



**COUNTY OF MARIN  
SAN RAFAEL, CALIFORNIA**

**Request for Proposals  
Modern Voting System**

**RFP Number: 2755**

**ISSUE DATE:  
November 15, 2018**

**DEADLINE FOR SUBMISSIONS:  
January 4, 2019**

The County of Marin Elections Department does not discriminate on the basis of sex, race, color, religion, age, sexual orientation, disability, marital status, veteran status or national origin in employment or in its educational programs and activities. Auxiliary aids and services are available upon request to individuals with disabilities. Alternative formats will be made available upon request.

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## I. INTRODUCTION

### A. INVITATION

The County of Marin (hereafter “County”) is seeking proposals for a comprehensive, modern voting system. The selected Proposer shall provide software, hardware, and implementation services and support for any or all categories listed below including training, maintenance, and warranties. The information provided by Proposers through this RFP will be evaluated and used in the selection of the County’s new voting system.

Pursuant to California Elections Code Section 19006(a), it is the intent of the Legislature that “All voting systems be certified or conditionally approved by the Secretary of State, independent of voluntary federal qualification or certification, before they are used in future elections to ensure that the voting systems have the ability to meet accuracy, accessibility, and security standards.”

**The County requires that voting systems submitted for consideration be certified by the California Secretary of State prior to selection of finalists. The County will require proof of certification (see Appendix B). In addition, Proposer must maintain certification for the duration of the entire term of the agreement.**

The County requests that Proposers propose a complete solution that clearly demonstrates how the County would be provided with the software, hardware, and implementation services and support that will best satisfy the County’s requirements.

The proposed solution must be a proven base system. The County is not interested in beta systems or purchasing professional services to design and develop a system. The solution must meet the technical and functional requirements as defined in this RFP from the outset.

### B. BACKGROUND

#### 1. About Marin County

The County of Marin is included in the San Francisco Bay Area, located along California’s Northern Coast, between San Francisco and Sonoma counties.

Estimates from the California Department of Finance in January 2017 place Marin County’s population at 263,604, making it the 26<sup>th</sup> largest county in the State. There are 11 incorporated cities and towns in the County. According to the 2010 US Census, the two largest cities are San Rafael, the County seat, with a population of 60,842, and Novato with 54,522 residents. There are approximately 69,214 residents in the unincorporated areas of the County.

## 2. **Elections Department**

The Marin County Registrar of Voters (hereinafter “Registrar”) reports to the County Administrator’s Office. The Elections Department has eight full-time employees and two part-time employees, coordinating the areas of voter registration, precinct operations, polling places, poll worker recruitment and training, candidate filing, sample ballot and ballot layout, election reports, vote-by-mail processing, warehouse operations, and administration. The Registrar oversees an Election Advisory Committee comprised of approximately 15 residents of the County.

In addition to conducting Federal, State and County elections, the Marin County Elections Department conducts elections for 31 special districts, 16 school districts, a community college district, a hospital district, and municipal elections for the 11 incorporated cities and towns in the County. Regularly-scheduled elections are conducted in June and November of even-numbered years, and November of odd-numbered years. The County may also conduct one to two special elections, typically in March and May. With the passage of AB 415, regularly-scheduled elections in November of odd years will be phased out after 2021, and all local elections will be consolidated with statewide primary and general elections.

In the November 2016 Presidential General Election, there were 182 consolidated precincts in the County (161 polling site precincts and 21 mail ballot precincts), and 92 polling places. Voter turnout was 89%, with 143,041 of 160,795 registered voters casting ballots. Of those who voted, 100,442 (70%) voted by mail and 42,599 (30%) voted at the polls.

The County is not planning to implement California Senate Bill (SB) 450, California Voter’s Choice Act, in 2020; however, consideration of a new voting system would involve the accommodation of the technical requirements of SB 450, as well as other factors.

## 3. **Current Voting System**

Marin County’s current voting system was purchased from Global Election Management Systems (GEMS) in 1999. The GEMS voting system includes an election tabulation server and replicated back-up server, three AccuVote central vote tabulation scanners and three feeders, and approximately 130 AccuVote precinct scanners with memory cards.

The County operates a hybrid voting system in that it also utilizes approximately 130 ES&S Automark Ballot Marking machines to assist voters with disabilities at the Elections Department office and polling places. Ballots marked with the Automark are duplicated onto GEMS ballots for tabulation.

Currently all ballots cast at the polls are counted at the individual precincts by AccuVote precinct scanners and results are transferred via memory cards. All vote-

by-mail ballots are counted centrally at the Elections Department office using the AccuVote scanners.

The County also uses LiveBallot by Democracy Live to give UOCAVA (military and out-of-country) voters access to their ballot online. Ballots that are submitted by voters using Democracy Live are duplicated onto GEMS ballots for tabulation.

There are currently no Department of Justice requirements to provide ballots in languages other than English, except that the Elections Department must provide facsimile translations of ballots in Spanish and Vietnamese pursuant to Elections Code section 14201.

## **II. PROJECT SCOPE**

The County is seeking proposed solutions to achieve its goal of implementing a new, comprehensive, and modern voting system after the 2018 general election cycle with procurement, implementation and testing completed no later than **July 2019**.

The County wishes to implement appropriate technology that will be supported for at least ten (10) years from contract signing. The County encourages Proposers to this RFP to identify multiple procurement options for the County's consideration, including: rental, lease, purchase, lease-to-purchase, term length, contract extension options, joining with a consortium of counties, or any other procurement options.

This solicitation is for a voting system solution to replace the current voting system used by the County and shall include all hardware, software, related maintenance, support and services required to install and operate the system. Services may consist of planning, organizing, installing, configuring, testing for acceptance and user training on the base system. The voting system will be able to handle different users, subjects, and can be configured for the unique requirements of each election. The County reserves the right to separately purchase and utilize any third-party components required to support the solution.

The complete scope of work is dependent upon the selected solution. The project plan should include training for end users, technicians, and support staff. Interfaces or data file uploads from several existing systems may also be required. Although technical professional services are included in the scope of this solicitation, the County is not interested in purchasing technical professional services to design and develop a system from the ground up.

The solution must be certified for use in California by the California Secretary of State. The County expects the proposed solution to meet or exceed the requirements set forth by the State; including – but not limited to – the following:

- **California Election Code 19101(b)(2)** – Preserve the secrecy of the ballot.

- **California Election Code 19101(b)(3)** – Be safe from fraud or manipulation.
- **California Election Code 19101(b)(4)** – Be accessible to voters with disabilities pursuant to Elections Code Section 19242 and applicable federal laws.
- **California Election Code 19101(b)(5)** – Be accessible to voters who require assistance in language other than English if the language is one in which a ballot or ballot materials are required to be made available to voters pursuant to Elections Code Section 14201 and applicable federal laws.

In addition, County goals related to the implementation of the voting system include:

- **Compliance with State and Federal Election Laws:** Proposed solutions should be certified with the California Secretary of State. This would mean compliance with California Elections Code as well as other federal and state laws and regulations.
- **Capture voting data:** Data from ballots cast should be captured accurately and securely to preserve the integrity of the voting process
- **Ease of Use:** Ability for voters to easily follow instructions with the least amount of action to cast their votes.
- **Enhance Voter Experience:** The solution should promote shorter wait time to cast a ballot.
- **Polling management activities:** Reports that enhance the County Registrar of Voters' vote tabulation activities in any given polling place, precinct or voting center.
- **Improved Election Canvass Capabilities:** Quicker time frame to complete an election canvass while using fewer resources.
- **Scalability:** As the voter roster increases, the proposed system should scale up. This allows the County to meet a growing base without impacting the voting experience.

**Flexible Elections Infrastructure:** Allows the County to change from a precinct-based voting model to a more voter friendly Vote Center model (subject to County Board decision) as authorized by SB 450. Details about the specifics of the California Voter's Choice Act, links to the legislation's requirement and a detailed press release can be found on the California Secretary of State's website at: <http://www.sos.ca.gov/administration/news-releases-and-advisories/2016-news-releases-and-advisories/california-legislature-sends-landmark-election-reform-bill-governor-brown/>

The solution should be able to meet the increasing number of registered voters in the County. The tables below show the anticipated increase in precinct polling places and vote centers to meet the electoral needs of the voters:

Precinct Based Voting	Estimated Registration*				
	2016	2018	2020	2022	2024
Total Registration	160,795	161,000	163,000	161,000	165,000
Precinct based Polling	92	93	96	93	96

Vote Center Voting Model	Estimated Registration*			
	2018	2020	2022	2024
Total Registration	161,000	163,000	161,000	165,000
Total Vote Centers			16	17
4-day Vote Center			16	17
11-day Vote Center			5	5

\*Estimated registration is based on November general elections.

### III. TIMELINE

This section of the RFP contains the anticipated schedule of procurement events as well as the conditions governing the procurement.

#### A. SCHEDULE OF EVENTS

The County will make every effort to adhere to the following anticipated schedule:

	<b>EVENT</b>	<b>DATE</b>
1.	Issue of RFP	November 15, 2018
2.	Pre-Proposal Conference	November 27, 2018
3.	Deadline to Submit Written Questions	December 4, 2018
4.	Response to Written Questions	December 11, 2018
5.	Proposals Due	January 4, 2019 by 2pm Pacific Time
6.	Proposal Evaluation	January 2019
7.	Selection of Finalists	January 2019
8.	Interviews / Demonstration	February 2019
10.	Negotiations	March 2019
11.	Issue Notice of Intent to Award	April 2019
12.	Approval and Award	May 2019
13	Anticipated Go-Live Date	July 2019

#### B. POINT OF CONTACT

The County has a designated Procurement Representative responsible for conducting this Procurement whose name, address and telephone number are listed below:

Dodie Goldberg, Procurement Division  
3501 Civic Center Drive  
Room 404  
San Rafael, CA 94903  
Telephone: 415-473-7067  
E-mail: [dgoldberg@marincounty.org](mailto:dgoldberg@marincounty.org)

Any inquiries or request regarding this procurement should be submitted to the Procurement Representative in writing. **Proposers may contact ONLY the Procurement Representative, Dodie Goldberg, regarding this RFP.**



## **C. EXPLANATION OF EVENTS**

### **1. Issue Of RFP**

This RFP is being issued by the Marin County Procurement Department. Copies of this RFP including supporting documents may be obtained from:

<https://www.marincounty.org/depts/pw/bids-and-proposals>

### **2. Pre-Proposal Conference**

There will be a NON-mandatory pre-proposal conference. Attendance is strongly encouraged but is not a pre-requisite for submission of a proposal.

For those unable to attend in person, a teleconference line is available.

Toll-Free: 415-473-7709

Participant Code: 899654

#### **Pre-proposal Conference date/time/location:**

Date: November 27, 2018

Time: 10:00 AM ~ 11:00 AM

Location: Procurement Department

County of Marin

3501 Civic Center Drive

304 Conference Room

San Rafael, CA 94903

The County does not guarantee error free connection. No audio, video, or written, transcript record of the pre-proposal conference will be available after its conclusion. The County will make every effort to tabulate a list of all questions and responses at the pre-proposal event but cannot guarantee that the list will include every question asked at the event. A list of Proposers attending the pre-proposal conference will be made available upon request after the conclusion of the event.

### **3. Deadline to Submit Written Questions**

Submit all written questions via email by 5:00 p.m. December 4, 2018 to [dgoldberg@marincounty.org](mailto:dgoldberg@marincounty.org). Questions submitted in any other manner or format will not be responded to.

### **4. Response to Written Questions**

Questions received prior to a scheduled pre-proposal conference may be responded to at the conference in addition to their answers being posted online. Answers to all written questions received by the deadline will be posted on the County of Marin website at: <https://www.marincounty.org/depts/pw/bids-and-proposals>.

## 5. **Addenda**

Any additions, deletions or material changes to this bid package shall result in the issuance of an addendum. Addendums will be sent to known prospective bidders and posted on the County of Marin website. Addenda issued within five (5) calendar days of the bid opening may be cause for extension of the bid deadline.

Additional written questions must be received by the Procurement Representative no later than two (2) days after the addendum is posted. Answers to such questions will be posted on the County of Marin website at:

<https://www.marincounty.org/depts/pw/bids-and-proposals>.

Thereafter, the County does not guarantee a response. The County, however, reserves the right to post additional addenda until the RFP closing date and time.

## 6. **Proposals Due**

Proposals must be received no later than 2:00pm (PST) on Friday January 4, 2019. Proposals must be addressed to and received at the place listed below. All received proposals will be time stamped.

Dodie Goldberg, Procurement Division  
**RFP No. 2755**  
County of Marin Procurement Department  
3501 Civic Center Drive, Room 404  
San Rafael, CA 94903

Proposals must be sealed and labeled on the outside of the package to clearly indicate that they are in response to an RFP. Label the outside of the package: RFP #2755 ~ Modern Voting System.

Proposals will be considered late when the official Marin County Procurement Office time clock reads **2:01 PM PST**, on January 4, 2019. Proposals received after this deadline will not be opened or considered regardless of postmark date and will be returned to the vendor unopened.

## 7. **Conduct Demonstrations/Presentations**

Proposers will be required to perform a demonstration/ presentation of their proposed solution. Demonstrations/presentations will be held on-site at a County location. The date, time, location, and presentation guidelines shall be determined by County and will be provided to the Proposers.

In addition to the Evaluation Committee, a stakeholder group of interested County staff, members of the Election Advisory Committee, and potentially others will be invited to participate in the demonstration/presentations.

8. **Proposal Evaluations**

An Evaluation Committee will review and evaluate the proposals.

Preference may be given to systems that are certified to the newest California Voting System Standard.

9. **Negotiations**

One or more Proposers may be selected to enter into negotiations with the intent of award.

10. **Issue Notice of Intent to Award**

Pursuant to the completion of the final negotiations, the Procurement Representative will issue a notice of intent to award a contract and notify all Proposers.

11. **Contract Approval and Execution**

Based on the total value of the contract, either the Board of Supervisors or the County Purchasing Agent will execute the agreement.

12. **Anticipated Go-Live Date**

Solution must be in place and ready for use by the County for the election in November 2019.

## **IV. EVALUATION**

### **A. FACTORS**

The evaluation committee will review, and rate proposals based upon the criteria set forth. All criteria including the respected assigned points are listed below and will be used in the evaluation of submitted proposals. The expectation is for proposals to provide clear, concise information in sufficient detail to allow an evaluation on the following:

- |                                                                                           |                  |
|-------------------------------------------------------------------------------------------|------------------|
| 1. Costs and ability to meet the functional requirements;                                 | 30 points        |
| 2. Implementation, project management, training and on-going support;                     | 30 points        |
| 3. Ability to meet technical requirements;                                                | 30 points        |
| 4. Experience, financial and corporate strength,<br>references and reputation of Proposer | 10 points        |
|                                                                                           | =====            |
|                                                                                           | 100 total points |

Proposal submissions will be evaluated subjectively based on the solution proposed and overall best value to the County, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions and the value of the proposed solution.

## **V. RESPONSE FORMAT AND ORGANIZATION**

### **A. ORIGINAL AND COPIES**

#### **1. Hardcopies**

Proposers must provide one (1) original and six (6) copies of their proposal to the location specified on or before the bid closing date and time.

The original binder/submittal must be stamped "ORIGINAL" and contain original signatures on the necessary forms.

#### **2. Electronic Copy**

Proposers shall provide one (1) electronic copy of their proposal in USB Flash Drive format readable by Microsoft Office 2007 (Word, Excel and Project) software. The USB Flash Drive shall be taped or otherwise attached to the inside front cover of the ORIGINAL proposal binder.

### **B. PROPOSAL FORMAT AND ORGANIZATION**

All proposals submitted shall be printed on standard 8 ½ x 11 paper (larger paper is permissible for charts, spreadsheets, etc.) and placed within a binder with tabs

delineating each section. Hard copies should utilize both sides of the paper where practical.

### 1. **Organizational Information**

Each proposal received must provide the following:

- a. Identify the submitting organization;
- b. Identify the name, title, telephone and fax numbers, and e-mail address of the person authorized by the organization to contractually obligate the organization;
- c. Identify the name, title, telephone and fax numbers, and e-mail address of the person authorized to negotiate the contract on behalf of the organization;
- d. Identify the names, titles, telephone and fax numbers, and e-mail addresses of persons to be contacted for clarification;
- e. Be signed by the person authorized to contractually obligate the organization;
- f. Acknowledge receipt of any and all addenda to this RFP and;
- g. Identify all sections of the proposal that the Proposer claims contain “proprietary” or “confidential” information.

### 2. **Proposal Organization**

The proposal should be organized in the following format and must contain, at a minimum all listed items in the sequence indicated:

- a. Executive Summary (Section VI.A.1)
- b. Proposer’s Corporate Information (Section VI.A, Items 2-5)
- c. Appendix A: Technical Requirements
- d. Appendix B: Functional Requirements
- e. Appendix C: Implementation, Project Management, Training, Services and Ongoing Support
- f. Appendix D: Cost Response

### 3. **Proposal Preparation Instructions**

Within each section of their proposal, Proposers should address the items in the order in which they appear in this RFP. All forms provided in the RFP shall be thoroughly completed and included in the appropriate section of the proposal.

### 4. **Non-Conforming Submissions**

A submission may be construed as a non-confirming proposal, ineligible for consideration or incomplete if it does not comply with the requirements of this RFP.

## **VI. REQUIREMENTS AND PROPOSER'S SUBMITTAL**

This section contains requirements and relevant information Proposers should use for the preparation of their proposals. Proposers should thoroughly respond to each requirement.

### **A. PROPOSER'S CORPORATE INFORMATION**

#### **1. Executive Summary**

Include an executive summary which should be a one or two-page summary intended to provide the Evaluation Committee with an overview of the significant business features of the proposal.

#### **2. Proposer's experience and other information**

The Proposer shall include in their proposal a statement of relevant experience, particularly experience implementing in a California county since 2010. The Proposer should thoroughly describe, in the form of a narrative, its experience and success as well as the experience and success of its subcontractors, if applicable, in providing and/or supporting the proposed system.

In addition, Proposers are required to provide the following information:

- a. The name of the jurisdiction in which the Proposer is organized and the date of such organization.
- b. Length of time the Proposer has been providing the offered solution.
- c. A description of the Proposer's organization, including names of principals, number of employees, client base, areas of specialization and expertise, and any other information that will assist the Evaluation Committee in formulating an opinion about the stability and strength of the organization.
- d. Proposer shall provide a description of the depth of their experience with installing and supporting the proposed system.
- e. Proposer shall provide a discussion of the type and duration of the business relationship with the manufacturer(s) whose products are included in the proposed system.
- f. A complete disclosure if Proposer, its subsidiaries, parent, other corporate affiliates, or subcontractors have defaulted in its performance on a contract during the past five years which has led the other party to terminate the

contract. If so, identify the parties involved and the circumstances of the default or termination.

- g. A list of any lawsuits filed against the Proposer, its subsidiaries, parent, other corporate affiliates, or subcontractors in the past five years and the outcome of those lawsuits. Identify the parties involved and circumstances. Also, describe any civil or criminal litigation or investigation pending.
- h. Provide a case study of a successful implementation in a similar sized county, preferably in a California county.
  - I. Identify the jurisdiction and number of registered voters.
  - II. Include information regarding details related to high and low turnout locations and equipment totals deployed for each.
  - III. Include information on which election(s) it was implemented.
  - IV. Include pain points discovered during implementation and how they were addressed.
  - V. Include pain points related to operations on Election Day including resolution and timeline.
  - VI. Include positive outcomes, successes known and unexpected.

### 3. **Financial Stability / Proposer Financial Information**

Proposer shall submit their latest Dun and Bradstreet report or equivalent financial information to enable the Evaluation Committee to determine the financial stability of the Proposer.

**Proposers must provide this information with their proposal and not defer submission to a later date.**

### 4. **Past Performance (References)**

The Proposer's submittal shall include three different external references from clients who have completed their projects in the last three years, who are willing to validate the Proposer's past performance on similar projects of size and scope. **References are preferred to be of previous or existing federal, state, county and city customers**, preferably in a California county.

The minimum information that shall be provided for each client reference follows:

- a. Name of the contact person;
- b. Name of the company or governmental entity;
- c. Address of the contact person;
- d. Telephone number of contact person;
- e. Email address of the contact person;
- f. A description of the services provided and dates the services were provided.

## 5. Indemnity Requirements

To the maximum extent allowed by law, Contractor shall effectively defend, indemnify, and hold harmless the County of Marin, its officers, agents and employees, from any liability as a consequence of any willful act or negligent act or omission by the Contractor, any of the Contractor's employees or agents, or any subcontractor, and shall be responsible for any and all damage, injury, or death to persons, or damage to property. Contractor shall indemnify, defend and hold harmless County, its officers, agents and employees from any and all claims, suits, actions, costs and liability ensuing in connection with the performance of the contract, or failure to protect the integrity or confidentiality of election information or data, including payment of any fines, costs or liabilities that County may otherwise incur as a result of Contractor's recklessness or willful misconduct in the performance of this contract. The duty to defend shall include, but is not limited to, the payment of court costs, expert witness fees, and attorney's fees (whether or not handled "in-house" by the County) and shall further include attorney's fees for separate counsel if there exists an actual or potential conflict between County and Contractor.

### **B. TECHNICAL REQUIREMENTS (APPENDIX A)**

The Technical Requirements for the proposed solution are defined in **Appendix A**.

Proposers must address all items and reference their response as **Appendix A** in their proposal submittal.

### **C. FUNCTIONAL REQUIREMENTS (APPENDIX B)**

The Functional Requirements for the proposed solution are defined in **Appendix B**.

Proposers must address all items and reference their response as **Appendix B** in their proposal submittal.

### **D. IMPLEMENTATION, PROJECT MANAGEMENT, TRAINING, SERVICES AND ONGOING SUPPORT (APPENDIX C)**

The Implementation, Project Management, Training, Services and Ongoing Support requirements are defined in **Appendix C**.

Proposer must submit a thorough narrative and provide supporting documents, if applicable, in support of its response to the questions in **Appendix C**.

### **E. COST RESPONSE FORM (APPENDIX D)**

Proposers shall complete all pages of the Cost Response Form and submit it with their proposal.



# APPENDIX A

## TECHNICAL REQUIREMENTS

### 1. Equipment and Software

- a. Describe and attach a diagram of the proposed system architecture and interfaces.
- b. Describe any County required maintenance/support tasks for the central components and related hardware (pre and post-implementation as applicable).
- c. Describe specifications of precinct ballot scanners/tabulators accessible ballot marking devices and any related peripherals present in the solution.
- d. Describe central count ballot scanners and adjudication stations. Including all equipment / configuration options available (high speed vs low speed scanners, monitor sizes, etc.) in the certification. Include throughput specifications.
- e. Describe necessary software and firmware for use of the system, including but not limited to ballot layout, ballot tabulation, ballot marking, and election results reporting. Include any and all third-party software required to operate the system.
- f. Describe optional software and firmware for use of the system, examples include test deck creation, Election Night Reporting, Ranked Choice Voting, etc. Include any and all third-party software required to operate the optional software.
- g. Does the system offer Remote Accessible Vote by Mail as an optional feature?
- h. Include all other equipment and hardware necessary to use the system, as well as any spare parts which may be required to make necessary repairs or replacements.

#### 1. System Hardware

- i. Provide part/cost list for replacement components (rollers, casters, hinges, etc.) and consumables (toner, ink, etc.). Indicate minimum quantities to have on hand vs. what needs to be ordered.
  - ii. Distinguish between COTS (Commercial Off-The-Shelf) and Proprietary equipment.
  - iii. Describe the support options the County has for COTS hardware.
2. All hardware and software deliverables to be spelled in detail in the contract including Quantities. Differentiate on this list the components governed / controlled by the Secretary of State Certifications. Indicate which components can be replaced in the event of failure and any restrictions on that replacement without risking certification.

- i. Describe how the County will have access to all software upgrades for the system released during the agreement term, including minor releases for required enhancements, bug fixes, etc. as well as major releases where new COTS hardware components can be installed.
- j. The Contractor shall provide any necessary software or hardware updates needed to maintain compliance with any applicable law, regulation, or policy no later than 120 days prior to each election held during the term of the agreement.

## 2. **Backup/Recovery/Storage/Archiving**

- a. Describe the backup capabilities for the proposed system, including the process for how and when backups are performed. Does the solution have the capability for continuous backup? Explain how this works.
- b. Describe the best practice for the solution to maintain Zero Down time during critical periods. Describe the best practice for this solution in relation to disaster recovery. Describe your failover architecture and capabilities.
- c. Describe the notifications provided by the system if a failure occurs.
- d. Describe the process of recovery after a failure due to hardware, software, absence of power, or other factors.
- e. Explain how data is archived (e.g., on demand, automatically, other) and the medium in which it is stored (e.g. optical disk, tape, etc.).
- f. Describe redundant memory within the system and how it is activated if needed.
- g. Describe how the system will store the data on non-proprietary media and in an industry standard format. Proposer should also specify the type of media used for long-term storage and the format in which it is stored.

## 3. **Application Security Features**

- a. Describe access security procedure and security features of the solution (key, biometrics, etc.).
- b. Describe how the solution audits user access and privilege use and the information that is logged.
- c. Describe how access privileges are configured in the system, and whether privileges can be based on group designations and roles.
- d. Describe any security tracking feature built in to the solution (GPS, RFID, mobile transmitter, etc.).

- e. Describe where the device stores all data, including ballot images, audit trails, and summary totals, log files, etc. redundantly on the device's internal storage and/or removable storage and/or medium with encryption.

#### 4. **Components and Warehousing Requirements**

- a. Detail each of the components with the following details:
  - i. Number of unique components for each standalone device (scanner tabulator, ballot marking device, etc.).
  - ii. Differentiate this list by the items that the County can purchase without going through the vendor.
  - iii. Please enumerate make & model of all items defined. Indicate which are COTS.
  - iv. Provide specifications on the materials used and their flammability rating. Information is used for safe storage and fire suppression systems.
- b. Dimensions and weight of each individual component, including transportation cases.
- c. List of consumables needed for equipment (ink, toners, etc.).
- d. List of commonly replaced parts due to wear and tear. (i.e. casters, rollers, etc.) and how frequently they are replaced.
- e. Storage recommendations (Can items be stacked? Periodically recharged or trickle charged? Stored off the ground?).
- f. Storage preparations (cleaning, removing of consumables that cannot stand the test of idleness, etc.).
- g. Transportation method recommendations.
- h. List the steps to prepare each piece of equipment for election use.
- i. List the steps to prepare election devices at polling place or for use.
- j. Provide maintenance schedule for each device that is outside of the election preparation process for the device.

## APPENDIX B

### FUNCTIONAL REQUIREMENTS NARRATIVE RESPONSE

#### A. BUSINESS REQUIREMENTS

1. Provide Certification Document received from Secretary of State in compliance of California Elections Code Section 19006(a) by January 2, 2019.
2. Describe your current plan in place to continually re-certify the solution with new hardware and software to keep up with changes in regulations as well as voting best practices.
3. Do you have a process to advise the County if the State decertifies and or changes the conditions of certification of the solution? Describe Process.
4. Do you have a contingency plan in the event of decertification or a need to get recertified by the Secretary of State? Describe.
5. Describe the Process to notify County of any bugs or issues discovered by another user. Include examples (preferably for the solution in use in California if applicable) including delivery method of the notification.
6. Describe the process of notifying regulators of issues with the system; include examples that have been sent.
7. What is your support structure (tier 1, tier 2, etc.)? Define issue severity into the relevant support structures. tier 1, tier 2, etc. What is your escalation procedure?
8. What assurance does the County have that any hardware replacement, software patch or solution update provided will not cause the solution to be decertified by the California Secretary of State? Describe your process to ensure that decertification does not occur.
9. What assurance does the County have that the replacement hardware that are part of a certified system package will be available through the term of the agreement?
10. Should the County move to vote centers, explain how you propose to assist with the change from polling places to vote centers.
11. If you have a leasing option, does your leasing agreement include upgrades when such components and improvements are available?
12. If you have a leasing option, do your leasing terms factor in the need to scale components up or down as needed by the County?

13. Do you cover the risk and future costs of both proprietary and COTS equipment?  
Describe / list what you cover.

14. Escrow for Voting/Business Continuity.

- a. Explain your company's ability to make available the solution (hardware and software) in escrow account and include the source code and all products released during the maintenance term, including third party software. List the products that your company will hold in an escrow account and a list of those products that cannot be held and explain why.

## **B. SYSTEM REQUIREMENTS**

1. Describe the workflow for all pre-election processes.
2. Describe the workflow at the polling places, including poll voting system set-up and voter processing.
3. Describe the access control features and the security features (both physical and electronic) of the proposed solution.
4. Describe how an administrator can add a new language to the system for voter facing screens.
5. What records are date/time stamped by the system?
6. What reports and statistics can the system generate related to the election?
7. Describe from a System Administrator point of view how to manage user accounts.
8. Describe how the equipment is maintained from day to day in a precinct-based model. Include Open polls, end of day, start of next day, and then finally closed polls actions / reports if applicable by equipment type.
9. Describe how the system provides on-screen feedback to end users to inform them that a function or action is completed; successfully or otherwise.
10. Describe how the solution utilizes scanners/tabulators at polling places, as well as high-speed central scanners to tabulate vote-by-mail ballots.
11. For central counting, describe the required proximity of the server to the tabulators. Can data be stored on a memory card and uploaded to the server?
12. Explain whether memory cards for polling place units have the capability to be programmed with all precincts in the election so units are generic when delivered to polling places.

13. Describe how the solution captures ballot-level data (cast vote record) showing the votes cast on each ballot. Include examples.
14. How does the solution create digital images of all paper ballots cast with its cast vote record appended and facilitates the review and adjudication of voted ballots or contests by election personnel using digital images to resolve issues when possible using a digital interface while allowing for referencing between the paper ballot and its digital image?
15. Describe how the solution appends / allocates an adjudicated vote record to the ballot image showing how the ballot was adjudicated. This does not impact the original cast vote record.
16. Describe how the solution appends / allocates adjudicated vote record to the ballot image showing that the ballot was re-adjudicated and changed by a review team. Original cast vote record and original adjudicated record are not impacted and can easily be seen / reviewed.
17. Describe how solution facilitates quick and easy write-in vote allocation and tabulation without interfering with tabulation of the remaining contests on the ballot.
18. Describe how solution logs all normal and abnormal events and ensures that event logging cannot be disabled or altered. Describe how solution indicates any action taken for every ballot card or contest that elections personnel reviewed and generates a digital audit log.
19. How does the system permit the review and verification of number of ballots counted at multiple points in the tabulation process and with minimal disturbance of counting operations to affirm the system is operating successfully?
20. Describe at what point ballots must be electronically adjudicated – during election night or during the canvass period.
21. Does the system provide the ability to conduct 1% manual tally using optical scanned ballots?
22. Explain how the proposed solution seamlessly supports risk limiting auditing of results by generating random samples, corresponding cast vote records, and batch results reports.
23. Describe how the system produces versatile, and easily customizable reports, containing any audit data or other information collected by the system, including multiple options for reporting “vote for N” contests (multi-seat contests where more than one selection can be made). Can the system generate all results reports, ballot tally files, audit logs, in a variety of formats, including open data formats (machine-readable) and human readable formats to increase the scope of election

transparency? Data formats in order of preference: 1) XML; 2) JSON; 3) CSV; 4) HTML; 5) others such as TXT and PDF.

- a. Can solution produce results in real time in such manner that does not require elections personnel to manually prepare results-related information? What is the average time to generate results in a county wide election for a large county?
- b. Are standard reports customizable systemwide? Are users able to customize their own output?
- c. Describe how the system provides easily customizable reports for a wide variety of purposes, including the reporting of partial election returns throughout Election Night, final unofficial election returns, and Canvass reports. Collects and then converts the election information in a manner that facilitates the County's ability to provide reports in data formats and styles requested from the Secretary of State, other agencies, the media, and members of the public with minimal intervention. Produces electronic reports for automated results transfers to the Secretary of State and Election Night Result website.

24. Describe the process of logic, accuracy testing and validation of the proposed solution.

25. Is the system capable of reading faxed ballots (i.e. full-sized ballots, such as 18-inch ballots, reduced to fit on 8.5 x 11 paper) from overseas and military voters and ballots from the ADA marking device?

26. Describe how the proposed solution enables Election Officials to efficiently conduct a recount. How is precinct-level or other data obtained that will be necessary to conduct a recount?

27. Discuss how the solution allows for alternative voting methods such as ranked-choice voting and weighted voting, which might be used in a landowner election. Include example of ballots that may be used in alternative voting methods. Describe how alternative methods of voting are calculated in the results.

28. Describe how the system accommodates simultaneous elections in different stages of the election process, for example May and June elections.

29. Describe any components that must or can be integrated into the County's network (Not air gapped) and where they are installed. Do these components support single sign on, do they contain any key generation data that speaks uniquely to the voting system, etc.?

30. Describe how you would assign voting system units automatically to precinct (upload xlsx, csv, etc. files). Do you have a utility that allows quick assignment of machine to location and allows multiple machines assigned to one location?
31. Describe the utility for creating registration statistics for import into the election database at a specific date / point in time as defined by legislation or regulation.
32. Describe how the system handles reporting for election night about number of precincts reporting out, including the situation where multiple machines are allocated to the same precincts.
33. Describe how an administrator can add a new language to the system for the voter acknowledgement screen and other screens viewed by voters.
34. Describe how the system creates test decks and what functionalities are included in the test deck generation, specifically the test decks used for the State's L & A test.
35. Describe how the system generates simulation scripts used to verify ballot marking devices or how ballot marking devices are verified as accurately loaded and properly working.
36. Does the system accept import data from the DFM EIMS system without manual modification or configuration? If so describe the process.
37. Describe how the solution is compatible with 3<sup>rd</sup> party systems and services, such as ballot on demand, ballot printing vendors, translation vendors, election night reporting, etc.
38. Describe the audio capabilities of the solution, creation of audio content (file upload, synthesizer, etc.) to rendering of audio content.
39. State the current languages that are supported and explain how your solution intends to add languages that may be required by the County in the future. Describe your turnaround time for new languages to be supported.
40. Describe how the system tabulates and tracks multiple-card ballots.
41. For counting at polling places, describe the process for deleting and recounting precinct ballots at the main office.



### **C. BALLOT LAYOUT & CREATION REQUIREMENTS**

1. Name the companies that are certified to print ballots for this system.
2. The system must be able to allow the County to do complete election setup from beginning to end. Describe any part of the process of the system set-up that must be completed by the vendor.
3. The system must incorporate California's rotation schemes within ballot layout program and allow for manual manipulation of final official ballot layout consistent with California Elections Code 13109(o).
4. Describe ballot layout and programming capability, such as ease of use, maximum length of ballot, ability to create multi-party/cross-over ballots, accommodate multiple-card ballots, and retain flexibility in ballot design (i.e. voting ovals and bar codes).
5. Describe how multiple users can work within the Ballot layout module simultaneously on the same election.
6. Describe the import process to import data in all languages via direct importation to appropriate files or copy and paste. The County shall be able to create and edit all ballot layout files in all languages, in any Unicode supported font.
7. What languages does the synthesized speech functionality utilize/support?
8. Describe how your solution produces a cross-reference guide indicating the appropriate pages (plate codes), in their appropriate order, to be placed into each ballot type.
9. Describe the solution's ability for the user to view the ballot image pages in the layout/generation module rather than requiring the user to switch to an emulation program or actual voting unit. What is the average time that it takes to render an image? Is the system capable of rendering individual contests or pages separate from entire ballot?
10. Describe the solution's ability to print ballot image pages for proofreading purposes and for printing in the Sample Ballot & County Voter Information Guide (CVIG).
11. Describe how special characters (such as a solid diamond, solid bullets, or other characters that the County may require) are placed before a candidate's name, without interfering with the randomized alphabet or rotation.
12. Describe your solution's Ballot Layout/Generation System (must have) security features that allow for the assignment of specific, restricted, user-access rights to prevent modification of the ballot by unauthorized users.

13. Describe how the system can perform data export for races and candidates to be uploaded to a website (i.e. electronic voter guide).
14. What are the quantity limits of the proposed solution on the below topics? Include definitions of each of the topics below in relation to each other within the system.
  - a. Districts
  - b. Precincts
  - c. Ballot styles
  - d. Languages
  - e. Database size
  - f. Audio file size
  - g. Cards per ballot
  - h. Card size, and weight
  - i. Contests
  - j. What other limits does the system have?

#### **D. BALLOT MARKING DEVICE (BMD) REQUIREMENTS**

1. Describe the fully accessible and intuitive features for all voters that includes connections and ports to fit all currently known ADA assistive devices.
2. Describe how the system prevents a voter from marking a ballot with an overvote.
3. Does the application notify a voter who is marking a ballot of undervotes for any contest and allow an opportunity for the voter to either correct or mark the ballot with the undervotes?
4. Does the BMD store any data in memory at the end of the ballot marking session? If yes, what data is stored?
5. What hardware platforms are available? Include screen sizes and printers available to choose from.
6. What Audit Logs exist of physical activities, power up, down, running on battery, plugged in, etc.?
7. Describe the statistical and operational reports that are available for each device. Examples output can include canceled and completed ballot marking sessions, ADA device used (sip-n-puff, toggle paddle, headset with controller, etc.) ballot type, precinct, etc.
8. How long does the internal battery on the device last with continual use? This applies to the printing component of the BMD also.

## APPENDIX C

### IMPLEMENTATION, PROJECT MANAGEMENT, TRAINING, SERVICES AND ONGOING SUPPORT

Proposers shall respond to each item in the manner and order listed below. Do not include or refer to links, websites, etc., but include the written material from those sites/sources in your response below.

Please use letters and numbers to identify your response as it correlates to each item. Do not modify the order, format, font, etc.

Responses shall be detailed and comprehensive. All information provided should be verifiable by documentation, if requested by the County.

#### **A. PROJECT METHODOLOGY**

1. Provide a proposed progress payment plan based on the tasks and deliverables in submitted project plan.
2. Describe what is required of the County (resources, hardware, software, etc.) to ensure the successful implementation of the system, and any post-implementation maintenance or support required of the new software.
3. Include the steps that will be undertaken to identify and resolve any issues or problems before, during, and after the implementation.
4. Describe how the relationship between the County and Proposer will be managed from an account and technical support perspective.
5. Include a list of proposed project staff and key personnel for the project. Identify which project roles you usually require your customer to fill.
6. Explain the relationship of the project management team with the Proposer including job proposal, relevant certifications, and experience.

#### **B. STATEMENT OF WORK**

##### **1. Project Plan**

- a. Proposer shall include a detailed project plan for the implementation and operation of the proposed system. Describe the following for all phases of the plan from the project kickoff meeting to Go-Live:
  - i. **Tasks** - List all activities necessary for a successful project down to the task level.
  - ii. **Deliverables** - Describe the deliverables of each task.

- iii. **Assumptions** - List all assumptions.
- iv. **Proposer Responsibilities** - Clearly identify all Proposer (including subcontractors) resources required to successfully complete the project. Provide job descriptions and the number of personnel to be assigned to tasks supporting implementation of the project. Identify if the resources will be onsite or offsite.
- v. **County Responsibilities** - Clearly identify all County resources required to successfully complete the project. Provide task description, job descriptions, and the number of County resources needed for each task.
- vi. **Acceptance Criteria** - Describe the criteria used to determine completion of each task.
- vii. **Timeline** - Describe the timeline of each task.

## 2. **Integration**

- a. Describe the detailed integration plan.
- b. Describe what is required of the County to integrate the systems.
- c. Describe the user interface(s) for data, process, and workflow management.

## 3. **Implementation**

- a. Describe the implementation plan approach the Proposer intends to employ for the project and provide an explanation of how it will support the project requirements. The description shall include the organization of the project team including accountability and lines of authority.
- b. Describe what is required of the County to ensure the successful implementation of the system.
- c. Include the steps that will be undertaken to identify and resolve any issues or problems before, during, and after the implementation.
- d. Describe the post implementation follow-up activities that will be provided by the Proposer specifically addressing the following tasks:
  - i. Post-live system debugging to bring the application into full conformance with documentation, proposal, and modification specifications.
  - ii. Post-election audit / review utilization of the software to provide recommendations for optimizing (Post-election is defined as after election results have been certified by Registrar of Voters).
  - iii. Describe how application and support documentation are updated and distributed.

#### 4. **System Documentation**

- a. Describe the documentation provided to facilitate system implementation.
- b. Describe the System Administrator documentation provided.
- c. Attach a listing summarizing available stock (“canned”) reports provided by the solution and a sample of each.
- d. Describe how system documentation is provided (online, hard copy etc.) for the initial implementation as well as future updates and releases.
- e. Describe any user help system that is included as part of the solution.

#### 5. **Final Acceptance Test Plan**

- a. Include an acceptance test plan. The plan shall individually address each system component that comprises the proposed system, approach for load testing, and number of people to be involved in testing. The plan should document the acceptance testing approach, resources and/or tools that may be used to validate the functions and features of the proposed system.
- b. Include a plan for system testing during a minor County election within the first year the contract is awarded. Should no minor election be scheduled, Proposer shall provide and co-facilitate a comprehensive “mock” election to fully exercise and test the system.

#### 6. **Risk Management**

- a. Submit a risk assessment using the methodology published by the Project Management Institute or other comparable methodology. Include risk mitigation strategies as well as the resources the County may utilize to reduce risk.

#### 7. **Training**

- a. Describe the type and quantity of training that will be provided for each audience. The description must include:
  - i. The methods by which training will be provided e.g. online, on-site, webcast, self-paced online courses, etc.
  - ii. Explain the number of days and hours required for the training.
  - iii. Explain how many training classes are included.
  - iv. A recommended training curriculum.
  - v. Explain how the Proposer will work with the County to determine training needs and tailor the curriculum.

- vi. Explain the type of training that will be provided, at what stage/phase of the project, and follow-up training after implementation.
  - vii. Explain the ability to provide training at a County location.
  - viii. Describe what type of training document is provided.
- b. Include a training description for the following audiences:
    - i. Power users/administrators, general users, content creators, instructors and poll workers.
    - ii. Technical administrators of the proposed system.
    - iii. Technical operations staff and support staff for the proposed system.
  - c. Describe the training facility requirements for physical layout, communication needs (internet connectivity, etc.), projectors, # of computers, etc. that are needed to fulfill the proposed training plan. Identify which elements of the training facility will be supplied by the Proposer.

**C. ON-GOING MAINTENANCE, SUPPORT, AND SERVICES**

**1. Support Availability**

- a. Desired Hours by election period (number of days before or after Election Day):
  - i. E-85 – Pre-election ballot layout phase, 7 days a week 7am to 7pm
  - ii. E-29 – Pre-LAT on every machine, 7 days a week 7am to 7pm
  - iii. E-10 – Early voting and counting starts, 7 days a week 7am to 7pm
  - iv. E-1 to E+1 – around the clock support 24 hours a day
  - v. E+2 to E+30 – 7days a week 7am to 7pm
- b. Describe your Service Level Agreement (SLA). State your SLA failure ramifications.
- c. Describe the process for requesting support during standard business hours and after hours.
- d. Describe the communication channels (phone, email, web, etc.) for support.
- e. Provide the location of the closest technical service representative.

**2. Reporting of Issues**

- a. Describe the process how the County is to report issues, how the issues are processed, and notification when the issues are completed.

### **3. Issue Response Time**

- a. Provide the response time for issues by priority (e.g. critical issue – 1-hour response time).
- b. Provide the response time for the issues on Election Day.
- c. Provide resolution times for all issues by priority.

### **4. Escalation Process – Support and Contractual Issues**

- a. Provide the company escalation and response plan.
- b. Describe how issues are triaged and escalated.

### **5. Software Customization/Enhancements**

- a. Describe how customer enhancement requests are issued, processed, and approved for implementation.
- b. Describe the timeline for enhancement requests and how the customer is notified the request is completed.
- c. Describe how requests are prioritized by mandatory requirements and highly desired enhancements.
- d. Describe the Proposer's current and future plans to offer its customers enhancements to existing products or additional modules. Include the frequency of enhancements and the estimated dates of future modules.

### **6. Maintenance Agreement**

- a. Explain what is included in the cost of maintenance, future enhancements, support, and services.
- b. Explain what is not included in the cost of maintenance, future enhancements, support, and services.
- c. Identify the current version, the next major version, and minor planned version release dates. Include how many customers are utilizing the current version.
- d. For major software upgrades:
  - i. Describe how often upgrades are released.
  - ii. Describe how upgrades are defined, developed, tested, and released.
  - iii. Describe how customers are notified and educated about the upgrades.

### **7. System Documentation**

- a. Describe in detail what is included in the system documentation.

## **8. Account Team**

- a. List the key individuals assigned to the account and their title, role, and responsibilities.
- b. There must be an election coordinator who is the primary contact for the County. The election coordinator must be available all hours by phone on Election Day, Night and next Day.

## **D. Value Added Services (Optional)**

Proposers are encouraged but not required to propose any optional value-added services they believe would help the using agency to effectively implement, operate, or use the proposed system. Information provided in this section must be directly relevant to and not exceed two (2) pages in length.



## APPENDIX D

### COST RESPONSE FORM

The proposed cost shall include all fees, including one-time and recurring, and value-added options. Indicate items that are taxable. If offering item at no cost, state "No Cost." If item is not applicable to the solution, state "N/A."

1. In the options below, Proposer must identify **ALL acquisition option(s)** available to the County:
  - Leasing
  - Lease with option to buy
  - Outright purchase
  - Other (please identify and explain)

**Each acquisition option must be submitted with its own pricing sheet (as attached).**

2. Each pricing proposal must clearly state which acquisition option it is addressing, (i.e. Leasing, Purchase, etc.)
3. Each option proposed must include hardware, peripherals, components, software licensing, installation/implementation, training (including all materials), shipping, delivery and all expenses including travel expenses and related travel expenses.
4. Indicate the firm, fixed price for the specific type of voting equipment / system(s) proposed for each of the replacement options as specified on the Pricing Sheet.
5. Proposers **MUST** use the pricing sheet as attached for their cost proposal and reference the submittal as Appendix D. In addition, Proposer may elect to submit a supplemental pricing schedule based on its own pricing structure (and acquisition models), for clarification.

# PRICING SHEET

## SECTION I – ONE-TIME COSTS

### Option 1

Description of Equipment	Quantity	Price per Unit	Total Price
Central Count Equipment	4 Units	\$	\$
Polling Place Counting Equipment	120 Units	\$	\$
Accessible Voting Equipment	120 Units	\$	\$
Software licensing & maintenance		\$	\$
Installation / Implementation		\$	\$
Training, including all materials		\$	\$
Travel and related expenses		\$	\$
Other One-time Costs		\$	\$
Applicable Sales Tax		\$	\$
<b>Total</b>		\$	\$

### Option 2

Description of Equipment	Quantity	Price per Unit	Total Price
Central Count Equipment	4 Units	\$	\$
Polling Place Counting Equipment	120 Units	\$	\$
Software licensing & maintenance		\$	\$
Installation / Implementation		\$	\$
Training, including all materials		\$	\$
Travel and related expenses		\$	\$
Other One-time Costs		\$	\$
Applicable Sales Tax		\$	\$
<b>Total</b>		\$	\$

## PRICING SHEET CONTINUED

### Option 3

Description of Equipment	Quantity	Price per Unit	Total Price
Central Count System	6 Units	\$	\$
Accessible Voting Equipment	120 Units	\$	\$
Software licensing & maintenance		\$	\$
Installation / Implementation		\$	\$
Training, including all materials		\$	\$
Travel and related expenses		\$	\$
Other One-time Costs		\$	\$
Applicable Sales Tax		\$	\$
<b>Total</b>		\$	\$

### Option 4

Description of Equipment	Quantity	Price per Unit	Total Price
Central Count Equipment	6 Units	\$	\$
Software licensing & maintenance		\$	\$
Installation / Implementation		\$	\$
Training, including all materials		\$	\$
Travel and related expenses		\$	\$
Other One-time Costs		\$	\$
Applicable Sales Tax		\$	\$
<b>Total</b>		\$	\$

## PRICING SHEET CONTINUED

### **SECTION II – RECURRING ANNUAL COSTS PRECINCT VOTING MODEL**

List any recurring cost below for Options 1 - 4 as shown above.

<b>Total Recurring Annual Costs</b>	<b>List Price/Cost</b>	<b>Proposed Cost</b>	<b>Total Price</b>
Year One	\$	\$	\$
Year Two	\$	\$	\$
Year Three	\$	\$	\$
Year Four	\$	\$	\$
Year Five	\$	\$	\$

### **SECTION III – OTHER ONE-TIME COSTS OR VALUE-ADDED PRODUCTS / SERVICES**

Please itemize all other costs, including but not limited to: enhancements at no additional cost, proposed modules, third party software to operate, etc. Itemize costs and provide detail of any value-added products or services in this section.

<b>Description</b>	<b>Proposed Price</b>
	\$
	\$
	\$

### **SECTION IV – HOURLY LABOR RATES**

Please provide an hourly rate for the following functions:

<b>Description</b>	<b>Proposed Price</b>
Technical Support during regular business hours	\$
Consultation	\$
Ballot Layout	\$
Tabulation	\$
Election Day On-Site Support	\$
Election Day Support – between 7am-11pm	\$
Critical Support (1-hour response time)	\$

**APPENDIX E**

**OFFER**

IN COMPLIANCE WITH THE ABOVE, THE UNDERSIGNED OFFERS AND AGREES, IF THIS BID IS ACCEPTED WITHIN 90 CALENDAR DAYS FROM DATE OF OPENING, TO FURNISH ANY OR ALL OF THE ITEMS UPON WHICH PRICES ARE QUOTED, AT THE PRICE SET OPPOSITE EACH ITEM, DELIVERED AT THE DESIGNATED POINT WITHIN THE TIME SPECIFIED. DISCOUNTS WILL NOT BE CONSIDERED IN THE EVALUATION OF ANY QUOTATION, UNLESS OTHERWISE STATED IN THIS INVITATION.

**REPRESENTATIONS AND CERTIFICATIONS**

BIDDER CERTIFIES THAT THEY ARE: \_\_\_\_\_ Certified Dealer  
\_\_\_\_\_ Manufacturer of the items

BUSINESS IS OPERATED AS:  
\_\_\_\_\_ AN INDIVIDUAL \_\_\_\_\_ A PARTNERSHIP \_\_\_\_\_ A CORPORATION

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

\_\_\_\_\_

Company Phone: \_\_\_\_\_

Company Website: \_\_\_\_\_

**SIGNATURE OF PERSON AUTHORIZED TO SIGN BID:**

**X** \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

## ATTACHMENT 1

### COUNTY OF MARIN GENERAL PROVISIONS

The issuance of this RFP constitutes only an invitation to present responses. This RFP is in no way an agreement, obligation, or contract between County and any Proposer. The County reserves the right, at its sole discretion, to determine whether or not any aspect of a response satisfactorily meets the criteria established in the RFP. The County reserves the right to seek additional information and/or clarification from the Proposer, the right to confer with any Proposer submitting a response and the right to reject any or all responses with or without cause. In an effort to reach a decision concerning the most qualified applicant, the County reserves the right to evaluate all factors it deems appropriate, whether or not such factors have been stated in the RFP. In the event that the RFP is withdrawn by the County for any reason, the County shall have no liability to any Proposer for any costs or expense incurred with the preparation of this RFP or related work. The County reserves the right, at its sole discretion, to waive any irregularities or informality. However, the County's waiver of an immaterial defect shall in no way modify the RFP requirements or excuse the Proposer from full compliance with the objective if awarded the contract.

The County of Marin reserves the right to reject any and all responses for failure to meet the requirements contained herein, to waive any technicalities and to select the responses which, in the County's sole judgment, best meets the requirements and the needs of the project.

#### A. General Conditions

This procurement will be conducted in accordance with the County's procurement policy and procedures.

1. Acceptance of Conditions Governing the Procurement

Signature on offer page indicates acceptance of all requirements, terms and conditions stated within this solicitation. Additionally, Proposer agrees to be bound by the terms and conditions of the County of Marin Professional Services Contract (PSC) and execute the same, if selected. The County's standard PSC is attached hereto as "Attachment 2". Proposer should be aware that only minor changes to the PSC which are deemed by County Counsel to be necessary to the unique terms of this proposed contract will be negotiated upon request.

2. Guarantee of Proposal

Responses to this RFP, including proposal prices, will be considered firm and fixed, for 90 days after the due date for receipt of proposal or 90 days after receipt of a best and final offer, if one is submitted.

3. Attorney Fees

In the event a suit or action is instituted in connection with any controversy arising

out of this contract, the prevailing party shall be entitled to receive, in addition to its costs, such sum as the court may adjudge reasonable as to attorney's fees and costs.

4. Cancellation of the Contract

**Without** CAUSE, the County of Marin may cancel this contract at any time with thirty (30) days written notice to the supplier/contractor. **With** CAUSE, the County of Marin may cancel this contract at any time with ten (10) days written notice to the Proposer. Cancellation for cause shall be at the discretion of the County of Marin and shall be, but is not limited to, failure to supply the materials, equipment or service specified within the time allowed or within the terms, conditions or provisions of this contract. The successful Proposer may not cancel this contract without prior written consent of the County of Marin Purchasing Agent.

5. Document Ownership

All documents, plans, drawings, specifications, schematics, blueprints, external computer media, thumb drives, reports and studies produced in association with this agreement shall become the exclusive property of the County of Marin.

6. Force Majeure

Time extension for delay may be allowed to the vendor by the County of Marin for any delay in the completion/delivery of specified items which arises from unforeseeable causes beyond the control of the vendor and without fault or negligence of the vendor. The causes include but are not restricted to: the act or negligence of the County of Marin, stormy or inclement weather in which specified work cannot be done, strikes, boycotts, acts of god, acts of the public enemy, acts of government, fire, flood, epidemics, freight embargo, delays of suppliers which arise from unforeseeable causes beyond the control and without the fault or negligence of both the vendor and supplier.

7. Non-Obsolescence

Contractor shall provide compatible products, components and parts for a period of not less than twenty (20) years from award of contract. Compatible products are defined as products that are functionally compatible in terms of installation, use, and aesthetics. All such items shall be furnished under original contract pricing terms (including discount), not as custom order items.

8. Nuclear Free Zone

Pursuant to Chapter 23.12 of the Marin County Code, the County of Marin is a Nuclear Free Zone in which work on nuclear weapons and/or the storage or transportation of weapons related components and nuclear material is prohibited or appropriately restricted. The County of Marin is prohibited or from contracting for services or products with, or investing County funds in, any entity involved in the development, production or maintenance of Nuclear Weapons or Nuclear Weapon delivery systems.

9. Independent Contractor

The contractor/vendor agrees and certifies that they or any of their agents, servants, or employees is not an agent or employee of the County of Marin. The contractor is an independent solely responsible for contractor's acts. The resulting Professional Services Contract shall not be construed as an agreement for employment with the County.

10. Nondiscriminatory Employment

Contractor and/or any permitted subcontractor shall not unlawfully discriminate against any individual based on race, color, religion, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status or any other characteristic protected by law. Contractor and/or any permitted subcontractor is bound by and will comply with the nondiscrimination mandates of all Federal, State and local statutes, regulations and ordinances.

11. Severability

If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

12. Minimums

There shall be no minimum order requirements.

13. Governing Laws

This RFP and any resulting agreement, contract and purchase order shall be governed by all applicable federal, state and local laws, codes, ordinances and regulations. All matters and subsequent contracts shall be governed by, and in accordance with, the substantive and procedural laws of the State of California. The Proposer agrees that all disputes arising out of or in connection with the Professional Services Contract and the underlying procurement process shall be construed in accordance with the laws of the State of California and that the venue shall be in Marin County, California.

14. Non-Appropriations

The County's performance arising from this RFP process is contingent upon the availability of funds. Should funds not be appropriated or otherwise made available to the County, any contract entered into pursuant to this RFP will be terminated with respect to any payments for which such funds are not available.

15. Authority to Conduct Business in State

Proposer must be legally authorized to conduct business in the State of California and have established administrative and program resources to provide services in Marin County. The Proposer must also have appropriate federal, state and local permits or certifications necessary to perform the services that are the subject of this RFP.



16. Insurance

Proposer must carry \$1,000,000 in liability insurance (\$2,000,000 aggregate). The County must be named as additional insured, and specific language must be included on the signed endorsement to the policy. The County also requires proof of motor vehicle and Worker's Compensation insurance. The full range of the County's insurance coverage requirements are detailed in the County of Marin's Standard Professional Services Contract, attached hereto as "Attachment 2". It is strongly suggested that applying entities be certain of the ability to secure this insurance and verification prior to submitting a proposal.

17. Public Record

The applications and other information submitted in response to this solicitation will become the property of the County upon submission and may be subject to the terms of the California Public Records Act, as required by law. Submitted applications will not be returned to the Proposers. By submitting an application, Proposer acknowledges and agrees as follows: that the County is a public agency subject to the disclosure requirements of the PRA; that Proposer must clearly identify all proprietary information that is contained in the application submitted to the County, if Proposer claims that such information falls within one or more PRA exemptions; that Proposer must mark said proprietary information as "CONFIDENTIAL AND PROPRIETARY" and must identify the specific lines containing the information; that the County will make reasonable efforts to provide notice to the Proposer prior to such disclosure in the event of a PRA request; that Proposer is required to obtain a protective order, injunctive relief, or other appropriate remedy from the Marin County Superior Court, before the County's deadline for responding to the PRA request; that if Proposer fails to obtain such remedy within County's deadline for responding to the PRA request, County may disclose the requested information without penalty or liability; and that Proposer shall defend, indemnify, and hold County harmless against any claims, action, or litigation, including but not limited to all judgments, costs, fees, and attorney's fees that may result from denial by County of a PRA request for information arising from any representation or any action (or inaction), by Proposer. After submission of the application and closing of the application period, no information other than what is outlined in this RFP will be released, until an award becomes final.

## **ATTACHMENT 2**