

FILE NO. 070309

RESOLUTION NO.

179-07

1 [Department of Elections Amendment to Current Voting Systems Contract with ES&S.]
2

3 **Resolution approving the award and execution of a 17-month amendment to an**
4 **existing contract by the City and County of San Francisco, through its Department of**
5 **Elections (Department), with Elections Systems & Software (ES&S), for the provision of**
6 **voting services and the maintenance of the current voting system.**
7

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 \$3,258,321 to
14 provide voting services, maintenance, and the cost of a performance bond for the November
15 2007 election and the three elections in 2008, which brings the total cost of the ES&S contract
16 from \$8,743,805 to \$12,002,126; and,

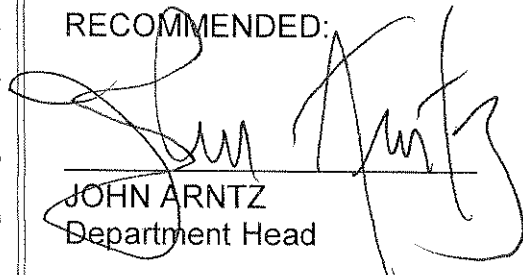
17 WHEREAS, the Department will request the additional \$3,258,321 from the General
18 Fund as part of the Department's regular budget; now, therefore, be it

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. ⁰⁷⁰³⁰⁹ _____; 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
25

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.

5
6 RECOMMENDED:

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8 _____
9 JOHN ARNTZ
10 Department Head

FUNDS AVAILABLE:

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12 _____
13 EDWARD HARRINGTON
14 Controller

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 070309

Date Passed:

Resolution approving the award and execution of a 17 month amendment to an existing contract by the City and County of San Francisco, through its Department of Elections (Department), with Elections Systems & Software (ES&S), for the provision of voting services and the maintenance of the current voting system.

April 10, 2007 Board of Supervisors — CONTINUED

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Ammiano, Daly

April 17, 2007 Board of Supervisors — ADOPTED

Ayes: 7 - Ammiano, Daly, Dufty, Jew, Maxwell, Mirkarimi, Peskin

Noes: 2 - Alioto-Pier, Elsbernd

Absent: 2 - McGoldrick, Sandoval

File No. 070309


I hereby certify that the foregoing Resolution was ADOPTED on April 17, 2007 by the Board of Supervisors of the City and County of San Francisco.



Kay Gulbengay
Interim Clerk of the Board

APR 27 2007

Date Approved


Mayor Gavin Newsom

Date: April 27, 2007

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

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