

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ELECTIONS**

REQUEST FOR PROPOSALS FOR A

NEW VOTING SYSTEM

RFP# NVS0305

Date: March 31, 2005

Pre-Proposal Conference: May 2, 2005

Deadline for Submission: June 3, 2005

REQUEST FOR PROPOSALS FOR NEW VOTING SYSTEM

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** For use only in connection with an installment purchase with seller financing. Please note that these are samples of forms the City has used in the past. Determination of the form and terms will be made by the City based on the proposals received in response to this RFP.*

REQUEST FOR PROPOSALS FOR NEW RFP

I. Introduction

The New System

The San Francisco Department of Elections (“DOE”) is issuing this Request for Proposals (“RFP”) seeking proposals (“Proposals”) from qualified entities (“Proposers”) for a new voting system (“New System”) to collect, count, tabulate and report votes for all elections held in the City and County of San Francisco. The New System will combine optical scan technology with direct recording electronic (“DRE”) or similar voting technology. The New System must include the capability to count and tabulate ranked-choice ballots and otherwise conduct ranked-choice voting, (also known as instant runoff voting) as required by the San Francisco Charter. The successful Proposer must supply all hardware and software constituting the New System, and all necessary installation, programming, integration, testing, maintenance, support, delivery and storage services (the “Ancillary Services”) during the term of the Final Agreement (as defined below). The successful Proposer must also be responsible for obtaining all applicable Federal and State certifications and approvals for the New System in time for successful implementation of the New System for elections on or following January 1, 2006.

The City and County of San Francisco

As a combined charter City and County, San Francisco (the “City”) is a unique election jurisdiction in California. The City has up to or at least 500,000 registered voters and approximately 600 polling locations. Each polling location has approximately six voting booths. San Francisco has two Congressional districts, two State Senate districts, two State Assembly districts, three BART districts, and eleven Supervisorial districts. The number of different ballot types the City may use in an election, which is based in part on the number of districts and political parties, can be as high as 528.

The Federal Voting Rights Act requires that San Francisco use trilingual ballots with English, Chinese and Spanish. DOE expects that it will be required to provide ballots in additional languages in the future, as the City's population of minority language speakers increases.

Ranked-Choice Voting

The City Charter requires that most City officers be elected by majority (rather than plurality) vote. Before March 2002, the Charter provided that if no candidate received a majority of the votes cast for the office at the general municipal election, there would be a separate runoff election between the two candidates receiving the highest number of votes. In both the general and runoff elections, each voter selected a single candidate.

In March 2002, San Francisco voters amended the Charter to require the use of ranked-choice ballots to elect most City officers. A copy of the Charter amendment is attached to this

RFP as *Appendix D*. Ranked choice voting applies to all City elected officials except members of the Board of Education and the Community College Board.

Under Ranked-Choice Voting (RCV or “Instant Run-off Voting,” or “IRV”), each voter uses a single ballot to rank a first, second, third, etc. choice among the candidates for each office. The votes are counted in rounds. If one candidate receives more than 50% of the first-choice votes in the first round, then that candidate is elected. If no candidate receives more than 50% of the first-choice votes, the candidate who received the fewest first-choice votes is eliminated. All voters whose first choice was eliminated would have their vote transferred to their second-choice candidate. This process of transferring votes to the voter’s next-choice candidate and eliminating candidates with the fewest votes is repeated until one candidate receives more than 50% of the votes.

Selection of the New System

DRE or similar technology is essential for complying with new legal requirements concerning accessibility for sight-impaired and mobility-impaired voters. However, Optical Scan technology is essential for processing, counting and tabulating absentee ballots, which are a significant component of San Francisco elections. San Francisco currently has more than 103,000 permanent absentee voters. In any given election, DOE receives requests for another 25,000 to 45,000 absentee ballots. In order to maximize the benefits of both voting technologies, the New System must combine Optical Scan and DRE or similar technologies.

The selection process for the New System and Ancillary Services will involve three phases:

- 1) The “Initial Selection Process,” in which the selection committee established by DOE will select up to three Proposers (the “Pilot Proposers”) to participate in a Pilot Program (see Appendix G).
- 2) The "Pilot Program," in which up to three Pilot Proposers will conduct a demonstration (mock) election at San Francisco City Hall. Members of the public will be invited to cast ballots in the mock election and complete evaluations of the proposed voting systems that will be considered in the Final Selection Process. Before the demonstration election, each Pilot Proposer will conduct thorough logic and accuracy testing, using "test ballots" marked according to scripts approved by DOE. Following the demonstration election, each Pilot Proposer will produce a complete Statement of Vote (SOV) and other reports as determined by DOE, and participate in a Final Interview. The DOE may also request any Proposer to submit a Supplemental Proposal.
- 3) The “Final Selection Process,” in which the selection committee established by DOE will advise the Director of Elections of the highest ranking Pilot Proposer to enter into a written “Final Agreement” to provide the New System and Ancillary Services, on the terms specified in this RFP (as they may be modified by DOE prior to the Final Agreement).

All material and services provided to the City in connection with the Pilot Program shall be at the respective Pilot Proposer’s sole cost. Each Pilot Proposer must provide a Project

Manager and adequate staff on-site for set-up, testing, operation, maintenance and removal of all equipment, for technical support, and for voter assistance during the demonstration election.

The Project Manager will be required to attend all meetings listed in the schedule (*Section 5B*) and will be the main point of contact throughout the entire negotiation of the contract under the RFP.

The term of the Final Agreement will be four years, with an option by the City to extend the term, twice, each time for one year. The specific terms and conditions of the Final Agreement depend, in large part, upon the Proposals received by DOE pursuant to this RFP. The City will consider the following options:

- 1) Outright purchase;
- 2) installment purchase with seller financing (*see Appendices K, L, and M for samples of forms the City has used in the past for seller financing, although proposers should note that determination of the form and terms will be made by the City based on the proposals received in response to this RFP*);
- 3) operating lease for a four-year period; and
- 4) financing lease for a four-year period; *see Appendix L.*

The Proposer should clarify whether its proposal includes the sale, perpetual license or other transfer to the City of system software and firmware. The Proposer must also indicate the useful life of the New System hardware, software and firmware, and any warranties it will provide for the New System and each of its components.

The Final Agreement is subject to successful negotiation of the Agreement and appropriation of funds by the City.

Funding

The funding for the New System will comprise of the City's funding under The Voting Modernization Board Act of 2002 (Shelley-Hertzberg Act)/Proposition 41 and the Help America Vote Act of 2005 (Public Law 107-252).

II. Scope of Work

The Scope of Work described in this Section (and the referenced appendices) is a general guide and is not intended to be a complete list of all work necessary to complete the New System and Ancillary Services. Instead, this Scope of Work outlines the essential features of and requirements for the New System and Ancillary Services. Subsection A describes the essential features and requirements applicable during the term of the Final Agreement, and Subsection B describes the more limited essential features and requirements applicable during the Pilot Program.

The specifications set forth in this Scope of Work are based on the New System and Ancillary Services *as currently envisioned*. DOE anticipates that after the Pilot Program, certain modifications, adjustments or additions may be required. Each Proposer is strongly encouraged to point out in its Proposal any requirements, features or services that the Proposer thinks are necessary or advisable in addition to or in lieu of those specifically identified in this RFP.

Most of the features and requirements described in this Section apply to both DRE or similar technology and Optical Scan technology. Wherever application is limited to only one type of technology, the limitation is indicated.

A) Final Configuration

The New System must be capable of serving 500,000 or more registered voters, in 600 polling places spread among two Congressional districts, two State Senate districts, two State Assembly districts, three BART districts, and eleven Supervisorial districts, in English, Chinese and Spanish. The New System must include:

- The Proposer must submit a New System based on Optical Scan technology, with one (1) Optical Scan ballot counter for 600 individual precincts. It is currently anticipated that this will require one (1) counter at each precinct, plus 30 backup counters. The proposed New System shall also include 2 ballot counters using Optical Scan Technology for counting absentee ballots at the Department's Central Processing Center.

Under the Help America Vote Act of 2005 (Public Law 107-252), all 600 precincts will be required to provide one (1) voting unit that is fully accessible to voters with disabilities. In addition, the City is requiring 30 back-up voting units.

- In addition to the aforementioned mandatory requirement, the Proposer may submit pricing based upon DRE or similar technologies that display a ballot image, with six (6) voting devices for each of the 600 precincts, plus 200 backup units. The proposed New System shall also include 2 ballot counters using Optical Scan Technology for counting absentee ballots at the Department's Central Processing Center.
 - 1) If Proposer submits a bid based only on DRE or similar technologies and does not submit a bid based on Optical Scan technologies, the City will not evaluate the Proposer's bid.

2) If funds are available on or before proposals are due on June 3, 2005, the City may include the alternate proposal in their price evaluation.

- Capability to design, layout and produce all ballots and ballot images, including sample, provisional and absentee ballots, and to fully integrate these ballot design and production functions, however, no successful bidder can expect ballot printing and production to be included in any subsequent contract associated with this RFP. Ballot printing and production will be at DOE's discretion and no Proposer should include ballot printing and production as a necessary component of its bid.
- Capability to have ballot image report reflect exact replication of voters voted ballot. This shall include a separate and clear indication of overvotes, undervotes on all ballots as well as indication of exhausted RCV ballots.
- Capability to have ballot image report include DOE-assigned precinct and district numbers respectively.
- Capability to have ballot image report state name of contest and whether ballot was cast at precinct or by absentee vote.
- Absentee and early voting capability, including early voting at multiple locations specified by DOE.
- Ranked-choice voting capability, which permits the voter to indicate as many choices as there are candidates and qualified write-in candidates for the particular office as specified in this RFP and the referenced appendices.
- Accessibility for voters with disabilities, including but not limited to non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters as per all applicable laws during the final term of the agreement.
- Capability to accommodate any increase in the number of registered voters and any reprecincting during the term of the Final Agreement.
- Capability to add more languages and to provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 and subsequent amendments, and Section 401 of the City's Municipal Election Law.
- Capability to clearly identify or prevent voter error or omission conditions for all ballots, including but not limited to overvotes, undervotes, skipped ranks and multiple rankings on ranked-choice ballots as specified in this RFP, and capability to provide clear error and/or omission messages as specified in this RFP to voters whose ballots contain such error and/or omission conditions and provide the voter with the opportunity to correct or complete the ballot.
- Complete integration of components of the New System and compatibility with the City's current and future voter database software (currently DIMSNet).

- Capability to simultaneously and securely transmit precinct results from multiple transmission centers by electronic means to a central location specified by DOE, to facilitate rapid reporting of results after the polling places close, including reporting to the SOS.
- Capability to provide precinct specific vote totals on Election Night and produce a paper record to be left at each precinct as required by Section 13.107.5 of the City's Charter.
- Capability to quickly and easily integrate precinct data with absentee voting data.
- Capability to process write-in and provisional votes with a minimum of manual data-entry, and capability to quickly and easily integrate this data with other election data.
- One central vote collection and tabulation system (the "Central Processing Network").
- Capability to apply the RCV algorithm to the election results at any time between the time the polling places close on election day and the time DOE certifies the results of the election.
- Capability to apply the RCV algorithm to the election results in each precinct, Supervisorial district and citywide.
- Production of all documentation necessary for an audit trail and production of elections reports including absentee voting results, Election Day results, neighborhood results and a complete Statement of Vote. The documentation for each RCV contest must include the tabulation at each stage of the process in which one or more candidates are eliminated and votes are redistributed, and must clearly indicate the redistribution of votes at each stage of the RCV process.
- Capability to export all election data and reports in a format that can be quickly and easily uploaded into a DOE database and to other mediums as requested.
- Any ancillary devices required at each of the precincts, which *may* include electronic rosters, electronic street indices, coded cards for activating DRE or similar voting devices, card-coding equipment, auxiliary power supplies, and printers for creation of a permanent paper record and audit trail.
- All consumables required to support the final configuration of the New System during the term of the Final Agreement.
- Provide storage for all equipment at a facility that includes enough space and infrastructure to conduct all Logic and Accuracy tests and stage the equipment for delivery and return.
- Spare and repair parts as required to support the final configuration of the New System during the term of the Final Agreement.

- Upgrades, patches and modifications developed by the Proposer to improve the New System or developed and made generally available to Proposer's other customers during the term of the Final Agreement. All upgrades, patches and modifications of software and/or hardware are to receive prior approval from DOE; an itemized listing of costs associated with these changes shall also be presented at time of proposal.
- Federal and State certified upgrades, patches and modifications developed by the Proposer to conform the New System to changes in Federal, State and City laws and regulations during the term of the Final Agreement, including but not limited to upgrades necessary to produce a voter-verified audit trail.

In addition, the New System must meet all design, fabrication and performance requirements set forth in *Appendix E* to this RFP and all ancillary service requirements set forth in *Appendix F* to this RFP. If a proposed New System does not meet one or more of these requirements, the Proposer may suggest the incorporation of an alternate feature that provides a functional equivalent.

The Proposer is responsible for obtaining all necessary Federal and State certifications and approvals for the New System, so that the New System is fully certified, approved and tested in time to be implemented for the any election conducted on or after January 1, 2006. The Proposer must obtain all certifications and approvals, including but not limited to final certification by the SOS, no later than **January 1, 2006** (the "Certification Date"). Time is of the essence with respect to this Certification Date.

The Proposer is also responsible for delivery to DOE of the certified and approved RCV New System no later than **February 10, 2006** (the "Delivery Date"). Time is of the essence with respect to this Delivery Date.

The Proposer is also responsible for fully testing the New System at DOE or a location agreed to by DOE, including but not limited to the initial acceptance testing, final acceptance testing and end-to-end testing specified in this RFP and referenced appendices. The Proposer must complete all required testing no later than **February 24, 2006** (the "Testing Completion Date"). Time is of the essence with respect to this Testing Completion Date.

The City intends to minimize its payments under the Final Agreement until the successful Proposer complies with all of the requirements to meet the milestones described above for the Certification Date, Delivery Date and Testing Completion Date. The City will require that the Final Agreement include financial incentives for the Successful Proposer to obtain certification for and delivery and testing of the New System ahead of schedule. The City will also require that the Final Agreement include retainages of at least 15% of progress payments until the Successful Proposer complies with the certification, delivery and testing requirements. In addition, the City will require that the Final Agreement provide for liquidated damages if the Successful Proposer fails to meet the certification, delivery and testing deadlines. These financial incentives, retainages and liquidated damages will be negotiated as part of the Final Agreement.

The Ancillary Services to be provided by the Proposer shall include all necessary delivery, installation, testing, training, logistical support, hardware and software maintenance, and delivery and storage services during the term of the Final Agreement. These requirements are set forth in more detail in *Appendix F* to this RFP.

B) The Pilot Program

No more than three Pilot Proposers chosen in the Initial Selection Process will participate simultaneously in a Pilot Program. The Pilot Program will have three phases. The first phase will consist of a logic and accuracy test conducted with "test ballots" marked according to a script prepared by the DOE.

The second phase will consist of a demonstration (mock) election conducted at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco during a period specified by DOE.

The final phase will consist of a Statement of Vote and any other reports requested by DOE, an interview and a Supplemental Proposal (if requested).

Each Pilot Proposer's configuration of the proposed New System during the Pilot Program must include:

- A proposed New System based on Optical Scan Technology, at least two Optical Scan ballot counters, plus at least one (1) device for processing absentee ballots if the device is different from the precinct ballot counters.
- If DOE is to consider a New System based on DRE or similar technology, at least two voting devices that display a ballot image for individuals with disabilities.
- Ranked-choice voting capability, which permits the voter to indicate as many choices as there are candidates and qualified write-in candidates for the RCV contest(s) as specified in this RFP and the referenced appendices.
- Accessibility for voters who speak English, Chinese and/or Spanish.
- Accessibility for voters with disabilities, including but not limited to non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters as per all applicable laws during the final term of the agreement.
- Capability to identify or prevent ballot error conditions, including but not limited to overvotes, undervotes, skipped ranks and multiple rankings on ranked-choice ballots as specified in this RFP, and capability to provide error and/or omission messages as specified in this RFP to voters whose ballots contain such error conditions and provide the voter with the opportunity to correct the ballot.
- Capability to process write-in and provisional votes with a minimum of manual data-entry, and capability to quickly and easily integrate this data with other election data.

- Capability to securely transmit results of the demonstration election by electronic means to a location specified by DOE and to fully integrate "precinct" data with "absentee voting" data, to facilitate rapid reporting of results at the end of the demonstration election, including reports required by the Secretary of State.
- Capability to apply the RCV algorithm to the integrated election results.
- Production of all documentation necessary for an audit trail for the demonstration election and production of elections reports including a Statement of Vote and individual precinct results for the demonstration election. For each RCV contest, the documentation must include the tabulation at each stage of the RCV process in which one or more candidates are eliminated and votes are redistributed, and must clearly indicate the redistribution of votes at each stage of the RCV process including overvotes, undervotes and exhausted ballots.
- Capability to export all election data reports in a format that can be quickly and easily uploaded into a DOE database and other media.
- Any ancillary devices that would be required at a precinct, which *may* include electronic rosters, electronic street indices, coded cards for activating the DRE or similar voting devices, card-coding equipment, auxiliary power supplies, and printers for creation of a permanent paper record and audit trail.
- All consumables required to support the Proposed New System during the Pilot Program.
- Spare and repair parts as required to support the Proposed New System during the Pilot Program.

Phase One. The logic and accuracy test will include the same fictional candidates and fictional measures that appear on the ballot in the demonstration election. The Pilot Proposer must provide electronic and paper "test ballots" marked according to a script prepared by the Pilot Proposer and approved by DOE for thorough logic and accuracy testing of the proposed New System.

Phase Two. The demonstration election will include fictional candidates and fictional measures determined by the City in its sole discretion, including at least two (2) RCV contests. The demonstration election must be fully operational and open to voters from 9:00 a.m. to 4:00 p.m., Monday through Friday. The demonstration election will also include: design and production of the ballot, sample ballot and ballot image; counting, tabulation, transmission, integration and reporting of data and results as specified in this RFP and the referenced appendices; and any other reports requested by DOE.

The City will invite members of the public to cast ballots in the mock election and complete evaluations of the proposed voting systems. The Selection Committee will consider these evaluations in the Final Selection Process. Members of the Selection Committee may also cast ballots and get hands-on experience with each of the proposed voting systems during the Pilot Program.

Ballot formats shall allow the use of all special options as enabled by the State Elections Code and subsequent amendments, San Francisco's Charter and Municipal Elections Code, including but not limited to cross-voting among parties in open, blanket and unitary primary elections, and ranked-choice voting for local officeholders.

Phase Three: The Pilot Proposer must complete a Statement of Vote as well as any other reports requested by DOE. It is anticipated that the majority of these requests will be based on summary information by precinct or other voting entities and must be presented in electronic and hard copy format. The intent for using this information is to upload election results to the Internet or other forms of public dissemination.

Phase Four: Following review of the Pilot Program, an interview will take place with Proposer to address any issues or concerns noted during the Pilot Program.

Phase Five: Following *Phase Four*, the DOE reserves the right to request Proposer to submit a written supplement to its original proposal addressing issues and/or questions raised during the Pilot Program and/or Final Interview.

In addition, during the Pilot Program each proposed New System must meet all of the requirements set forth in *Appendix G* to this RFP. Also during the Pilot Program, each Pilot Proposer must provide Ancillary Services, including all necessary delivery, installation, testing, training, logistical support, hardware and software maintenance, delivery and storage services, which are also set forth in *Appendix G* to this RFP.

III. Submission Requirements

A. Time and Place for Submission of Proposals

Proposals must be **received** by 5:00 p.m., on **June 3, 2005**. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person or mailed to:

Beth Lipski
Department of Elections
City Hall, Room 48
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

Re: Proposal for New Voting System

Proposers shall submit an original plus ten (10) copies of the proposal clearly marked "New Voting System" to the above location. Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

B. Format and Content of Proposals

Proposers must submit the following information in the order specified below. Any material deviation from these requirements may be cause for rejection of a Proposal. Only one Proposal will be accepted from any one person, partnership, corporation or other entity, however, several alternatives may be included in one Proposal.

- 1) Cover Letter and Executive Summary. A cover letter including all of the following:
 - a. The Proposer's legal name.
 - b. The Proposer's organizational structure (e.g., corporation, partnership, limited liability company, etc.), the jurisdiction in which the Proposer is organized and the date of such organization.
 - c. The address of the Proposer's headquarters and any local office involved in the Proposal.
 - d. The Proposer's Federal Tax Identification Number.
 - e. The name, address, telephone and fax numbers of the person(s) who will serve as the contact(s) with the City, with authorization to make representations on behalf of and to bind the Proposer.
 - f. Except as provided in Section IV(A) of this RFP, the representation that the Proposer has all necessary licenses, permits, approvals and authorizations necessary in order to perform all of the Proposer's obligations in connection with this RFP, the New System, the Ancillary Services and the Final Agreement. (As indicated in Section IV(A), DOE will accept proposals that include components or features not previously tested by either the ITA or the SOS, or both, provided that the proposal meets all other minimum qualification requirements and demonstrates to DOE's satisfaction that the required approvals are likely to be received in a timely fashion.)
 - g. A representation that the Proposer is willing and able to perform the commitments contained in the proposal.
 - h. An acceptance of all conditions and requirements contained in this RFP.

- i. A brief synopsis of the Proposal that is non-technical, easy to understand, and under two pages in length.

This letter must be signed by a person authorized by the Proposer to obligate the Proposer to perform the commitments contained in the proposal.

- 2) Table of Contents. A table of contents listing the individual sections of the Proposal and the corresponding page numbers.
- 3) Qualifications and Experience. A description of the Proposer's qualifications and experience that pertain to this RFP. (See the Minimum Qualification Requirements in Section IV(A) of this RFP.) This description should not exceed five pages and should include a detailed summary of the Proposer's experience relative to voting systems similar to the New System and services similar to the Ancillary Services.
- 4) Financial Statements. Copies of the Proposer's audited financial statements for 2001, 2002, 2003, and 2004 with an opinion from a certified public accountant or accountancy firm.
- 5) Project Personnel - Qualifications and Experience. A list identifying:
 - a) the project manager;
 - b) each key person on the project team;
 - c) the role that each member of the project team will play in the project; and
 - d) a written assurance that the key individuals listed and identified will be performing the work and will not be substituted with other personnel or reassigned to another project without DOE's prior approval.

For each key person on the project team, provide a description of the person's experience and qualifications, including brief resumes if necessary.

- 6) Project Approach. Describe the services and activities Proposer would provide to the City, including: overall scope of work tasks; schedule and ability to complete the project in compliance with the Certification Date, Delivery Date and Testing Completion Date, and in time for full implementation of the New System for elections on or following January 1, 2006 and through the term of the final agreement. Describe the assignment of work within Proposer's team and the assignment of the work proposed for DOE within the team. Describe how Proposer approached and managed implementation of one or more similar voting systems, including a description of the project plan, the procedures to identify and resolve implementation problems, and the implementation schedule.
- 7) Description of the Proposed New System. A description of the proposed New System, as it will be finally configured and as it will be configured during the Pilot Program. The description should specify how the proposed New System will meet or exceed the requirements of the City. The description should explain any advantages that this proposed New System would have over other possible New Systems, and any disadvantages or limitations. The description should also indicate all warranties and schedule of maintenance provided by the Proposer.

- 8) Description of the Proposed Ancillary Services. A description of the terms and conditions under which each type of Ancillary Services required by this RFP or proposed by Proposer will be provided during the term of the Final Agreement and during the Pilot Program, including response times. The description should identify spare or replacement parts that will be required in performing maintenance services, the storage location(s) of such spare parts, how quickly such parts shall be available for repairs and indicate (itemize) all additional costs associated with these services. The description must also:
- a) specify how the Ancillary Services in the Proposal will meet or exceed the requirements of the City;
 - b) explain any special resources, procedures or approaches that make the Ancillary Services of the Proposer particularly advantageous to the City;
 - c) identify any limitations or restrictions of the Proposer in providing the Ancillary Services; and
 - d) compare the proposed Ancillary Services with those currently provided to other cities and counties.
- 9) Sample Ballot. A sample ballot in the form of one or more ballot cards (Optical Scan Technology) or hard copies of one or more ballot images (DRE or similar technology). The sample ballot must be in English, Chinese and Spanish and must include:
- at least two RCV contest with at least ten candidates;
 - at least one county central committee contest;
 - at least one superior court contest; and
 - at least five ballot measures.
- 10) Implementation Plan and Schedule. A plan for implementing the proposed New System and Ancillary Services during the Final Agreement. The plan must include a plan for acceptance testing that meets the requirements of *Appendix F* to this RFP. In addition, the plan must include a detailed schedule indicating how the Proposer will ensure, if awarded the contract, compliance with the Certification Date, Delivery Date and Testing Completion Date and full implementation of the New System for elections on or following January 1, 2006 and through the term of the Final Agreement.
- 11) Evidence of Testing and Certification. If all or any part of the proposed New System has successfully completed the qualification testing requirements defined in the Voting System Standards (as defined in *Appendix E* to this RFP), and if all or any part of the proposed New System has been fully tested and certified by the California Secretary of State (SOS) as required by the California Elections Code, the Proposer must provide evidence of this testing and certification. As stated in Section IV(A) of this RFP, evidence of qualification testing and certification by the federal Independent Testing Authority (ITA) and/or the SOS is not a minimum qualification requirement of this RFP, but any Proposer that submits evidence that its proposed New System is fully tested and certified shall receive bonus points during both the initial and final selection process.
- 12) References. Complete reference information for all similarly sized public institutions or agencies for which the Proposer provides or has provided comparable systems and services in the past five years. Each such reference must include the project name and location, the

scope of services performed and the name, address, telephone and fax numbers of the person who may be contacted for reference information. (See also the Minimum Qualification Requirements in IV(B) of this RFP.)

13) Pricing. Pricing for the New System for any or all of the following options:

- a) Outright purchase;
- b) installment purchase with seller financing (*see Appendices K, L, and M for samples of forms the City has used in the past for seller financing, although proposers should note that determination of the form and terms will be made by the City based on the proposals received in response to this RFP*);
- c) operating lease for a four-year period; and
- d) financing lease for a four-year period; *see Appendix L*.

Each Proposal must state the total cost or price to the City for the New System, including any applicable taxes. Proposers shall be held to their prices unless, during negotiation of the Final Agreement, DOE requests material changes to the proposed system that impose significant additional costs on the Proposer.

NOTE: The City expects the successful bidder to include in its pricing options an amount that represents the vendors “buy back” of the City’s existing optical scan vote tabulation equipment. The City owns approximately 680 Eagle IIP systems and two IVC units.

Pricing for the Ancillary Services should include the following options with respect to each type of service described in *Appendix F* to this RFP:

- a) fixed annual, per-election or monthly payment; and
- b) payment of time and materials charges.

Pricing for the New System and Ancillary Services shall *exclude* all costs and expenses incurred in connection with the Pilot Program.

As indicated under Section II(A) of this RFP, the City intends to minimize its payments under the Final Agreement until the successful Proposer complies with all the requirements to meet the milestones described above for the Certification Date, Delivery Date and Testing Completion Date. The City will require that the Final Agreement include financial incentives for the Successful Proposer to obtain certification for, deliver and test the New System ahead of schedule. The City will also require that the Final Agreement include retainages of at least 15% of progress payments until the Successful Proposer complies with the certification, delivery and testing requirements. In addition, the City will require that the Final Agreement provide for liquidated damages if the Successful Proposer fails to meet the certification, delivery and testing deadlines. These financial incentives, retainages and liquidated damages will be negotiated as part of the Final Agreement.

14) Life-Cycle Support. Each Proposal must describe the scope and extent of City resources required to operate and maintain the proposed New System during development, installation, integration and testing of the New System and during the term of the Final Agreement.

- 15) Required Forms. Prior to executing the Final Agreement, the successful Proposer must execute the “Chapter 12B Declaration: Nondiscrimination in Contracts and Benefits” form (Form HRC-12B-101) with supporting documentation and secure the approval of the form by the San Francisco Human Rights Commission. See *Appendix A* to this RFP for more information.
- 16) Business Tax Registration. A copy of the Proposer’s currently valid San Francisco Business Tax Certificate. Proposers who do not have this certificate must apply for a certificate and pay the registration fee in order to participate in the Pilot Program and be eligible to enter into the Final Agreement. See *Appendix B* to this RFP for more information.
- 17) Evidence of Insurance. Certificates of insurance from an insurance company authorized to do business in the State of California evidencing all coverages for both the Pilot Program and the term of the Final Agreement as required by this RFP. The Proposer will be required to submit complete copies of these certificates.
- 18) Bonds. Written evidence of the Proposer’s ability to obtain from a surety company with a rating of at least A-VIII a Performance Bond and Labor & Materials Bond in the amounts required under Section IV(A) of this RFP (Minimum Qualification Requirements).
- a) Bid Bond. Each Proposer shall submit with the Supplemental Proposal a certified or cashier’s check on a bank authorized to do business in the State of California, money order, or bid bond payable on sight to the City in an amount equal to ten (10) percent of the proposal cost. This shall serve as security for submittal that the Proposer will enter into the Final Agreement if selected and furnish any required bonds. The bid bond shall include provision for forfeiture in any case of failure, neglect, or refusal to perform.
- 19) Availability for Interviews. The Proposer must agree that, if invited for an oral presentation and interview following the initial evaluation of proposals, the Proposer will be available *at DOE’s convenience* for such presentation and interview. The Proposer must also agree that, if selected as a Pilot Proposer, the Proposer will be available *at DOE’s convenience* for an interview following the Pilot Program. The tentative dates for oral presentations and interviews following the initial evaluation of proposals, and the tentative dates for interviews following the Pilot Program are stated in Section V of this RFP.
- 20) Execution of Proposal. The Proposal must be signed in blue ink as set forth in this subsection. All persons required to bind the Proposer must sign the Proposal. The Proposal must also include evidence that the person or persons signing the Proposal are authorized to execute the Proposal on behalf of the Proposer:
- a corporation must submit a copy of the board resolution authorizing such execution.
 - a partnership must submit a copy of its partnership agreement and a list of the names, addresses and telephone numbers of all general partners.
 - a limited liability company must submit a copy of its membership agreement and a list of the names, addresses and telephone numbers of all members.
 - a joint venture must submit a copy of its joint venture agreement and a list of the names, addresses and telephone numbers of all joint venturers. A joint venture must designate

and authorize one person to act on behalf of the joint venture with respect to all matters connected with this RFP.

21) Fee Proposal. The City will award this contract to the Proposer that it considers will provide the best overall program services. The City reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this RFP. The City reserves the right to end negotiations with a Proposer and begin negotiations with the next highest-ranking Proposer.

Proposers must provide a fee proposal that includes at least the following:

- a) total cost to the City for each proposal, including alternatives;
- b) an itemization of cost for each proposal, including alternatives; and
- c) hourly rates for each team member. Hourly rates and itemized costs may be used to negotiate changes in the Scope of Work if necessary.

IV. Evaluation and Selection Criteria

A) Minimum Qualifications

The following minimum requirements shall be continuing requirements through the Pilot Program and full execution of a Final Agreement. If a Proposer satisfies these requirements at the time it submits its proposal, but is unable to satisfy these requirements continuously until DOE has a fully executed Final Agreement, DOE may declare that Proposer non-responsive on the determination that the Proposer no longer satisfies the minimum requirements:

Prime and Subcontractors. Proposers who intend to perform the work required by the Final Agreement as a team of prime and subcontractors must demonstrate the prime contractor's compliance with these minimum requirements. If the Proposer intends to use subcontractors, the subcontractors must be clearly identified in the proposal. The scope of work must be explicit and is subject to approval by the DOE.

Joint Venturers. Proposers who intend to perform the work required by the Final Agreement as a joint venture must demonstrate their compliance with the minimum requirements by showing that the joint venture as a whole meets the minimum requirements of this section. Each minimum requirement enumerated herein must be met in its entirety by at least one of the joint venture partners, unless otherwise specified. For example, if the requirement is five (5) years minimum experience, one firm among the joint venture partners must have five years' experience; e.g., the requirement cannot be met by five joint venture partners each with one (1) year's experience.

At the time that a proposal is submitted a joint venture must be a legally constituted entity by means of a binding joint venture agreement that makes the joint venture partners jointly and severally liable to the City for performance of the Final Agreement. For more information on City requirements for joint ventures, consult the San Francisco Human Rights Commission at (415) 252-2500.

Proposers must meet the following requirements to be considered for selection as a Pilot Proposer and for the Final Agreement. Any proposal that does not demonstrate that the Proposer meets these minimum requirements by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

- 1) Relevant Experience. Each Proposer must verify a minimum of five (5) years of continuous experience operating and servicing voting systems for a city or county with a population of at least 800,000 people and must submit a letter (or letters) of reference verifying and describing this experience.
- 2) Performance Bond, Labor & Materials Bond. The City will require the successful Proposer to provide a Performance Bond and a Labor & Materials Bond (in addition to insurance, as specified in this RFP and referenced appendices) for the term of the Pilot Program and the Final Agreement. Each Proposer shall submit with its proposal a letter, to the City from a surety company rated A-VIII or higher, stating that the surety company will provide a Performance Bond (and payment bond, if the Proposer intends to use subcontractors) and a Labor & Materials Bond substantially in the form of the bonds attached to this Agreement as

Appendices K-I and K-II respectively. The amount of each bond shall be determined as follows:

Performance Bond: Software & Firmware, Hardware, Ancillary Services

The Proposer shall estimate the entire cost of the *software and firmware*, including but not limited to the cost of development and testing, from initiation of the project to final delivery to and acceptance by DOE, and provide a performance bond for 100% of this estimated cost.

The Proposer shall estimate the entire cost of the *hardware* and provide a performance bond for 100% of this estimated cost.

The Proposer shall estimate the entire cost of the *ancillary services during the term of the Final Agreement* and provide a performance bond for 100% of this estimated cost.

The Proposer may satisfy this Performance Bond requirement by providing one bond that combines each of the three components described above, or three separate Performance Bonds.

Labor & Materials Bond: Software & Firmware, Hardware, Ancillary Services

The Proposer shall estimate the cost of the labor and materials for the New System *software and firmware* and provide a Labor & Materials Bond for 130% of this estimated cost.

The Proposer shall estimate the cost of the labor and materials for the New System *hardware* and provide a Labor & Materials Bond for 130% of this estimated cost.

The Proposer shall estimate the cost of the labor and materials for the *ancillary services* for the New System during the term of the Final Agreement and provide a Labor & Materials Bond for 130% of this estimated cost.

The Proposer may satisfy this Labor & Materials Bond requirement by providing one bond that combines each of the three components described above, or three separate Labor & Materials Bonds.

In the alternative, a Proposer may provide an irrevocable letter of credit that is approved by the City's Risk Manager in lieu of any bond required that will be held in place for at least two years after the termination or expiration of the Final Agreement. If the Proposer intends to use subcontractors, the Performance Bond and Payment Bond must each be for the proposed price of the Final Agreement.

- 3) Questionnaire. Each Proposer shall submit answers to the questions attached to this RFP as *Appendix I* (the "Questionnaire"). An officer of the Proposer authorized to represent the Proposer must execute the response under penalty of perjury. The signature of the officer should be preceded by the following statement: "I hereby affix my signature hereto under penalty of perjury under the laws of the State of California." The response should be submitted on the Proposer's letterhead. Each response to a question should clearly identify the question being responded to by referencing the number given the question in the

Questionnaire. The City may, at any time during the selection process, ask the Proposer to confirm, under penalty of perjury, the Proposer's ability to comply with the minimum requirements and to reaffirm the responses to the Questionnaire.

- 4) Preferred, But Not Required, Features: Evidence of Qualification Testing. Proposers should note that evidence of qualification testing and certification by the federal Independent Testing Authority (ITA) and/or the California Secretary of State (SOS) is not a minimum qualification requirement of this RFP. DOE will accept and consider proposals that include components or features not previously tested by either the ITA or the SOS, or both, provided that the proposal meets all other minimum qualification requirements specified in this subsection, and the proposal demonstrates to DOE's satisfaction that the proposed system will receive all required approvals in a timely fashion. However, any Proposer that submits evidence that its proposed New System is fully tested and certified shall receive bonus points during both the initial and final selection process.

B. Selection Criteria

- 1) Selection Committee. All Proposals will be evaluated by the Selection Committee, which will be appointed and convened by the DOE. The Selection Committee will select up to three (3) highest-ranking Proposers in accordance with the selection and scoring criteria set forth in this section to participate in the pilot program. Each round of review will be scored independently from one another. The DOE also reserves the right to invite all respondents to the next stage. Only scores from the final stage of review will count towards a contract award.

- 2) Selection Criteria

- a. *Evaluation of Written Proposals.* The Selection Committee will evaluate each Proposal meeting the minimum qualification requirements set forth in this RFP on a scale of 100 points, with 15 additional points for completion of both ITA and SOS testing and certification for RCV contests on the New System on or before the deadline for submission of proposals. In addition, Proposer may receive up to 10 bonus points for a DBE partnership. Proposals that are unrealistic in terms of the technical or schedule commitments will be deemed reflective of an inherent lack of technical competence or indicative of a failure to comprehend the complexity and risk of DOE's requirements as set forth in this RFP. The criteria and point allocations are as follows:

CRITERION	POSSIBLE POINTS
<p><u>Technical Criteria</u> In each area described below, in addition to the criteria stated below, an evaluation will be made of the probability of success of and risks associated with the Proposal:</p> <p><u>System Design</u> The evaluation will be based on:</p> <ul style="list-style-type: none"> • Consistency of the proposed physical design and operational characteristics of the proposed New System with the requirements of this RFP and referenced appendices; • Features of the proposed design that offer enhanced utility, voter acceptance and compatibility or ease of integration with existing DOE data systems; • Portability and durability of equipment, as well as ease of set-up and removal, and ease of operation by pollworkers and voters; and • Other relevant factors as determined by DOE. <p><u>Software Design and Development</u> The evaluation will be based on:</p> <ul style="list-style-type: none"> • The consistency of the proposed software with the requirements of this RFP; • The extent to which there is integration of all components of the New System, and compatibility with existing DOE data systems; • The extent to which the proposal incorporates and integrates non-standard software (any new software developed specifically to meet the requirements of DOE); and • Other relevant factors as determined by DOE. <p><u>Life-Cycle Support</u> The evaluation will be based on:</p> <ul style="list-style-type: none"> • The ability to have the Project Manager attend all meetings listed in the schedule (<i>Section 5B</i>) and will be the main point of contact throughout the entire negotiation of the contract under the RFP. • The scope and extent of resources required to operate and maintain the proposed New System during the term of the Final Agreement. <p><u>Ancillary Services</u> The evaluation will be based on:</p> <ul style="list-style-type: none"> • The consistency of the proposed Ancillary Services with the requirements of this RFP; • The convenience and responsiveness of the proposed services; 	<p>40 points</p>

CRITERION	POSSIBLE POINTS
<p><u>Ancillary Services (cont.)</u></p> <ul style="list-style-type: none"> The Proposer’s technical expertise and experience, and the expertise and experience of Proposer's Project Manager and key project staff; and Other relevant factors as determined by DOE. 	
<p><u>Qualifications and Financial Stability of Proposer</u></p> <p>The evaluation will be based on:</p> <ul style="list-style-type: none"> Audited financial statements; The Proposer’s expertise, experience, reputation, personnel resources and financial stability; and Other relevant factors including the quality of recently completed projects, including adherence to schedules, deadlines and budgets, experience with similar projects, and results of reference checks. 	15 Points
<p><u>Pricing</u></p> <p>The Proposer with the lowest price Proposal will receive 20 points. Each other Proposer’s score will be calculated as follows:</p> <ul style="list-style-type: none"> The lowest price, divided by the Proposer’s price, multiplied by 20. 	20 Points
<p><u>Implementation Plan and Schedule</u></p> <p>The evaluation will be based on:</p> <ul style="list-style-type: none"> Whether the Proposer’s implementation plan and schedule will beat, match or exceed DOE’s schedule; and The identification and planning for mitigation of schedule risks that may adversely affect any portion of DOE’s schedule. 	25 Points
<p><u>ITA and SOS Testing and Certification</u></p> <ul style="list-style-type: none"> Any Proposer that submits evidence that its proposed New System is fully tested and certified, on or before the deadline for submission of proposals, by both the ITA and/or the SOS shall receive ten bonus points. Any Proposer that submits evidence that its proposed New System is fully tested and certified by the ITA, on or before the deadline for submission of proposals, shall receive five bonus points. 	<p>10 Points (Bonus)</p> <p>5 Points (Bonus)</p>
<p><u>Joint Venture with Disadvantaged Business Enterprise (DBE)</u></p> <ul style="list-style-type: none"> Any Proposer that submits documentation that its proposed New System includes a joint venture with a DBE. 	Up To 10 Points (Bonus)

- b. *Oral Presentation and Interview.* Following the evaluation of the written Proposals, the five Proposers receiving the highest preliminary scores will be invited to an oral presentation and interview. The scores at that time will not be communicated to the Proposers. The oral presentation by each Proposer may not exceed 60 minutes in length. The oral interview will consist of standard questions asked of each of the Proposers, follow-up questions, and specific questions regarding the specific Proposal. The Proposals will then be re-evaluated and rescored based on the oral presentation and interview; the rescoring will incorporate the "Written Proposal" scores. The presentation and interview will be used by the Selection Committee to better understand and evaluate the Proposal, and the Committee members may use the information received in the presentation and interview to rescore the proposals based on the criteria above.

The three Proposers having the highest scores after the oral interviews and rescoring will be invited to participate in the Pilot Program.

- c. *The Pilot Program.* Each of the Pilot Proposers chosen in the initial selection process will participate simultaneously in a Pilot Program as described in Section II(B) of this RFP. The Pilot Program will consist of five phases. *Phase One* will be a logic and accuracy test conducted with "test ballots" marked according to a script approved by DOE. *Phase Two* will be a demonstration (mock) election conducted at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco. *Phase Three* is a Statement of Vote and any other reports requested by DOE. *Phase Four* is an interview with the Proposer addressing problems or potential problems during the Pilot Program, followed up by *Phase Five* in which a Supplemental Proposal may be requested.
 - 1) *Phase One.* The logic and accuracy test will include the same fictional candidates and fictional measures that appear on the ballot in the demonstration election. The Pilot Proposer must provide electronic and paper "test ballots" specified by DOE and marked according to a script prepared or approved by DOE for thorough logic and accuracy testing of the proposed New System.
 - 2) *Phase Two.* The demonstration election will include fictional candidates and measures determined by the DOE's sole discretion, including at least one RCV contest. The proposed voting systems must be fully operational and open to voters from July 25 – August 19, 2005 from 9:00 a.m. to 4:00 p.m. The demonstration election will also include design and production of the ballot (ballot cards or ballot images, if applicable), counting, tabulation, transmission, integration and reporting of data and results as specified in this RFP, and production of a Statement of Vote and other reports.

DOE will invite members of the public to cast ballots in the mock election and complete written evaluations of the proposed voting systems. The Selection Committee will consider the written evaluations in the final selection process. Members of the Selection Committee may also cast ballots and get hands-on experience with each of the proposed voting systems during the Pilot Program.

Upon completion of the demonstration election, the Pilot Proposers will be required to report data and results as specified in this RFP. Each Pilot Proposer shall produce all documentation necessary for an audit trail and production of elections reports including absentee voting results, Election Day results, neighborhood results, and other information required for production of the Statement of Vote. For each RCV contest, the documentation must include the tabulation at each stage of the RCV process in which one or more candidates are eliminated and votes are redistributed, and must clearly indicate the redistribution of votes at last stage of the RCV process.

- 3) *Phase Three.* The Pilot Proposer must complete a Statement of Vote as well as any other reports requested by DOE. It is anticipated that the majority of these requests will be based on summary information by precinct or other voting entities and must be presented in electronic and hard copy format. The intent for using this information is to upload election results to the Internet or other forms of public dissemination.
- 4) *Phase Four.* Following the Pilot Program, the Selection Committee shall meet with each Pilot Proposer to discuss problems or potential problems with the proposed systems that were discovered during the Pilot Program, and possible modifications to the proposed systems. The interview will consist of standard questions asked of each of the Proposers, follow-up questions, and specific questions regarding the Proposer's Proposal.
- 5) *Phase Five.* DOE may require each Pilot Proposer to submit a written supplement to its original Proposal ("Supplemental Proposal"). The Pilot Proposer may not change the terms of its original Proposal, except to address problems revealed during the Pilot Program. However, in no event shall a Proposer increase the total price stated in its original proposal. The price stated in the original proposal may change only if, during negotiation of the Final Agreement, DOE requests material changes to the proposed new system that impose significant additional costs on the Proposer. In addition, the price stated in the original proposal may decrease if, during the negotiation of the Final Agreement, the changes to the proposed new system impose significant reduction of cost on the Proposer.

Pilot Proposers shall submit an original plus ten (10) copies of the Supplemental Proposal in a sealed envelope clearly marked "Supplemental Proposal for New Voting System."
Proposals must be received by the Department of Elections no later than 5:00 p.m., on **September 23, 2005**. Proposals shall be delivered in person and left with Beth Lipski or mailed to:

Beth Lipski
Department of Elections
City Hall, Room 48
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

Re: Supplemental Proposal for New Voting System

No supplemental proposal received after the date and time specified above will be accepted. Proposals that are submitted by fax will not be accepted. Each Proposer assumes the risk of late delivery when delivering a proposal by courier, mail or other delivery service.

The format and content of the Supplemental Proposal are as follows, unless otherwise provided by the DOE before the deadline for submission of the Supplemental Proposals.

1. *Cover Letter and Executive Summary.* A cover letter updating all of the information contained in the cover letter and executive summary included in the original Proposal, and providing a brief synopsis of any changes or modifications to the original Proposal.
2. *Table of Contents.* A table of contents listing the individual sections of the Supplemental Proposal and their corresponding page numbers.
3. *Updated Personnel Information.* Updated information, to the extent there have been any changes in key personnel or the information regarding such personnel included in the original Proposal. Substitutions continue to be subject to DOE's approval.
4. *Latest Financial Statements.* Copies of any audited financial statement that is more recent than those submitted with the original Proposal.
5. *Description of Approved Changes to the Proposed New System.* A description of any changes to the New System, as described in the original Proposal, provided such changes have been approved by DOE.
6. *Description of Approved Changes to the Proposed Ancillary Services.* A description of any changes to the Ancillary Services, as described in the original Proposal, provided such changes have been approved by DOE.
7. *Description of Price Increase/Decrease.* A description of any changes in cost to the New System, as described in the original Proposal, provided such changes have been approved by DOE.
8. *Updated Implementation Plan and Schedule.* An updated plan for implementing the proposed New System and Ancillary Services following execution of the Final Agreement.
9. *Evidence of Any Additional Qualification Testing.* To the extent required by DOE, any additional evidence that the proposed New System has successfully completed the qualification test requirements defined in the Voting System Standards (as defined in *Appendix E* to this RFP).
10. *Execution of Proposal.* The Supplemental Proposal must be signed in blue ink in the same manner as the original Proposal.

- 3) Final Selection. The Selection Committee will evaluate and rank the Proposals and corresponding Supplemental Proposals if applicable in accordance with the selection criteria set forth in Subsection “a” below. The Committee will select the highest-ranking Pilot Proposer for award of the Final Agreement. The highest-ranking Proposer is then subject to approval by the Director of Elections (“Director”). Following approval by the Director, a Letter of Negotiation will be issued. Should the Proposer decide to accept the Letter of Negotiation, a Letter of Award for the Final Agreement will be issued. The Final Agreement may be subject to approval by the Elections Commission and/or Board of Supervisors. Pending approval from all parties, the Final Agreement will be signed.

The following criteria will be used by the Selection Committee in choosing the contract recipient:

- a. *Selection Committee.* The Selection Committee will evaluate each Proposal that meets the qualification requirements set forth in this RFP using the same criteria and point allocations described in Section IV(B) of this RFP, except that in the scoring for the technical criteria, the Selection Committee shall also consider the performance of the Proposer and its proposed New System and the Ancillary Services during the Pilot Program, including but not limited to the Proposer's ability and willingness to solve problems and potential problems identified during the Pilot Program.

V. Schedule

A) Pre-Proposal Conference

The City will hold a mandatory pre-proposal conference and site visit on May 2, 2005 at 9 a.m. at the Department of Elections, City Hall, Room 48, 1 Dr. Carlton B. Goodlett Place, San Francisco; it is expected that all potential vendors attend. Any new information about the RFP will be provided at that time, and Proposers will have an opportunity to view DOE facilities and equipment.

At this conference, Proposers may ask questions about the New System and Ancillary Services, and comment on and object to any specific provisions of the RFP. Questions raised at the pre-proposal conference may be answered by DOE orally. If DOE provides any substantive new information, as determined by DOE, in response to questions raised at the pre-proposal conference, then DOE will memorialize the information in a written addendum to this RFP and will distribute the addendum to all parties that attended the conference.

Any requests for information concerning the RFP that are submitted after the pre-proposal conference must be in writing. DOE will issue any substantive replies as written addenda to all parties who attended the conference. DOE will accept written questions, objections or requests for information up until (but not after) ten (10) business days before the date proposals are due.

DOE will not accept a proposal if the Proposer does not have an authorized representative at this pre-proposal conference and site visit. DOE will keep a record of all parties who attend this conference and site visit. DOE will use the address, telephone and fax numbers provided by Proposers at this conference for all communications prior to the submission of Proposals. Proposers are responsible for notifying DOE in writing of any change to this contact information.

B) Schedule

The following schedule sets forth the *tentative* dates and deadlines applicable to this RFP. By submitting its Proposal, each Proposer:

- a) Agrees to complete its performance in compliance with the dates and deadlines set forth in this schedule, unless the City expressly modifies such schedule; and
- b) Represents that it has the ability to comply with such schedule.

The City can modify by written notice the dates and deadlines applicable to this RFP at its sole discretion.

Selection Phase	Date
City Issues and Advertises the RFP	March 31, 2005
Mandatory Pre-proposal Conference and Site Visit	May 2, 2005
Proposals Due	June 3, 2005
Initial Evaluation of Proposals	June 6 – 10, 2005
Oral Presentations and Interviews	June 13 – 17, 2005
Final Evaluation of Proposals	June 20 – 24, 2005
Announcement of Three Pilot Proposers	June 27, 2005
Programming and Testing of Equipment for Pilot Program and Logic and Accuracy Testing	July 13 – 19, 2005
Installation of All Equipment and Software for Pilot Program	July 20 - 22, 2005
Demonstration (mock) Election	July 25 – August 19, 2005
Statement of Vote and misc. reports as requested by DOE	August 22 – 26, 2005
Evaluation of Pilot Proposers and Interviews	September 6 – 9, 2005
Supplemental Proposals Due	September 23, 2005
Final Evaluation of Pilot Proposers	September 26 – 29, 2005
Announcement of Proposed Contractor	September 30, 2005
Deadline for Execution and Delivery of Final Agreement	December 23, 2005
Deadline for Obtaining All Necessary RCV Federal and State Certifications and Approvals for the New System	February 3, 2006
Deadline for Delivery of Fully Certified and Approved New System to DOE	February 10, 2006
Deadline for Completion of On-Site Testing of Certified RCV New System	February 24, 2006

C) Contract Award

The Selection Committee will select a proposer with whom the City shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiation and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time, the City, in its sole discretion, may terminate negotiations with the highest ranked Proposer and begin contract negotiations with the next highest ranked Proposer.

VI. Terms and Conditions for Receipt of Proposals

A) Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the Proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five (5) working days prior to the date for submission of proposals. Modifications and clarifications will be made by addenda as provided below.

B) Inquiries Regarding RFP

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed to:

Beth Lipski
Department of Elections
City Hall, Room 48
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102
(415) 554-4375

C) Objections to RFP Terms

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the Proposer must, not more than ten (10) calendar days after the RFP is issued, provide written notice to the Department setting forth with specificity the grounds for the objection. The failure of a Proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

D) Addenda to RFP

The Department may modify the RFP, prior to the proposal due date, by issuing written addenda. Addenda will be sent via regular, First Class U.S. mail to the last known business address of each firm listed with the Department as having received a copy of the RFP for proposal purposes. The Department will make reasonable efforts to notify proposers in a timely manner of modifications to the RFP. Notwithstanding this provision, the Proposer shall be responsible for ensuring that its proposal reflects any and all addenda issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the Proposer call the Department before submitting its proposal to determine if the Proposer has received all addenda.

E) Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

F) Revision of Proposal

A proposer may revise a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The Proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

At any time during the proposal evaluation process, the Department may require a proposer to provide oral and written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

G) Errors and Omissions in Proposal

Failure by the Department to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

H) Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

I) Proposer's Obligations under the Campaign Reform Ordinance

Proposers must comply with Section 1.126 of the San Francisco Campaign and Governmental Conduct Code, which states:

“No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three (3) months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.”

If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the Proposer is prohibited from making contributions to:

- the officer's re-election campaign;
- a candidate for that officer's office; and/or,

- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (i) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (ii) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

- a) Criminal. Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
- b) Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
- c) Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

J) Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organizations net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

K) Public Access to Meetings and Records

If a Proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the Proposer must comply with Chapter 12L. The Proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to Proposer's meetings and records, and (2) a summary of all complaints concerning the Proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the Proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in Proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

L) Reservations of Rights by the City

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
5. Determine that no project will be pursued.
6. Withdrawal of the RFP at any time.

M) No Waiver

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

N) Disadvantaged Business Enterprise Goal

There is no HRC subcontracting goal for this contract.

VII. Contract Requirements

A) Standard Contract Provisions

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix C. Failure to timely execute the contract, or to furnish any and all certificates, bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of the Minimum Compensation Ordinance (Administrative Code Chapter 12P), the Health Care Accountability Ordinance (Administrative Code Chapter 12Q), and the First Source Hiring Program (Administrative Code Chapter 83), as set forth in paragraphs B, C and D below.

B) Minimum Compensation Ordinance (MCO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in San Francisco Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see Administrative Code Chapter 12P.

Note that the gross hourly compensation for covered employees increases is \$10.77 for For-Profit entities beginning January 1, 2005.

The MCO rate for non-profit corporations and government entities shall remain at \$9.00.

Additional information regarding the MCO is available on the web at:

<http://www.sfgov.org/oca/lwlh.htm>

C) Health Care Accountability Ordinance (HCAO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in San Francisco Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at:

<http://www.sfgov.org/oca/lwlh.htm>

D) First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, the successful proposer will be required to agree to comply fully with and be bound by the provisions of the First Source Hiring Program ordinance, as set forth in S.F. Administrative Code Chapter 83. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at:

www.sfgov.org/moed/fshp.htm

VIII. Protest Procedures

A) Protest of RFP Terms

Protests concerning the terms and conditions or any provision of this RFP must be submitted ten (10) working days before the date for submission of proposals. Any such Protest must be in writing, contain a detailed description of the basis for the Protest, and be signed by an authorized representative of the Protestor.

B) Protest of Non-Responsiveness Determination

Within five (5) working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

C) Protest of Contract Award

Within five (5) working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

D) Delivery of Protests

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Beth Lipski
Department of Elections
City Hall, Room 48
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102
(415) 554-4375