness Program.
12. Ability to cast a provisional ballot; the ability to provide a paper audit record, a reproduction of ballots cast and comply with current laws regarding the 1% manual recount and any voter requested recount.
13. Although not a requirement for the Pilot Project, Full System Implementation will require an absentee component.
14. A complete itemization and recommendations of Warehouse modification needs, including but not limited to racking, removal of old and installation of new, seismic and fire code compliance assistance, re-wiring and electrical requirements for recharging, unit and polling booth storage requirements, transportation cart capabilities, security and storage requirements and time-lines for completion of work.
15. Security issues addressed as defined in the FEC Voting System Standards and in alignment with the security policies defined by Santa Clara County.

16. Any ancillary devices required at each of the precincts for data entry, printing reports, (e.g. batteries, smart cards, etc).
17. A list of consumables and their availability required to support configuration of the new system during the term of the final agreement.
18. Spare and repair parts as required to support the new system during the term of the final agreement.
19. Ancillary Services to be provided by the Proposer(s) as defined in the Table of Contents.
20. For the Pilot Project Early Voting Component, Proposer(s) must have a minimum of two voting machines and any other related equipment, including any ancillary devices or services, consumables and any spare parts required to support the voting machines, with selected precinct ballot types loaded and deployment ready to conduct an election, including all languages (English, Spanish, Chinese and Vietnamese) at the Registrar of Voters by October 4, 2002. At least one voting machine must be ADA compliant for the Early Voting component of the Pilot Project, with translations in all languages included in the audio portion. Proposer(s) must have the ability to combine data from absentee, the DRE and Poll Star voting systems and to present aggregate results through BCWin.
21. For the Pilot Project Election Day Component, Proposer(s) must have five voting machines per precinct, up to a maximum of 25 precincts (depending on the number of successful Proposers) and any other related equipment, including any ancillary devices or services, consumables and any spare parts required to support the voting machines, with selected precinct ballot types loaded, deployment ready to conduct an election, including all languages (English, Spanish, Chinese and Vietnamese) at the Registrar of Voter's by Friday, October 4, 2002. At least one voting machine per precinct must be ADA compliant for the Election Day Pilot Precincts component of the Pilot Project, with translations in all languages included in the audio portion. Proposer(s) must have the ability to combine data from absentee, the DRE and Poll Star voting systems and to present aggregate results through BCWin.
22. Proposer's election results are required to be integrated with the Registrar of Voter's ballot counting results data (BCWin) for Election Night reporting.
23. Proposer(s) must demonstrate that they meet the requirements of the California Secretary of State for reporting election results on Election Night; must be able to produce a Statement of Vote compliant with the California Secretary of State's format and must be able to publish (FTP) to California Secretary of State's format.
24. Proposer(s) will be provided with ballot data in the Registrar of Voters current format to setup the November 5, 2002 Election. Proposer(s) are to use their own resources to setup their voting system and are responsible for all hardware and software programming. All ballot layout and other procedures carried out by Proposer(s) must be documented and conducted with Registrar of Voter's personnel present.

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25. An Emergency Plan to stay functional and a Disaster Recovery Plan and checklists for Pilot Project Polling Sites, and Registrar of Voters staff.
  26. Life cycle maintenance costs for upgrades, hardware, system support services, patches and modifications developed by the Proposer(s) to maintain and/or improve the new system for a five year period.
  27. Hardware and software upgrades and support services shall be included in the first year without cost to the County; subsequent costs shall be fully itemized for a period of five years.
  28. Certification Requirement

As California law mandates, elections officials must procure voting equipment, which has been certified by the California Secretary of State. Vendor(s) shall be certified DRE voting system approved for use by the California Secretary of State. Vendors shall be familiar with the State certification process, including Independent Testing Authority requirements, and shall insure that certification and approval of DRE Voting System is complete by the date of submission of the RFP.

In addition, the Santa Clara County Registrar of Voters supports the Voting System Standards of the Federal Election Commission (FEC) and subsequent testing program of the National Association of State Election Directors (NASSED). Each Proposer is responsible for being informed of these standards and in compliance with them in an appropriate and timely fashion.

Proposer must maintain certificates and licenses during the life of the equipment and software to be leased or purchased, and must stay current with new laws that affect voting systems and/or the tabulation of ballots to ensure that the Proposer's voting system complies with all future federal and state laws, regulations and/or requirements.

29. Results Reporting Requirements

In addition to the casting of votes and tabulation of in-precinct results on Election Night, the proposed new system shall have the capacity to create an electronic file, or similar document, containing a precinct's results and allowing them to be transported from a return center or electronic election network hub, from which they may be transmitted by modem or other electronic conveyance, to a central tabulating location at the Registrar of Voters Office.

The reporting system must have both software and hardware components. The hardware must consist of devices, in the nature of a data pack or memory card, which permits the secure, physical transporting of a precinct's results to an electronic election network hub and devices for transmitting results of the individual precincts from the election network hub to the central tabulating location at the Registrar of Voters Office by modem or similar device.

The software components must accurately perform the reporting and transmitting functions so that the resulting data can be received by the Registrar of Voters in a form

usable for tabulating results on its BC WIN ballot tabulation system which currently runs on a Microsoft NT Platform. DFM does not plan to migrate the BCWIN software to another platform until Microsoft obsoletes or sunsets the 2000 operating system. These results are, in turn conveyed electronically to the California Secretary of State's Office over its statewide Cal Voter System for election night reporting.

The Vendor will also be required to design, develop, test and deliver any specialized or custom reports that the ROV or election authority may request over the life of the contract. It is anticipated that a majority of these requests will be based on summary information by precinct or other voting entities and must be presented in electronic and hard copy format. The intent for using this information is to upload election results to the Registrar of Voter's web page, Internet or other forms of public dissemination. The Proposer(s) shall possess all permits, licenses and professional credentials necessary to supply products and perform services as specified under this contract, including, but not limited to, certification from the Secretary of State for election night reporting and Statement of the Vote reporting.

30. Absentee Voting Requirements for Full System Implementation

Santa Clara County conducts two types of absentee voting: (1) mail-in absentee voting; and (2) in-office absentee voting. Approximately 90% of the absentee voting is mail-in. The absentee component must be certified by the California Secretary of State, compatible with the DRE Voting System and not be a punch card absentee system. Any proposal must provide two options:

- 1) interface and integrate with the County's existing DFM Elections Information Management System, which currently processes both types of absentee voting, or provide an equivalent system with the ability to report on November, 2003 Election Night to the Secretary of State; **and**
- 2) the Proposer's absentee component must accommodate mail-in and in-office approaches.

31. Voter and Registrar of Voter Education Requirements

Any proposal must include a public information plan to educate the County's 740,000 voters on the process of voting on the system. The proposal shall also include a detailed plan to instruct the Registrar of Voter's personnel in the operation, maintenance and repair of all aspects of the proposed system. Additionally, Proposer(s) must be prepared to instruct the Registrar of Voter's outside contractors as to the transportation of the in-precinct components of the system to the polling places that the County may see fit to entrust to them.

On August 15, 16 and 17, 2002, all vendors are required to provide a voting demonstration to concerned community groups and the members of the public. These groups will present their recommendations after the demonstrations occur and prior to the selection of the successful Proposer(s).



32. Acceptance Test Plan

The Proposer shall provide an Acceptance Test Plan (ATP). The ATP shall identify all tests necessary to demonstrate compliance with the requirements of this RFP. The Proposer(s) will identify the type and quantity of equipment required for acceptance testing. The successful proposer shall be required to develop a test plan and procedures which shall be reviewed and accepted by the County prior to the acceptance testing phase. The Proposer shall be responsible for providing all training and training materials required to support the acceptance testing.

33. Logistical Support

The Proposer shall provide all documentation required to operate and maintain the system during the period of performance of any contract resulting from the RFP. Logistical support material shall include, but is not limited to, the following documentation:

A system hardware specification, including system performance and design requirements, applicable testing standards and compatibility requirements, equipment interface requirements and a description of the system operating environment.

A system software specification, including specifications for the system operating environment and interfaces between hardware components, software components and operator/user functions, and software test and verification specifications.

A system operations manual, describing the system's hardware and software components, operational features and procedures for invoking them, and support resources required to sustain system operation.

System maintenance procedures, identifying all maintenance and repair operations which can be performed by the ROV staff, with procedures required to trouble-shoot malfunctions, for fault detection, fault isolation, equipment alignment or adjustment, and removal and replacement of failed components.

**SECTION VI. WARRANTY AND MAINTENANCE SUPPORT FOR FULL SYSTEM IMPLEMENTATION (FSI)**

1. **Warranty** - The System proposed in this Request for Proposal shall be warranted for fitness for a minimum period through completion of the Official Canvass, and Proposer shall immediately replace any component for a fully operational system at no cost to the County.
2. **Product Support** - The Proposer shall guarantee with this provision, the availability of product support, technical support, including on-site, off-site telephone support with toll-free hotline, available 24/7, and continuation of software integrity, for all software and hardware acquired under contract.

## **SECTION VII. PROPOSAL CONTENT**

Responses to this RFP must present and complete all of the items stated in this section. Adherence to these rules will help ensure a fair and objective analysis of all proposals. Answers to questions in this section shall be completed in sequential order. It is required that Proposers use tabs to separate the answers to each item of the Content. The proposal response shall include the following at a minimum:

### **1. Supplier Information**

Proposer's complete name, business address, including head quarters and all local offices, and telephone number. The name of person, mailing address and telephone number of person the County should contact regarding the proposal.

A description of the Proposer's organization, including names of principals, number of employees, longevity, client base, areas of specialization and expertise and any other pertinent information that will assist in formulating an opinion about the stability and financial strength of the organization. Also, state how long the organization has been in the business of elections.

The jurisdiction in which the Proposer is organized and the date of such organization.

A complete disclosure if Proposer has defaulted in its performance on a contract during the past five years which has led the other party to terminate the contract, and if so, the identity of the parties involved and the circumstances of the default or the termination.

Describe any civil or criminal litigation or investigation pending which involves Proposer or in which Proposer has been judged guilty or liable.

Copies of the Proposer's last two audited annual financial statements.

### **2. Executive Summary**

A brief synopsis of the highlights of the Proposal and overall benefits of the proposal to the County and Proposer's Qualifications and Experience: A description of the capabilities of the Proposer) that pertain to this RFP. This description should not exceed five pages and should include a detailed summary of the Proposer's experience relative to voting systems similar to the new system and services similar to the Ancillary Services.

### **3. Key Personnel-Qualifications and Experience**

A complete list of names, resumes and references for all key personnel associated with the Proposal. The list must include all key personnel who will provide training to Registrar of Voter's staff, poll workers and all key personnel who will provide maintenance and support services, project management, technical support.

For each person on the list, the following information must be included: the person's relationship with the Proposer, including job title and years of employment with the

Proposer; the role that the person will play in connection with the Proposal; address, telephone, fax numbers, and email address; the person's educational background; the person's relevant experience, pertaining to comparable projects, and relevant awards, certificates or other achievements. This section of the Proposal should include no more than two pages of information for each listed person.

**4. Description of the Proposed New System**

A description of the proposed new system, hardware, software and services as they will be configured during the term of the Pilot Project and a County-Wide implementation program as it will be finally configured during the terms of the Full System Implementation. The description shall specify how the proposed new system will meet or exceed the requirements of the County. It shall also explain any advantages that this proposed new system would have over other possible new systems. The description shall include any disadvantages or limitations which the County should be aware in evaluating the Proposal. The description shall describe all product warranties provided by the Proposer. Finally, the responses shall include, but are not limited to, all of the System Requirements described in Section V of the RFP.

**5. Description of the Proposed Ancillary Services**

A description of the terms and conditions under which each type of Ancillary Service described in the RFP will be provided including response times. The description must contain costs for all Ancillary Services including its scheduled start and completion dates, the number of Proposer and Registrar of Voter personnel involved, and the number of hours scheduled for such personnel included in your proposal. The description shall also identify spare and replacements parts that will be required to complete the Pilot Project and Full System Implementation, the anticipated location of such spare parts, and how quickly such parts shall be available for repairs. Finally, the description must specify how the Ancillary Services in the Proposal will meet or exceed the requirements of the County. Explain any special resources, procedures or approaches that make the Ancillary Services of the Proposer particularly advantageous to the County and identify any limitations or restrictions of the Vendor in providing the Ancillary Services of which the County should be aware. Proposer shall also include a complete list of Ancillary Services available and the cost associated with each service.

**6. A Sample Ballot**

A sample ballot in the form of one or more display screens. The sample ballot must be in English, Spanish, Vietnamese and Chinese.

**7. Implementation Plan and Schedule**

A plan for implementing the Pilot Project and Ancillary Services during the November 5, 2002 Pilot Project, and an Implementation Plan for the November 2003 UDEL Election. An Acceptance Test Plan must be provided. In addition, the plan must include a detailed schedule indicating how the Proposer will ensure adherence to the timetables set forth herein for the final New System and Ancillary Services. Deliverables will be clearly identified in the Project Plan. The Proposer must address demands on project

resources, if Proposer is awarded a contract from other jurisdictions in the course of completing the Pilot Project and Full Implementation of the New System.

**8. Evidence of Qualification Testing**

Evidence that the proposed new system has successfully completed the qualification test requirements defined in the Voting System Standards. This evidence must include a statement from an Independent Testing Authority (ITA) that both the hardware elements and the software elements of the proposed new system comply with the requirements of such Voting System Standards.

If the new system described herein requires the addition of components or features not previously tested by the ITA, the Registrar of Voters will determine, in its sole discretion, whether qualification testing of such components or features will be required prior to the final selection process. Components must be clearly identified.

**9. References**

Complete reference information for all public institutions or agencies for which the Proposer provides or has provided comparable systems, services and comparable levels of effort. Each such reference must include the project name and location, the scope of services performed and the name, address, telephone and fax numbers of the person who may be contacted for reference information. Proposer shall also include a list of all election related accounts. Please attach as Exhibit R – Customer References.

**10. Pricing**

Total Price of the Pilot Project (if any), projected prices for Full System Implementation and 5 year operational prices for hardware and software upgrades, maintenance, support and consumables. In addition, complete Attachment 2 – Proposal Price Summary.

**11. Payment Schedule**

The contract will be awarded as a fixed price, per deliverable based contract. Prices must be broken down or defined in detail for each deliverable. Payment to deliverables will be based on acceptance by the County of each deliverable on mutually agreed upon acceptance criteria.

**12. Bond**

Written evidence of the Proposer(s) ability to obtain a performance bond in the amount of the proposed price for the Full System Implementation.

**13. Attachment 1 – RFP System Requirements Spreadsheet**

Respond to Attachment 1 – RFP System Requirements Spreadsheet and include in Proposal Content.

**Compliance:** Proposer, have you complied with specifications, terms and conditions of this bid?

Yes \_\_\_\_\_ No \_\_\_\_\_

A "No" answer requires a detailed explanation giving reference to all deviations.

**Addenda:** Proposer acknowledges receipt of the following Addenda:

Number \_\_\_\_\_ Date \_\_\_\_\_

Number \_\_\_\_\_ Date \_\_\_\_\_

Number \_\_\_\_\_ Date \_\_\_\_\_

BY SIGNING, THE PROPOSER CERTIFIES THAT HE/SHE HAS READ AND UNDERSTOOD THE BID DOCUMENTS AND THAT HE/SHE OFFERS AND AGREES TO FURNISH THE GOODS AND/OR SERVICES SPECIFIED UNDER THE INSTRUCTIONS AND CONDITIONS STATED HEREIN.

FIRM \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

AUTHORIZED  
SIGNATURE \_\_\_\_\_

PRINT  
NAME \_\_\_\_\_ DATE \_\_\_\_\_