

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years:	2007	2008	2009	2010	2011
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes X No

Budget Account No: Fund1171 Agency180 Org.1101 Object6507

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funding was established in FY 2008 from a State grant of Help America Vote Act (HAVA) funds and Countywide ad valorem – equivalent funding.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

There is no fiscal impact until the contract is awarded.

mm
10-11-07

[Signature] 10-11-07
OFMB
10-11-07 10/11/07

[Signature] 10/15/07
Contract Dev. and Control
10/15/07

B. Legal Sufficiency:

[Signature] 10/15/07
Assistant County Attorney

C. Other Department Review:

Department Director

RESOLUTION NO. R-2007-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR SOLE SOURCE DETERMINATION; PROVIDING FOR APPROVAL OF NEGOTIATION BETWEEN DR. ARTHUR ANDERSON, SUPERVISOR OF ELECTIONS AND SEQUOIA VOTING SYSTEMS, INC; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DIVISION OF ELECTIONS;AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2007, the Florida Legislature passed a law prohibiting touch screen voting equipment and mandating the use of optical scan based voting systems effective July 1, 2008; and

WHEREAS, the Supervisor of Elections (hereinafter "Supervisor") investigated and evaluated optical scan based voting systems that could serve the particular needs of Palm Beach County; and

WHEREAS, the Supervisor determined that there is but a single source from which suitable voting equipment can be obtained; and

WHEREAS, this single source, Sequoia Voting Systems, Inc., manufactures the optical scan based voting system; which, based upon the determination of the Supervisor, is the only optical scan based voting system certified by the State of Florida that is compatible to the current voting system owned by the County, inclusive of tabulation equipment, components, etc.; and

WHEREAS, based on this authorization, the Supervisor will negotiate an agreement with Sequoia Voting Systems which will take effect upon the provision of funding by the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Recitals set forth herein are true and correct and form a part of this Resolution.
2. The Board of County Commissioners of Palm Beach County, based solely upon the advice and consent of the Supervisor as set forth in the Recitals, hereby determines that Sequoia Voting Systems is the sole source certified by the State of Florida that is compatible with the County's existing voting system, inclusive of tabulation equipment, components, etc.
3. As to each of the actions and factual determinations set forth in this Resolution, the Board of County Commissioners relies solely upon the advice and consent of the Supervisor, recognizing fully the election-related authorities, duties and obligations imposed upon the Supervisor by Florida law, including by not limited to the independence of the Supervisor in matters relating to purchase of equipment as set forth in section 129.202(2), Florida Statutes (2006).
4. A certified copy of this resolution shall be transmitted to the State of Florida Division of Elections within ten days of its effective date and shall accompany certification by the Chairperson of the Board of County Commissioners indicating the conditions requiring an exception to the competitive sealed bidding and the competitive sealed proposal requirements set forth in section 101.293, Florida Statutes (2006).
5. This Resolution shall take effect immediately upon its adoption.

Attachment # 1

Page 1 of 2

The foregoing resolution was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Addie I. Greene, Chairperson	-
Commissioner Jeff Koons, Vice-Chair	-
Commissioner Karen T. Marcus	-
Commissioner Robert J. Kanjian	-
Commissioner Mary McCarty	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-

The Chairperson thereupon declared the resolution duly passed and adopted this _____ day of October 2007.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk and Comptroller

By _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By _____
County Attorney

Attachment # 1

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Palm Beach County

240 SOUTH MILITARY TRAIL
WEST PALM BEACH, FL 33415
POST OFFICE BOX 22309
WEST PALM BEACH, FL 33416

DR. ARTHUR ANDERSON
Supervisor of Elections

TELEPHONE: (561) 656-6200
FAX NUMBER: (561) 656-6287
WEBSITE: www.pbcelections.org

The Supervisor of Elections office is requesting the purchase of Optech Insight Plus ballot tabulators, Sequoia 400-C absentee ballot counters, and related peripherals from Sequoia Voting Systems based upon the following sole source justification.

Based upon our expertise and a comprehensive search of the market place, the voting equipment items mentioned above are the only ones that provide the following unique characteristics that we require and, to the best of our knowledge, no other products can duplicate.

The Insight Plus ballot tabulator, 400-C absentee ballot counter, and related peripherals are the only ones that:

- 1) Are certified by the state of Florida for use with our ballot tabulation system
- 2) Are compatible with the election management software and touch screen voting units manufactured by Sequoia that the county already owns
- 3) Allow us to avoid incurring the enormous cost and effort of replacing the entire vote tabulation system in advance of the statutorily mandated 2008 deadline (must be in place, tested, documented, and have procedures and training materials for use fully developed)

For the above documented reasons, and the attached supporting documents from the Secretary of State regarding the use of existing vendors, I request that the above-mentioned equipment from Sequoia Voting Systems be considered for approval as sole source.

A handwritten signature in cursive script that reads "Dr. Arthur Anderson".

Dr. Arthur Anderson
Supervisor of Elections

Attachment # 2

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Certification
Sequoia Voting Systems, Inc.
Sequoia Voting Systems, Release 3.1.077, Version 1

On this date, the Department of State certifies "Sequoia Voting Systems, Release 3.1.077, Version 1", submitted by Sequoia Voting Systems, Inc., for purchase or use by County and Municipal Governments of the State of Florida. This voting system consists of:

Election Management System:

- WinEDS application, version 3.1.077
 - WinEDS Database Setup, version 3.1.077
 - Election Reporting, version 1.1.28
- Ballot Printing System II (BPS), version 3, release 40L
- BPS/WinEDS Bridge, version 3.1.19D
- AVC EDGE Cartridge Reader / Programmer (Part No. 460-40070-00)
 - w/ COTS device driver as indicated on product label
- *Optional* Sycard PCCextend 70A (*replacement for the EDGE Cartridge Reader / Programmer*)
- Memory Pack Reader (MPR)
 - w/firmware version 2.15
- *Optional* SPR Host 1.0.10
- COTS software
 - Windows Server 2003 and/or
 - Windows XP
 - Microsoft Visio 2002 (Standard Edition) with SR-1 or later
 - Microsoft Office 2002 (Standard Edition) or later
 - Microsoft SQL Server 2000 with Service Pack 4 or later
 - *Optional* Adobe Acrobat 5.0 or later

Precinct Count:

- Optech Insight and/or Insight Plus
 - w/ firmware versions HPX 1.44, APX 2.12
 - *Optional* modem
 - w/ firmware version CPX 1.14
- Insight Plastic Ballot Box
- *ADA polling equipment:*
 - AVC EDGE I and/or EDGE II
 - w/ firmware version 5.1.12
 - *Auxiliary equipment for EDGE I or II:*
 - AVC EDGE Card Activator, version D
 - w/ firmware version 5.1.09
 - AVC EDGE Audio Component, Revision D
 - w/ firmware version 7.5
 - *Optional* AVC EDGE Auxiliary Power Unit

Attachment # 3

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Central / Absentee Count:

- Optech 400-C Ballot Counter, Model 3.00P
 - w/ WinETP firmware version 1.14.3

This certification is granted pursuant to Section 101.5605, Florida Statutes, Rule 1S-5.001, Florida Administrative Code, and DS-DE 101, effective 1-12-05.



Certification # **070907-SEQUOIA-01**

Given under my hand, and the Great Seal of the State of Florida at Tallahassee, the Capitol, this Seventh day of September, A.D. 2007.

A handwritten signature in black ink, appearing to read "Amy K. Tuck".

Amy K. Tuck, Esq.
Director
Division of Elections, Department of State
State of Florida



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

October 12, 2007

The Honorable Arthur Anderson
Palm Beach County Supervisor of Elections
240 S. Military Trail
West Palm Beach, FL 33415-3148

Dear Supervisor Anderson:

This letter is in response to your request for information regarding implementation of House Bill 537 which was passed during the 2007 Legislative session and signed by the Governor in May. This Legislation requires counties to use marksense ballots for precinct and early voting sites. It also provides a requirement that counties provide for a touchscreen system at each precinct and early voting site for voters with disabilities. The requirement to accommodate persons with disabilities is also required by federal law.

The original funding scheme and the ensuing funding agreement were based on assumption that counties would stay with their current voting systems vendors. This assumption was made for a variety of reasons, to include familiarity with software, and expense of completely changing out a system. In addition to ballot on demand equipment, the funding provided by the State will cover only the cost of one optical scan unit for each precinct and early voting site. Voting system equipment is vendor specific and counties must use a vendor's entire system. In order to change vendors, the county would have to purchase not only the optical scan systems, but also the additional touchscreens that are required as well as the election management system and any equipment needed for absentee and early voting. This did not seem reasonable to expect counties to implement, nor cost effective for the state.

The goal is to have these systems ordered and the equipment in the county by February 1, 2008 with the systems being implemented by July 1, 2008 as required by law. Please keep in mind these are target dates and we are hopeful and working towards reaching these goals earlier than above.

I hope this letter answers your inquiry. Please feel free to contact the Division of Elections if you have any further questions.

Sincerely,

Kurt S. Browning
Secretary of State

Attachment # 4

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