COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK
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CONNY B. McCORMACK
Registrar-Recorder/County Clerk

May 31, 2007

TO: EACH SUPERVISOR

FROM Conny B. McCormack, Registrar-Recorder/County Clerk

NOTIFICATION OF INTENT TO NEGOTIATE A SOLE SOURCE CONTRACT WITH BOWE, BELL AND HOWELL FOR ABSENTEE VOTER BALLOT SORTING EQUIPMENT AND SUPPORT SERVICES

In accordance with Board policy regarding advance notification when a sole source contract of $250,000 or greater is in preparation for submission to your Board, this memorandum has been prepared to advise you that the Department of Registrar-Recorder/County Clerk (RR/CC) intends to negotiate a non-competitive sole source agreement with Bowe, Bell and Howell (BB&H) for the purchase of automated sorting equipment to enable compliance with new State Law as explained below.

The purchase of this equipment, and related support services, will enable the RR/CC to sort, by individual precinct, the 800,000+ returned Absentee Voter (AV) ballots that are anticipated to be returned by voters for each of the three statewide elections that will be held in 2008. New State law (Assembly Bill (AB) 2770) was enacted last year requiring this level of finite sorting of AV ballots (compared with the process of sorting AV ballots by ballot combination which has been our practice in the past and which was far simpler to accomplish). In order to implement the provisions of AB 2770 for statewide elections, each with over 5,000 voting precincts in Los Angeles County, the RR/CC will need to acquire sophisticated automated sorting equipment to successfully sort and process the immense volume of returned AV ballots by precinct within the legally allowable timeframes.

Upon passage of AB 2770, the RR/CC assessed the technological and operational impact of this bill and immediately commenced market research of available products that would be able to meet the AV by precinct requirements and fit into the complex AV processes and automated equipment currently used to process the County's huge volume of AV ballots. Key operational managers and technical staff of the RR/CC examined several available models of sorting equipment. The managers unanimously concluded that the BB&H Criterion III is the only product currently available that meets our complex needs. This product includes a two-tier design with top and bottom loading and stacking trays, which is a critical and unique requirement given the RR/CC finite physical space and operational constraints. Our research revealed that other vendors'

equipment would have to be modified or further developed to fit our needs whereas the BBH equipment is a proven solution as currently configured. The County's Treasurer-Tax Collector has utilized a similar model of BB&H automated sorting equipment for several years and reports high satisfaction with the equipment and maintenance services provided by BB&H. Additionally, this equipment encompasses the necessary programming solutions, including sophisticated audit/management tools and reports.

The timeline for purchase is critical. The RR/CC must purchase this AV ballot sorting equipment and integrate it with existing AV processes at this time in order to learn how to operate the system and utilize the equipment for the first time in conjunction with an election of significant size, i.e. the upcoming November 2007 Uniform District Election Laws (UDEL) with approximately 1,200 precincts. The risk factor associated with attempting to implement such a new, automated system in conjunction with the statewide February 5, 2008 Presidential Primary Election, with 5,000+ precincts, is far too great for initial use. The RR/CC would have undergone a formal competitive bidding process; however, given the election calendar, there is insufficient time to prepare Request for Proposal (RFP) documents, issue an RFP, complete the bid process and award a contract in time for equipment installation and integration with existing AV processes for first use in the November 2007 UDEL Election.

Due to the time constraints, election schedule and complexities with managing such a large volume of AV ballots, our top managers have determined that the BB&H Criterion III equipment is the best fit to meet the requirements of the new law and continue to successfully manage AV ballot processing. Therefore, sole source is the only purchasing option that would allow the RR/CC to acquire the needed equipment in time to comply with this legislative mandate and BB&H is the only vendor that can meet our equipment needs and the installation timeline.

The RR/CC has sufficient federal Help America Vote Act (HAVA) funds to purchase this equipment which meets the description of types of equipment that can be purchased with HAVA funds.

A meeting was held with deputies of your Board offices on May 23rd at which time the need for this and other election-related equipment was discussed. At that time we responded to questions and provided handouts and brochures containing equipment specifications and descriptions regarding how the equipment meshes with electoral processes. Unless otherwise instructed by your Board within the next two weeks, we will proceed to negotiate the sole source contract with BB&H. If you have questions, please contact me.

CBM:NU

c: Chief Administrative Office
County Counsel
Chief Information Office