

1 [Contract Amendment - Voting System - Not to Exceed \$21,980,691.25]

2  
3 **Ordinance authorizing the Department of Elections to enter into the Fourth Amendment**  
4 **of an agreement with Dominion Voting Systems, Inc. to extend the term of the**  
5 **agreement through December 31, 2018, increasing the total not-to-exceed amount of**  
6 **the Agreement by \$2,289,758, from \$19,690,933.25 to \$21,980,691.25.**

7  
8 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 **Section 1. Findings.** The Board of Supervisors of the City and County of San  
17 Francisco hereby finds that:

18 (a) In March 31, 2005, the Department of Elections issued a Request for Proposal  
19 (RFP) for new voting equipment and voting equipment services. The RFP, pursuant to San  
20 Francisco Administrative Code 21.9(a)(2), stated the contract would be for an initial term of  
21 four years, with two options to renew for one year each. Sequoia Voting Systems, Inc.  
(Sequoia) was the highest ranked proposer.

22 (b) In December 2007, the City entered into a contract with Sequoia for the  
23 purchase of new voting equipment and voting services (Agreement), as approved by the  
24 Board of Supervisors under Resolution No. 654-07. As set out in the RFP, the initial term of  
25 the Agreement was four years, from December 11, 2007 to December 11, 2011, with two  
options for the City to renew for one year each. Dominion Voting Systems, Inc. (Dominion)

1 acquired substantially all of the assets of Sequoia on June 4, 2010, and assumed Sequoia's  
2 Agreement with the City.

3 (c) In November 2011, the City exercised its two one-year options and extended the  
4 Contract through December 11, 2013, at a cost not-to-exceed \$3,645,900, as approved by the  
5 Board of Supervisors under Resolution No. 494-11. Under these extensions, Dominion  
6 continued to provide voting services at the rates in effect for 2007-2011 and City was not  
7 required to purchase new voting machines.

8 (d) In November 2013, the Board of Supervisors approved an ordinance extending  
9 the term of the contract through December 10, 2016 under File No. 269-13. Under that  
10 extension, Dominion continued to provide voting services at the rates in effect for 2007-2011  
11 and City was not required to purchase new voting machines.

12 (e) The Department of Elections now desires to extend the Agreement through  
13 December 31, 2018, at a cost not-to-exceed of \$2,289,758 for the Fourth Amendment. Under  
14 this extension, Dominion would continue to provide voting services ~~at the rates in effect for~~  
15 2007-2016 at increased rates in effect for 2017-2018, and City would not be required to  
16 purchase new voting machines.

17 (f) This extension is necessary for five reasons. First, the last time the Department  
18 of Elections issued an RFP for a new voting system, the RFP process took over two and a  
19 half years to complete given the complicated nature of the purchase. Second, the  
20 Department of Elections does not anticipate having additional funds to secure new voting  
21 equipment in the current fiscal year, and thus will continue to use the current system. Third,  
22 there are no new voting systems currently available that have been certified by the Secretary  
23 of State and can accommodate elections using Ranked Choice Voting. Fourth, only one  
24 contractor offers Ranked Choice Voting options, which is the City's current contractor,  
25

1 Dominion. Finally, the City has begun the process of developing an open source voting  
2 system, but that system will not be ready for at least two years.

3 **Section 2. Approval of Fourth Amendment**

4 (a) The Fourth Amendment to the Agreement is on file with the Clerk of the Board of  
5 Supervisors in File No. 161094, substantially in final form, with all material terms and  
6 conditions included, and only remains to be executed by the parties upon approval of this  
7 Ordinance. The Board of Supervisors hereby approves the Fourth Amendment to the  
8 Agreement in substantially the form contained in File No. 161094.

9 (b) The Board of Supervisors authorizes the Department of Elections to enter into  
10 any modifications that, prior to final execution of the amendment by all parties, the  
11 Department of Elections determines, in consultation with the City Attorney, are in the best  
12 interest of the City, do not otherwise materially increase the obligations or liabilities of the City,  
13 are necessary or advisable to effectuate the purposes of the Agreement, and are in  
14 compliance with all applicable laws, including City's Charter.

15 (c) In approving this Fourth Amendment, the Board of Supervisors finds that it is  
16 reasonable and in the public interest to waive, and does hereby waive, the requirement of  
17 Administrative Code Section 21.9 that all City contracts for commodities and/or services be  
18 limited to the initial terms and period of extensions included in the solicitation.

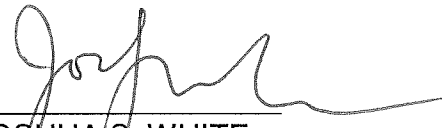
19 (d) Within 30 days of the parties executing the Fourth Amendment to the  
20 Agreement, the Department of Elections shall submit to the Clerk of the Board of Supervisors  
21 a completely executed copy for inclusion in File No. 161094. This requirement and obligation  
22 resides with the Department of Elections, and is for purposes of having a complete file only,  
23 and in no manner affects the validity of the approved Fourth Amendment to the Agreement.

1           **Section 3. Open Source Voting.**

2           The Director of Elections shall provide a written update and presentation to the Board  
3 of Supervisors during the FY 2017-18 and FY 2018-19 budget process on the status of  
4 implementing the open source voting system and alternatives if the open source voting  
5 system is not completed by December 2018.

6  
7           **Section 34. Effective Date.** This ordinance shall become effective immediately upon  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.

11  
12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15  
16 By:   
17 JOSHUA S. WHITE  
18 Deputy City Attorney

19 n:\ethics\as2016\1700278\01155887.docx



City and County of San Francisco

Tails  
Ordinance

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

File Number: 161094

Date Passed: January 10, 2017

Ordinance authorizing the Department of Elections to enter into the Fourth Amendment to an agreement with Dominion Voting Systems, Inc., to extend the term of the agreement through December 31, 2018, and increase the total not-to-exceed amount by \$2,289,758 from \$19,690,933.25 to \$21,980,691.25.

December 07, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 07, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 13, 2016 Board of Supervisors - PASSED ON FIRST READING


Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee  
Vacant: 1 - District 8

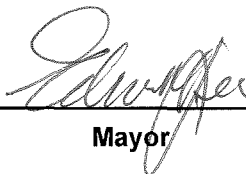
January 10, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee and Sheehy

File No. 161094

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/10/2017 by the Board of Supervisors of the City and County of San Francisco.

  
for Angela Calvillo  
Clerk of the Board

  
Mayor

1/20/17  
Date Approved