

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 4/7/2021

Weekly Agenda Date: 4/13/21

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Patrick Gill, County Auditor & Recorder

WORDING FOR AGENDA ITEM:

Public Hearing to Purchase Electronic Poll Books

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

On March 30th, 2021, the Woodbury County Commissioner of Elections issued a Request For Proposal to supply electronic poll books for Woodbury County. The Secretary of State no longer supports the program we are currently using. Three entities and one who has expressed interest in doing business in Iowa were notified and a bidding opportunity was published on our website and in the county newspapers.

BACKGROUND:

The Iowa Secretary of State's office has notified users of their Electronic Poll Book software that after the 2020 General Election they would no longer support their application. Our current laptops and printers are also no longer supported by their manufacturers.

FINANCIAL IMPACT:

This project has been included in prior year capital improvement allocations.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Hold the required public hearing and receive the proposals and submit to the County Commissioner of Elections for review and recommendation.

ACTION REQUIRED / PROPOSED MOTION:

Move receive the proposals and submit to the County Commissioner of Elections for review and recommendation.

**Request for Proposal(RFP)
Electronic Poll Book Equipment, Software
and Services Woodbury County, Iowa
03/30/21**

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1. Introduction

Woodbury County invites your company (Vendor) to submit a proposal for electronic poll book equipment along with associated software and services to support elections administered by the Office of the Woodbury County Auditor/Commissioner of Elections.

This Request for Proposal (RFP) should not be construed as an order, offer, request to contract, or commitment by Woodbury County for this equipment or these services. Vendor shall submit its proposal according to the instructions in this RFP. Equipment proposals are to be submitted in a sealed envelope marked as: ELECTRONIC POLL BOOK EQUIPMENT PROPOSAL and with VENDOR'S Name.

2. Schedule

The following schedule has been outlined for this request for proposal. The schedule is subject to change at Woodbury County's discretion:

- March 30, 2021: RFP is released to Vendors. (Electronically and by US Mail)
- April 9, 2021; Any questions about the meaning, the intent or the specifications must be submitted by the Vendor in writing to:

Patrick Gill, Commissioner of Elections
(712)-279-6465
Woodbury County Courthouse
620 Douglas Street, Room 103
Sioux City, IA 51101

- April 12, 2021: 4:30 PM CT is the deadline to submit completed proposals to Woodbury County Auditor
- April 13, 2021: 4:30 PM-Board of Supervisors convene their business meeting
- April 13, 2021: 4:45 PM-Public Hearing to consider purchase of electronic poll book equipment.
- April 13, 2021: 4:46 PM-Opening of proposals for electronic poll book equipment
- April 20, 2021: Selection of the proposed electronic poll book equipment vendor

Electronic or faxed proposals are prohibited.

3. Proposals for Electronic Poll Book Equipment, Software and Services

Proposals must be received no later than 4:30PM Central Time on April 12, 2021 and be enclosed in a sealed envelope addressed as follows:

Patrick Gill, Commissioner of Elections
Woodbury County Courthouse
620 Douglas Street, Room 103
Sioux City, IA 51101

Central Point of Contact. All communication from the date of issuance of this RFP through the selection of a vendor is restricted to requests for clarification or additional information deemed necessary by any vendor to present a proper proposal must be made in writing to the central point of contact, Woodbury County Commissioner of Elections Patrick Gill. Mr. Gill will respond in writing and provide his response to all vendors.

Late proposals will not be opened or considered and will be returned to Vendor. Woodbury County is not responsible for delays occasioned by the U.S. Postal Service, the internal mail delivery system of the County, or any other means of delivery employed by Vendor. All terms of the proposal shall be held firm for a period of ninety days. Submitted proposals become property of Woodbury County.

Woodbury County reserves the right to withdraw or amend this RFP at any time when, in the sole discretion of Woodbury County, such action is in the best interests of Woodbury County. Woodbury County further reserves the right to waive irregularities and informalities in a proposal received or in the proposal process, to accept other than the lowest cost proposal(s) and to reject any or all proposals.

The ONLY official position of the County is that which is stated in writing and issued by the Auditor's Office or the Election Division of the Auditor's Office. No other means of communication, whether written or oral, shall be construed as a formal or official response statement. It is the Vendor's responsibility to seek clarification of any ambiguities or other issues regarding this RFP that are not fully understood.

Proposers must submit eight (8) copies of its proposal. A completed Attachment A (Cost Quotation) must be delivered in a separate envelope attached to the proposal package. Proposals shall remain the property of Woodbury County and will not be returned. Woodbury County reserves the right to distribute, use, copy, or issue the proposals as necessary based on its criteria and/or need. By submitting its proposal to Woodbury County, Vendor agrees to accept Woodbury County's determination of confidentiality and acknowledges that material for which confidential treatment is not granted may be disclosed after the award has been announced.

Woodbury County will abide by current Iowa statutes regarding open records.

Vendors will be required to sign a Non-Collusion agreement form.

4. Overview of Woodbury County

The following statistics are presented to give the Vendor a general understanding of the size and complexity of managing elections in Woodbury County.

Population Data (2010 Census)

County: 102,172

Voter Registration Data (Active & Inactive) February 9, 2021

County Total: 63,254

General Election Stats

| Year | #Voters | #Reg. | Turnout % |
|--------------|---------|--------|-----------|
| 2014 (Gov.) | 30,588 | 62,139 | 49 |
| 2016 (Pres.) | 44,167 | 63,051 | 70 |
| 2018 (Gov.) | 35,635 | 62,697 | 57 |
| 2020 (Pres.) | 45,700 | 65,508 | 70 |

Voter Distribution – General Elections

| Election | Total Voters | Voters at Polls | Polls % of total | Absentee Voters | Absentee % of Total |
|--------------|--------------|-----------------|------------------|-----------------|---------------------|
| 2014 (Gov.) | 30,588 | 15,958 | 52 | 14,630 | 48 |
| 2016 (Pres.) | 44,167 | 24,099 | 55 | 20,068 | 45 |
| 2018 (Gov.) | 35,635 | 19,427 | 55 | 16,208 | 45 |
| 2020 (Pres.) | 45,700 | 17,916 | 39 | 27,784 | 61 |

Miscellaneous Data

Number of Precincts: 44

Number of US Congressional Districts: 1 (US Rep District 4)

Number of State Senate Districts: 3 (3, 7, & 9)

Number of State House Districts: 5 (5,6,13, 14, & 17)

Number of State Judicial Districts: 1 (3rd District)

Number of County Supervisor Districts: 5

Number of School Districts: 7

Number of Community College Director Districts: 9 (WIT)

Number of Cities: 14

Number of Townships That Elect Officers: 23

5. Overview of Woodbury County Election Office

The staff of Woodbury County Election Division has extensive experience in creating election databases and ballot layouts. Woodbury County intends to continue using internal staff to operate all aspects of the proposed software with vendor support.

System and software currently owned and operated by Woodbury County Election Office:

Precinct Optical Scan Units: (45) ES&S DS200

ADA Marking Device: (47) ES & S Express Vote

Absentee ES&S DS850 High Speed Counter

Software: (1) Unity version 3.4.0.1

6. Vendor Requirements

Vendor must be the proprietary owner or authorized dealer/reseller of all equipment and software presented in this proposal. Vendor must have and maintain staff qualified to provide technical support for all hardware and software presented in this proposal.

Any Vendor who is an authorized dealer, but not the proprietary owner of said equipment and software shall, to the best extent possible, explain their relationship to the proprietary owner as it relates to the Vendor's ability to do the following:

- Acquire and distribute updates to hardware and software.
- Acquire parts for equipment maintenance.
- Effect changes to system software based on customer needs.
- Acquire additional equipment on short notice to support unforeseen needs.

Vendor must provide a minimum of three references, consisting of current clients that purchase similar products or services from Vendor. Provide title, address and phone number of each contact person.

7. Equipment Requirements

All electronic poll book equipment must be proven to have been successfully implemented for use in the state of Iowa. Vendors are encouraged to elaborate on the functionality and benefits of the equipment they are proposing.

At a minimum, the proposal shall include the following:

- Costs for electronic poll books and associated equipment (memory devices, equipment cases), with any price breaks based on volume.
- The number of backup equipment needed shall be part of the proposal as a recommendation from the Vendor.
- The ownership or custody of any backup equipment, along with proposed costs or service fees shall be part of the Vendor's recommendation.

Woodbury County is seeking creative solutions to additional equipment needs generated every two years for General Elections. Vendors are encouraged to provide more than one solution to choose from.

In addition, the Vendor is encouraged to provide answers to the following questions

- What is the life expectancy of the proposed equipment?
- Based on the real-world use of the proposed equipment in other jurisdictions, what component has failed the most?
- Based on the real-world use of the proposed equipment in other jurisdictions, out of the 44 Woodbury County precincts, how many precincts could expect to experience an equipment failure on Election Day.
- What measures are used to avoid equipment tampering?
- What method is most commonly used to transport the electronic poll books to the polling place?

8. Software Requirements

It must be demonstrated that all electronic poll book software proposed has been successfully implemented and compliant with Iowa law. Vendors are encouraged to elaborate on the functionality and benefits of the software they are proposing.

Due to the numerous districts and associated ballot styles that Woodbury County must manage, the Vendor should include in the proposal a description of all administrative reports and other tools or procedures available to ensure proper setup of an election database.

The Vendor should explain how the software will meet the needs of the media, political campaigns and the public by providing reports quickly and in multiple formats. If the software can export data for import and analysis in MS Excel, this ability should be highlighted.

Vendor shall either provide hardware specifications for a server or include server pricing.

At a minimum, the proposal shall include pricing for the following:

- Operating system required to support software.
- Recommended specifications.
- Sample of administrative reports/exports.
- Sample of election day reports/exports.

In addition, the Vendor is required to provide answers to the following questions:

- What are the security requirements for multi-user access to the proposed electronic poll book software?
- What measures have been taken to avoid system tampering (encryption, etc.) Is there another company's software incorporated into the product?
- What is the procedure to upload voter credits?

Pricing for software requirements must be included on Attachment A.

9. Delivery of New Equipment

Delivery of new equipment shall take place in time for use in the 2021 City Primary Election. Exact dates will be established during contract negotiations.

10. Training

Training for Woodbury County Elections Staff shall take place as soon as practicable. A Training Plan shall be included with this proposal.

11. Taxes

Woodbury County is not liable for taxes or for amounts representing taxes from which Woodbury County is exempt. Woodbury County's Federal Tax ID# 42-6005221.

12. Software Ownership/Custody Options

The Vendor shall propose options for software licensing that will meet the following requirements:

- Allows the county year-round access to full version of the software proposed.
- Allows for ownership by the county of computer equipment necessary to run the software.

13. Monetary Penalties

Vendors are hereby notified that Woodbury County, after selecting a Vendor, will seek to include monetary penalties into the contract during the negotiations. These penalties will be designed to keep deliverables on-time for use in the 2021 City Primary Election, including any software changes or upgrades agreed upon during negotiations.

14. Service and Support

At a minimum, the proposal shall include the following:

- Physical location of service stations/repair depots.
- Physical location of warehouses/storage facilities where backup equipment is stored.
- Organizational chart of the service and technical support division.
- Experience levels and qualifications of key technical support staff.
- Service plan for annual preventative maintenance and software and firmware updates.

The cost of a service plan shall be included in the proposal but separate from the cost of equipment and software. The cost of annual software licensing may be included as part of the service plan.

In addition, the Vendor should indicate which parts/components, if any, can be serviced in-house

by Woodbury County (cleaned and/or replaced).

15. Product Demonstrations

Vendors may or may not be required to present a demonstration of the Vendor's equipment and software, depending on any demonstrations recently presented.

16. Vendor Interviews

Woodbury County may request an additional interview with a vendor if questions remain after proposal reviews and product demonstrations. Vendors are also welcomed to request an interview to provide additional information or to clarify an answer.

17. Short-Term Plans

The Vendor is encouraged to share company, product or services changes expected in the short term that may impact Woodbury County's decision in selecting a proposal, such as an upgrade that has not yet been used in Iowa.

18. Company Vision

Because technology changes rapidly, Woodbury County would like to give the Vendor an opportunity to share its vision for the future of elections. The Vendor is welcome to highlight industry innovations that they are leading or participating in.

19. Selection Criteria

Iowa Code Section 47.5 requires that when competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed. Proposals will be evaluated based on the most competitive offer considering quality of products and services offered, cost, responsiveness to the RFP requirements and the Vendors' ability to understand and meet the needs of Woodbury County. The major criteria that will be used to evaluate proposals will include, but are not limited to, the following:

- Overall suitability of the equipment, software and services to the needs of Woodbury County.
- Current ability of software. Emphasis will be placed on the software's ability to generate reports sufficient to confirm correct database setup.
- Future ability to customize software.
- Overall cost of proposal.
- Product service plan and cost.
- Adaptability of the electronic poll book to satellite voting and vote center environments.

- Vendor's commitment and experience in successfully supporting election operations for other jurisdictions.
- Value-added proposals.
- Exportability

These factors will be weighed in any manner deemed appropriate to select a proposal that is in the best interest of Woodbury County.

Woodbury County may interview some or all the Vendors to determine each Vendor's commitment to the proposed relationship and the quality of services offered. However, Woodbury County reserves the right to enter into a contract without further evaluation. Therefore, it is important that proposals be as complete as possible.

Woodbury County reserves the right to accept a proposal other than the lowest priced proposal or to reject, in whole or in part, any or all proposals for any reason.

20. Limitation of Woodbury County's Liability for this RFP

Issuance of this RFP and any actions taken hereunder shall not create a duty on the part of Woodbury County to pay any costs incurred by Vendor relating to, or resulting from, this RFP. This includes, but is not limited to, the preparation or submission of proposals, or responses to inquiries from Woodbury County related to this RFP or Vendor's proposal; or anticipation of a contract or otherwise with respect to this RFP or Vendor's proposal.

21. Agreement Terms and Conditions

The RFP will be incorporated by reference and made a part of the final contract. If an acceptable agreement is not reached within thirty (30) days of vendor selection, Woodbury County reserves the right to disqualify the Vendor and reevaluate the remaining proposals.

22. Desirable Features and Support Elements

- An electronic poll book that is easily adaptable to the Satellite Voting environment.
- Helpdesk support for software and hardware.

23. Vendor's Liability Insurance

A. During the contract/agreement, the contracted party will carry and maintain, at the contracted party's expense, the following insurance:

1. Commercial General Liability Insurance Policy, including but not limited to, insurance for premises construction operations (when applicable), contractual liability,

completed operations with respect to liability arising out of the ownership, use, occupancy or maintenance of the premises and all areas appurtenant thereto, to afford protection with respect to bodily injury, personal injury, death or property damage of not less than Five Million Dollars (\$5,000,000) per occurrence combined single limit/Five Million Dollars (\$5,000,000) general aggregate.

2. Comprehensive Automobile Liability Insurance Policy with limits for each occurrence of not less than One Million Dollars (\$1,000,000) Combined Single Limit with respect to bodily injury, property damage or death. Automobile Liability Insurance (to include owned, non-owned, and hired vehicles): \$1,000,000 per occurrence

3. Workers Compensation Insurance Policy or similar insurance in form and amounts required by law.

B. Should the bid require design elements (i.e. architectural, engineering, or professional system designs), the outside party may be required to carry professional errors and omissions coverage with a limit for each claim of not less than Five Million Dollars (\$5,000,000). If any of the foregoing insurance coverages are required to remain in force after final payment and are reasonably available, an additional certificate evidencing continuation of such coverage shall be submitted with the final Application for Payment as required by contract. The contracted party may be required to carry network security (cyber) coverage with a limit for each claim of not less than Five Million Dollars (\$5,000,000).

C. Coverage must be maintained by a financially stable carrier with a minimum AM Best rating of A-. It will be the outside party's responsibility to provide proof of its carrier's rating.

D. The contracted party shall agree to the following:

1. Woodbury County will be named as an additional insured with respect to all casualty insurance policies.

2. Certificate of insurance will be submitted to the County Risk Management Specialist prior to commencement of the contract/agreement and shall include a thirty-day notice of cancellation provision.

3. If the contracted party fails to perform any of its obligations under the County's Insurance and Policy Requirements, Woodbury County reserves the right to either purchase the required insurance coverage and assess the cost directly to the outside party, or to declare the contracted party's bid invalid.

4. Hold Harmless Agreement- The contracted party shall indemnify and hold harmless Woodbury County, its agents and employees, from and against all claims, damages, losses and expenses including attorneys' fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense:

a. is attributable to bodily injury, sickness, disease or death, or to the damage to or destruction of tangible property (other than the work itself) including the loss of use resulting therefrom, and

b. is caused in whole or in part by any negligent act or omission of the contracted party or its subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether it is caused in part by a party indemnified hereunder.

c. Each contract/agreement shall contain the following language (when applicable): Contractor/Permittee/Licensee agrees that for all work done in the county road rights of way, easements and county property, it shall be solely responsible for work zone safety and shall hold the County harmless and agree to indemnify the County for all claims that arise from its work in the right of way, and further, it agrees that it will adhere to the Manual on Uniform Traffic Control Devices during the project.

PUBLIC HEARING

NOTICE OF PROPOSED PUBLIC IMPROVEMENTS

Notice is hereby given in accordance with the Code of Iowa, by the Board of Supervisors of Woodbury County, State of Iowa that said Board proposes to consider bids for an electronic poll book system for use by said county located at the Woodbury County Courthouse at 620 Douglas St., Sioux City, IA.

Proposed plans, specifications and bid documents are available for inspection on the county website www.woodburycountyiowa.gov (click on the link Bidding Opportunities) or on file at the Woodbury County Courthouse, Elections Room 103, 620 Douglas St., Sioux City, IA 51101, or upon request by email at pgill@woodburycountyiowa.gov.

A public hearing/bid opening will be held at which time all interested persons may appear and file objections or comments to the proposed plans, specifications, and proposed cost of the project. The hearing and bid opening are set for Tuesday April 13, 2021, at 4:45pm and 4:46 pm respectively, in the Board of Supervisors Meeting Room, basement, in the Woodbury County Courthouse, 620 Douglas St., Sioux City, IA.

Published upon order of the Woodbury County Board of Supervisors, Rocky DeWitt, Chair, Sioux City, IA, and dated this day of March 30, 2021.

NOTICE TO BIDDERS

The Woodbury County Board of Supervisors gives notice that sealed bids will be received for furnishing Woodbury County with an electronic poll book system at the courthouse building, 620 Douglas St., Sioux City, IA 51101. The bidder must be familiar with the specifications and requirements of the bid proposal and the bidder offers to furnish those services to the County as required in its bid proposal.

Proposed plans, specifications and bid documents are available for inspection on the county website www.woodburycountyiowa.gov (click on the link Bidding Opportunities) or on file at the Woodbury County Courthouse, Elections Room 103, 620 Douglas St., Sioux City, IA 51101, or upon request by email at pgill@woodburycountyiowa.gov. This published notice is an abbreviation of the bid specifications.

Sealed bid proposals must be received no later than 4:30pm CT on April 12, 2021 at the Woodbury County Courthouse, Election Office, 620 Douglas St., Sioux City, IA 51101. Each bid is to be submitted in a sealed envelope clearly marked "**Bid for Equipment**". All bids must be hand-delivered or mailed to the above address and it is the sole responsibility of the bidder to ensure that the bid is received by Woodbury County at the specified date and time.

NO FAXED OR EMAILED BIDS WILL BE ACCEPTED UNDER ANY CIRCUMSTANCES.

Any bid submitted after the specified date and/or time shall be rejected.

Upon signing the contract, a Performance Bond in the amount equal to 100% of the total amount of the accepted proposal price shall be required and submitted before work commences. The Performance Bond is to remain in force until the project is completed to the satisfaction of Woodbury County.

The public hearing and bid opening are set for Tuesday, April 13, 2021, at 4:45pm and 4:46 pm respectively, during the regular meeting of the Board of Supervisors, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA. No bidder may withdraw his bid for at least ninety (90) calendar days after the scheduled opening of the bids.

The award of contract shall follow later following an examination of the bids for accuracy and possible product demonstrations. Upon signing of the contract, a Certificate of Insurance naming Woodbury County as an additional insured shall be required and submitted before work commences and remain in effect until the project is complete and accepted.

Published upon order of the Woodbury County Board of Supervisors, Rocky De Witt, Chair, Sioux City, IA, and dated this

WOODBURY COUNTY STATE OF IOWA
Patrick Gill, County Auditor