

1 [Department of Elections Amendment to Current Voting Systems Contract.]

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3 **Resolution approving the award and execution of a two-year amendment to an existing**  
4 **contract by the City and County of San Francisco, through its Department of Elections**  
5 **(Department), with Elections Systems & Software (ES&S), for the provision of voting**  
6 **services and the maintenance of the current voting system.**

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8 WHEREAS, the Department engaged in a competitive process to purchase a new  
9 voting system and related services, entered into contract negotiations with the top-ranked  
10 bidder Sequoia Voting Systems, Inc. (Sequoia) and brought the final negotiated contract to  
11 the Board of Supervisors for approval; and

12 WHEREAS, on February 14, 2007 and February 21, 2007, the Budget and Finance  
13 Committee of the Board of Supervisors held hearings on the final negotiated contract, and at  
14 the February 21, 2007 hearing continued the matter upon the call of the Chair pending further  
15 negotiations between the Department and Sequoia to address issues discussed during the  
16 hearings; and,

17 WHEREAS, contract negotiations between the Department and Sequoia are ongoing;  
18 and

19 WHEREAS, the City must have a certified voting system in place for the November  
20 2007 election to comply with federal and state law; and,

21 WHEREAS, in order for the City's voting system to be certified for the November 2007  
22 election, either the Sequoia voting system must be certified by both the United States  
23 Elections Assistance Commission and the California Secretary of State, or the current ES&S  
24 system, which has already received federal certification, must be certified by the California  
25 Secretary of State; and,

1           WHEREAS, the certification process can take more than six months; and,

2           WHEREAS, the ongoing negotiations with Sequoia have resulted in a delay that may  
3 make it impossible for Sequoia to complete federal and state certification by the November  
4 2007 election; and,

5           WHEREAS, the City currently owns hardware purchased from ES&S, and ES&S is the  
6 only vendor that can provide voting services and maintenance for the current voting system;  
7 and,

8           WHEREAS, the Department may have limited access, if any at all, to the \$5.8 million in  
9 available Help America Vote Act (HAVA) or Proposition 41 funds to support the two-year  
10 amendment of its contract with ES&S because such funding may only be used for purchasing  
11 a new voting system, implementing provisional voting, and providing information to voters in  
12 the polling place; and,

13           WHEREAS, the total cost of an amendment to the ES&S contract is \$3,146,539 to  
14 provide voting services and maintenance for the November 2007 election and the three  
15 elections in 2008, which brings the total cost of the ES&S contract from \$8,743,804.85 to  
16 \$11,890,343.85; and,

17           WHEREAS, the Department will request the additional \$3,146,539 million from the  
18 General Fund as part of the Department's regular budget; now, therefore, be it

19           RESOLVED, That in accordance with Charter section 9.118(b), the Board of  
20 Supervisors hereby approves an amendment to the contract with ES&S for the provision of  
21 voting services and the maintenance of the current voting system on the terms and conditions  
22 of the Agreement on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_; and, be it

23           FURTHER RESOLVED, That the Board authorizes the Director of Elections to execute,  
24 on behalf of the City, the Agreement and enter into any modifications of the Agreement that  
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1 the Director determines, in consultation with the City Attorney, are in the best interests of City,  
2 do not increase the cost of the contract, are necessary and advisable to effectuate the  
3 purpose of the contract or this Resolution, and are in compliance with all applicable laws,  
4 including the City's Charter and applicable City Ordinances.

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6 RECOMMENDED:

FUNDS AVAILABLE:

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\_\_\_\_\_  
JOHN ARNTZ  
Department Head

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EDWARD HARRINGTON  
Controller

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