



Contract Number

19-453 A-3

SAP Number

Registrar of Voters

Department Contract Representative	Michael Jimenez
Telephone Number	909-387-2100
Contractor	Dominion Voting Systems, Inc.
Contractor Representative	
Telephone Number	
Contract Term	7/9/19-7/8/34
Original Contract Amount	Not-to-Exceed \$31,939,045
Amendment Amount	
Total Contract Amount	Not-to-Exceed \$31,939,045
Cost Center	6800001000

IT IS HEREBY AGREED AS FOLLOWS:

WHEREAS, on July 9, 2019 (Item No. 40), the Board of Supervisors (Board) approved Contract No. 19-453 with Dominion Voting Systems, Inc. (Contractor) for Contractor to provide a new, State-certified voting system, including hardware and software components, licensing, maintenance, extended warranties, and election support services in an amount not-to-exceed \$31,939,045, for the 15-year period July 9, 2019 through July 8, 2034, with one five-year renewal option; and

WHEREAS, Contract No. 19-453 included the purchase of 1,440 precinct ballot scanners and the 5-Year Buyback Schedule for Precinct Equipment (Schedule), where Dominion would buy back equipment from the County for credit for future equipment and services at a percentage of cost according to the following schedule: Year 1: 75%; Year 2: 50%; Years 3-5: 25%; and

WHEREAS, on December 17, 2019 (Item No. 61), the Board approved Amendment No. 1 to Contract No. 19-453 to revise the quantity of precinct ballot scanners to 1,200, and updated the payment schedule and delivery of the precinct ballot scanners to April 15, 2020, with no change to the amount or term of the Contract; and

WHEREAS, COVID-19 impacted the scheduled delivery of the precinct ballot scanners; and

WHEREAS, on March 2, 2021 (Item No. 45), the Board approved Amendment No. 2 to the Contract to modify the delivery schedule of the precinct ballot scanners, amend the payment schedule, and formalize the addition

of two high-speed ballot scanners with associated ongoing licenses and maintenance to the list of purchased equipment, with no change to the total amount or term of the Contract; and

WHEREAS, the precinct ballot scanners were not used as planned in the 2020 Presidential General Election due to social distancing measures and other COVID-19 health and safety measures that consumed space at the polling places; and

WHEREAS, Elections Code section 3000.5 required counties to mail a ballot to all active registered voters for the 2020 Presidential General Election, prompting the County to purchase the additional two high-speed ballot scanners under Amendment No. 2 of the Contract, where mail ballots comprised 82.56% and 66.81% of the ballots cast for the 2020 Presidential General Election, and 2020 Presidential Primary Election, respectively; and

WHEREAS, the number of polling places anticipated to be used in the 2022 elections to the number of polling places used in the 2021 and 2020 elections has decreased from 396 polling places to 320 polling places; and

WHEREAS, under Amendment No. 3 to Contract No. 19-453, the County desires to sell back 700 ImageCast Precinct ballot scanner Kits, (to include Tabulator, collapsible ballot box, 2 removable storage devices (CF Cards), and 2 poll worker iButton (tokens) from the County at the price of \$1,858.50, which is 50% of the original purchase price of \$3,717 (or \$5,900 less a 37% discount per unit), and further amend the Schedule to reflect a buyback percentage of 50% of cost for Year 3, and to clarify the buyback percentages for all years are based on the effective date of July 9, 2019 under Contract No. 19-453.

OPERATIVE PROVISIONS OF AMENDMENT NO. 3

NOW, THEREFORE, the County and Contractor mutually agree as follows:

1. The above listed recitals are incorporated into the Contract and the Parties represent they are true and correct.
2. The Attachment A attached to this Amendment lists all equipment and pricing applicable as of March 2, 2021. Additional changes to this Attachment A are described in this Amendment 3.
3. Language under the 5 Year Buyback Schedule for Precinct Equipment per Attachment A – Pricing and Payment, attached herein, is amended to read as follows:

Dominion will provide a buyback that will be a credit towards equipment and services.

Year 1: 75%; Year 2: 50%; Year 3: 50%; Years 4: 25% and Year 5; 25%. All Years in the 5 Year Buyback Schedule for Precinct Equipment per Attachment A – Pricing and Payment are based on the effective date of Contract 19-453, or July 9, 2019.

4. Dominion agrees to buyback 700 ImageCast Precinct ballot scanner Kits of the 1,200 originally purchased (to include Tabulator, collapsible ballot box, 2 removable storage device (CF Cards), and 2 poll worker iButton (tokens) from the County at the price of \$1,858.50, which is 50% of the original purchase price of \$3,717 (or \$5,900 less a 37% discount per unit). Following this buyback, San Bernardino County will owe ongoing License and Warranty costs only on the 500 ImageCast Precinct ballot scanner kits it retains.
5. This Contract may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Contract. The parties shall be entitled to sign and transmit an electronic signature of this Contract (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Contract upon request.

All other terms and conditions of the Contract shall remain in full force and effect as written.

IN WITNESS WHEREOF, the County of San Bernardino and Dominion Voting Systems, Inc. have each caused this Contract to be subscribed by its respective duly authorized officers, on its behalf.

SAN BERNARDINO COUNTY

►

Curt Hagman, Chairman, Board of Supervisors

Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By _____
Deputy

Dominion Voting Systems, Inc.

(Print or type name of corporation, company, contractor, etc.)

By ►

(Authorized signature - sign in blue ink)

Name

(Print or type name of person signing contract)

Title

(Print or Type)

Dated:

Address 410 17th Street, Ste. 850

Denver, CO 80202

FOR COUNTY USE ONLY

Approved as to Legal Form

►

Julie Surber, Principal Asst. County Counsel

Date _____

Reviewed for Contract Compliance

►

Date _____

Reviewed/Approved by Department

►

Stephenie Shea, Interim Asst. Registrar of Voters

Date _____