

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 9, 2024

FROM

STEPHENIE SHEA, Registrar of Voters

SUBJECT

Amendment to Contract with DVS, Inc.

RECOMMENDATION(S)

1. Approve **Amendment No. 5 to Contract No. 19-453** with Dominion Voting Systems, Inc., amending the payment schedule for the purchase of upgraded servers and workstations to meet State mandates and to add change order language, increasing the contract amount by \$268,885, from \$32,525,666 to an amount not to exceed \$32,794,551, with no change to the contract term of July 9, 2019 through July 8, 2034.
 2. Authorize the Registrar of Voters or Assistant Registrar of Voters to approve change orders to Contract No. 19-453, so long as the total change order amount does not exceed \$100,000, subject to review by the Assistant Executive Officer, Deputy Executive Officer, and County Counsel.
 3. Direct the Registrar of Voters or Assistant Registrar of Voters to submit the change orders to the Clerk of Board of Supervisors within 30 days of approval.
- (Presenter: Stephenie Shea, Registrar of Voters, 387-2100)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). There are no ongoing expenses associated with Amendment No. 5 (Amendment) to Contract No. 19-453 (Contract). Adequate appropriation for the purchasing of equipment is included in the Registrar of Voters' (ROV) 2024-25 budget and will be included in future recommended budgets, as needed.

BACKGROUND INFORMATION

The Dominion Voting System (DVS) is a certified system by the Secretary of State (SOS). Pursuant to the California Elections Code, section 19202, "A voting system, in whole or in part, shall not be used unless it has been certified or conditionally approved by the SOS prior to any election at which it is to be used." As a result, the state has developed one of the most strenuous voting system testing and certification programs in the country. California counties are required to abide by stringent sets of rules and regulations regarding implementation and use of a voting system. All voting systems, including DVS, undergo extensive testing prior to certification, which includes:

- Examination and testing of system software;
- Software source code review and evaluation;

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- Hardware and software security penetration testing;
- Hardware testing under conditions simulating the intended storage, operation, transportation, and maintenance environments;
- Inspection and evaluation of system documentation; and
- Operational testing to validate system performance and functioning under normal and abnormal conditions.

To upgrade the DVS to the next version, the SOS has required the current servers, the Election Management System (EMS), and adjudication workstations to be replaced. The recommended Amendment will allow ROV to upgrade the equipment as required by the SOS and ensure the County's voting system is up to date and in compliance.

The recommended Amendment will also include the addition of a change order process with a total change order amount not to exceed \$100,000. The change order process will address future legislative changes that may require additional work and anticipated increases to the total Contract amount. Any work approved under a change order would be aligned with future legislative mandates and certified equipment.

On July 9, 2019 (Item No. 40), as the result of Request for Proposals ROV119-ROV-3324, the Board of Supervisors (Board) approved the Contract with DVS for the purchase of a new, State-certified voting system, in an amount not to exceed \$31,939,045, effective July 9, 2019 through July 8, 2034.

On December 17, 2019 (Item No. 61), the Board approved Amendment No. 1 to the Contract, revising the deadline for the delivery of precinct ballot scanners to April 15, 2020 for use during the 2020 Presidential General Election.

On March 2, 2021 (Item No. 45), the Board approved Amendment No. 2, revising the delivery date of the precinct ballot scanners due to supply chain delays as a result of the COVID-19 pandemic, the prior purchase of two additional high speed ballot scanners, and the payment schedule, with no change to the total amount or term of the Contract.

On March 29, 2022 (Item No. 50), the Board approved Amendment No. 3 to the Contract to amend the Five-Year Buyback Schedule, with no change to the total amount or term of the Contract.

On September 26, 2023 (Item No. 61), the Board approved Amendment No. 4 to the Contract to purchase additional programming services, central scanning equipment, and associated licensing and support services, increasing the contract amount by \$586,621, from \$31,939,045 to an amount not to exceed \$32,525,666, with no change to the Contract term.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on June 3, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on June 6, 2024; Finance (Elias Duenas, Administrative Analyst, 387-4378) on June 17, 2024; and County Finance and Administrative (Valerie Clay, Deputy Executive Officer, 387-5423) on June 20, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 9, 2024



cc: ROV - Shea w/ agree
Contractor c/o ROV w/ agree
File w/ agree
JLL 07/16/2024