



County of Orange

MEMO

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CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

DATE: March 8, 2006
TO: Bill Campbell, Chairman
FROM: Thomas G. Mauk, County Executive Officer *for*
SUBJECT: Exception to the Rule 21

S34A

The County Executive Office is requesting a supplemental for the March 14 Board Hearing Meeting:

Board Meeting Date: March 14, 2006
Subject: Amendment Number 7 to PA Y100000711 with Maximus, Inc.
Calendar: Supplemental
Districts: All

Reason for Supplemental:

Paper Audit Trail System (VVPAT) is required under SB1438. We have been awaiting final federal and state certification which is expected prior to 3/14/06. Registrar of Voters must begin taking delivery of VVPATs immediately following 3/14/06 in order to meet requirements for June 2006 primary election.

Concur: Bill Campbell
Bill Campbell, Chairman
Orange County Board of Supervisors

cc: Rob Richardson
Assistant to the County Executive Officer

surrounding use of HAVA funds have only recently been clarified. The certification of the Hart Voting System, System 6.1 was delayed until March 15, 2006.

There are numerous operational issues such as transportation, power, poll worker and voter training, disabled access and storage space. The addition of the VVPAT system will not only include the original purchase price and ongoing maintenance expense, but will also increase the weight of the units by approximately seven pounds each, thereby increasing transportation costs. The cost of paper for the machines will be substantial due to the specialized paper required. Each roll is impregnated with a computer chip near the end of the spool. This will disable an eSlate so that a voter will not run out of paper in the middle of a ballot. The increase in cost for each election will be approximately \$50,000 for a countywide election using all 9000 eSlates @ approximately \$6.00 per roll.

.Action	Date	Amount	Total
Original Contract Amount	4/29/03		\$ 26,179,535
Amendment #1 Special Statewide Election	1/27/04	\$ 180,627	\$ 26,360,162
Amendment #2 JBC cases & Demo units	5/4/03	\$ 295,547	\$ 26,655,709
Amendment #3 Poll Worker Recruitment & Training	6/29/04	\$ 192,840	\$ 26,848,549
Amendment #4 Pitney Bowes Inbound & Maintenance	7/20/04	\$ 658,745	\$ 27,507,294
Amendment #5 Demo Units	9/28/04	\$ 750,000	\$ 28,257,294
Amendment #6 Demo Units	5/10/05	\$ 0	\$ 28,257,294
Amendment #7 VVPAT, purchase, installation, batteries, paper & warranty (proposed)			
	current	\$ 12,121,873	\$ 40,379,167

This Amendment will bring the contract total to \$40,379,167.

A copy of the Amendment No. 7 to Price Agreement Y1000000711 is on file in the office of the Clerk of the Board.

FINANCIAL IMPACT:

Funding for this project may be delayed. Since the VVPAT is not a HAVA requirement, HAVA funding will not apply to the purchase price of the units. However, other funding must be found through the state for the purchase and retrofitting of the units. Negotiations are underway through the Secretary of State, but clearly the reimbursement for the \$12,121,875 purchase and retrofit will not be realized in this fiscal year. Solutions to this funding dilemma may ultimately involve an SB90 claim.

STAFFING IMPACT:

Since the timeframes for approval and funding are foreshortened due to delays in certification, the acceptance testing of devices may need to be conducted by temporary employees under the supervision of regular staff. The timeframe will be simultaneous with the closeout of the April 35th State Senate District election and final preparations for the June Primary election. This may create unanticipated expenses in the temporary staffing budget. However, the Registrar of Voters plans to effect savings elsewhere to enable absorption of the staffing cost without further budget adjustment.

REVIEWING AGENCIES:

County Counsel.

AMENDMENT NUMBER SEVEN
To
Price Agreement Y100000711
For
Direct Record Electronic (DRE) Voting System Countywide

This AMENDMENT Number Seven to Agreement Number Y100000711 (hereinafter "Amendment") is made and entered into on the date approved by the Board of Supervisors or when fully executed by the parties, whichever is later, and is between the County of Orange (hereinafter "County") and Maximus, Inc. (hereinafter "Contractor").

WHEREAS, County and Contractor executed Price Agreement No. Y100000711 for purchase, installation, training and maintenance of a direct record electronic voting system, countywide, commencing on May 1, 2003 and expiring on April 28, 2008 (hereinafter referred to as "Contract");

WHEREAS, County and Contractor desire to amend the Contract to include Hart InterCivic Voter Verified Paper Audit Trail devices ("VVPAT devices") for printing an accessible voter verified paper audit trail as required by law;

WHEREAS, the VVPAT devices are a part of the Hart InterCivic System 6.1 that includes VVPAT hardware, a complete System software upgrade and firmware;

WHEREAS, Contractor will provide the Hart InterCivic System 6.1 software and firmware at no additional cost under the terms of the Contract; and

WHEREAS, Contractor has represented that System 6.1, including the VVPAT devices, is federally certified and is soon to be certified by the Office of the California Secretary of State as required by law and regulation, including but not limited to language certification for Spanish, Vietnamese, Korean and Chinese;

NOW, THEREFORE, in consideration of the mutual obligations set forth herein, both County and Contractor agree as follows:

1. This Amendment shall be effective on the date fully executed by the parties or when approved by the Board of Supervisors, whichever is later.
2. Additional equipment, services and compensation/costs are set forth in Attachment A, which is attached hereto and incorporated by this reference. Additional equipment consists of VVPAT devices. The purchase of equipment and the services shall be subject to the terms and conditions of the Contract, including but not limited to section 57, except as specifically modified herein.
3. "Hart Hardware" as defined in 5 of the Definitions section and "hardware" as referred to in 2 of the Definitions section of the Contract shall also include VVPAT devices created by Hart InterCivic, Inc. that are used with the System.
4. Contractor warrants that during the warranty period, the VVPAT devices purchased by the County will be free from defects in materials and workmanship and will substantially conform to the performance specifications stated in Attachment B, which is attached hereto and incorporated by this reference. The warranty period for the VVPAT devices begins on the

County's final acceptance and ends twelve months after the final acceptance date and includes parts and labor without additional charge.

5. Acceptance testing criteria for the VVPAT devices is set forth in Attachment B.
6. An estimated timetable to complete installation and acceptance testing of the equipment prior to the June, 2006 Primary election is set forth in Attachment C, which is attached hereto and incorporated by this reference.
7. The total monetary limit of the Contract is increased by \$12,121,875 for a total of \$40,333,366.83.
8. Except as amended herein and as previously amended, the remaining provisions of the Contract shall remain in full force and effect.

Amendment Number Seven
Signature Page

The parties hereto have executed this Amendment Number Seven on the dates shown opposite their respective signatures below.

Maximus, Inc. "Contractor":

Print Name Title

Signature Date

Print Name Title

Signature Date

*If the contracting party is a corporation, (2) signatures are required: one (1) signature by the Chairman of the Board, the President or any Vice President; and one (1) signature by the Secretary, any Assistant Secretary, the Chief Financial Officer or any Assistant Treasurer.

County of Orange
County Executive Office (CEO) Purchasing

M. Katherine Gold, Deputy Purchasing Agent/Designee Date

County of Orange
Registrar of Voters

Approved as to content by: _____
Neal Kelley, Acting Registrar of Voters Date

County of Orange
County Counsel

Approved as to form by: Ann E. Fletcher 3/7/06
Ann E. Fletcher, Deputy Date

ATTACHMENT A

ADDITION TO ATTACHMENT B, COMPENSATION/COST

I. INCREASED PROJECT COST: \$12,121,873

II. ITEMIZED COSTS:

Item	Cost
VVPAT devices 9000 units @ \$1250 each (batteries and two rolls of paper included for each unit)	\$11,250,000
Installation 9000 VVPAT devices	Included
Shipping	Included
Subtotal	\$11,250,000
Sales Tax	871,875
GRAND TOTAL	\$12,121,875

III. PROJECT PAYMENT MILESTONES

Payment Milestone 10– \$2,749,218.75 Delivery of first 4500 VVPAT devices complete

Payment Milestone 11– \$ 2,749,218.75 - Delivery of the second 4500 VVPAT devices complete

Payment Milestone 12 –\$2,749,218.75 First 4500 VVPAT devices accepted

Payment Milestone 13 -\$2,749,218.75 Final 4500 VVPAT devices accepted

Payment Milestone 14 – \$1,125,000.00 - Upon successful performance of the VVPAT devices in the June 6, 2006 Primary election.

IV. PAYMENT TERMS: Net 45 Days

ATTACHMENT B

ADDITION TO ATTACHMENT C, ACCEPTANCE TESTING

ACCEPTANCE TESTING CRITERIA FOR VVPAT DEVICES

Physical Inspection

- All physical components must be undamaged and in good working order.
- The VVPAT needs to fit snugly in the booth.
- The VVPAT locking button needs properly function.
- The data and power cables must be retained under normal transportation and polling place operations.
- The VVPAT power and data cables must snugly connect to the back of the eSlate.
- The VVPAT cable connection(s) to the eSlate must properly fit in the hole(s) cutout from the booth.
- The battery cable must be without defect.
- The screws for removing the backing to access the paper roll and other internal parts should be intact.

Operational Inspection

- **The VVPAT should function properly through at least 3 ballots cast on the eSlate.**
- The data and power cables must function properly.
- The booth assignment time must be within the time noted in the VVPAT specifications document. If no time is specified, then the booth must assign within 5 seconds.
- The VVPAT must power up properly.
- The power up report on the VVPAT must be accurate.
- The connection report on the VVPAT needs to be accurate.
- The polls open report on the VVPAT needs to be accurate.
- The paper on the roll needs to feed tightly, without any jams.
- The eSlate must say PRN (Okay) and Printer Status(Okay).
- The user needs to be able to view on the VVPAT all selections made on the eSlate for every ballot cast.
- The user's choices must match the choices made on the eSlate.
- The print quality on the VVPAT must be of adequate quality and must meet or exceed seven (7) dots per millimeter.
- The ballot must completely scroll off the viewing area of the VVPAT once the ballot is cast.
- The amount of time for the paper to scroll off the screen must be within the time noted in the VVPAT specifications document. If no time is specified, then the paper must scroll off the screen within 10 seconds.
- When a vote is cancelled, the VVPAT paper must scroll until the screen is blank as per design specifications.
- The VVPAT connected to a Disabled Access Unit (DAU) must function properly when disconnected from the JBC. Once reconnected, the ballot cast must be properly transferred to the JBC.
- The VVPAT must be able to run off the batteries.
- The VVPAT must function properly after jostling caused by transportation motion as per agreed upon testing parameters that will be determined by mutual agreement at the time of acceptance testing.
- The VVPAT must allow administrators to change the roll of paper.
- The VVPAT needs to snap into and out of the booth without having to apply excessive force.
- The lever for changing the roll should function properly.
- The eSlate reset process must function properly.
- The eSlate servo process must function properly.
- The screws for removing the backing to access the paper roll and other internal parts should be intact.
- The eSlate must notify the user, and stop functioning when the VVPAT runs out of paper.

ATTACHMENT C

ADDITION TO ATTACHMENT D, PROJECT SCHEDULE

VVPAT TIMETABLE (ESTIMATED)

- March 15, 2006 Delivery of kits required to modify the voting units and booths prior to installation of the VVPAT devices begins.
- March 15, 2006 California certification of System 6.1 including VVPAT devices complete. (estimated)
- March 20, 2006 Installation begins.
- March 20, 2006 First shipment of 1000 VVPAT devices arrives. Weekly shipments of at least 1000 units to follow.
- April 10, 2006 Last shipment of VVPAT devices arrives.
- April 14, 2006 Installation complete.
- April 28, 2006 Acceptance testing complete.
- May 16, 2006 Polling Place deliveries begin.
- June 6, 2006 First use of VVPAT equipped eSlates in a countywide election.