

REQUEST FOR PROPOSAL

RFP # 4437-03

New Voting Tabulation System

SUBMITTAL DUE DATE

JUNE 9, 2003

2:00 p.m.

**BOULDER COUNTY PURCHASING
JENNY OLBERDING
PURCHASING AGENT**

**2020 13TH STREET
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REQUEST FOR PROPOSAL

The Boulder County Clerk & Records Office is seeking proposals from qualified vendors for a new Voting Tabulation System. The basic requirements of the system are listed under specifications and requirements in this document. Specifications and a sample contract are attached.

RFP's are due in the Purchasing office for time and date stamping by 2:00 p.m., June 9, 2003. **Ten copies** of your RFP must be submitted in a sealed envelope, clearly marked as RFP #4437-03, and delivered to the Purchasing Division, 2020 13th Street, 1st Floor, Boulder, CO 80302, or mailed to Boulder County Purchasing, P.O. Box 471, Boulder, CO 80306. All Overnight, Express and Priority Mail should be directed to the above street address. All RFP's must be received and time and date stamped in the Purchasing office by the above due date and time. Any RFP's received after due date and time will be returned unopened to the bidder. **No faxed RFP's will be accepted.**

Boulder County will have a non-mandatory pre-proposal conference on May 22, 2003, starting at 1:00 p.m. Interested parties should meet in the Houston Room, 1st floor of the Boulder County Clerk and Recorder's Building, located at 1750 33rd Street, Boulder, Colorado, 80301. Questions regarding this RFP will be answered at this time. Vendors are not required, but are encouraged to attend.

Any questions regarding the scope of services or the terms and conditions of the Request for Proposal must be submitted in writing to Jenny Olberding, Purchasing Agent, at 2020 13th Street, Boulder, CO 80302 or faxed to (303) 441-4524. The County must receive inquiries/questions on or before 3:00 p.m. on May 26, 2003. The County's response to the questions will follow no later than May 29, 2003. Written answers to questions submitted as described above will be provided to bidders via Email

The awarded vendor will be required to submit a performance bond in the amount of 100% of the contract price.

The Board of County Commissioners reserve the right to reject any and all bids, to waive any informalities or irregularities therein, and to accept the proposal that, in the opinion of the Board, is in the best interest of the Board and of the County of Boulder, State of Colorado.

Americans with Disabilities Act (ADA):

If you need special services provided for under the Americans with Disabilities Act, contact the ADA Coordinator, or the Human Resources office at 441-3508 at least 48 hours before the scheduled event.

By: Jenny Olberding, Purchasing Agent

TERMS AND CONDITIONS FOR REQUEST FOR PROPOSAL

1. Proposers are expected to examine the specifications, schedule of delivery, and all instructions. Failure to do so will be at the proposers risk.
2. Each proposer shall furnish the information required in the RFP.
3. The Contract/Purchase Order will be awarded to that responsible proposer whose submittal, conforming to the Request For Qualifications, will be most advantageous to the County of Boulder, price and other factors considered.
4. The County of Boulder (Office of Purchasing) reserves the right to reject any or all qualifications and to waive informalities and minor irregularities in proposals received, and to accept any portion of or all items proposed if deemed in the best interest of the County of Boulder to do so.
5. No submittal shall be withdrawn for a period of thirty (30) days subsequent to the opening of proposals without the consent of the County Purchasing Agent or delegated representative.
6. A signed purchase order or contract furnished to the successful proposer results in a binding contract without further action by either party.
7. Late or unsigned proposals will not be accepted or considered. It is the responsibility of proposer to insure that the proposal arrives in the office of the County Purchasing Agent prior to the time indicated in the "Request for Qualification."
8. The proposed price shall be exclusive of any Federal or State taxes from which the County of Boulder is exempt by law.
9. Any interpretation, correction or change of the Proposal Documents will be made by Addendum. Interpretations, corrections and changes of the Proposal Documents made in any other manner will not be binding, and Proposer shall not rely upon such interpretations, corrections and changes. The County's Representative will not be responsible for oral clarification.
10. **Confidential/Proprietary Information:** Proposals submitted in response to this RFP and any resulting contract are subject to the provisions of the Colorado Public (Open) Records Act, 24-72-201 et.seq., C.R.S., as amended. Any restrictions on the use or inspection of material contained within the proposal and any resulting contract shall be clearly stated in the proposal itself. Confidential/proprietary information must be readily identified, marked and separated/packaged from the rest of the proposal. Co-mingling of confidential/proprietary and other information is NOT acceptable. Neither a proposal, in its entirety, nor proposal price information will be considered confidential/proprietary. Any information that will be included in any resulting contract cannot be considered confidential.

Project Schedule

The projected schedule for this project is as follows:

Event Description	Target Date(s)
RFP Issued	5/9/03
Pre-proposal conference and site visit	5/22/03
Questions due (by 3:00 p.m.)	5/26/03
County issues answers to vendor's questions	5/29/03
Proposals due	6/9/03
Elections Review Committee evaluates RFP's	6/10/03 – 6/23/03
Demonstrations/Oral Presentation Citizens Review Committee	7/7/03 – 8/8/03
Demonstration/Presentation – Voting Fair	8/8/03 – 8/9/03
Citizens Review Committee Comment Review	09/30/03
Citizens Review Committee (CRC) findings submitted to Elections Review Committee (ERC)	10/31/03
Contract Negotiations	11/30/03
Award Contract	12/15/03

EVALUATION AND SELECTION

Proposals will be evaluated based upon the information provided in Evaluation Factors attached herein to the RFP submittal requirements and other information known to the County.

Clarifications and/or additional information to the RFP shall be submitted by the County as an Addendum to the Proposal upon request of the Purchasing Agent. However, since no additional input may be required, Respondents are advised to submit complete information in the Proposal.

Responses to the requested information in the Submittal Requirements will be the key components of evaluation. All responses and attachments shall be sequentially numbered to correspond to the applicable question or requirement. The expectation is that those proposals in the competitive range and considered for contract award will exceed the minimum requirements.

After the finalists have been identified, they will be invited to demonstrate their systems to a Citizens Review Committee. These finalists will be provided with test election data to construct a mock election typical of an election that would be conducted in Boulder County. The Citizens Review Committee may also ask for clarifications and additional information. County reserves the right to interview any or all of the finalists.

After demonstration to the Citizens Review Committee, finalists will be required to participate in a voter elections systems fair to allow general review and comments by the public.

All demonstrations shall be made at no cost to the County.

The Citizens Review Committee will then review public comments and prepare a report of their findings to the Elections Review Committee, who will then submit their report to the County Clerk for presentation to the County Commissioners.

Critical Success Factors

In descending order of importance the following factors will be used by the County to evaluate proposals. The County reserves the right to award a contract to that Respondent whose proposal is most advantageous to the County, price and other factors considered.

- HAVA and Colorado Secretary of State Certified system
- Ease of use by voters, including voters with specific needs
- Ease of use by poll workers
- Cost
- System software
- System hardware
- System integration (election management system/ DRE/Absentee voting/Provisional Ballots)
- Vendor system support (e.g., software, hardware, and technical).
- Vendor qualifications and experience
- Storage requirements/modifications
- Boulder County Clerk & Recorder staff and program support (e.g., staff training, poll worker training, early voting, community outreach)
- Implementation of project plan
- The vendor's current technological position and future direction.
- Quality and extent of the documentation to be provided.
- Warranty and maintenance

Specifications & Requirements

SUBMITTAL SECTION NEW VOTING TABULATION SYSTEM RFP #4437-03

The Boulder County Clerk & Records Office is seeking RFP's from qualified vendors for a new voting tabulation system.

I. DEFINITIONS

1. **Absentee Ballot or Mail Ballot System (ABS):** The system to manage those ballots that are not voted at the polls nor voted on DRE devices but typically requested and voted through the mail. As many as 223,000 voters in Boulder County during a mail ballot election may use this method, and we expect this number to increase.
2. **Automated Ballot Layout (ABL):** A method to organize ballot automatically for both DRE and optical scan ballots.
3. **Ballot Position:** Primary candidates names are placed upon the ballot based upon percentages of delegate votes received at the County and State Assemblies. At the General Election the positions are determined by a drawing.
4. **Ballot Position Off Year Elections:** After candidate filing is complete, the names of the candidates are drawn and end up in a "random" order. This order is used to determine the order of candidates' names on the ballot, so that it's not possible to determine in advance who would be first on the ballot. The Secretary of State draws for the State candidates positions. The County Clerk draws for the county positions and each municipal, school district or special districts certifies the ballot position for their entity to the County Clerk.
5. **Ballot Type:** A geographic area where all voters are to receive an identical ballot (same contests and measures).
6. **Central Count Site (CCS):** Main tabulation and reporting site. If remote count sites are used, they will transmit results to the Central Count Site, which will be at the County Clerk's office at 1750 33rd Street, Boulder, CO 80301.
7. **Direct Record Electronic Voting Device (DRE):** Includes touch screen devices and other direct record devices that use controls (wheel, joystick, etc) to indicate selection.
8. **Early Voting Period:** The 15-day period immediately preceding Election Day in which voting is allowed in Colorado.

9. **Election Central:** Gathering place for the candidates and media on election night. Election results are posted on large boards in the front of the hall and are updated periodically and also available on the Internet. This has been done both manually and electronically over the years. There are assigned areas for the print media; and candidates and campaigns. Votes are not counted in this area. Only designated watchers are permitted to observe the count.
10. **Election Management System (EMS):** Relates to the current Election Management Software utilized by the County Clerk's Office at the time of the signing of the contract.
11. **Election Precinct:** Grouping of one or more home precincts in a common "ballot type".
12. **Election Structure:** This is the foundation of the election. The identification and entry of districts, precincts and voters involved in the election, which results in the formation of "ballot types".
13. **File Transfer Protocol (FTP):** Standard electronic protocol for moving data on networks and to the Internet.
14. **Integrity:** Election management software product.
15. **Jurisdiction:** Political subdivision within the County, e.g., city, school district, taxing district, Senate or House district, etc.
16. **Minimum Acceptable Service Level (MASL):** Service level requirement.
17. **Microsoft "Remote Access Server" (RAS):** Used for secure connection to the Boulder County's WAN.
18. **Remote Count Site (RCS):** A location where ballot readers connected to workstations accumulate results from polling sites and transmit results via modem or secure LAN connections.
19. **Sequoia Voting Systems:** Election management software vendor.
20. **Statement of Vote (SOV):** Results sent electronically to the Secretary of State using their template files.
21. **Supplement of the Statement of Vote (SSOV):** Report of results sent by hardcopy to the Secretary of State, broken down by election precinct and political jurisdiction for all races and measures on the ballot.

II. PURPOSE

Through this solicitation, Boulder County is seeking to procure a fully integrated voting system to replace the current Datavote punch card system that will include:

- A Direct Record Electronic (DRE) component (both hardware and software) that can be used 1) at polling places and 2) during the early voting period. It shall be easy to use by all voters and accessible to those with visual impairments and those with other specific needs.
- An Optical scan capability for absentee/vote by mail/provision voting component (both hardware and software) that will accommodate the County's current needs and will be capable of handling substantial growth in absentee voting in the near future.

The integrated system will be used by the voters of Boulder County for Federal, State and local elections conducted within the term of the contract that results from this Request for Proposal.

III. BACKGROUND

1. Reason Boulder County is moving to a New Voting System

Boulder County uses the Datavote punch card voting system. The use of punch card systems has been banned by the Federal Courts and the Colorado Secretary of State.

On March 6, 2003, the Boulder County Commissioners directed the Boulder County Clerk & Records office to issue a Request for Proposal to acquire a voting system with a Direct Record Electronic (DRE) component that is integrated with an optical scan absentee/mail/provisional ballot component. The County must move to the new system by the August 2004 Colorado Primary Election.

The DRE system component shall, at a minimum, be easy for the voter to use; the voting booth and voting device shall be easy to transport and easy for the poll workers to assemble and disassemble; this system component shall operate independently and not be tied to a larger network, like the internet or the County's network; it must receive both national and state certification prior to award of a contract and be secure and tamperproof; the system shall provide the ballot in multiple languages and have audio/voice capabilities to serve those voters who are visually impaired.

The optical scan system component that will be used for absentee balloting shall be fully integrated (i.e., ballot layout, ballot generation, ballot tabulation and reporting) with the DRE system component. The ballots shall be easy for the voters to use, it shall be secure and tamperproof, and it shall provide the ballot in multiple languages.

2. Constraints

The County's final decision to acquire a new voting system will be contingent on finding a system that is manageable and capable of accommodating the needs of a large county in excess of 200,000 registered voters. It is also contingent on the County's receipt of HAVA funding and/or Federal funding to assist in the purchase of the system

IV. SCOPE OF WORK

1. General Information About Boulder County

Boulder County is one of the largest counties in Colorado, with a population of nearly three hundred thousand people.

The Boulder County Clerk & Recorder is responsible for conducting elections in Boulder County and has a staff of 6 full-time employees and brings in over 75 to 100 temporary staff to assist at a major election.

Turnout at a major election ranges from 35% to 70%, depending on the type of election. Approximately 15% of the voters vote by mail.

The Department conducts three major statewide elections: In even numbered years we conduct State Primary and General Election; uneven numbered years one major coordinated election is held. Currently State Primary Elections are conducted in August and General Elections are conducted in November. The major coordinated election in uneven years is conducted in November. The potential participation in addition to the State and County are 10 municipalities, 4 school districts and 75 special districts. The Coordinated Election includes the entities regular elections and/or special elections. They may participate in other State Primary and General elections.

At the three major elections, the Boulder County Clerk & Recorder establishes between 227 to 250 polling places, spread throughout the county, in schools, churches, other public buildings, and businesses. Between 900 and 1600 poll workers staff these polling places.

Boulder County uses the "Integrity" election management system and "Teamwork Ballot Tabulation", both developed by Sequoia Voting Systems.

2. Overview of County/Vendor Responsibilities

The vendor will be responsible for all areas related to the proposed election/tabulation systems. This includes hardware, software, software maintenance and support. While the spotlight may be focused on delivery, acceptance and support of the Direct Recording Electronic (DRE) voting devices, the County expects significant commitment by the vendor in the areas of project planning and management; data conversion; hardware and software training for Boulder County Clerk & Recorder staff; development of training for

poll workers; ballot generation and layout; delivery, acceptance and support of an optical scan voting system for absentee balloting (mail balloting); custom report requirements and voter education. The vendor will be expected to provide assistance to the Boulder County Clerk & Recorder for the first and possibly the second countywide election with election support.

The County responsibilities will include all facility management for storing, stocking, distribution and restocking of DRE units for early voting and Election Day polls voting; storing all optical scan equipment; mailing absentee ballots and processing them to make them ready for tabulation; and integration of server and PC hardware utilized for ballot tabulation at remote and central count facilities into our local area network.

V. REFERENCES

The terms and conditions of this RFP, and the resulting services and activities performed by the vendor selected must meet conditions of all applicable laws, regulations, and guidelines, including, but not limited to:

- The Constitution of the United States of America
- The United States Code and associated administrative regulations
- The Voting Systems Standards of the Federal Election Commission
- The Constitution of the State of Colorado
- The "Help America Vote Act"
- The Colorado Revised Statutes
- The Colorado Election Code

VI. REQUIREMENTS & SUBMITTAL SECTION

1. Certification of System

1.1 Requirements

- a. Colorado law requires election officials to procure only, voting equipment that has been certified by the Colorado Secretary of State. Boulder County will consider proposals from vendors with systems approved for use in this state by the Colorado Secretary of State and from vendors with systems that expect to receive Colorado certification by contract award. Vendors shall be familiar with the State certification process, including the Independent Testing Authority requirements and shall receive certification of all components of their system prior to demonstration to Citizens Review Committee.
- b. In addition, the Boulder County Clerk & Recorder supports the Voting Systems Standards of the Federal Election Commission including HAVA requirements and the testing required by the Colorado Secretary of State and

subsequent testing programs of the National Association of State Election Directors (NASED). Vendors are responsible for being informed of these standards and in compliance with them.

1.2 *Proposer's Response*

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:

(1) If the system you are proposing has been certified by the Secretary of State, please submit a copy of that certification. For each test agency:

- Provide a detailed description of all testing to date.
- List dates for each certification phase completed.
- List all problems during certification with a detailed explanation of failures and resolutions resulting in the successful acceptance by the certification process.

(2) If the system you are proposing has not been certified by the Secretary of State, please:

- Describe where you are in the process of receiving certification and when you expect to receive the certification.
- Provide a summary of your testing progress with scheduled and/or completed certification dates.

2. **Compliance with Election Laws**

2.1 *Requirement*

The voting system shall comply with all provisions of Federal, State and local election laws and regulations, and any future modifications to those laws and regulations, which include HAVA.

2.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- c. How do you propose to meet this requirement?

3. Operating System Compatibility

3.1 Requirement

The Boulder County Clerk & Recorder operates in a Microsoft Windows XP on the PC, Windows 2000 Server for all server software.- The vendor's proposed system shall operate seamlessly within this environment.

3.2 Proposer's Response

- a. Will you meet this requirement? Y___ N___
- b. How do you propose to meet this requirement? Describe how your system will operate in this environment.

4. Election Management System

The Boulder County Clerk & Recorder currently use Sequoia Voting Systems Integrity Software to maintain voters, parties, streets, districts, voting locations (polls), candidates/measures, voter counts and precinct information. The system is also used to generate ballot types for each election. Precincts within each ballot type are consolidated into election precincts, and a voting location is assigned to each. The Integrity Software has the capability of managing multiple ballot types in an election precinct. All election data is stored using Microsoft's SQL Server 2000 database software. The process of creating the election structure will remain a function of the Integrity software.

4.1 Requirements

- a. The system shall utilize delimited text files generated by the Integrity software to interface to the election management portion of the vendor's software.
- b. All election specific structure, contest and candidate data will be refreshed for each election.
- c. The data shall be supplied through an automated interface so no manual keying of data is required.
- d. All election management reports generated by the proposed system shall match the information generated by the Integrity software.
- e. The system may generate its own internal ballot types but shall carry the Integrity ballot type through to reports, so the proposed system can be proofed against the Election Management System (EMS) reports.
- f. The proposed system shall provide all necessary reports and/or delimited text

component shall be readily exportable so that a commercial printer can generate the ballots necessary for any election held within the County.

- e. It shall be reliable, accurate, and operate at a speed that accommodates a timely tally of the votes generated by it.
- f. Absentee results shall be easily integrated with Election Day and early voting results.
- g. It shall be subject to a full audit and generate reports and logs that would facilitate such an audit.
- h. It shall allow for the tabulation of provisional ballots that are verified after Election Day.
- i. It shall support the generation and tally of optical scan type ballots if required.

5.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
 - (1) Give a comprehensive description of the absentee/mail/provisional ballot component of your system.
 - (2) Describe the speed and accuracy of your absentee/mail/provisional ballot generation and tally features.
 - (3) Describe the reliability of your absentee/mail/provisional/provisional ballot features.
 - (4) Describe the process to audit your absentee/mail/provisional ballot processes.
 - (5) Describe the error detection capabilities for your absentee/mail/provisional ballot features.
 - (6) Describe the report generation faculty of your absentee/mail/provisional ballot component.
 - (7) Provide a description of your experience in generating absentee/mail/provisional ballot processes in live elections.

- (8) Include actual samples of absentee/mail/provisional ballots generated from your system. These samples should include ballots of various sizes and colors.
- (9) Describe all options for printing ballots generated by your system. Can they be generated by third party vendors, printed "on-demand", printed on-site, etc.?
- (10) Describe how the optical scan type ballot system would be integrated if its use were to become necessary.

6. Early Voting

One or more DRE voting units will be used at each early voting site.

6.1 Requirements

- a. DRE units used for early voting shall have the capabilities of the DRE units used for precinct/polling place voting.
- b. The proposed system shall be capable of presenting the correct ballot style to the voter.
- c. The proposed system shall be able to accommodate multiple ballot combinations on a single DRE voting unit.
- d. The proposed system shall allow for units used during early voting to be de-programmed and re-programmed for use at polling places, if necessary.
- e. Results from the early voting period shall be easily moved to the final vote tally. The proposed system shall provide the Boulder County Clerk & Recorder with the option to move the results daily or at the end of the early voting period.
- f. The vendor shall build an automated interface between the Election Management Absentee System and the early voting components to allow the issuance of correct ballot styles to the voters electronically.
- g. The votes cast through the early voting process shall be identifiable in the vote tabulation system for balancing purposes. Ballots cast in early voting will be recorded in a declared absentee precinct, requested absentee precinct or polls precinct when reporting results.
- h. Reports and/or data export that detail where the ballots were cast will be generated and used to balance the ballots cast against the absentee request

system by precinct as part of the canvass process.

6.2 *Proposer's Response*

- a. Will you meet these requirements? Y: ___ N: ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Provide a detailed description of your abilities to meet the conditions for a successful early voting project.
 - (2) Provide a description of your experience in successfully conducting early voting projects.

7. **Ballot Management (Automated Ballot Layout)**

The Boulder County Clerk & Recorder currently uses Integrity Software to manage contests and candidates for countywide elections. Information is extracted and sent to for input into the ballot layout process, including: election precincts, district information, ballot typing, contests (including party, vote for, order of candidates), and measures.

The printing vendor currently performs all tasks necessary to produce the ballot layout for each ballot type used to generate ballot cards for our existing Datavote devices. They also merge this data to generate the required TABOR notice packets.

7.1 *Requirements*

- a. The proposed software will contain automated routines capable of performing all ballot layout functions now performed by the County's printing vendor.
- b. The proposed software shall support both automated and manual ballot layout for DRE and optical scan ballots.
- c. The proposed DRE system shall have the capability to print the ballot in its original format.
- d. It is desirable for the software to automatically lay out the DRE ballots and optical scan ballots in one operation.
- e. The vendor shall be prepared to support an optical scan type ballot, should the need arise.

Adhering to the Federal Voting Rights Act, Boulder County provides election materials in both English and Spanish. It is possible that the County will be required to provide assistance in one or more additional languages.

8.1 *Requirements*

- a. The system will provide all functions listed above under *Ballot Management (Automated Layout)* for English, Spanish and other required languages, including character-based languages.
- b. If software is used for language translation, software will be run against the final proofed version of the ballot. If manual entry is required, only text needing translation will be entered.
- c. The proposed system shall provide all necessary reports and/or delimited text files to allow manual and automated proofing of the ballot types generated to ensure that the data is interpreted correctly.

8.2 *Proposer's Response*

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Describe in detail the process necessary to generate non character-based languages (e.g., Spanish) and character-based languages (e.g., Chinese).
 - (2) Include a description of any add-on software used in the translation process that resides outside the ABL software.
 - (3) Include a description of how character-based languages are edited and or replaced if corrections are required.
 - (4) Use the table below as a basis to describe: 1) how/if your base system supports languages other than English; 2) additional hardware requirements necessary to make the base system support multiple languages; and 3) additional software requirements to make the base system support multiple languages.

# Of Languages	Base System	Additional Hardware Requirements	Additional Software Requirements
1 English			
2 Spanish			
3 non-character based			
4 non-character based			
5 non-character based			
Character-based			

9. Ballot Management (Sample Ballot Pamphlet)

The Boulder County Clerk & Recorder mails approximately 92,000 TABOR Notice packets one to each active elector household in any General or Coordinate election held in November. These packets may or may not be generic books (all text in one book). Nevertheless, the process for generating them is complex. Only debt tax or revenue related issues are printed in the TABOR notice packets. They historically are produced in an 8-1/2" x 11" format.

Sequoia Voting Systems have been responsible for the production of the TABOR Notice packets. After receiving our election data (i.e., registration counts, TABOR related text), the printer performed the layout, ballot typing, and booklet assembly, printing, addressing and mailing.

The system Sequoia Voting Systems use is a legacy system. It was designed to accommodate punch card ballots and lays out ballot pages based on punch positions. Text pages are entered into the system on a page-by-page basis. Pages are coded so they can be assembled into books by ballot type. This could be as simple as creating image files for the voting pages or as complex as creating a complete set of structure, contest, candidate, rotation, vote for, etc., files so the printer can recreate what was developed in the ABL portion of the system.

9.1 Requirements

- a. The vendor will work with our current (or any future) sample ballot printer to create an automated interface to their sample ballot pamphlet production system.
- b. This interface will also produce the necessary proofs to allow the jurisdictions ensure the TABOR Notice packet match the submitted text.

9.2 *Proposer's Response*

- a. Will you meet these requirements? Y___N___
- b. How do you propose to meet these requirements? Describe your approach.

10. Ballot Management (DRE Management)

The Boulder County Clerk & Recorder currently utilizes 227 to 250 polling places at each election. We are estimating, on the average, five devices will be needed at each poll.

10.1 *Requirements*

- a. The proposed system shall provide a means of transferring the ballot images from the ABL software to appropriate system components (i.e., DREs and/or controller unit) in an expeditious manner.
- b. The proposed system shall maintain an automated log and inventory of all devices configured and placed in the inventory for use in the election. At some point after the close of polls and the final certification, an audit trail containing the status of all inventoried devices will be generated. This will include devices that were successfully used for voting, failed during Election Day or were not utilized in the election.
- c. The proposed system will generate detailed activity logs on each of the system components used in the election process.
- d. The vendor will provide an automated test routine to be run on appropriate system components used to cast ballots (i.e., hardware, firmware, and operating system software). The test routine should contain the same options identified under the *Ballot Tabulation (Vote Simulation)* section.
- e. The vendor will provide an automated test routine to run a complete logic and accuracy (L&A) test of all contests loaded on appropriate system components, using simulated vote totals that can be verified by both precinct reports and/or an election summary. The test routine should contain the same options identified under the *Ballot Tabulation (Vote Simulation)* section.

10.2 *Proposer's Response*

- a. Will you meet these requirements? Y___N___

- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
- (1) Provide a detailed description of how each system component is configured for use at the polls. Include all hardware necessary to program the components. If individual standalone DRE units are proposed, include a detailed description of how audit logs are gathered from each unit and consolidated into a single log displaying information from all DRE units.
 - (2) Describe the post election night process to capture any information not captured during the transfer of votes to the tabulation system. The list should include ballot images, hardware logs, device activity logs, and operator activity logs.
 - (3) Give an estimate of the time to set up the system components (i.e., DREs and controller unit) to make them ready for delivery to the polls. This should include a list of the steps necessary to set up each component and the time required for each step. Do not include the time needed for retrieval or storage of the device. List shall include all activities necessary from the point they are removed from storage to the point they are ready to be delivered to the polls (e.g., powering on unit, clearing prior election, hardware test and setup if necessary, loading election data, tagging device, maintenance of printer, etc). Include, in detail, a description of the testing procedures for all components of the system and automated tools available.

11. Ballot Management (Interface to Vote Tabulation System)

The Boulder County Clerk & Recorder uses Teamwork Tabulation software. The current procedure for setting up the Teamwork Tabulation ballot tabulation system uses information from the ballot layout and from the Integrity Voter Registration System. This data identifies contests, measures and candidates for each ballot type, "vote for" rules, and the base order after applying the state and local candidate and ballot issue positions. The Teamwork ballot counting program is manually configured from this data with all contest and ballot type definitions keyed in to a separate program. Both precinct ballots and absentee/mail/provisional ballots are tabulated using the same program.

11.1 Requirement

The proposed software shall automatically transfer all ballot setup information from the ABL system to the ballot tabulation system for both DRE and absentee/mail/provisional ballot processes.

11.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
 - (1) Describe the process required to prepare the ballot tabulation portion of your system after the ballot layout has been completed and proofed.
 - (2) Describe how you will extract any necessary information from Integrity that is needed for the vote tabulation system, so that the current manual process can be fully automated.

12. Ballot Management (Web Interface)

The Boulder County Clerk & Recorder would provide the voters in the county with an automated look-up of their own individual ballot facsimile on the Elections web site. The web look-up routines access Printable Document Format (.PDF) documents that are organized by ballot type and, in primary elections, by party. These .PDF documents are only available in English at this time.

12.1 Requirements

- a. The ABL software shall generate files in a .PDF format that can be printed on standard letter size paper. These documents will match the layout of the absentee ballot for each ballot type; party, when necessary; and for all languages entered into the ABL system for an election.
- b. The following naming conventions shall be used, in primary elections. The English language files are named as follows: DEM001.pdf, REP001.pdf, etc. (party: first three characters; ballot type: second three characters). General elections do not require party specific file names. An example of the naming structure used for a general election is as follows: BC-001.pdf.

12.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Provide a sample of .PDF documents used by other customers for this or a similar purpose. Other customers may use similar files for overseas absentee voting before receiving the official printed absentee ballots. These are not a replacement for official absentee ballots.

13. Precinct Voting (Presentation of Ballot)

13.1 Requirements

- a. Present the ballot so it is easy to read, intuitive and follows a logical progression.
- b. Allow the voter to change his/her selection as often as necessary.
- c. Alert the voter to undervotes and prohibit overvotes before final vote is cast.
- d. Allow the voter to cast a write-in vote.
- e. Allow the voter to cast a provisional vote.
- f. Provide a summary screen showing what the voter has chosen and what the voter has abstained from voting prior to final vote being cast.
- g. Device shall be capable of supporting multiple languages, including, but not limited to, English, Spanish and character-based languages.
- h. The system will protect the privacy and identity of the voter.

13.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements?

14. Precinct Voting (Multiple Ballot Styles and Multiple Ballot Districts)

14.1 Requirement

The system shall provide for the voting of multiple ballot styles and multiple ballot districts at a single election precinct.

14.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement?

(6) Describe how a voter who uses a wheelchair would access the voting device?

(7) Have you received any awards or any endorsements from groups that represent voters with specific needs? Please provide the awards or the endorsements, if you have.

16. Precinct Voting (Multiple Languages)

16.1 Requirement

- a. The proposed system shall provide a method by which voters can choose the language of the ballot.

16.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
 - (1) Describe the process for choosing the ballot language for the voter. Include all responsibilities of the poll worker and voter, and at which point in the process the language is selected.

17. Precinct Voting (Hardware Configuration)

17.1 Requirements

- a. The proposed system shall contain, at a minimum, the hardware components necessary to process voters and deliver totals for closing the polls, i.e., voting devices, controller unit (if required for system), printer for zero tapes, overall results and voter receipt.
- b. The components shall be as small and weigh as little as possible.
- c. The components shall be durable.
- d. The proposed system shall produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by the Boulder County Clerk & Recorder for use during any recount or contest, as required by Colorado Revised Statutes.

- f. Any removable components shall be easy for poll workers to access and remove.
- g. Printer shall be easy for the poll worker to operate.

18.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Describe the process used by the poll workers to transport, set up, open, close and take down the proposed system for voting. Describe each activity the worker shall complete prior to opening the polls, during the voting day, at the close of voting, and to return results to the counting location.
 - (2) Provide description of instructional material for setup and operation of the equipment at the polls, and samples if available.
 - (3) Describe the removable components and how the poll worker will access them.

19. Precinct Voting (Voter)

19.1 Requirements

- a. The proposed system shall have the ability to incorporate minimal, easy-to-follow on-screen instructions on the ballot for the voter.
- b. Voting choices shall be clear to the voter.
- c. Voter shall be allowed to review all voting choices before casting the ballot.
- d. Voter shall be allowed to change selection(s) at any time prior to the final casting of a ballot.
- e. Vendor shall provide a means to demonstrate the operation of the devices to the voters.
- f. Voters shall be warned and acknowledge that s/he has failed to completely vote a contest or measure (i.e., under-voted).

19.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Describe how on-screen instructions can be provided.
 - (2) Describe how the voter will make voting choices. Include all steps, including the review of the ballot choices and how the voter can make changes to choices or correct under-voted contests or races. The proposed system should require conformation from the voter of their choice to under-vote. Include samples of the ballot screens.
 - (3) How do you propose the operation of the voting devices would be demonstrated to the voters?

20. Precinct Voting (Physical Requirements)

20.1 Requirements

- a. The proposed system could be used in some polling locations that are dark, damp, and open to the elements, and that may have limited electrical outlets. The proposed system shall be able to operate accurately and correctly in these conditions.
- b. The proposed system shall be capable of sustaining voting activity with back-up power for a minimum of 3 hours under constant use, or provide an alternative solution.
- c. The arrangement of the system components at the polls shall not create hazards for the poll workers and voters.

20.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Describe the requirements necessary for optimum operation of the system in a polling place, including open garages (e.g., temperature, humidity, and ambient lighting).
 - (2) Describe the physical requirements for a polling location, including but not limited to electrical outlet requirements for amperage, dedication of

circuit, electrical draw of equipment for up to an eight-station voting arrangement, including any ancillary equipment.

- (3) Describe the recommended arrangement of check-in table, booths, the path of travel for voters, and placement of electrical cords and connections, and how these are secured to allow maximum safety for voters and poll workers.
- (4) Describe the procedure for transitioning the voting devices from AC to backup power supply if a power outage occurs.

21. Ballot Tabulation (Hardware and Software Environment/Security)

The Boulder County Clerk & Recorder operates in a Microsoft Windows NT/2000 server network environment.

21.1 Requirements

- a. The vendor shall provide all hardware and software necessary to conduct elections and ensure a secure environment, both physical and logical.
- b. The proposed system shall interface with the Microsoft Windows network and operate seamlessly within this environment for all vote tabulation activities.
- c. The proposed system shall move and store data from the DREs and absentee/mail/provisional ballot system, interfacing with Windows NT operating system software. Data being moved between components will be protected using industry standard encryption.
- d. All software used to move results shall generate logs reporting all unexpected error conditions, movement of vote totals, log data and operator activity occurring during any time votes are accumulated at the central count point.

21.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Provide a diagram of a proposed hardware configuration to handle the vote tabulation of 250 voting precincts, with 1250 devices reporting results to a central count site. To keep it simple, you can assume that the Boulder County Clerk & Recorder will not transmit votes from any of the voting precincts electronically and will use no remote site counting. Votes will be counted at a central location. Vote data will arrive at the central

count location at a rate of 300 precincts per hour, with a peak of 900 precincts for a one-hour period. Precincts will begin arriving at approximately 7:30 pm, with all precincts in-house by 11 p.m. Mountain Time. The last precinct received will be processed no later than 11:10 p.m. Mountain Time.

- (2) Provide a detailed description of all security protocols used when transmitting data within a network environment. Also, provide recommendations to secure your proposed system within a County Wide Area Network (WAN). This should include domain accounts, SQL security if applicable, firewall software, etc.

22. Ballot Tabulation (Setup)

22.1 Requirements

- a. As noted in requirements in the *Ballot Management (Automated Ballot Layout)* section, all setup of the vote tabulation program shall be accomplished automatically through the Automated Ballot Layout software.
- b. Manual entry shall be allowed for special races such as recall contests. It is also expected that manual setup will be necessary for election specific parameters.
- c. The software shall allow for variations of the ballot titles that will appear on the election night results reports, the statement of vote and the voting pages of the sample ballot pamphlets. In other words, the titles could be worded differently on each.
- d. The software shall allow for manual changes to the contest titles in the election results reporting files. These shall cascade throughout all vote reporting export files.
- e. The software shall allow for adding a race or candidate without affecting the initial layout, edits and testing.

22.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Describe each element that is transferred from the ABL to the tabulation software and list whether manual changes are allowed to that field, e.g.,

county. The precinct totals are set early in the process and are not changed after the initial load. The voter totals are captured at different times throughout the election cycle: 60 days before, 29 days before, and 15 days before the election. For the initial testing, totals from 29 days before the election will be displayed.

- b. The system shall allow for the update of the voter registration totals from 15 days before the election without affecting any of the contest and candidate information that has been certified through the logic and accuracy testing prior to 15 days before the election.
- c. The vote reporting system shall display precincts counted against total precincts for a contest, political jurisdiction and overall totals for the county.
- d. The vote reporting system must have a way to automatically combine results from optical scan absentee ballots with electronic results from DRE machines, so that a single final result is reported for each race.
- e. The Boulder County Clerk & Recorder also reports ballots cast vs. registration for each contest and jurisdiction on the ballot, in order to calculate voter turnout. We would like the option of generating an additional summary page at the end of the results report for selected contests, political jurisdictions and overall totals for the county. These statistics should be made available in all reports and exports, including web pages.

24.2 *Proposer's Response*

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Does your system currently support ballots cast vs. registration reporting? If the system currently does not support the ballots cast vs. registration reporting, could it be incorporated into your current software? Describe how and when this could be accomplished.
 - (2) Provide samples of existing printed results reports; web pages; export files showing contest information; candidates; vote totals; etc.; and precincts reporting and ballots cast information, if supported.

25. **Ballot Tabulation (Secretary of State BPS Reporting)**

- (3) Is the File Transfer Protocol client local or external to the vote tabulation program?
- (4) Does your system support scheduled jobs for executing scheduled tasks (e.g., reporting to the Secretary of State)? If so, how many jobs can be scheduled while the vote accumulation is taking place. Can these scheduled jobs reside on a machine other than the main vote tabulation system?

26. Ballot Tabulation (Vote Simulation)

The Boulder County Clerk & Recorder is required to simulate ballots cast and votes that represent predetermined results. Test decks of ballots are created with voted contests, which are then hand tallied and compared to the results shown by the ballot counting program. This allows us to assemble a set of test data for testing the accuracy of the ballot counting both before and after each counting session during early voting and on Election Night. This data is also used for testing the Secretary of State's BPS automated reporting certification, and for the simulation of election night vote counts for media results.

Problems are identified when comparing the test deck votes to the votes counted by the ballot counting program, and differences are found.

26.1 Requirements

- a. The vote tabulation system shall be capable of simulating multiple vote patterns against all precincts including absentee/mail/provisional ballot precincts (i.e. one vote per candidate, random votes per candidate or measure for each ballot cast, one vote per contest, increasing votes per candidates, etc). All of the simulations, with the exception of random vote per candidate, will produce predetermined results that can be verified.
- b. The DRE shall have an automated means of voting a set of test ballots with predetermined results. These test ballots shall represent one of the simulations supported in (a).
- c. The casting of additional test ballots after (b) is completed should be allowed.

26.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:

- (1) Describe in detail the steps you recommend to verify the system is programmed correctly. Include all proofing steps except those conducted during ballot generation.
- (2) Is the proposed system capable of simulating results acceptable to the Secretary of State using their automated reporting system without manual adjustment to the ballots and votes cast?

27. Ballot Tabulation (Provisional Ballots)

At the November 2000 Presidential General Election, 22,431 provisional ballots were voted in Boulder County. Of the total, 17,153 were released into the count by the Monday following Election Day.

The process for managing provisional ballots starts by issuing envelopes to each polling place to act as a return vehicle for the ballot and the voter information. Each of these envelopes contains a serial number that is assigned to the consolidated precinct by the Election Management System. After a voter casts a provisional ballot, he/she fills in information on the back of the provisional envelope, places the ballot in the envelope, seals the envelope and gives it to the precinct worker. The ballots are returned to the Boulder County Clerk & Recorder on election night, where the ballots are accumulated by type, location, and political jurisdiction. Boulder County Clerk & Recorder then reports the number of outstanding ballots at the end of the election night count.

The Election Management System is used to verify the provisional ballots; the serial number located on the provisional ballot plays a critical roll in the adjudication process. The serial number is entered into the failsafe/provisional module to validate the voter to the actual voting precinct and ballot type. All provisional envelopes at a polling location show the same serial number.

27.1 Requirements

- a. The proposed system shall accept a provisional ballot without tabulating or recording the provisional ballot cast when reporting that precinct's totals.
- b. The proposed system shall assign a unique number to each provisional ballot voted at a polling place. This number shall allow us to locate the precinct the ballot came from and identify the voter so the ballot can be released.
- c. The proposed system shall provide an automated interface from our Election Management System to the vote tabulation system for releasing these ballots into the count. The interface shall use the number assigned at the time the ballot is cast.

27.2 Proposer's Response

- a. Will you meet these requirements? Y____N____
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
- (1) Describe how provisional votes are cast. This should include the process for the voter and the poll worker. You should describe how the unique number for the provisional ballot is generated or where you expect the number to come from if the proposed system does not generate it.
 - (2) Describe the procedure for releasing provisional ballots into the count. This should include the number of workstations that can be used to release provisional ballots and an estimated number of ballots that can be released in one hour on a single workstation.
 - (3) Describe all reports and file export routines related to provisional ballot status, including ballots pending and ballots released. Indicate what information is available on the reports, such as date, precinct, ballot type, party, etc., and how it can be sorted.

28. Ballot Tabulation (Write-in Candidates)

28.1 Requirements

- a. The proposed system shall provide a means of recording the selection of candidates for any office whose names do not appear upon the ballot.
- b. It shall have the capability for entry of as many names of candidates as the voter is entitled to select for each office.
- c. The proposed system shall be used to cast the vote for the write-in candidate. The voter's precinct, contest and write-in text shall be transferred to the central count computer and stored for later resolution.
- d. During absentee/mail/provisional ballot processing, ballots containing write-in candidates shall be separated from the ballots with no write-in candidates.
- e. A report containing a list of write-in candidates captured through the proposed system shall be available after the election night count. The report shall contain totals of potential votes for each write-in candidate for the contest. These will be unofficial results and shall indicate that on the report heading.
- f. There shall be a mechanism for entering the final write-in candidates' votes into the tally system to enable the final summary reports, Statement of Vote, and Supplemental Statement of Vote to contain the write-in votes as required by the Secretary of State.

28.2 *Proposer's Response*

- a. Will you meet these requirements? Y___N___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
- (1) Describe your systems capability for voting, tabulating and reporting write-in candidates for both the DRE and absentee/mail/provisional ballot system.

29. **Ballot Tabulation (Recall Election Contest)**

29.1 *Requirement*

The proposed system shall have the ability to cast and record ballots for both DRE and absentee/mail/provisional ballots in a recall contest as prescribed by the Colorado Elections Code.

29.2 *Proposer's Response*

- a. Will you meet this requirement? Y___N___
- b. How do you propose to meet this requirement?

30. **Ballot Tabulation (Special Voting Options)**

30.1 *Requirement*

The proposed system shall have the ability to cast ballots using all special options prescribed by the Colorado Elections Code, including methods of selecting more than one candidate by casting a single vote (e.g., President and Vice President); other methods for handling cross-voting between parties in open, blanket or unitary primary elections; the "modified" closed primary; and any other pattern of voting authorized by the Elections Code.

30.2 *Proposer's Response*

- a. Will you meet this requirement? Y___N___
- b. How do you propose to meet this requirement?

31. **Ballot Tabulation (Election Night Reporting)**

The Boulder County Clerk & Recorder releases election results through the use of printed reports showing results for each precinct, and with summary reports showing the combined results for all counted precincts. The Boulder County Clerk & Recorder also creates web pages of up-to-the-minute election results on Election Night for all contests, organized by jurisdiction. The web page results are posted to the Boulder County website every 5 – 10 minutes while precincts are reporting.

The media also asks for key (targeted) precinct results to be printed once the precinct has been counted. Up to 20 precincts are identified as key precincts in a countywide election. The key precinct reports are automatically sent to a pre-determined printer.

31.1 *Requirements*

- a. The tally system shall allow the flagging of precincts and the automatic generation of precinct reports to a printer designated by the operator for key precinct reporting.
- b. The tally system shall be capable of manually and automatically generating election results at timed intervals set by the program.
- c. The election results shall support two formats:
 - (1) a standard format showing contest, total precincts to report, precincts counted, percentage of precincts counted, candidate name and votes, and percentage of votes. This report will rank the candidates, with the candidate with the most votes listed at the top and other candidates listed in order by decreasing number of votes.
 - (2) a duplicate of the report listed above, but which also includes “overvote” and “undervote” totals for each contest.

See the *Ballot Tabulation (Statistical Statements)* section for more detail on statistical statements.

- d. The tally system shall be capable of generating precinct reports displaying the information listed in (c). The Boulder County Clerk & Recorder shall have the option to print this report in either winner ranking order (candidate with most votes first) or base rotation order (candidates in original rotation order).
- e. The tally system shall be capable of generating web pages with election results displaying the information listed in (c). The Boulder County Clerk & Recorder shall have the option to print this report in either winner ranking order (candidate with most votes first) or base rotation order (candidates in original rotation order). Web pages generation will be automated to produce

current results at a specified time interval controlled by the operator and to post to the County web site. The time interval must be able to be as short as five(5) minutes in length. Results must be able to be separated by jurisdiction onto separate web pages, with a separate turnout shown for each jurisdiction.

- f. The tally system shall support file export such as XML or ASCII delimited.
- g. The tally system shall support some type of job scheduling at intervals set by the system operator. These shall include all report printing and file export.

31.2 Proposer's Response

- a. Will you meet these requirements? Y___ N___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) List and describe each report generated by the proposed system. These should include results formats, precinct reports, html, XML, ASCII, etc.
 - (2) Describe how results will be automatically generated for posting on the County web site.

32. Ballot Tabulation (Precinct Results)

32.1 Requirement

The software shall generate a statement of vote report that complies with section 15501 of the Colorado Election Code. This report displays vote totals and ballots cast for each reporting precinct, voting district and total votes for each candidate within each contest. The report also displays statistical statements for the breakdown above for registered voters vs. total ballots cast and percentage of the vote that each candidate earned. It is important to note that most current tally systems do not provide the percentage of votes cast for each candidate, but this will be a requirement for Boulder County.

32.2 Proposer's Response

- a. Will you meet this requirement? Y___ N___
- b. How do you propose to meet this requirement? Provide a sample page of your statement of vote.

33. Storage Requirements (Environmental Conditions)

33.1 *Requirement*

All components will be stored in a warehouse environment. The current warehouse is not climate or dust controlled. All components shall be able to survive these conditions with minimal change to the existing warehouse environment.

33.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
- (1) Are all components in a protective case? Please describe.
 - (2) Describe the environmental requirements of all components.
 - (3) Detail the changes that would be needed in the Boulder County Clerk & Recorder warehouse to properly store the equipment.

34. Storage Requirements (Space)

34.1 *Requirement*

The voting booth/storage case should be designed to allow a stable stacking of the components. Other components should also be designed to be stored in a space-efficient manner.

34.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
- (1) Describe in detail the storage requirements for all components.
 - (2) Could your system components be stored separately from your proposed voting booth/storage case, should the County choose to purchase or have manufactured its own voting booth?

35. Storage Requirements (Durability)

35.1 *Requirement*

All components shall be able to withstand frequent changes in location and be designed so that relocation can be easily and efficiently accomplished.

35.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Describe the durability of the components.

36. Storage Requirements (Security)

36.1 *Requirement*

Once set up for the election, all components shall be tamper-proof when left unattended, whether in the Clerk and Recorder's warehouse or at the polls.

36.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Describe the security features associated with each component.

37. Storage Requirements (Maintenance)

37.1 *Requirement*

Components shall require minimal maintenance during storage.

37.2 *Proposer's Response*

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
- (1) Describe all maintenance that would be required prior to preparation for an election. Examples might include changing of printer paper, charging time for batteries, and clearing redundant memories of previous election data.

- (2) What maintenance can be completed without opening the case or removing the unit from a stored location?
- (3) What are the warehouse power requirements for 1,250 (1,000 for polling places + 250 for line abatement and backup devices)? How many backup batteries can be charged simultaneously on a single 20-amp circuit?
- (4) If the Boulder County Clerk & Recorder fully charges the batteries four weeks prior to Election Day, how many hours of backup power could be provided should the need arise? Explain.

38. Transportability

38.1 Requirement

The components shall be transported to many different locations. All components should be lightweight and easily and efficiently transported without damage.

38.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
 - (1) Describe how all components can best be transported to and from the polling sites.
 - (2) Is there a transport unit that would hold all components for a single poll facility?

39. Technical Requirements and Information

39.1 Requirements

- a. Vendor will identify:
 - (1) all computer hardware and software required for the proposed system, all associated licenses, and the costs of those licenses. These include but are not limited to:
 - (a) Server requirements, both hardware and software;

- b. All training plans and materials shall be approved by the Boulder County Clerk & Recorder.

41.2 *Proposer's Response*

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) Specify how these requirements would be met and what type of instructional materials would be provided. Provide samples of materials, if available.
 - (2) What resources will you dedicate to meet these requirements? How much and for how long?

42. **Training (Poll Workers)**

42.1 *Requirements*

- a. Vendor shall provide staff and materials necessary to train poll workers on the new system.
- b. All training plans and materials shall be approved by the Boulder County Clerk & Recorder.

42.2 *Proposer's Response*

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) What resources will you dedicate to meet these requirements? How much and for how long?
 - (2) Provide samples of training plans and materials

43. **Documentation of System**

43.1 *Requirements*

- a. Detailed and comprehensive system documentation shall be provided to the

Boulder County Clerk & Recorder on or before delivery date of the proposal submittal. It shall include:

- Complete instructions detailing system's operation and functionality (hard copy and electronic form);
- Documentation which includes: requirements for storage; transportation; temperature and humidity tolerance ranges; electrical requirements; information showing that construction components are non-corrosive; durable, and meet strength test requirements; analysis of the life expectancy of each piece of hardware and software; and information showing that the system is upgradeable.
- Software and firmware documentation and materials that includes:
 - ✓ Copies of any and all information required to install, operate, and test the system.
 - ✓ Charts describing system information flow including entry and exit points and relationships of programs, device drivers, data files, and other relevant components.
 - ✓ Source Code documentation (hard copy and electronic form directly to County IT Division).
 - ✓ With each new version the County will require two new copies of the source code.
 - ✓ Source code will be provided to the County at no additional charge.

b. Assurances that documentation shall be updated in a timely manner.

43.2 *Proposer's Response*

a. Will you meet these requirements? Y ___ N ___

b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:

- 1) Describe your organization's approach to updating documentation of the proposed system, including source code.
- 2) Describe how your organization will provide the Boulder County Clerk & Recorder with access to all documentation
- 3) How will your organization ensure the adequacy of documentation of packaged systems that support the overall system provided by third-party vendors?
- 4) Provide customer satisfaction testimony regarding your system documentation.

44. Outreach/Public Education

44.1 Requirements

- a. Vendor shall provide support to educate the public in use and acceptance of the system.
- b. All outreach plans and materials shall be approved by the Boulder County Clerk & Recorder.

44.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___
- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
 - (1) How much staff support and what materials will be provided?
 - (2) Include a description of County roles and responsibilities.

45. Warranty

45.1 Requirements

- a. A minimum of a two (2) year warranty shall be provided, with the option to extend to four (4) years, for all voting system hardware, equipment and software. Except for circumstances of malicious actions or gross negligence by the Boulder County Clerk & Recorder, the vendor shall repair or replace any hardware, equipment and software so that it fully and properly performs as required under this contract.
- b. The vendor represents and warrants that it is not currently bound by any agreements, restrictions or obligations, nor will the vendor assume any such obligations or restrictions, which would negatively affect the performance or service to the Boulder County Clerk & Recorder.
- c. The vendor warrants that Boulder County shall acquire good and clear title to the equipment being purchased and all equipment shall be new, free from defects and perform to the required levels.

45.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___

- b. How do you propose to meet these requirements? Describe the warranties your company will provide.

46. Maintenance

46.1 Requirement

Vendor shall maintain system so that it functions properly in the warranty and post warranty periods for the full duration of the maintenance contract.

46.2 Proposer's Response

- a. Will you meet this requirement? Y ____ N ____
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
- (1) Describe the support and maintenance you will provide for the system during the warranty and post-warranty periods.
 - (2) Provide a copy of your proposed maintenance and support agreements.

47. Support (Election Related)

47.1 Requirement

The vendor shall provide the following well-trained support personnel, at a minimum, for the preparation and conduct of all Boulder County elections from contract award through calendar year 2008:

- An overall contract administrator who will serve as the principal contact.
- 24-hour technical support (hotline)
- On-site technical support for the following:
 - ✓ Pre-election programming and ballot setup;
 - ✓ Pre-election logic and accuracy testing;
 - ✓ Election Day support during the full hours of operation;
 - ✓ Post election testing and reporting; and
 - ✓ Development of a program that addresses Election Day field troubleshooting. Address all requirements listed above, making sure to include item(s) listed below:

47.2 Proposer's Response

- a. Will you meet this requirement? Y ____ N ____

- b. How do you propose to meet this requirement? Make sure to include the level of technical support, days and hours of service and response time for contacts by phone, or on-line modem.

48. Support (General)

48.1 Requirement

Vendor's support personnel will provide timely response to questions and resolution to problems at all times.

48.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Describe the type and level of support you will provide. Include commitment of resources, days and hours of service, and response time for contacts by phone, e-mail or web. Include a description of other support services that will be provided, such as user groups and newsletters.

49. Support (System Implementation and Project Management)

49.1 Requirements

- a. At a minimum, the vendor shall provide a Project Implementation Team for the Primary and General elections in 2004, which will be responsible for overseeing the delivery, installation and testing of the new voting system.
- b. Vendor shall provide a Project Manager that will be assigned to the account.
- c. The vendor shall provide a project implementation plan, subject to approval of the Boulder County Clerk & Recorder.
- d. The vendor shall provide project progress reports.
- e. The vendor shall have a quality management program.
- f. Provide a risk analysis and related mitigation plan.

49.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___

b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:

- (1) Describe the type and level of support you will provide. Include your commitment of resources.
- (2) Provide the name, title, qualifications and ability of the Project Manager that will be assigned to this account.
- (3) Please provide references for Project Manager you will assign to project.
- (4) Describe the main elements that you will include in a project implementation plan and delivery date of the plan. Make sure to include steps to mitigate risk.
- (5) Describe the elements that you will include in progress reports and the timeframe for submittal of these reports.
- (6) Describe your quality management program.

50. Modifications and Upgrades

50.1 Requirements

- a. The vendor shall provide at no additional charge to the County for the life of the maintenance contract:
 - (1) All software modifications and upgrades that are necessary to comply with changes to local, State and Federal election laws; and
 - (2) All hardware and software modifications necessary to correct defects in the system.
 - (3) All new source code will be provided to the County at no additional cost.
- b. The vendor shall provide to the County for a period of two years all software modifications and upgrades required by the Boulder County Clerk & Recorder that will add features or enhance the proposed system.

50.2 Proposer's Response

- a. Will you meet these requirements? Y ___ N ___

- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:

(1) Describe any new enhancements that are being planned and will be available for your system in the near future.

51. Asset Equity

51.1 Requirement

The County is looking for a commitment from the vendor to offer a trade-in value for the original component costs, if the County chooses to procure a newer model of the vendor's voting system at a later date.

51.2 Proposer's Response

- a. Will you meet this requirement? Y___ N___
- b. How would you propose to meet this requirement?

52. Complaint Resolution and Malfunction Identification/Reporting

52.1 Requirements

- a. Provide and coordinate identification and resolution of system problems (e.g., system malfunctions – including hardware, firmware, and software malfunctions; performance problems; and data corruption) in a timeframe that allows elections to be conducted in a reasonable and timely fashion.
- b. Provide trend analysis to identify recurring or related problems.
- c. Provide appropriate repairs, adjustments, or replacements in instances where the vendor learns of problem situations that are likely to negatively affect equipment or software.
- d. Provide to the County on a per occurrence basis, a report of any system error in any jurisdiction outside of the County in which the system is being used. (All such errors shall be fully analyzed as to their cause and remedy.)

52.2 Proposer's Response

- a. Will you meet these requirements? Y___ N___

- b. How do you propose to meet these requirements? Address all requirements listed above, making sure to include item(s) listed below:
- (1) Describe methods your organization will use to identify malfunctions and track recurring or related problems, report malfunctions to the County and resolve complaints. Provide a copy of your proposed issue resolution log.
 - (2) Describe how your complaint resolution and malfunction identification/reporting process has worked for other customers.
 - (3) Describe the level of expertise in your organization to address complaint resolution and malfunction identification/reporting.
 - (4) Describe your approach to addressing multiple failures simultaneously.
 - (5) Provide examples of how you have obtained complaint resolution satisfaction.

53. Delivery and Acceptance

53.1 Requirements

- a. The vendor shall deliver to the Boulder County Clerk & Recorder a small number of system components to adequately conduct an in-house preliminary test of the hardware and software immediately upon signing of the contract. This will enable the Boulder County Clerk & Recorder to begin developing procedures and gain knowledge of the new system.
- b. The remainder of the system components shall be delivered beginning no later May 1, 2004 and ending no later than June 15, 2004.
- c. A written and mutually approved acceptance test shall be developed by the time the contract is signed. This plan will be predicated on a minimum acceptable service level (MASL) of 99.8%.
- d. Acceptance testing shall be completed after installation of the system, no later than June 15, 2004.

The acceptance test will require meeting minimum criteria developed by the County. These criteria will include, but are not limited to, the achievement of specified system availability, performance and service level commitments for a period to be, determined during contract negotiation. The vendor will be

(3) List all new items that will be released and available to your customers within the next six months.

(4) List all new items that will be released and available to your customers within the next 12 months.

55. Electronic Roster (Poll Books)

In conjunction with Provisional Balloting and emergency registration the need for an electronic poll roster is becoming more important.

55.1 Requirement

Vendor shall provide the option of a viable electronic roster solution for use at the polls on Election Day before the August 2004 Colorado Primary Election, if not sooner. It is our preference that the DRE device used at the polls for voting also support the e-roster function. If the device is utilized as the e-roster, no ballots will be cast on this device. However, in addition to its e-roster functions, it should perform other functions necessary to operate the polls efficiently.

55.2 Proposer's Response

- a. Will you meet this requirement? Y___N___
- b. How do you propose to meet this requirement?

56. Recount

56.1 Requirement

The proposed system must be able to meet or exceed the state-mandated requirements for recounting election results, as well as:

- a. provide a paper audit trail of votes cast during the original count
- b. provide an audit trail for any votes counted subsequent to the original count

56.2 Proposer's Response

- a. Will you meet this requirement? Y___N___
- b. How do you propose to meet this requirement?

57. Qualifications and Experience

57.1 Requirement

- a. The vendor shall be qualified and capable of providing a system that will satisfactorily serve the voters in Boulder County.
- b. The vendor shall assign qualified and capable staff in adequate numbers to ensure success of this project.

57.2 Proposer's Response

- a. Will you meet this requirement? Y ___ N ___
- b. How do you propose to meet this requirement? Make sure to include item(s) listed below:
 - (1) Describe your qualifications and unique capabilities. Why are you better than your competitors?
 - (2) Describe in detail your prior experience and past performance that is relevant to this project.
 - (3) Submit customer references, if available.
 - (4) Identify all key project staff, qualifications, their roles and time they will be committed to the project.
 - (5) The vendor shall attach a copy of its most recent financial statements, with the name address and telephone of a contact within the organization.

58. Performance Bond and Insurance

58.1 Requirement

- a. A performance bond in the amount of 100% of the contract price will be required from awarded vendor
- b. Minimum insurance requirements, listed in attached sample contract will be required

58.2 Proposer's Response:

- a. Will you meet these requirements? Y ___ N ___

Technical Specifications/Requirements

Application/version submitted for consideration **MUST** meet these minimal requirements:

- 1). Application **must** be in production at more than one site.
- 2). Application **must** be either client server or web based
- 3). If client based, application **must** function on a Window's XP operating system

Please respond to the following in the order listed below:

- 1). Please submit company name, address, and phone number.
- 2). Please provide detailed/itemized budgetary cost estimates for each module proposed
- 3). Please provide budgetary estimates for support/maintenance/upgrades for 1 to 3 years
- 4). Please submit a copy of any contract you require to be executed at time of award.
- 5). List average budgetary cost estimates for the following items:
 - a). On-site training (Hourly rate: Number of estimated hours to complete project)
 - b). Project Management (Hourly rate: Number of estimated hours to complete project)
 - c). Conversion/Mapping (Hourly rate: Number of estimated hours to complete project)
 - d). Recommended hardware to meet Boulder County's requirements
 - e). All software, itemized to meet Boulder County's requirements
 - f). On-site training, post-production (Hourly rate for training on new modules after system is in production)
- 6). Please include a statement of qualification; specifically how your product and Company can meet the minimum requirements listed above in items 1-6.
- 7). Please provide references and the name and phone numbers of any Counties where your product is currently in production.

Pricing Schedule for DRE Component

List all one-time and recurring costs for the system you are proposing, assuming the following for costing and comparison purposes only:

- 250 polling places
- Assign 5 voting stations per poll
- Capability at each poll for voters with specific needs to vote unassisted
- Capability of providing the ballot in three languages: English, Spanish and one character-based language.

Attach additional sheets if necessary

DRE Component	Is this a one-time cost?	Is this a Recurring Cost?	Price/unit	Quantity	Total Price and delivery (County is tax exempt)
1. DRE units (voting unit and booth)*					
2.					
3.					

*Indicate whether or not the devices designed to serve voters with specific needs can also serve all other voters.

If the County chooses to purchase voting booths outside of this contract, what would be the reduction in cost per DRE unit?

Pricing Schedule for Absentee/Mail Ballot Component

List all one-time and recurring costs for the system you are proposing, assuming the following for costing and comparison purposes only:

- The system should support in excess of 200,000 absentee/mail ballots
- The system should process 200,000 absentee/mail ballots in a twelve-hour period
- The system should be capable of separating write-in votes and over-voted ballots.
- If the system supports network connection, include necessary hardware.
- The cost of printing ballots should not be included.

Attach additional sheets if necessary

Absentee/Mail Ballot Component	Is this a one-time cost?	Is this a Recurring Cost?	Price/unit	Quantity	Total Price and delivery (County is tax exempt)
1.					
2.					
3.					

SUBMITTAL SECTION

NEW VOTING TABULATION SYSTEM

RFP # 4437-03

Please respond to the following in the order listed below:

1. Please list name of company, address & phone number

2. Please submit resumes of individual(s) that would be assigned to this project.

3. Please submit the individual's ability to meet the requirements listed in this RFP.

4. Please submit references validating individuals experience in meeting the requirements listed in this RFP.

5. Please include a copy of any contract you would like the County to execute as part of this project.

6. Please state whether your proposed voting system has received National and State certification. If not, when does your company anticipate receiving this certification?

In order to receive a uniform format of submission, vendors are to submit a complete response and follow the format described above. Submit one (1) original and nine (9) copies of the submission and any supporting material. The County reserves the right to make copies for internal use only.

SUBMITTAL SECTION
NEW VOTING TABULATION SYSTEM
RFP #4437-03

Failure to sign and return this submittal page with your proposal may be cause for rejection.

Company Name

Print or Type Name of Bidder's Authorized Officer or Partner

Signature of Bidder's Authorized Officer or Partner Date

*NOTE: If Bidder is a corporation, set forth the legal name of the corporation together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If Bidder is a partnership, set forth the name of the firm together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership.

Business Address:

Phone #: _____

ATTEST: Secretary

Corporate Seal

BOULDER COUNTY (name of service contracting for)

THIS CONTRACT (hereinafter referred to as ("Contract")) is entered into between the County of Boulder, State of Colorado, acting by and through its Board of County Commissioners (hereinafter referred to as "County"), and (name of company) (hereinafter referred to as "Contractor").

In consideration of the rights and obligations hereinafter specified, the County and the Contractor agree as follows:

1. Incorporation into Contract: *The Invitation for Bid and Bid Specifications of Boulder County Bid No. _____* together with such alterations and modifications to these Specifications, all being applicable to this Contract, and being referred to hereinafter collectively as the "Bid Documents", are each and all included in this Contract, and by this reference are expressly made a part hereof.
2. Term of Contract: This contract shall begin and become effective on and as of the date of execution by the parties, which date is the date specified on the signature page of this Contract, below. (Contracted party) under this contract shall begin on (date) and shall continue through (date) with an option to renew for (1) (2) additional year(s) through (date) during which time this Contract shall be in full force and effect, subject to the Termination provisions in paragraph 15 of this Contract, below. If the option to renew is exercised, a written agreement will be executed within 60 days of the expiration date of this contract.
3. Extension of Contract Term: The County, in its sole discretion, may elect to extend the term of this Contract on a year-to-year basis. In the event the County elects to exercise this right, it shall send written notice to Contractor as set forth in paragraph 3a of its intent to extend the term of the Contract thirty- (30) days prior to the end of the then current Contract term.

All of the provisions of this contract shall remain in full force and effect during any extended term except that the scope of services and compensation to be paid to Contractor during any extended term shall be mutually agreed upon prior to the commencement of any extended term. The agreed upon scope of services and compensation shall be reduced to writing, signed by both parties, attached to this Contract as if fully set forth herein.

- a. **TEN CALENDAR DAYS BEFORE THE COMMENCEMENT OF ANY EXTENDED TERM THE CONTRACTOR SHALL SUBMIT TO THE COUNTY PROOF OF INSURANCE AS REQUIRED IN PARAGRAPH 9 AND BONDS COVERING THE EXTENDED TERM AS REQUIRED IN PARAGRAPH 10 BELOW.**
- b. Should the parties fail to agree upon the scope of services or compensation to be paid Contractor for any extended term, or should Contractor fail to submit the required documents within the time period in subparagraph b., above, then this Contract shall

terminate at the end of the then current term and no extension of the term of the Contract shall occur.

- c. If the County does not send written notice to the Contractor of its intent to extend the term of the Contract, then this Contract shall terminate at the end of the then current term and no extension of the term of the Contract shall occur.
4. Work to be Performed: The Contractor will in a good and workmanlike manner, and at its own cost and expense, furnish all labor and equipment and do all work necessary and incidental to performing (specify type of work contracted) which are specified in the Bid Documents and further governed by this Contract (hereinafter referred to as the "Work"). The Contractor shall perform the Work in strict accordance with the Bid Documents and this Contract, and with Exhibit A, which is attached and expressly incorporated into the contract by this reference.
5. Payment for Work Performed: In consideration of the Work to be performed by the Contractor, and subject to paragraph 15, below, the County shall pay to the Contractor, in accordance with the *Bid Specifications*, (contract price agreement).
6. Quality of Performance: This Contract shall be performed by the Contractor in a manner satisfactory and acceptable to the County, who shall be the sole judge of quality of performance.
7. Schedule of Work: The Contractor shall perform the said services during the hours designated by the County and shall, in any event, so perform the said services so as to avoid inconvenience to the County and its personnel and interference with the County's operations.
8. Indemnity: The Contractor shall be liable and responsible for any and all damages to persons or property caused by or arising out of the actions, obligations, or omissions, of the Contractor, its employees, agents, representatives, or other persons acting under the Contractor's direction or control in performing or failing to perform the Work under this Contract. The Contractor will indemnify and hold harmless the County, its elected and appointed officials, and its employees, agents and representatives (hereinafter referred to as the "indemnified parties"), from any and all liability, claims, demands, actions, damage, losses, judgments, costs or expenses, including but not limited to attorney's fees, which may be made or brought or which may result against any of the indemnified parties as a result or on account of the actions or omissions of the Contractor, its employees, agents or representatives, or other persons acting under the Contractor's direction or control hereunder. Nothing in this indemnification agreement shall be construed in any way to be a waiver of the County's immunity protection under the Colorado Governmental Immunity Act, CRS 24-10-101, et seq, as amended.
9. Insurance Requirements: The Contractor shall procure and maintain at its own expense, and without cost to the County, until this Contract has expired or is terminated, the following kinds and minimum amounts of insurance for purposes of insuring the liability risks which the Contractor has assumed under this agreement:
 - a. Commercial General Liability. This coverage is required in all County contracts and short-term lease agreements. Bid specifications and contracts should state that required coverage is ISO 1997 form or equivalent. Minimum limits are required to be \$600,000 combined single limit for each occurrence. For Construction Contracts, ISO Form CG2503 (General

Aggregate) applies, and the County may require insurance to be provided for up to 2 years after completion of construction.

- b. Automobile Liability. Contractors contemplating any use of a motor vehicle in the performance of the contract must provide business automobile liability coverage. Minimum limits are required to be \$600,000 combined single limit for each occurrence. Coverage must include:
- All vehicles owned, leased, and hired are used on the contract
 - Personal Injury Protection

- c. Workers' Compensation and Employer's Liability. The County requires all contractors to maintain Workers' Compensation insurance with the statutory limits. Employer's Liability is required for minimum limits of \$100,000 Each Accident/\$500,000 Disease-Policy Limit/\$100,000 Disease-Each Employee. In larger contracts where umbrella coverage is required, such coverage should apply excess of the Employer's Liability Limit.

Drafting Note to County Employee Generating Contract:

If Contractor is a sole proprietor, Workers' Compensation is not required. But, if the sole proprietor has any employees, Workers' Compensation is required for these employees. The "sole proprietor" or "owner/operator" contract must use the language as specified by the County Attorney for this type of contract.

- d. Excess Liability. If needed, an Excess Liability policy may be used to provide additional Commercial General Liability, Auto Liability, and Employer's Liability coverage to meet the County's minimum requirements. Coverage should be at least as broad as the primary coverage.
- e. Professional Liability (Errors & Omissions). All contractors required to be professionally certified by the State of Colorado (i.e., architects, design engineers, doctors, nurses, etc.) and/or where consultant's errors in judgment, planning, design, etc. could result in economic loss to the County must provide proof of professional liability coverage with minimum limits of \$600,000. Liability insurance indemnifying for loss and expense resulting from errors, mistakes or malpractice is acceptable and may be written on a claims made basis. The County may also require that proof of professional liability coverage be provided for up to two (2) years after the completion of a project.
- f. Pollution Liability. This coverage is required whenever work under the contract involves pollution risk to the environment. The coverage must include sudden and gradual coverage for third party liability including defense costs and completed operations with Minimum, limits of \$600,000. If items transported by the contractor for the County could cause pollution to the environment, the following endorsements must be included on the Auto Liability: CA9948 (Pollution Liability -Broadened Coverage for Covered Autos), and Form MCS -90.
- g. Farmer's Liability may be substituted for Commercial General Liability to support Parks and Open Space agriculture leases.

The Contractor shall provide Certificates of Insurance to Boulder County demonstrating that the aforementioned insurance requirements have been met prior to the commencement of work under this Contract or Proposal. The Comprehensive General Liability certificate shall indicate Boulder County as an **ADDITIONAL INSURED**.

The Additional Insured wording should be as follows: *County of Boulder, State of Colorado, a body corporate and politic, is named as Additional Insured.*

These Certificates of Insurance shall also contain a valid provision or endorsement that these policies may not be canceled, terminated, changed or modified without thirty (30): days written notice to the County.

Certificates of insurance shall be forwarded to the following designated County representative:

Gene Jackson, Risk Manager
Boulder County
P.O. Box 471
Boulder, Colorado 80306

10. Bonds: The Contractor is responsible for insuring that each and every employee and agent of Contractor assigned to perform work under this Contract is bonded under a fidelity bond. The fidelity bond shall remain in full force and effect throughout the term of this Contract. A copy of said fidelity bond shall be provided to the County at the time the Contractor executes this Contract. In the event the fidelity bond is canceled or terminated for whatever reason the Contractor shall notify the County in writing of such cancellation or termination within one (1) business day of the date the Contractor is notified of such cancellation or termination. The written notice to the County shall be provided pursuant to paragraph 18 below.
11. Nondiscrimination: The Contractor agrees to comply with the letter and spirit of the Colorado Anti-Discrimination Act, CRS 24-34-401 et seq., as amended, and all applicable local, state and federal laws respecting discrimination and unfair employment practices.
12. Nondiscrimination Provisions Binding on Subcontractors: In all solicitations by the Contractor for any work related to this Contract to be performed under a subcontract, either by competitive bidding or negotiation, the Contractor shall notify each potential subcontractor of the Contractor's obligations under this Contract, and of all pertinent regulations relative to nondiscrimination and unfair employment practices
13. Information and Reports: The Contractor will provide to authorized governmental representatives including those of the County, State and Federal Government, all information and reports which they may require for any purpose authorized by law. The Contractor will permit such authorized governmental representatives access to the Contractor's facilities, books, records, accounts, and any other relevant sources of information. Where any information required by any such authorized government representative is in the exclusive possession of a person other than the Contractor and such Contractor shall so certify to the County, and shall explain what efforts it has made to obtain the information.

14. Independent Contractor: The Parties recognize and agree that the Contractor is an independent contractor for all purposes, both legal and practical, in performing services under this Agreement, and that the Contractor and its agents and employees are not agents or employees of Boulder County for any purpose. As an independent contractor, the Contractor shall be responsible for employing and directing such personnel and agents as it requires to perform the services purchased hereunder, shall exercise complete authority over its personnel and agents, and shall be fully responsible for their actions.

Contractor acknowledges that it is not entitled to unemployment insurance benefits or worker's compensation benefits from Boulder County, its elected officials, agents, or any program administered or found by Boulder County. Contractor shall be entitled to unemployment insurance or worker's compensation insurance only if unemployment compensation coverage or worker's compensation coverage is provided by Contractor, or some other entity that is not a party to this contract. Contractor is obligated to pay federal and state income tax on any monies earned pursuant to the contract relationship

15. Termination and Related Remedies:

- a. The provisions of paragraph 4 of this Contract notwithstanding, financial obligations of County payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. Boulder County is prohibited by law from making financial commitments beyond the term of its current fiscal year _____. County has contracted for goods or services herein described and have reason to believe that sufficient funds will be available for the full term of the Contract. Where however, for reasons beyond the control of the Board of County Commissioners, as the funding entity, funds are not allocated for any fiscal period beyond the one in which this contract is entered into, County shall have the right to terminate this contract and be released from any and all obligation hereunder. If the County terminates the Contract for this reason, the County and the Contractor shall be released from all obligations to perform Work and make payments hereunder, except that the County shall be required to make payment for Work which has been performed by the Contractor prior to the effective date of termination under this provision; and, conversely, the Contractor shall be required to complete any Work for which the County has made payment prior to the effective seven (7) days after the County provides notice to the Contractor pursuant to the provisions of paragraph 15c, below.
- b. The preceding provisions of this paragraph notwithstanding, performance of Work under this Contract may be terminated, either in whole or in part, by the County for any reason, whenever the County determines that such termination is in the best interests of the County. Such termination shall be effective after seven (7) days' written notice to the Contractor pursuant to the provisions of paragraph 16, below.
- c. In the event the County exercises either of the termination rights specified in subparagraphs a. or b. above, this contract shall cease to be of any further force and effect, with the exception of all contract remedies which are specified herein and may otherwise be available to the parties under law, and with the exception of any rights of liabilities of the parties which may survive by virtue of paragraphs 5 through 16 of this Contract.

16. Notices: For purposes of the notices required to be provided under paragraphs 3,9, and 15 all such notices shall be in writing, and shall be either sent by Certified US Mail, return receipt requested, or hand-delivered to the following representatives of the parties at the following addresses:

For the County: (enter DH/EO representing Dept.)

For the Contractor: (enter contractors name)

In the event a notice is mailed (pursuant to the provisions of this paragraph), the seven (7) day effective time periods specified in paragraph 14, above, shall commence to run on the day after the postmarked date of mailing.

17. Statutory Requirements: This contract is subject to all statutory requirements, which are or may become applicable to counties or political subdivisions of the State of Colorado generally. Without limiting the scope of this provision, the Contract is specifically subject to the following statutory requirements.
- a. Contract payments may be withheld pursuant to section 38-26-107, C.R.S., if the County receives a verified statement that the Contractor has not paid amounts due to any person who has supplied labor or materials for the project.
18. Amendments: This Contract may be altered, amended or repealed only on the mutual agreement of Contractor and the County by a duly executed written instrument.
19. Assignment: This Contract shall not be assigned or subcontracted by the Contractor without the prior written consent of the County.
20. Benefit to Successors and Assigns: This Contract, during its term as specified herein, shall inure and benefit and shall be binding upon the successors heirs and assigns of the parties hereto.
21. Governing Law: The laws of the State of Colorado shall govern the interpretation and enforcement of this Contract. Any litigation which may arise between the parties involving the interpretation or enforcement of the terms of this Contract shall be initiated and pursued by the parties in the District Court in and for Boulder County, State of Colorado and the applicable state appellate courts.
22. Breach: No waiver of any breach of this Contract shall be held to be a waive of any other or subsequent breach. All remedies afforded in this Contract shall be taken and construed as cumulative, that is, in addition to every other remedy provided therein or by law.
23. Termination of Prior Agreements: This Contract cancels and terminates, as of its effective date, all prior agreements between the parties hereto covering the services covered hereby, whether written or oral or partly written and partly oral.

24. Sever ability: Any provision of the Contract which may be rendered null and void shall not invalidate the remainder of this contract to the extent the Contract is capable of execution.
25. Third Party Beneficiary: The enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement shall be strictly reserved to the County and the Contractor, and nothing contained in this contract shall give or allow any claim or right of action whatsoever by any other or third person. It is the express intent of the parties to this contract that any person receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, _____.

**COUNTY OF BOULDER
STATE OF COLORADO**

ATTEST: _____
Administrative Assistant
Clerk to the Board of
Commissioners
(Seal)

By: _____
Chair, Board of County
Commissioners

ATTEST: _____
(Seal)

By: _____
Vendors Signature

Title: _____

Title: _____

(If this Agreement is executed on behalf of a corporation, it must be signed by an agent duly authorized the corporation to execute such contract, and the corporate seal must be affixed to the agreement by the Secretary of the corporation or other authorized keeper of the corporate seal. Authority of the agent to execute this Agreement must be shown by an accompanying resolution by the Board of Directors of the corporation, duly certified by the Secretary or other officer of the corporation.)

ADDENDUM #1
RFP #4437-03
New Voting Tabulation System

May 27, 2003

The attached addendum supersedes the original Information and Specifications regarding RFP #4437-03, where it adds to, deletes from, clarifies or otherwise modifies them. All other conditions and previous addendums shall remain unchanged.

Questions and Answers

1. **Q.** Item 7.1.f refers to the County's use of the DIMS Candidate Filing module. Is the County currently using the DIMS application? If so, what are the plans for its future use?
A. The County currently does not use DIMS. Current ballot layout is done in-house through Integrity Software. At this time, there are not plans for future DIMS use.
2. **Q.** Item 5 indicates provisional ballots are to be paper ballots. However, Item 13.l.e, which appears to refer to the DRE voting device states "Allow the voter to cast a provisional ballot." Does the County anticipate using the DRE devices for provisional ballots?
A. _____
3. **Q.** Item 21.2.b, (1) Please confirm the average and maximum number of precincts per hour to be processed at the Central Count Site. Is it your intent to integrate this election server into your windows domain and regular I./T. operations and policies? What industry standard encryption via Windows are you referring to?
A. Item 21.2.b, (1) should read: Vote data will arrive at the central count location at a rate of 70 precincts per hour, with a peak of 150 precincts for a on-hour period. Need to answer 2nd part of question.
4. **Q.** Item 30.1 refers to several special voting options. Which of these or other options might the County be called on to employ?
A. "Modified" or closed primary
5. **Q.** Item 32.1 states "the software shall generate a statement of vote report that complies with section 15501 of the Colorado Election Code." Please confirm the section of the Colorado Election Code reference that includes the Colorado Statement of Vote requirements?
A. Item 32.1 should read: the software shall generate a statement of vote report that complies with the Colorado Election Code.
6. **Q.** We are interested in learning more about Boulder County's warehouse/storage requirements:

- Can the pre-proposal conference include a tour of the warehouse/storage area that will be used to store the new voting tabulation system?
- Can the County provide a floor plan of the warehouse/storage area?
- How is the equipment currently stored? Prepped for an election? Transported to/from the polling place?

A. Please see the attached floor plan. Equipment is currently stored on site. Election Judges are required to transport equipment to and from polling place. The storage room is air-conditioned.

7. Q. What is the average number of datavote card used for a general election?

A. Highest number has been 10. Average number is 7.

8. Q. 23.1 Please define "declared absentee precincts & voters."

A. 23 & 23.1 reference to declared absentee precincts & voters should be replaced with Federal Ballot precincts and Federal Ballot voters respectively.

9. Q. You state absentee processing of 200,000 should be tabulated within 2 hours, please give a scenario in which you feel this may occur.

A. The system could be required to handle up to 200,000 ballots in a re-count situation or to catch up if system were to temporarily fail.

10. Q. The pricing Schedule for Absentee/Mail Ballot Component states that the system should be able to handle 200,000 mail ballots. On page 12, Item 2 "Constraints" it states that there are only 200,000 registered voters in the county, and about 15% vote by mail. That would be 30,000 ballots. Is there an error on the Pricing page or on page 12?

A. _____

11. Q. How long will the 100% performance bond be required to stay in place?

A. _____

12. Q. How many audio visual units will you require?

A. _____

13. Q. 22.1, Ballot Tabulation set up, what do you want to change/alter?

A. Any last minute ballot corrections or changes

14. Q. What system is Boulder County currently using?

A. Sequoia DataVote system

15. Q. Is our products source code required to be submitted with our RFP response? If the awarded vendor's source code is on file with the State of Colorado, will the County's I/T. department still require it?

A. Only the awarded vendor will be required to submit source code.

16. Q. Will you require a real time poll book or static data on election day?

A. _____

**RECEIPT OF LETTER
ACKNOWLEDGMENT**

May 23, 2003

Dear Vendor:

This is an acknowledgment of receipt of Addendum#1 for RFP # 4437-03 New Voting Tabulation System.

In an effort to keep you informed, we would appreciate your acknowledgment of receipt of the attached fax. Please sign this acknowledgment and fax it back to us as soon as possible. **Our fax number is 303-441-4524.** If you have any questions, or problems with transmittal, please call us at 303-441-3525.

Thank you for your cooperation in this matter. This information is time and date sensitive; an immediate response is requested.

Sincerely,

Boulder County Purchasing

Signed by: _____ Date: _____

Name of Company _____