

4A-1

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 1, 2012

☐ Consent  
☐ Ordinance

☒ Regular  
☐ Public Hearing
Department: AdministrationSubmitted By: AdministrationSubmitted For: Administration/Supervisor of Elections

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to

- A) **approve** Amendment Number 1 to the Tri Party Agreement with the Palm Beach County Supervisor of Elections and Dominion Voting Systems, Inc. (R-2011-1536), providing for WinEDS 4.0, Insight Firmware, Edge upgrade to version 5.2.16 and 400C Firmware software upgrades in an amount not to exceed \$117,450; and
- B) **approve a Budget Transfer** \$844,450 to the General Fund Contingency Reserves for funds previously allocated for the purchased of Supervisor of Election's software and hardware upgrades and support services; and
- C) **approve a downward Budget Amendment** of \$844,450 to reduce the transfer from the General Fund for this project.

**Summary:** On October 4, 2011, the Board of County Commissioners approved a Tri Party Agreement with the Palm Beach County Supervisor of Elections (SOE) and Dominion Voting Systems, Inc. (Dominion) in the amount of \$961,900 for the development and purchase of Insight Listener software and the purchase of related modems for the purpose of receiving vote totals by modem from the Insight ballot counters in the precincts. In conducting field visits to some of the County's polling locations, the SOE discovered that a number of them had digital telephone lines that did not accommodate analog modems. As a result of the field visits, the SOE and Dominion desire to amend the Agreement to substitute the WinEDS 4.0, Insight Firmware, Edge upgrade to version 5.2.16 and 400C Firmware upgrade in the not to exceed amount of \$117,450, and delete the modems as originally agreed to. Countywide (DW)

**Background and Justification:** In the original Tri Party Agreement (R-2011-1536) with the SOE and Dominion, per the request of the SOE, Dominion was to develop and provide software and related modems for the purpose of receiving vote totals by modem from ballot counters in the precincts. As a result of field visits to some of the County's polling locations the SOE discovered that the phone systems at some locations did not accommodate the modems purchased under the Agreement. Due to the challenges associated with the digital phone systems and the Insight modems upgrade previously purchased, the scope of the original Agreement is being altered by eliminating the Insight modem upgrade and continuing with the WinEDS 4.0, Insight firmware, Edge upgrade to version 5.2.16 and 400C Firmware upgrade. The upgraded voting system will be operated in conjunction with remote tally centers. On-site training and election day support will be provided by Dominion.

**Attachments:**

First Amendment

Budget Transfer

Budget Amendment

**Recommended by:** \_\_\_\_\_

Department Director

Date

**Approved by:** \_\_\_\_\_

Assistant County Administrator

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	(844,450)				
Operating Costs	(63,625)	(66,806)	(70,146)	(73,654)	(77,337)
External Revenues					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	(908,075)	(66,806)	(70,146)	(73,654)	(77,337)
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes X No     

Budget Account No.: Fund      Department      Unit      Object     

Revenue: Fund      Department      Unit      Rev Source     

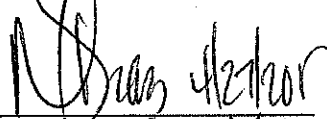
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

This contract amendment will reduce the capital expenditures by \$844,450. Motions B and C will return \$844,450, of the originally approved \$961,900, back to the General Fund contingency reserve.

C. Departmental Fiscal Review:   

## III. REVIEW COMMENTS

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

  
OFMB  
SP 4/26/12  
4/26/12  
SP 4/26/12

 4/30/12  
Contract Administration

### B. Legal Sufficiency:

 4/30/12  
Assistant County Attorney

This amendment complies with  
our review requirements.

### C. Other Department Review:

    
Department Director

This summary is not to be used as a basis for payment.

**FIRST AMENDMENT  
TO AGREEMENT FOR  
INSIGHT LISTENER SOFTWARE AND RELATED MODEMS**

**THIS FIRST AMENDMENT**, dated April 3, 2012, to Contract No. R-2011-1536, dated October 4, 2011, by and between Palm Beach County Board of Commissioners, having its principal place of business at 301 North Olive Avenue, West Palm Beach, Florida 33401, ("COUNTY") the Palm Beach County Supervisor of Elections ("SOE"), located at 240 South Military Trail, West Palm Beach, Florida 33415 ("SOE") (collectively referred to as "Customer") and Dominion Voting Systems, Inc., having its principal place of business at 1201 18<sup>th</sup> Street, Suite 210, Denver, Colorado 80202 ("Dominion").

**WITNESSETH:**

**WHEREAS**, the parties have entered into that certain Agreement dated October 4, 2011, hereinafter referred to as the "AGREEMENT" for the purchase of Insight Listener Software and related modems; and

**WHEREAS**, in conducting field visits to some of COUNTY'S polling locations, the SOE discovered that a number of polling locations have digital telephone lines that do not accommodate analog modems; and

**WHEREAS**, based on the challenges associated with the Insight modem upgrade, the SOE terminated the AGREEMENT with Dominion as it relates to the purchase of modems; and

**WHEREAS**, the parties desire to amend the AGREEMENT to Contract for the WinEDS 4.0, Insight Firmware, Edge Upgrade to Version 5.2.16, and 400C Firmware Upgrade pursuant to Exhibit A attached hereto; and

**WHEREAS**, COUNTY shall pay invoices in a timely manner pursuant to the invoicing schedule described in Exhibit A in an amount not to exceed \$117,450.00.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements expressed herein, the parties agree as follows:

1. The AGREEMENT is hereby amended to delete any and all reference to the purchase of the Insight modem upgrade as well as all references to Exhibit B. Further, the parties agree that the WinEDS 4.0, Insight Firmware, Edge Upgrade to Version 5.2.16, and 400C Firmware upgrade, as well as onsite training and all Election Day support as described in Exhibit A attached to this Amendment shall be the sole basis for this AGREEMENT.
2. COUNTY'S Payment and Related Responsibilities is hereby amended as follows: COUNTY shall pay invoices in a timely manner pursuant to the invoicing schedule described in Exhibit A in an amount not to exceed \$117,450.00.
3. Paragraphs 7, 8 and 10 through 40 of said CONTRACT, dated October 4, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.
4. This FIRST AMENDMENT shall not take effect until executed by the parties hereto.

**THE REST OF THIS PAGE IS LEFT BLANK INTENTIONALLY**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written.

**ATTEST:**  
**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

By: \_\_\_\_\_  
Deputy Clerk

**WITNESSES:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

**WITNESSES:**

Wanda Gurule

Wanda Gurule

\_\_\_\_\_  
Name (Type or Print)

Marjorie McCormack

Marjorie McCormack  
\_\_\_\_\_  
Name (Type or Print)

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

\_\_\_\_\_  
County Attorney

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

By: \_\_\_\_\_  
Shelley Vana, Chair

**PALM BEACH COUNTY  
SUPERVISOR OF ELECTIONS**

By: Susan Bucher

Susan Bucher  
Supervisor of Elections

**DOMINION VOTING SYSTEMS, INC.**

By: \_\_\_\_\_

Michael Frontera  
Vice President & General Counsel

**Approved as to Terms and Conditions**

\_\_\_\_\_  
Brad Merriman

EXHIBIT A  
TO FIRST AMENDMENT TO THE VOTING SYSTEMS AGREEMENT  
BETWEEN DOMINION VOTING SYSTEMS, INC.  
AND PALM BEACH COUNTY, FLORIDA

**A.1 PROJECT CONFIGURATION AND PRICING SUMMARY**

DESCRIPTION	PRICE
<i>Insight Firmware, 400C Firmware, &amp; WinEDS 4.0</i>	
<p>WinEDS 4.0 Election Management System</p> <ul style="list-style-type: none"> <li>- Enhancements to server level security as well as the application user and role security interface.</li> <li>- Support for split precinct level reporting including the ability to report on splits that do not have contests assigned in the election.</li> <li>- Streamlined cartridge creation process.</li> <li>- Results cartridges already created from the database are now automatically validated against layout changes made after the fact.</li> <li>- The 400C import operation has been redesigned resulting in enhanced user control and increased capacity.</li> <li>- Supports defining header masks at a tally type level for use when generating Optech header codes.</li> <li>- Support has been added to allow machine assignments to be imported from an external file.</li> <li>- Enhanced support has been provided for Insight/400C warnings of undervotes at a contest level.</li> <li>- The Tally Wizard has been redesigned to simplify and improve the process. Cartridge reading has now been decoupled from the cartridge processing operation and control over cartridge processing restricted.</li> <li>- The tally and tabulation process has been improved to increase efficiency while enhancing the data validation and providing tracking of cartridges during the tally cycle.</li> </ul> <p>WinEDS 4.0 Election Reporting</p> <ul style="list-style-type: none"> <li>- robust highly configurable reports (contest groups, tally type groups)</li> <li>- split level report (by district)</li> </ul> <p>WinEDS 4.0 - Extended Services</p> <ul style="list-style-type: none"> <li>- configurable vote sim generator with expected results reports</li> <li>- manual data entry module with support for write-in resolution from paper ballots</li> </ul> <p>Insight Firmware Upgrade - (requires WinEDS version 4.0)</p> <ul style="list-style-type: none"> <li>- Support for split level reporting</li> </ul>	\$106,250.00

- Prevention of merging test and official results
- Readiness checking (enhanced per latest EAC guidance) - checks that vote totals are zero when the number of ballots cast is zero.

#### Edge upgrade to version 5.2.16

- 500 Compact Flash preloaded with Florida State certified Edge version 5.2.16
- Dual audio/visual voting mode
- Support for mp3 audio file format
- Improved audio voting work-flow (elimination of issue known as "voter loop" during audio voting)
- Addition of a digital signature to ballot image records
- Audio voters are informed when the maximum number of characters in a write-in name has been reached, and when there is an error with the VVPAT printer.
- Includes election information in the event log report, when applicable
- Prevent casting a blank ballot at the voter fled screen when casting blank ballots is not allowed.
- Support for audio associated to a Print-only contest

#### 400C Firmware Upgrade - (requires WinEDS version 4.0)

- Support for split level reporting
- Ability to print log on demand
- Capacity increased
- Ballot sorter can sort by precinct
- Precinct to batch and batch to precinct cross reference reports for mixed mode operation
- Readiness checking (enhanced per latest EAC guidance) - checks that vote totals are zero when ballots cast is zero.
- Additional security - hashing of files adds tamper resistance along with additional consistency checks
- Initialization errors captured in log

*(County shall be responsible for all of the labor associated with the upgrades described in this document unless specifically stated otherwise.)*

#### Services

##### On-Site Training Services and Election Day Support:

1 person for software support on Aug 14, 2012

1 person for software support on Nov 6, 2012

3 Days EMS Training

\$11,200.00

**Total Price \$117,450.00**

## **A.2 INVOICING AND PAYMENT**

Upon delivery and SOE acceptance of the items listed in this Exhibit A, Dominion shall submit an itemized invoice listing the item that was delivered and for which payment is sought. The SOE shall review the invoice(s) submitted by Dominion. Once approved, the SOE shall forward the approved invoices(s) to the County's Office of Financial Management and Budget Department ("OFMB") and same shall be forwarded to the Palm Beach County Clerk and Comptroller's Office ("Clerk and Comptroller") for payment. Dominion shall submit all invoices to the SOE at 240 South Military Trail, West Palm Beach, Florida 33415, or to such other entity or address that the SOE or County may specify in writing



BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

BGEX 420 041012\*1297

BUDGET TRANSFER  
FUND 0001 General Fund

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF	REMAINING BALANCE
<u>EXPENDITURES</u>								
820-9100-9207	Transfer to Capital Outlay Fund 3900	0	961,900	0	844,450	117,450	0	117,450
820-9900-9901	Contingency Reserves	20,000,000	15,294,411	844,450	0	16,138,861	0	16,138,861
TOTALS				844,450	844,450			

County Administration

Signatures & Dates

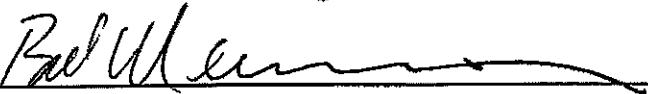
BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

5/1/2012

Deputy Clerk to the  
Board of County Commissioners

INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

x 

Attachment #

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BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA  
BUDGET AMENDMENT

FUND 3900 Capital Outlay

BGRV 420 041012\*517  
BGEX 420 041012\*1298

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 04/10/2012	REMAINING BALANCE
<u>Revenues</u>							
800-9100-8000 Tr from General Fund 0001	0	961,900	0	844,450	117,450		
TOTAL RECEIPTS & BALANCES	20,395,042	19,929,196	0	844,450	19,084,746		
<u>Expenditures</u>							
181-1101-6507 Machinery & Equipment	0	961,900	0	844,450	117,450	0	117,450
TOTAL APPROPRIATIONS & EXPENDITURES	20,395,042	19,929,196	0	844,450	19,084,746		

County Administration

Signatures & Dates

BY BOARD OF COUNTY COMMISSIONERS  
AT MEETING OF

May 1, 2012

Deputy Clerk to the  
Board of County Commissioners

INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

x 

Attachment #

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