proposals. As part of the EIS process, a full range of reasonable alternatives include the proposed Project and no action will be evaluated.

The COE has invited the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, Colorado Division of Wildlife, Larimer County, and Weld County to be cooperating agencies in the formulation of the EIS.

Chandler J. Peter,

Project Manager, Regulatory Branch.

[FR Doc. 06–933 Filed 1–31–06; 8:45 am]

BILLING CODE 3710–62–M

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** material changes to the HAVA State plan previously submitted by West Virginia.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plan published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates. EAC has not previously published an update to the West Virginia State plan in the **Federal Register**.

The submission from West Virginia addresses material changes in the administration of its previously submitted State plan and, in accordance with HAVA section 254(a)(12), provides information on how the State succeeded in carrying out the previous State plan. The current submission from West Virginia addresses a material change to the attachments of their previously submitted State plan, including a Request for Proposal to explain the voting system vendor selection process. The amendment also includes the State Rules passed by the West Virginia State Legislature in relation to the loan fund provided by the State Election Commission for the purchase of voting equipment, software and services by counties.

Upon the expiration of thirty days from February 1, 2006, West Virginia will be eligible to implement the material changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

EAC notes that the plan published herein has already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into revising the State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Officials

West Virginia

The Honorable Betty Ireland, Secretary of State, Bldg. 1, Suite 157–K, 1900 Kanawha Blvd., East Charleston, WV 25305–0770, Phone: 866–SOS–VOTE, Fax: 304–558–0900, E-mail: *elections@wvsos.com*.

Thank you for your interest in improving the voting process in America.

Dated: January 6, 2006.

Paul S. DeGregorio,

Chairman, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

Betty Ireland
Secretary of State

December 8, 2005

The Honorable Gracia Hillman, Chairman
United States Election Assistance Commission
1225 New York Avenue NW Suite 1100
Washington DC 20005

Dear Chairman Hillman:

In accordance with Section 255 of the Help America Vote Act of 2002 (HAVA), I am enclosing for publication in the Federal Register additional attachments for the West Virginia HAVA State Plan. These attachments offer a more detailed explanation of the original plan offered. Included you will find a copy of the Request for Proposal West Virginia utilized in selecting the appropriate vendor that will complete West Virginia's compliance with HAVA Section 301. Also attached are the State Rules as passed by the West Virginia Legislature in relation to the loan fund provided by the West Virginia State Election Commission. The fund will provide monies for future improvements in voting system technology.

I have submitted only the attachments because no portion of the State Plan has been amended. After consultation with Election Assistance Commission staff, I have elected not to forward the entire State Plan for publication. To view the full plan with the attachments, EAC staff members, as well as the general public can visit the West Virginia Secretary of State website at www.wvsos.com.

Even though the State Plan was not amended and the attachments only further enhance the description of the plan, our office submitted the attachments for public comment in the West Virginia State Register from August 19, 2005 to September 15, 2005. As no comments were received, this information is immediately available for further publication. To complete the requirements found under Section 254(a)(12) of HAVA, I am also to report how West Virginia has made progress in carrying out the State Plan. Through the participation of many interested parties, the West Virginia Secretary of State's Office, in conjunction with the West Virginia State Legislature and the West Virginia State Election Commission, has accomplished the following items:

1. **Voting Systems Standards Requirements. (Section 301(a))**

West Virginia has received proposals from recognized voting systems vendors and has evaluated the proposals and selected the Direct Recording

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Telephone: 304-558-6000 • Toll Free: 866-SOS-VOTE • Corporations: 304-558-8000 • Fraud Hotline: 877-FRAUD-WV • Fax: 304-558-0900 • www.wvsos.com

Electronic (DRE) for each county. This action meets the disability access provisions of Title III. Each polling place in each county will receive the appropriate DRE system. The installation of these systems will meet HAVA timelines.

2. **Voting Systems Used in Each County.**

Voting systems used by counties in West Virginia have been realigned so that currently:

Eighteen counties have chosen to use the ES&S Optical Scan Voting System in addition to the one accessible ES&S iVotronic Touchscreen System with the Real Time Audit Log per precinct.

Three counties have chosen to use the ES&S Optical Scan Voting System in additional to one accessible ES&S AutoMARK per precinct.

Thirty-two counties have chosen to use the ES&S iVotronic Touchscreen Systems with the Real Time Audit Log for the only voting system.

Two counties have chosen to use a paper ballot system in additional to the one accessible ES&S iVotronic Touchscreen System with the Real Time Audit Log per precinct.

In addition, those counties that will be using optical scan and paper ballots for the primary voting system of the county will also participate in a massive voter education program aimed at educating voters on over voting.

3. **Legal Vote for Each Type of Voting System Used in the State. (Section 301(a))**

West Virginia has make a great effort to provide county clerks with clear instructions on voter intent. West Virginia law outlines that a voter's intent is priority when tabulating election results. Procedures currently in place enhance what is required in code and provides county clerks with specific instructions on a variety of issues regarding legally cast ballots in the state.

4. **Provisional Voting. (Section 302)**

West Virginia has provided provisional voting for many years. Our provisional voting fully complies with HAVA. The voter may cast a provisional ballot, complete a certificate, the voter's residency requirement, and then receives a provisional balloting description and explanation. This information is also posted at the polling place door, in the voting booth and on the Secretary of State's website. Each county maintains a full record of provisional ballot voting and action taken by the canvassing board.

This information is available to the provisional voter. Calls to a voter's county election office and to the Secretary of State are toll free.

Provisional balloting supports provisional voting during any extended voting hours.

5. **Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail. (Section 303)**

West Virginia's statewide voter registration system was online in January of 2004. As technologies advance, upgrades to the system continue to evolve. Currently, each of West Virginia's 55 counties is online with the system. West Virginia has processed three statewide elections utilizing the new registration system with few problems. Further development will continue as comparisons are done with other state agencies and additional requirements are added through West Virginia state law.

The Voter Registration List is maintained on the uniform voter registration system implemented in 2003. The mail-in voter registration form has been redesigned to completely reflect information as required by HAVA. The 2003 Legislature also changed the voter verification process as required by HAVA.

We were requested by staff members of the EAC to further explain the discrepancy in the amount discussed in our State Plan regarding encumbrances of the funds supplied to West Virginia through HAVA. The State Plan assumed an amount $330,100 short of the actual receipts under Title I and II. The additional amount will be utilized to further enhance the voting systems currently in use by each county within West Virginia, thus ensuring compliance that every precinct will have one accessible unit.

As West Virginia completes the final stages of implementation and becomes fully compliant with the Help America Vote Act, we look forward to continuing our work with the Elections Assistance Commission and the citizens of West Virginia to offer a fair, efficient, and successful election process.

Please contact me should you have further questions on this matter.

Sincerely,

Betty Ireland,
West Virginia Secretary of State

Enclosures

c: Jason Williams, Manager of the Elections Division

FILED
2005 JUN 29 A 8:30
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 10
LOAN PROGRAM FOR PURCHASE OF VOTING EQUIPMENT, SOFTWARE AND SERVICES

§153-10-1. General.

1.1. Scope. – To establish guidelines for the administration of the loan program established by S.B. 3002 (2004).

1.2. Authority. – W. Va. Code §3-1-48.

1.3. Filing Date. – _____, 2005.

1.4. Effective Date. -- _____, 2005.

§153-10-2. Request for loan.

County commissions may request a loan from the Secretary of State for the purpose of obtaining, modifying or replacing voting equipment, software and necessary related services including voting systems, technology and methods for casting and counting votes.

§153-10-3. Application.

3.1. Any county commission requesting a loan, shall file an application with the Secretary of State.

3.2. The application shall be on a form provided by the Secretary of State and shall contain the following information:

3.2.a. Name of County

3.2.b. Amount of loan requested

3.2.c. Proposed use of funds including type of equipment, software and/or services and quantity, if applicable

3.2.d. Statement that county has obtained at least fifty percent (50%) of the cost of the equipment, software and/or service

3.2.e. Date of application

3.2.f. Signature of county commissioners

3.2.g. Such other information deemed necessary by the Secretary of State

3.3. In addition to the application, the county commission shall provide to the Secretary of State a copy of the resolution passed by the county commission authorizing the county to purchase or lease the equipment, software and/or services and to enter into the loan agreement.

§153-10-4. Matching Funds.

4.1 County commissions must obtain at least fifty percent (50%) of the cost of the equipment, software and/or services and may only obtain a loan for up to fifty percent (50%) of the cost.

4.2. The State Election Commission may waive a portion or all of the fifty percent matching funds required by a county commission if the county commission demonstrates to the satisfaction of the State Election Commission that it has exercised due diligence to raise the matching funds; it is unable to obtain the matching funds; and that it has the ability to pay the installments on the loan when due.

4.3. County commissions may request a waiver of the matching funds by filing an application with the State Election Commission.

4.4. The application for waiver of matching funds shall be on a form provided by the Secretary of State and it shall include the following information:

4.4.a. Name of county

4.4.b. Amount that county commission has raised toward the matching fund

4.4.c. Amount of waiver requested

4.4.d. An explanation of the efforts of the county commission to raise the entire matching funds

4.4.e. Full financial disclosure of the assets and liabilities of the county

4.4.f. Potential for future income and its ability to pay the installments on the loan when due

4.4.g. Date of application

4.4.h. Signature of county commissioners

4.4.i. Such other information deemed necessary by the Secretary of State

§153-10-5. Authorized Equipment, Software and Services.

Loans may only be approved by the State Election Commission for the purchase or lease of equipment, software and/or services if certified by the State Election Commission if applicable, and if authorized by the Secretary of State under a contract awarded through the state purchasing procedure.

§153-10-6. Ownership.

All equipment, software and services acquired through this loan program shall be purchased by the Secretary of State from the vendor under the contracted referred to in section 5 of this rule and shall be immediately turned over to the county and the equipment shall be solely owned by the county.

§153-10-7. Approval.

7.1. Upon receipt of a complete application for a loan or application for a waiver of the matching funds, the State Election Commission shall review and approve the application, deny the application or request additional information within forty-five days of receipt. Any denial shall include a letter setting forth the reason(s) for the denial. Any county commission receiving a denial shall have thirty days to amend its original application in order to comply with any necessary changes required by the State Election Commission.

7.2. Once a county commission has met all of the requirements of this rule, the State Election Commission shall approve the loan; provided that funds are available.

7.3. Upon approval, the county commission and the State Election Commission shall enter into a contract for the repayment of the loan by equal monthly or annual payments for a period not to exceed five years or the length of the contract to obtain the equipment, software and/or services, whichever is less.

7.4. Upon written request by the county commission, the State Election Commission may extend the repayment of the loan on a year-to-year basis for a repayment period not to exceed five additional years. Nothing in this section should be construed to allow loan continuation for a period of more than ten years total from the date of the signing of the agreement.

7.5. Unanimous approval shall be required by the State Election Commission when a county commission applies for a subsequent loan from this fund while such county commission currently has an outstanding loan from the fund.

§153-10-8. Maximum Amount of Loan Funds Available.

The maximum amount that any county may borrow from this fund under any one request, will be limited to a pro rata fraction of loan funds available at the time of the request, the numerator of the fraction shall be the number of registered voters in that county as of the most recently passed federal presidential election, and the denominator of the fraction shall be the total number of registered voters in the state as of the most recently passed federal presidential election; Provided, That, for the initial purchase or lease of an electronic voting system in order to meet the January 1, 2006 HAVA requirement, the provisions of this section shall not apply to those counties that meet the criteria of section 9 of this rule.

§153-10-9. Equipment Purchased or Leased Before November 13, 2004.

Any county commission that purchased or leased an electronic voting system prior to the thirteenth day of November, two thousand four, is eligible to apply for matching funds to upgrade or replace the system. Such matching funds shall not exceed the amount available to purchase a new electronic voting system under the Secretary of State's authorized contract.

§153-10-10. Replacement of Punch Card and Lever Voting Systems.

Any county commission that makes the choice after January 1, 2006 to replace its punch card or lever voting system, shall be eligible to borrow funds from this loan program for the purpose of replacing its voting system with a HAVA-compliant system; Provided that the maximum aggregate amount of loan proceeds that will be available to such counties under this loan program according to section 8 of this rule shall be reduced by the amount of federal funding that was forfeited and returned to the federal government as a result of such county's failure to replace its punch card or lever system by January 1, 2006.

§153-10-11. Repayment of Loans

11.1. No county commission may apply for and receive a loan if that county commission currently has an outstanding loan from this fund which is in default.

11.2. Upon nonpayment of the loan installments by the county commission or other breach of the loan agreement, the Secretary of State may institute a civil action, mandamus or other judicial or administrative proceeding to compel performance by the county commission.

11.3. Nonpayment of the loan installments shall mean a nonpayment of two consecutive monthly payments or nonpayment of an annual payment in excess of thirty days beyond the scheduled payment date.

11.4. Any legal action will cease upon full payment of the default amount by the county. The defaulting county commission shall be liable for any legal costs incurred by the Secretary of State in order to obtain compliance.

PROPOSED LEGISLATIVE RULE §153-10

Loan Program for Purchase of Voting Equipment, Software & Services

Brief Summary

This proposed rule is promulgated pursuant to SB 3002, 3rd Special Legislative Session, 2004.

It sets forth the requirements under which counties may borrow money at zero per cent interest from the "County Assistance Voting Equipment Fund", a special revenue revolving loan fund created in the state treasury, to purchase, maintain, or upgrade voting systems hardware and software, and also to procure various services required by the Help America Vote Act of 2002.

EMERGENCY RULE QUESTIONNAIRE

DATE: 6/29/2005

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (*Agency Name, Address & Phone No.*) Secretary of State
Building 1, Suite 157K
Charleston WV 25305 558-6000

EMERGENCY RULE TITLE: Loan Program for Purchase of Voting Equipment, Software & Services

1. Date of filing June 29, 2005

2. Statutory authority for promulgating emergency rule:

   §3-1-48

3. Date of filing of proposed legislative rule: June 29, 2005

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? ~~New Language from HB 2950~~

5. Has the same or similar emergency rule previously been filed and expired?

   ~~No~~

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

Mandated by HB 2950 to file as emergency

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER	PAGE
SOS36206	1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
RON PRICE
304-558-0492

VENDOR
RFQ COPY
TYPE NAME/ADDRESS HERE

SHIP TO
SECRETARY OF STATE
BUILDING 1, ROOM 157K
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0770 558-6000

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/11/2005				

BID OPENING DATE: 08/01/2005 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		578-35		

VOTING SYSTEM UPGRADE

REQUEST FOR PROPOSAL

TO PROCURE THE SERVICES OF A VENDOR TO UPGRADE AND IMPROVE THE VOTING SYSTEMS CURRENTLY IN PLACE IN WEST VIRGINIA'S 55 COUNTIES PER THE ATTACHED SPECIFICATIONS.

THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE PURCHASE ORDER AS ISSUED BY THE DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION, ANY ADDENDA, THE ORIGINAL RFP, AND THE RESPONSE TO THE RFP AS PREPARED BY THE SUCCESSFUL VENDOR.

AN OPTIONAL PRE-BID CONFERENCE WILL BE HELD ON 7/22/05 AT 10:00 AM AT THE SECRETARY OF STATE'S OFFICE, 1900 KANAWHA BOULEVARD, SUITE 157-K, CHARLESTON, WV 25305. ALL INTERESTED BIDDERS ARE ENCOURAGED TO ATTEND THE PRE-BID; HOWEVER, ATTENDANCE IS NOT MANDATORY. NO ONE PERSON MAY REPRESENT MORE THAN ONE VENDOR AT THIS MEETING.

LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON ..... AND EXTENDS UNTIL .....

BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.

SCANNED

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

GENERAL TERMS & CONDITIONS
(REQUEST FOR QUOTATION) RFQ AND (REQUEST FOR PROPOSAL) RFP

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the ***West Virginia Code*** and the ***Legislative Rules*** of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required $45 fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the ***West Virginia Code.***
8. Vendor preference will be granted upon written request in accordance with the ***West Virginia Code.***
9. The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the ***Legislative Rules*** of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum -** The West Viginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site **(http://www.state.wv.us/admin/purchase/vrc/hipaa.htm)** is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR ü160.103) and will be disclosing Protected Health Information (45 CFR ü160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **DUPLICATE BIDS:** All quotations must be delivered by the bidder to the respective offices listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

ORIGINAL SIGNED BID TO:

Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

DUPLICATE BID TO:

State Auditor's Office
Bid Observer
Building 1 Room W114
1900 Kanawha Boulevard, East
Charleston, WV 25305-0230

Rev. 10/04

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
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Request for Quotation

RFQ NUMBER	PAGE
SOS36206	2

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CHARLESTON, WV
25305-0770 558-6000

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07/11/2005				

BID OPENING DATE: 08/01/2005 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT

PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:

CONTACT PERSON (PLEASE PRINT CLEARLY):

****** THIS IS THE END OF RFQ SOS36206 ****** TOTAL:

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

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Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

DUPLICATE BID TO:

State Auditor's Office
Bid Observer
Building 1 Room W114
1900 Kanawha Boulevard, East
Charleston, WV 25305-0230

Rev. 10/04

STATE OF WEST VIRGINIA
Secretary of State's Office
1900 Kanawha Blvd., E., Suite 157-K
Charleston, West Virginia 25305

Request for Proposals
RFP SOS36206
Date of Issue: July 11, 2005

Title and Purpose of RFP:

Voting System Upgrade and Improvements

The State of West Virginia has issued this Request for Proposal (RFP) to procure the services of a Vendor to upgrade and improve the voting systems currently in place in West Virginia's 55 counties.

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6.01 Voting System Requirements
6.02 Management Plan for Implementation, Training, Service and Support
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SECTION SEVEN
Attachments
7.01 Attachments

Attachments
1. Appendix A - West Virginia Law for Certification of Voting Systems
2. Appendix B - Cost Proposal Template
3. Appendix C - West Virginia County Information
4. Appendix D - Checklist for Vendors
5. Appendix E - Definitions
6. Vendor Preference Certificate
7. Vendor Registration and Disclosure (WV-1)
8. No Debt Affidavits

SECTION ONE
EXECUTIVE SUMMARY

1.01 Purpose of the RFP:
The West Virginia Secretary of State's Office (SOS) is soliciting proposals to procure the services of a Vendor to upgrade and improve the voting systems currently in place in West Virginia's 55 counties.

Instrumental in the undertaking of this activity was the passage of the Help America Vote Act of 2002 (HAVA) by Congress. HAVA provides voting system requirements as well as a large portion of the funding necessary for voting system upgrades. The voting system implemented shall comply with Title III of HAVA as well as West Virginia election statutes.

1.02 Project:
The mission or purpose of the project is to allow the State of West Virginia to select a Vendor to provide a statewide, unified voting system. All polling locations within West Virginia will have one unassisted access DRE, as well as booths for voters to use to mark optical scan ballots. Counties will have the option to install additional DRE devices. Approximately fifty (50) county courthouses within West Virginia will have one central count optical scan system, while the other five (5) are, or will be, DRE systems. The proposed voting system must provide software for the programming of the purchased voting devices and the accumulation of results, for both optical scan devices and DRE's, on a unified basis.

Under state law, all DRE's must produce a voter verifiable paper audit trail.

There may be a few large counties which opt to provide their own additional funding to purchase through this RFP enough DRE's to replace their current punch-card or lever systems for every polling place, in addition to the one unassisted access DRE per polling place. We estimate the number of additional DRE's that would be purchased under this contract to be 1,020, plus 2,021 unassisted DRE voting systems.

There are 2 (two) counties in West Virginia that currently already have in use DRE's as their county-wide system (Cabell County and Marion County). We have assumed that these two counties will use this RFP to upgrade these DRE's to HAVA and West Virginia state standards. The approximate total number of DRE's in these two counties is 480. At the time this RFP is being issued there are also approximately three additional counties evaluating the installation of DRE machines instead of optical scan devices. The approximate number of additional DRE's is 1,020 making a total of 1,500. This project also includes the installation of approximately 2,021 unassisted DRE voting systems.

We also intend to issue an additional RFP in the summer of 2005 for precinct-based optical scanners for those counties that want to provide the additional funds to purchase

such machines. That RFP will also include requests for voter booths and printing of paper ballots for optical scan systems.

West Virginia does not currently allow for precinct ballot counting; these machines would be used to scan for over votes in the optical scan systems.

1.03 RFP Format:
This RFP has (seven) 7 Sections and eight (8) Attachments.

SECTION TWO
STATE PURCHASING REQUIREMENTS

2.01 Inquiries:

Additional information inquiries regarding specifications of this RFP must be submitted in writing to the State Buyer with the exception of questions regarding proposal submission which may be oral. The deadline for written inquiries is identified in the Schedule of Events, Section 2.14. All inquiries of specification clarification must be addressed to:

Ron Price, Buyer Supervisor
Purchasing Division
State of West Virginia
2019 Washington Street, East
P.O. Box 50130
Charleston, WV 25305-0130
Fax: (304) 558-4115

Absolutely NO contact shall be made by the Vendor with any member of the Evaluation Committee. Violation may result in rejection of the bid. The State Buyer named above is the sole contact for any and all inquiries after this RFP has been released.

2.02 Vendor Registration:

Vendors participating in this process should complete and file a ***Vendor Registration and Disclosure Statement*** (Form WV-1) and remit the registration fee. Vendor is not required to be a registered Vendor in order to submit a proposal, but the **successful bidder must** register and pay the fee prior to the award of an actual purchase order/contract.

2.03 Oral Statements and Commitments:

Vendor must clearly understand that any verbal representations made or assumed to be made during any oral discussions held between Vendor's representatives and any State personnel are **not** binding. Only the information issued in writing and added to the Request for Proposal specifications file by an official written addendum is binding.

2.04 Economy of Preparation:

Proposals should be prepared simply and economically, providing a straightforward, concise description of Vendor's abilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.

2.05 Labeling of RFP Sections:

2.05.1 *Mandatory Requirements:*

The mandatory sections included in Section 4 and 5 require a response, and they describe the minimum requirements requested in this RFP. Any specification or statement containing the word "**must**", "**shall**", or "**will**" are mandatory. The Vendor is required to meet the mandatory specifications in order to be eligible for consideration and to continue in the evaluation process. A simple "yes" or "no" response to these sections is not adequate. Failure to meet mandatory items shall result in disqualification of the Vendor's proposal and the evaluation process terminated for that Vendor. Decisions regarding compliance with the intent of any mandatory specification shall be at the sole discretion of the State.

2.05.2 Contract Terms and Conditions:

Sections 2.29 and 2.30 detail the contractual terms and conditions under which the State of West Virginia will enter into a contract.

2.05.3 Informational Sections:

All informational specifications do not require a response from the Vendor. They are intended to aid the Vendor in structuring an effective proposal capable of meeting the needs of the issuing Agency.

2.06 Proposal Format and Submission:

2.06.1 Vendors must complete a response to all mandatory specifications in order to be considered. Each proposal must be formatted as per the outline in Section 5 of this RFP. No other arrangement or distribution of the proposal information may be made by the bidder. Failure on the part of the bidder to respond to specific requirements detailed in the RFP may be basis for disqualification of the proposal. The State reserves the right to waive any informalities in the proposal format and minor irregularities.

2.06.2 State law requires that the original technical and cost proposal be submitted to the State and also, a primary copy of the technical and cost proposal must be submitted to the Bid Observer of the State Auditor's Office. Copies for the Auditor's Office must not be mailed in the same envelope or package as the State's. Each should be sent under separate cover to insure arrival at their designated locations prior to the bid opening. All copies must be submitted to the respective offices **prior** to the date and time stipulated in the RFP as the opening date. All bids will be date and time stamped in each office to verify official time and date of receipt.

2.06.3 Vendors mailing proposals should allow sufficient time for mail delivery to ensure timely arrival. Neither the Purchasing Division nor the Auditor's Office can waive or excuse late receipt of a proposal which is delayed and late for any reason according to West Virginia Code §5A-3-11. Any proposal received after the bid opening date and time will be immediately

disqualified in accordance with State law and the administrative rules and regulations.

Submit:	**Submit:**
One original technical and cost plus (10) convenience copies to:	One exact copy with technical and cost to:
Purchasing Division State of West Virginia 2019 Washington Street, East P.O. Box 50130 Charleston, WV 25305	Bid Observer's Office State Auditor's Office Building 1, Room W-114 1900 Kanawha Blvd., East Charleston, WV 25305

The outside of the envelope or package(s) should be clearly marked:

Buyer:	**Ron Price, Buyer Supervisor**
Req#:	**SOS36206**
Opening Date:	**August 1, 2005**
Opening Time:	**1:30 P. M.**

2.07 Best Value Purchasing Standard Format:
All Requests for Proposal shall follow the standard format defined by the Purchasing Division. This format addresses required areas and enables the Agency to modify the background and scope of work to meet its needs.

2.07.1 *Evaluation Criteria*: All evaluation criteria must be clearly defined in the specifications section and based on a 100 point total score. Based on a 100 point total, cost shall represent a 35 of the 100 total points in the criteria.

2.07.2 *Proposal Format and Content*: Proposals shall be requested and received in two distinct parts: Technical and Cost. The cost portion shall be sealed in a separate envelope and will not be opened initially.

2.07.3 *Proposal Submission*: West Virginia Code §5A-3-11, states ". . . all bidders submitting bid proposals to the Purchasing Division are required to submit an extra or duplicate copy to the State Auditor. Both copies must be received at the respective offices prior to the specified date and time of the bid opening."

2.07.4 *Technical Bid Opening*: The Purchasing Division and the State Auditor will open only the technical proposals on the date and time specified in the Request for Proposal. The Purchasing Division

representative will read aloud the names of those who responded to the solicitation to confirm receipt by the State Auditor, and to confirm that both original packages contained a separately sealed cost proposal.

2.07.5 *Technical Evaluation*: An Evaluation Committee from the SOS Office will review the technical proposals, assign appropriate points and make a final written consensus recommendation to the Purchasing Division Buyer. If the Buyer approves the committee's recommendation, the information will be forwarded to an internal review committee within the Purchasing Division.

2.07.6 *Cost Bid Opening*: Upon approval of the technical evaluation, the Purchasing Division Best Value Committee shall notify the State Auditor and schedule a time and date to publicly open and read aloud the cost proposals. The Agency and the Vendors shall be notified of this date.

2.07.7 *Cost Evaluation and Resident Vendor Preference*: The Evaluation Committee will review the cost proposals, assign appropriate points and make a final consensus recommendation to the Purchasing Division. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable. Resident Vendor Preference by West Virginia Code §5A-3-37, provides an opportunity for qualifying Vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. A certificate of application is used to request this preference. Generally, a West Virginia Vendor may be eligible for two 2.5% preference points in the evaluation process.

2.07.8 *Contract Approval and Award*: After the cost proposals have been opened, the evaluation committee performs its review and makes its recommendation based on the highest scoring Vendor to the Purchasing Division buyer.

Once approved by the buyer, the contract is signed in the Purchasing Division, forwarded to the Attorney General's Office for approval as to form, encumbered and mailed to the appropriate parties.

2.08 Rejection of Proposals:
The State shall select the best value solution according to the evaluation criteria. However, the State reserves the right to accept or reject any or all proposals, in part or in whole at its discretion. The State reserves the right to withdraw this RFP at any time and for any reason. Submission of, or receipt by the State, of proposals confers no rights upon the bidder nor obligates the State in any manner.

A contract based on this RFP and the Vendor's proposal, may or may not be awarded. Any contract resulting in an award from this RFP is not valid until properly approved and executed by the Purchasing Division and approved as to form by the Attorney General.

2.09 Incurring Costs:
The State and any of its employees or officers shall not be held liable for any expenses incurred by any bidder responding to this RFP for expenses to prepare, deliver the proposal, or to attend any pre-bid meeting or oral presentations.

2.10 Addenda:
If it becomes necessary to revise any part of this RFP, an official written addendum will be issued by the State to all bidders of record.

2.11 Independent Price Determination:
A proposal will not be considered for award if the price in the proposal was not arrived at independently without collusion, consultation, communication, or agreement as to any matter relating to prices with any competitor unless the proposal is submitted as a joint venture.

2.12 Price Quotations:
The price(s) quoted in the bidder's proposal will not be subject to any increase and will be considered firm for the life of the contract.

2.13 Public Record:
2.13.1 *Submissions are Public Record.*
All documents submitted to the State Purchasing Division related to purchase orders/contracts are considered public records. All bids, proposals, or offers submitted by bidders shall become public information and are available for inspection during normal official business hours in the Purchasing Division Records and Distribution center after the award is complete and documents have been microfilmed.

2.13.2 *Written Release of Information.*
All public information may be released with or without a Freedom of Information request; however, only a written request will be acted upon with duplication fees paid in advance. Duplication fees shall apply to all requests for copies of any document. Currently the fees are $0.50/page, or a minimum of $10.00 per request which ever is greater.

2.13.3 *Risk of Disclosure.*
The only exemptions to disclosure of information are listed in West Virginia Code §29B-1-4. Primarily, only trade secrets as submitted by a bidder are the only exemption to public disclosure. The submission of any information to the State by a Vendor puts the risk of disclosure on the Vendor. The State will make a

reasonable effort not to disclose information that is within the guidelines of §29B-1-4 and is properly labeled "proprietary information not for public disclosure". The State does not guarantee non-disclosure of any information to the public.

2.14 Proposed Schedule of Events:

Purchasing releases RFP	July 11, 2005
Vendors' Questions due to Purchasing	July 22, 2005
Optional Pre-Bid Conference	July 22, 2005
Response to Vendors' Questions in Addendum Form	July 26, 2005
Technical Bids Opening	August 1, 2005
Vendor Demonstrations	August 2 thru August 19, 2005
Cost Bids Opening	To be Determined
Estimated Date of Contract Award	Sept 12, 2005
Vendor provides Work Plan	October 1, 2005
Vendor delivers Voting Systems for Counties	Nov 1, 2005
Vendor completes Training for Counties	Dec 1, 2005
Onsite Testing of Voting Systems for Counties	Dec 1 thru Dec 31, 2005
Deadline for full implementation Statewide	January 1, 2006

2.15 Optional Pre-bid Conference:
An optional pre-bid conference shall be conducted on the date specified above at 10:00 a.m. Said conference will be held at the Secretary of State's Office, 1900 Kanawha Blvd., Suite 157-K, Charleston, West Virginia 25305. All interested bidders may attend, but are not required to be present at this meeting. No one person can represent more than one Vendor.

2.16 Bond Requirements:

a. A Bid Bond in the amount of $500,000 shall be submitted with the technical proposal. A cashiers or certified check may be submitted in lieu of the bid bond. Failure to include the bid bond or other acceptable bid surety with the technical proposal shall result in disqualification of the proposal.
b. A performance bond in the amount of $500,000 shall be submitted by the successful bidder prior to award.

2.17 No Debt Affidavit:
West Virginia Code §5A-3-10a (3) (d) requires that all bidders submit an affidavit regarding any debt owed to the State. The affidavit must be signed and submitted prior to award. It is preferred that the affidavit be submitted with the proposal.

2.18 Resident Vendor Preference:
West Virginia Code §5A-3-37 provides an opportunity for qualifying Vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. A certificate of application is used to request this preference. Generally, a West Virginia Vendor may be eligible for two and one half percent (2.5%) preference points in the evaluation process. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

2.19 Agency location:
The Secretary of State's Office (Agency) is located at 1900 Kanawha Blvd., Suite 157-K, Charleston, West Virginia 25305.

2.20 Sub-contractors:
Sub-contractors may be used to perform work under this contract. If a Vendor intends to use Sub-contractors, the Vendor must identify in the proposal the names of the Sub-contractors and the portions of the work the Sub-contractors will perform.

The Vendor, as prime Vendor, will be required to assume responsibility for all contractual activities offered in their proposal whether or not the prime Vendor performs them. Further, the State will consider the prime Vendor to be the sole point of contact with regard to contractual matters, including but not limited to payment of any and all costs resulting from the anticipated contract. The prime Vendor is totally and solely responsible for adherence by any subcontractor to all provisions of the contract.

2.21 Joint Ventures:
Joint ventures will not be allowed.

2.22 Contract Type:
This contract is a firm fixed price contract.

2.23 F.O.B. Point:
All goods purchased through this contract will be F.O.B. final destination. Delivery of voting system hardware, software, peripherals, manuals and other items must be made to the county seat of each county that purchases those materials, or for whom those purchases are made. Proposed training for county officials and election officials should also be performed at the county seat. Some larger counties will have multiple training sessions before each election due to the number of election officials being trained. The Vendor's proposal may suggest alternative methods for training locations. The Vendor is responsible for removing all packing materials after the equipment has been delivered.

2.24 Contract Funding:
Approval or continuation of a contract resulting from this RFP is contingent upon continuing appropriation. The contract may be terminated by the State or modified by agreement of both parties in the event funding from federal, state, or other sources is not obtained and continued at sufficient levels.

2.25 Vendor Personnel:
The Project Director designated by the Secretary of State (SOS) must approve any change of the Vendor's project team members named in the proposal, in advance and in writing. Personnel changes that are not approved by the SOS may be grounds for the State to terminate the contract.

2.26 Right to Inspect Place of Business:
At reasonable times, the State may inspect those areas of the Vendor's place of business that are related to the performance of a contract. If the State makes such an inspection, the Vendor must provide reasonable assistance.

2.27 Inspection & Modification - Reimbursement for Unacceptable Deliverables:
The Vendor is responsible for the completion of all work set out in the contract. All work is subject to inspection, evaluation, and approval by the Project Director designated by the State. The State may employ all reasonable means to ensure that the work is progressing and being performed in compliance with the contract. Should the Project Director determine that corrections or modifications are necessary in order to accomplish its intent; the Project Director may direct the Vendor to make such changes. The Vendor will not unreasonably withhold such changes.

Substantial failure of the Vendor to perform the contract may cause the State to terminate the contract. In this event, the State may require the Vendor to reimburse monies paid (based on the identified portion of unacceptable work received) and may seek associated damages.

2.28 Source Code Escrow:
Vendor must provide a sample escrow agreement with their proposal. At a minimum the agreement must:

a) Identify an escrow agent;
b) Provide the software source code for all voting system components in a minimum of two formats (one human readable and one machine readable) to the escrow agent;
c) Provide the software documentation to the escrow agent;
d) Contain a statement confirming that the State of West Virginia will, within seven (7) days of the occurrence of one of the following events, receive full access to the source code and unlimited rights to continue using and supporting the software at no cost to the State should the Vendor:
   i) Become insolvent; or
   ii) Make a general assignment for the benefit of creditors; or
   iii) File a voluntary petition of bankruptcy; or
   iv) Suffer or permit the appointment of a receiver for its business or assets, or
   v) Become subject to any proceeding of bankruptcy or insolvency law, whether foreign or domestic; or
   vi) Wind up or liquidate its business voluntarily or otherwise and the State has reason to believe that the Vendor will fail to meet future obligations; or
   vii) Discontinue support of the provided products or fail to support the products in accordance with its maintenance obligations and warranties.
e) Contain a statement agreeing to notify in writing the ITA that qualified the system, giving the State of West Virginia full access to "final build", records and test results related to the qualification tests at no charge to the State; and
f) Contain a statement agreeing that the escrow will stay in place throughout the contract and any subsequent option years, as well as warranty and post-warranty periods at no cost to the State.

The Vendor shall deliver the source code escrow package to the escrow agent, pursuant to the sample escrow agreement within thirty (30) days of contract award.

2.29 Special Terms and Conditions of Contract:
2.29.1 *Bid and Performance Bonds:*
a. A Bid Bond in the amount of $500,000 shall be submitted with the technical proposal. A cashiers or certified check may be submitted in lieu of the bid bond. Failure to include the bid bond or other acceptable bid surety with the technical proposal shall result in disqualification of the proposal.
b. A performance bond in the amount of $500,000 shall be submitted by the successful bidder prior to award.

2.29.2 *Insurance Requirements*:
None.

2.29.3 *License Requirements:*
None.

2.29.4 *Litigation Bond:*
None.

2.29.5 *No Debt Affidavit*:
West Virginia Code §5A-3-10a-(3) (d) requires that all Vendors submit an affidavit of debt which certifies that there are no outstanding obligations or debts owing the State of West Virginia. The Debt Affidavit is attached to this request for proposal which ***should*** be completed, signed and returned ***with*** the Vendor's proposal.

2.30 General Terms and Conditions of Contract:
By signing and submitting their proposal, the successful Vendor agrees to be bound by all the terms contained in this RFP.

2.30.1 *Conflict of Interest*:
Vendor affirms that it, its officers or members or employees presently have no interest and shall not acquire any interest, direct or indirect which would conflict or compromise in any manner or degree with the performance or its services hereunder. The Vendor further covenants that in the performance of the contract, the Vendor shall periodically inquire of its officers, members and employees concerning such interests. Any such interests discovered shall be promptly presented in detail to the Agency.

2.30.2 *Prohibition Against Gratuities*:
Vendor warrants that it has not employed any company or person other than a bona fide employee working solely for the Vendor or a company regularly employed as its marketing agent to solicit or secure the contract and that it has not paid or agreed to pay any company or person any fee, commission,

percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award of the contract.

For breach or violation of this warranty, the State shall have the right to annul this contract without liability at its discretion, and/or to pursue any other remedies available under this contract or by law.

2.30.3 *Certifications Related to Lobbying*:
Vendor certifies that no federal appropriated funds have been paid or will be paid, by or on behalf of the company or an employee thereof, to any person for purposes of influencing or attempting to influence an officer or employee of any Federal entity, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any Agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Vendor shall complete and submit a disclosure form to report the lobbying.

Vendor agrees that this language of certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly. This certification will be a material representation of fact upon which reliance was placed when this contract was made and entered into.

2.30.4 *Vendor Relationship*:
The relationship of the Vendor to the State shall be that of an independent contractor and no principal-agent relationship or employer-employee relationship is contemplated or created by the parties to this contract. The Vendor as an independent contractor is solely liable for the acts and omissions of its employees, agents and any subcontractors.

Vendor shall be responsible for selecting, supervising and compensating any and all individuals employed pursuant to the terms of this RFP and resulting contract. Neither the Vendor nor any employees or Vendors of the Vendor shall be deemed to be employees of the State for any purposes whatsoever.

Vendor shall be exclusively responsible for payment of employees, contractors and Sub-contractors for all wages and salaries, taxes, withholding payments,

penalties, fees, fringe benefits, professional liability insurance premiums, contributions to insurance and pension or other deferred compensation plans, including but not limited to Workers' Compensation and Social Security obligations, and licensing fees, etc. and the filing of all necessary documents, forms and returns pertinent to all of the foregoing.

Vendor shall hold harmless the State, and shall provide the State and Agency with a defense against any and all claims including but not limited to the foregoing payments, withholdings, contributions, taxes, Social Security taxes and employer income tax returns.

The Vendor shall not assign, convey, transfer or delegate any of its responsibilities and obligations under this contract to any person, corporation, partnership, association or entity without expressed written consent of the Agency.

2.30.5 *Indemnification:*
The Vendor agrees to indemnify, defend and hold harmless the State and the Agency, their officers, and employees from and against: (1) Any claims or losses for services rendered by any Subcontractor, person or firm performing or supplying services, materials or supplies in connection with the performance of the contract; (2) Any claims or losses resulting to any person or entity injured or damaged by the Vendor, its officers, employees, or Subcontractors by the publication, translation, reproduction, delivery, performance, use or disposition of any data used under the contract in a manner not authorized by the contract, or by Federal or State statutes or regulations; (3) Any failure of the Vendor, its officers, employees or Subcontractors to observe State and Federal laws, including but not limited to labor and wage laws.

2.30.6 *Contract Provisions*:
After the successful Vendor is selected, a formal contract document will be executed between the State and the Vendor. In addition, the RFP and the Vendor's response will be included as part of the contract by reference. The order of precedence is the contract, the RFP and the Vendor's proposal in response to the RFP.

2.30.7 *Governing Law*:
This contract shall be governed by the laws of the State of West Virginia. The Vendor further agrees to comply with the Civil Rights Act of 1964 and all other applicable laws (Federal, State or Local Government) regulations.

2.30.8 *Compliance with Laws and Regulations*:
The Vendor shall procure all necessary permits and licenses to comply with all applicable laws, Federal, State or municipal, along with all regulations, and ordinances of any regulating body.

The Vendor shall pay any applicable sales, use, or personal property taxes arising out of this contract and the transactions contemplated thereby. Any other taxes levied upon this contract, the transaction, or the equipment, or services delivered pursuant here to shall be borne by the Vendor. It is clearly understood that the State of West Virginia is exempt from any taxes regarding performance of the scope of work of this contract.

2.30.9 *Term of Contract & Renewals*:
The State intends to enter into a contract for a period of five (5) years from contract award date.

Renewal Option
This contract may be renewed upon satisfactory completion of the initial contract term. Vendors are required to propose costs in the Cost Proposal for three (3) one (1) year option years to provide voting system maintenance and programming services. The State may elect to renew this contract annually by option year at its discretion under the same terms and conditions. This contract will not automatically renew. The State will provide written notice to the Vendor of its intent to renew this contract at least thirty (30) days before the scheduled contract expiration date.

Notice by Vendor of intent to terminate will not relieve Vendor of the obligation to continue to provide services pursuant to the terms of the contract.

2.30.10 *Contract Termination*:
The State may terminate any contract resulting from this RFP immediately at any time the Vendor fails to carry out its responsibilities or to make substantial progress under the terms of this RFP and resulting contract. The State shall provide the Vendor with advance notice of performance conditions which are endangering the contract's continuation. If after such notice the Vendor fails to remedy the conditions contained in the notice, within the time period contained in the notice, the State shall issue the Vendor an order to cease and desist any and all work immediately. The State shall be obligated only for services rendered and accepted prior to the date of the notice of termination.

The contract may also be terminated upon mutual agreement of the parties with thirty (30) days prior notice.

2.30.11 *Changes*:
If changes to the original contract become necessary, a formal contract change order will be negotiated by the State, the Agency and the Vendor, to address changes to the terms and conditions, costs of work included under the contract. An approved contract change order is defined as one approved by the Purchasing Division and approved as to form by the West Virginia Attorney General's Office, encumbered and placed in the U.S. Mail prior to the effective date of such amendment. An approved contract change order is required

whenever the change affects the payment provision and/or the scope of the work. Such changes may be necessitated by new and amended Federal and State regulations and requirements.

As soon as possible after receipt of a written change request from the Agency, but in no event more than thirty (30) days thereafter, the Vendor shall determine if there is an impact on price with the change requested and provide the Agency a written statement identifying any price impact on the contract or to state that there is no impact. In the event that price will be impacted by the change, the Vendor shall, provide a description of the price increase or decrease involved in implementing the requested change.

NO CHANGE SHALL BE IMPLEMENTED BY THE VENDOR UNTIL SUCH TIME AS THE VENDOR RECEIVES AN APPROVED WRITTEN CHANGE ORDER.

2.30.12 *Invoices, Progress Payments, & Retainage*:

The table below illustrates the State's proposed payment structure for the Vendor-provided systems, equipment and services procured through this RFP. Payment schedule is based on Vendor's completion of and State's acceptance of deliverables.

Deliverable	Cost based on deliverable
• Validation of the State's Requirements • Installed, configured voting system with: o Statewide license for the entire voting system o System documentation – one complete set of user and technical documentation for all hardware and components required to operate each system for the SOS and each local county clerk, in both printed and in electronic format o Project Management/Oversight o Warranty Payment of the above stated deliverable will be contingent upon successful testing for compliance with the state's specified requirements.	60%
• Training and informational materials – Internet and Other	5%
• Complete Training	10%
• Election Administrative Support	15%

• Post warranty maintenance and support	10%

Vendor is required to identify points in the work plan at which compensation would be appropriate. Progress reports must be submitted to Agency with the invoice detailing progress completed or any deliverables identified to support the payment schedule above. Payment will be made only upon approval of acceptable progress or deliverables as documented in the Vendor's report. Invoices may not be submitted more than once monthly and State law forbids payment of invoices prior to receipt of services.

The Vendor shall submit invoices, in arrears, to the Agency at the address on the face of the purchase order labeled "Invoice To" pursuant to the terms of the contract. Ten percent (10%) of all service and software invoices will be held and released thirty (30) days after the completion of the project.

2.30.13 *Liquidated Damages*:
According to West Virginia Code §5A-3-4(8), Vendor agrees that liquidated damages shall be imposed at the rate of $1,000 per day, with a five day grace period, for failure to provide deliverables, failure to meet mile stones identified to keep the project on target, or failure to meet specified deadlines. This clause shall in no way be considered exclusive and shall not limit the State or Agency's right to pursue to any other additional remedy to which the State or Agency may have legal cause for action including further damages against the Vendor.

2.30.14 *Record Retention (Access & Confidentiality)*:
Vendor shall comply with all applicable Federal and State of West Virginia rules and regulations, and requirements governing the maintenance of documentation to verify any cost of services or commodities rendered under this contract by Vendor. The Vendor shall maintain such records a minimum of five (5) years and make available all records to Agency personnel at Vendor's location during normal business hours upon written request by Agency within 10 days after receipt of the request.

Vendor shall have access to private and confidential data maintained by Agency to the extent required for Vendor to carry out the duties and responsibilities defined in this contract. Vendor agrees to maintain confidentiality and security of the data made available and shall indemnify and hold harmless the State and Agency against any and all claims brought by any party attributed to actions of breech of confidentiality by the Vendor, subcontractor, or individuals permitted access by Vendor.

SECTION THREE
BACKGROUND INFORMATION

3.01
Background Information:

West Virginia:
According to the 2000 Census Bureau statistics, West Virginia has a total population of 1,808,344. The number of votes cast for the Governor's Office in 2004 was 744,433, just under 53% of the voting age population. West Virginia is divided into 55 counties and 1,996 precincts as of the 2004 general election. Those counties range in size from Wirt County, with a voting age population of 4,381, to Kanawha County with a voting age population of 157,435.

Elections in West Virginia are administered at the county level. The counties are served by both elected and appointed county election officials. Those officials are responsible to the Secretary of State for administering all aspects of election management within their respective counties. As the state's chief election official, the Secretary of State is elected and charged with the oversight of all elections, including administration of state election law, election official training, candidate filings, candidate certification, campaign finance and disclosure oversight, and compilation of election results.

Voting Equipment:
Currently, West Virginia has 28 counties using optical scan voting systems, 10 using hand-count paper ballot systems, 3 using lever machines, 12 counties using a punch-card system, and 2 using DRE systems. There are three counties considering implementing DRE systems as of the date of this request for proposal. However, this RFP does not obligate those counties to purchase DRE systems. This Request for Proposal is anticipated to result in the purchase of approximately 2,021 unassisted DRE systems with the potential for an additional 1,500 DRE systems. Based on the information provided in Appendix C, there are 1,966 precincts.

HAVA:
In response to the national debate over the accuracy and administration of Federal elections, President George W. Bush signed the Help America Vote Act of 2002 (HAVA) into law on October 29, 2002. The HAVA legislation not only provides requirements for technology, procedures and education, but also for the first time allocates Federal funds to assist the states with the implementation of those requirements.

West Virginia is well on its way towards the successful implementation of HAVA. In 2003, the State Legislature was very supportive of the changes required by HAVA and enacted legislation enabling the Secretary of State to develop and implement a State HAVA Plan in compliance with the federal provisions. Although West Virginia was not plagued by the problems experienced in other states, HAVA creates a unique

opportunity to proactively upgrade the election process, including a statewide voting system capable of best serving its citizens. The Secretary of State, Betty Ireland, is the chief election official in West Virginia.

State law authorizes the use of voting systems that will comply with the disability access requirements of HAVA. State law also authorizes the use of DRE's, as well as precinct-based scanners. Each polling location in West Virginia will be equipped with a voting system capable of allowing persons with disabilities (and others) to vote unassisted. Each polling place in West Virginia will be required to have the new voting system implemented by January 1, 2006.

Please refer to the West Virginia HAVA Plan for additional details on background and West Virginia's approach to this legislation. The plan may be found at http://www.wvsos.com

SECTION FOUR
SCOPE OF WORK AND QUALIFICATIONS

4.01 Scope of Work:

Overview:
The West Virginia Secretary of State's Office is soliciting proposals to procure the services of a Vendor capable of providing optical scan and unassisted access voting systems for the State of West Virginia. The proposed voting systems must meet the standards set forth by the Help America Vote Act of 2002 (HAVA) and the West Virginia certification process. The selected Vendor must provide corresponding training, device programming, maintenance, warranty, support and system software upgrades.

West Virginia is seeking to purchase approximately 2,021 unassisted access DRE's to be distributed throughout the 55 counties in the state, as well as approximately 50 central count optical scan voting systems. We also expect to purchase approximately 1,500 DRE's for those counties that wish to utilize this type of system in lieu of the optical scan system. All polling locations within West Virginia will have approximately one unassisted access DRE. Automated integration of election tallying must be included within the framework of the devices. The quantities of required items are specifically subject to change due to potential changes in eligible voters.

From the time that the contract is awarded until contract completion; the selected Vendor will be required to provide all election programming (at the discretion of each county) and on-site technical support and programming support for the counties that have deployed voting systems.

Clarifications:
All quantities of hardware, software and other items specified in this RFP are for the information of the Vendor regarding the State's current intent. The listed quantities in no way obligate the State to purchase the full amount under the resultant contract. In addition, the State reserves the right to negotiate amendments to the resultant contract to incorporate new models of voting devices that may become available after the contract is awarded.

Project Goals:

a) Provide the voters of West Virginia with an accurate, cost effective, user friendly election system;

b) Implement a voting system that provides "uniform and nondiscriminatory election technology" that meets all specific voting standards set forth by the State of West Virginia and the Help America Vote Act;

c) Encourage and improve election accessibility for individuals with disabilities;

d) Replace all voting systems deemed inadequate by the Help America Vote Act; and

e) Complete statewide election system implementation by December 31, 2005.

State-Furnished Services:
The State Purchasing Division will provide a Project Director to oversee the progress of the RFP process and the award process. This Project Director will provide oversight and general administration to the awarded Vendor(s) from contract execution until conclusion. The Secretary of State's Office will also appoint a Project Director who will have responsibility for ensuring that post contract tasks are completed as scheduled. The Project Director, working in conjunction with the awarded Vendor(s), will determine the schedule and format for all project progress related tasks. These tasks include but are not limited to items such as progress reports, status meetings, etc.

The Secretary of State will form a committee to assist the Project Director in monitoring and managing the progress of the project. The committee will be made up of a diverse group of members representing the entities impacted by the election process changes of this project.

Description of Specific, Results-Oriented Tasks:
The awarded Vendor will be required to meet all project milestones/deadlines identified in the Schedule of Events in Section 2.14. The following deliverables will be required for the successful completion of this project:

a) Implementation of installed and configured central count optical scan, DRE, and unassisted access DRE voting devices;
b) Complete adherence of all voting device equipment to West Virginia and HAVA certification requirements;
c) Election Management Systems;
d) Election Reporting Systems;
e) Election Administration Support (including programming);
f) Comprehensive and Extensive Voting Systems Training;
g) Hardware, Software and Firmware Documentation; and
h) Warranty.

These deliverables are described in more detail in Section 4.07.

Quality Assurance:
Quality assurance will best be monitored by the awarded Vendor(s) ability to fully meet the project milestones/deadlines identified in the Schedule of Events in Section 2.14 and the project related tasks determined by the Project Director. The Committee will be responsible for establishing specific quality control guidelines during the performance of the contract. Non-performance may be indicated by failure of the system to meet the requirements set forth in this RFP or any other failure to comply with reasonable expectations of performance.

Intended Schedule:
The Project Director designated by the State must be informed of and approve any

deviance from the project schedule by the awarded Vendor well in advance of the deliverable date. Failure to meet this requirement will jeopardize the contract completion and the standing of the awarded Vendor(s).

4.02
Location of Work:
With the exception of training and maintenance, only limited on-site performance is required by the Vendor. The Secretary of State does not expect to provide any space or facilities for the successful Vendor other than what is explicitly required by provisions of this RFP.

The State and the counties will suggest locations for training classes conducted by the Vendor. These classes will most likely be held in the county seat of each county. However, the State will entertain additional suggestions for training locations/arrangements as well. Some larger counties will have multiple training sessions before each election due to the number of election officials, which includes all election day poll workers and all alternates, being trained. All costs related to training on new devices purchased as a result of this RFP will be born by the Vendor. Counties will continue to pay traditional poll worker training costs.

The Vendor should include in their cost proposal: transportation, lodging, and per diem costs sufficient to pay for any travel requirements as dictated by their response to the Scope of Work (Section 4.01) and Deliverables (Section 4.06) sections of this RFP.

NOTE: **Do not** list these travel and lodging costs as additional items in your proposal. Your proposal **must be inclusive** of these costs. Please include all travel-related costs in your proposal. In the event that additional travel and lodging costs are included in the proposal, your proposal will be disqualified.

4.03
Vendor Qualifications:

Minimum Standards:
In order for offers to be considered responsive, Vendors must meet stated minimum standards. A Vendor's failure to meet these minimum standards will cause their proposal to be considered non-responsive and their proposal will be rejected.

Previous Experience:
The Vendor must demonstrate their experience with similar projects by providing a list of previous engagements within the past five (5) years where the Vendor successfully implemented voting system(s). Scoring preference will be given to projects of similar or larger size and complexity than that proposed for West Virginia. If the experience listed is that of a Subcontractor, then that fact must be noted. If the Vendor cannot provide this list, then the Vendor's proposal will be considered non-responsive and the proposal will be rejected. The list must contain:

a) Brief description of the voting system and services offered;
b) Key dates of the engagement (i.e. award, contract, training, implementation, elections conducted, support);
c) Model of voting device(s) implemented;
d) Description of training approach;
e) Duration and contents of support agreement (if applicable); and
f) Warranties provided.

References:
A minimum of three (3) customer references must also be provided. Scoring preference will be given to references from current or former clients where the Vendor successfully implemented voting system(s) of equal or larger size and complexity than proposed for West Virginia. References must include:

a) Client organization name;
b) Contact name, title, telephone number, e-mail and project responsibility;
c) The product/services provided; and
d) Duration of contract(s) and current relationship.

Financial Status:
The Vendor must clearly demonstrate their financial capability to successfully complete the project deliverables and meet the long-term on-going requirements for system support. The Vendor's proposal must include the following items:

a) Copies of the last two (2) years audited financial statements;
b) Number of years the Vendor has been in business;
c) Number of years the Vendor has provided DRE voting systems and optical scan systems; and,

d) Vendor's available letter of credit and Dunn & Bradstreet rating.

Vendors are encouraged to provide a three year post-contract plan for continuing support of proposed systems. Scoring preference will be given to proposals that include a detailed plan outlining their ability and intention to provide on-going support for proposed voting systems.

Capacity:
Due to the aggressive timeline for implementation, the Vendor must demonstrate the capacity to meet the delivery requirements for voting systems and the required support services. The Vendor must provide a statement of capacity in the Executive Summary affirming the Vendor has the capacity to perform all required activities as specified in the Scope of Work (Section 4.01), regardless of current, pending or future contracts with other customers. The Vendor should provide any additional information supporting the statement of capacity in their response to Section 5.06.

4.04
Voting System Requirements:

Minimum Requirements:
In order for offers to be considered, responsive proposed voting systems must meet the following minimum requirements. The minimum requirements refer to all proposed voting systems (i.e. standard DRE or unassisted access DRE or central count optical scan) unless otherwise noted. A Vendor's failure to demonstrate that the proposed voting system meets these standards will cause their proposal to be considered non-responsive and their proposal will be rejected.

4.04.01 State of West Virginia Certification
Revisions to State Law authorize the Secretary of State to propose rules for the purpose of certifying and decertifying voting systems to ensure compliance with Federal standards Any voting system proposed must be certified by the State prior to purchase or use in West Virginia. In the event that the selected voting system cannot be certified by the State, the contract will be terminated for cause by the Secretary of State.

4.04.02 Independent Test Authority (ITA)
All voting equipment, firmware and software proposed must be qualified by a National Association of State Election Directors (NASED) approved Independent Test Authority (ITA) or currently pending qualification by a NASED approved ITA provided the system has successfully completed the source code review portion of testing. The certification must be demonstrated with a copy of the qualification certificate issued by the ITA.

For systems pending qualification, documentation from the ITA that the system is pending qualification and that the source code review portion of the testing is

complete and satisfactory must be submitted with the proposal. In addition, a signed authorization directing the ITA to submit the results of its testing directly to the Secretary of State and allowing the Secretary of State full access to test records and data is required. All proposed equipment must achieve ITA qualification prior to contract award. If the Vendor does not provide an ITA qualification certificate to the State prior to the "Award" date, then their proposal will be deemed unresponsive, and their proposal will be rejected.

4.04.03 Election Assistance Commission (EAC):
All hardware and software components of the proposed system, including provisions for absentee voting and disabled voters, must comply with the EAC Voting System Standards. Evidence of this compliance shall be supplied in the form of the qualification number issued by the EAC.

4.04.04 West Virginia Law:
All hardware and software components of the proposed system, including provisions for absentee voting and disabled voters, must comply with the voting equipment standards set out in Chapter Three of the West Virginia Code as amended and all rules promulgated thereunder.

4.04.05 Compatibility:
The proposed optical scan, the DRE, and unassisted access DRE voting systems must be compatible with each other. Compatibility means that all election-related processes, such as ballot generation and vote tallying, must function in an integrated manner to minimize manual effort for the county officials The Vendor should demonstrate how their proposed devices are compatible and all election functions are integrated. The election setup process should only have to occur once per election. Furthermore, the proposed voting system should provide the ability to both program elections and tally results at the county and state level. It is the intent of this RFP to choose a Vendor who can successfully integrate the output from DRE and optical scan devices.

4.04.06 Accuracy:

All DRE voting systems must:

a. Permit each voter to vote at any election for all persons and offices for whom and which he or she is lawfully entitled to vote, whether or not the name of any person appears on the ballot as a candidate; and permit each voter to vote for as many persons for an office as he or she is lawfully entitled to vote for; and to vote for or against any question upon which he or she is lawfully entitled to vote. The automatic tabulating equipment used in DRE voting systems is to reject choices recorded on any ballot if the number of choices exceeds the number to which a voter is entitled;
b. Permit each voter at any election other than primary elections to vote a straight party ticket, as provided by West Virginia Code §3-6-5 including the ability to choose candidates from another party in certain votes in addition to the straight party votes for all other races;
c. Permit each voter in primary elections to vote only for the candidates of the party for which he or she is legally permitted to vote and precludes him or her from voting for any candidate seeking nomination by any other political party; permits him or her to vote for the candidates, if any, for nonpartisan nomination or election and permits him or her to vote on public questions;
d. Have the capacity to contain the names of candidates constituting the tickets of at least nine political parties and accommodates the wording of at least fifteen questions;
e. Allow election commissioners to spoil a ballot where a voter fails to properly cast his or her ballot, has departed the polling place and cannot be recalled by a poll clerk to complete his or her ballot;
f. Allow election commissioners, poll clerks or both to designate, mark or otherwise record provisional ballots;
g. Be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all pages before completing his or her vote and to allow the voter to review and change all ballot choices prior to completing and casting his or her ballot;
h. Accurately report all votes cast;
i. Provide logic to detect or prevent voter errors and allow the voter to correct/revote their ballot;
j. Control logic and data processing methods to detect errors and provide correction method;
k. Accommodate multi-member districts where multiple votes are cast for more than one candidate in the same election;
l. Provide for storage and tabulation of the same number of write-in slots as the number of votes allowed for a particular election;
m. Provide for the tabulation of votes cast in split precincts, where all voters residing in one precinct are not voting the same ballot style;
n. Provide for the tabulation of votes cast in combined precincts, where more than one precinct is voting at the same location, on either the same or a different ballot style
o. Maintain multiple ballot combinations on a single unit;
p. Easily download results from balloting into the final tally of results;
q. Provide logic and accuracy tests in the memory of the main processor and the programmable memory device used on Election Day, including zero printouts before each election and a precinct tally printout at the close of each election;
r. Permit diagnostic testing of all the major components within each unit;
s. Provide a Voter Verifiable Paper Audit Trail;
t. In the event of a failure in the unit, retain a record of all votes cast prior to the failure.
u. Present the ballot to the voter in a clear and unambiguous manner;
v. Store and present to the voter any ballot style in use in the given jurisdiction;
w. Report a list of write-in candidates receiving votes after the polls are closed;
x. Alert the voter about under votes before the final ballot is cast;

y. Prohibit over votes before the final ballot is cast; and,
z. Provide a summary at the end of the ballot describing the voter's choices prior to the final vote being cast.

All central count Optical Scan voting systems must:

a) Permit each voter to vote at any election for all persons and offices for whom and which he or she is lawfully entitled to vote, whether or not the name of any person appears on the ballot as a candidate; and it permits each voter to vote for as many persons for an office as he or she is lawfully entitled to vote for; and to vote for or against any question upon which he or she is lawfully entitled to vote. The automatic tabulating equipment used in central count Optical Scan voting systems is to reject choices recorded on any ballot if the number of choices exceeds the number to which a voter is entitled;
b) Permit each voter at any election other than primary elections to vote a straight party ticket, as provided in section five, article six of this chapter;
c) Have the capacity to contain the names of candidates constituting the tickets of at least nine political parties and accommodates the wording of at least fifteen questions;
d) Accurately report all votes cast;
e) Control logic and data processing methods to detect errors and provide correction method;
f) Accommodate multi-member districts where multiple votes are cast for more than one candidate in the same election; Provide for the tabulation of votes cast in split precincts, where all voters residing in one precinct are not voting the same ballot style;
g) Provide for the tabulation of votes cast in combined precincts, where more than one precinct is voting at the same location, on either the same or a different ballot style;
h) Maintain multiple ballot combinations on a single unit;
i) Easily download results from balloting into the final tally of results;
j) Provide logic and accuracy tests in the memory of the main processor and the programmable memory device used on Election Day, including zero printouts before each election and a precinct tally printout at the close of each election;
k) Permit diagnostic testing of all the major components within each unit;
l) In the event of a failure in the unit, retain a record of all votes cast prior to the failure;
m) Shall be configured to meet all pre-election and post-election testing requirements with testing samples;
n) Accurately scan and count all ballots received by county while detecting all possible errors;.
o) Accurately scan and separate split-precincts for tabulation of different ballot types;
p) Accurately detect and segregate overvotes, write-ins, blanks, and damaged ballots as needed;
q) Accurately scan a variety of ballot sizes;
r) Accurately scan a ballot with up to 6 columns and 150 oval positions;

s) Accurately display all detected errors to user before tabulation completed;
t) Accurately tabulate results of all races on ballots, including totals and precinct totals;
u) Accurately transfer data to the Election Management System with a level of security;
v) Accurately scan at a minimum of 250 ballots per minute;
w) Accurately scan ballots in varied directions;
x) Accurately scan ballots with both sides used;
y) Accurately merge ballots from same precinct if scanned out of order;
z) Accurately scan ballots of varied paper weight;
aa) Accurately scan ballots that use varied marking devices; and,
bb) Provide for a removal of an already counted precinct and a re-counting of that same precinct in the event of errors.

4.04.07 Audit and Security:

All DRE voting systems must:

a. Have a means for sealing or electronically securing the vote recording device to prevent its use and to prevent tampering, both before the polls are open or before the operation of the vote recording device for an election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed;
b. Generate a paper copy of each voter's votes that will be automatically kept within a storage container, that is locked; closely attached to the direct recording electronic voting machine, and inaccessible to all but authorized voting officials, who will handle such storage containers and such paper copies contained therein in accordance with section nineteen of this article;
c. The paper copy of the voter's vote shall be generated at the time the voter is at the voting station using the direct recording electronic voting machine;
d. The voter may examine the paper copy visually or through headphone readout, and may accept or reject the printed copy;
e. The voter may not touch, handle or manipulate the printed copy manually in any way;
f. Once the printed copy of the voter's votes is accepted by the voter as correctly reflecting the voter's intent, but not before, it will automatically be stored for recounts or random checks and the electronic vote will be cast within the computer mechanism of the direct recording electronic voting machine;
g. Bear a number that will identify it or distinguish it from any other machine;
h. Produce a Voter Verifiable Paper Audit Trail;
i. Ensure that each voter's ballot is secret and the voter cannot be identified by image, code or any other method;
j. Provide summary reports of votes cast on each voting device by extracting information from a memory or data storage device;
k. Provide reports (either printed or an Excel compatible file) regarding the opening and closing of the polls that include the following:

1. Identification of the election;
2. Poll opening and closing dates and times;
3. Identification of the voting device unit;
4. Identification of the ballot style(s);
5. Identification of the candidate(s) and/or issue(s), verifying a zero start;
6. Identification of all ballot fields and all special voting options;
7. Summary report of vote totals or ability to extract same;
8. Prevention from printing the summary report(s) prior to the polls being closed;

l. Be configured so as to perform the necessary pre-election testing of "logic and accuracy" for all hardware, firmware and software;
m. Allow programmable memory device(s) to be sealed in unit with a means of tamper detection;
n. Prevent the modification of the voter's vote after the ballot is cast;
o. Prohibit voted ballots from being accessed by anyone until after the close of polls;
p. Allow for extraction of data from memory devices to a central host; and
q. Provide safeguards against tampering, theft or damage; and,
r. Provide for a detailed print record of each ballot cast.

All central count Optical Scan systems must:

a) Ensure that each voter's ballot is secret and the voter cannot be identified by image, code or any other method;
b) Provide summary reports of votes cast on each voting device by extracting information from a memory or data storage device;
c) Provide reports (either printed or an Excel compatible file) regarding the opening and closing of the polls that include the following:
    i. Identification of the election;
    ii. Poll opening and closing dates and times;
    iii. Reports of all adjustments;
    iv. Summary number of overvotes, write-ins, blanks, and damaged ballots;
d) Prevent modification of results without the scanning of a ballot;
e) Allow for extraction of data to a management system; and,
f) Provide safeguards against tampering, theft or damage.

4.04.08 Technical Requirements:

All DRE voting systems must:

a) Consist of devices which are independent, non-networked voting systems in which each vote is recorded and retained within each device's internal nonvolatile electronic memory and contain an internal security, the absence of which prevents substitution of any other device;
b) Store each vote in no fewer than three separate, independent, nonvolatile electronic memory components and that each device contains comprehensive diagnostics to ensure that failures do not go undetected;

c) Contain a unique, embedded internal serial number for auditing purposes for each device used to activate, retain and record votes;
d) Employ a reusable, removable and interchangeable memory device capable of storing election results for multiple precincts, districts, and ballot styles;
e) Store tabulation of votes, ballot by ballot, in two or more memory locations on separate integrated circuit chips that shall be electronically compared throughout the election generating an error message when differences are detected;
f) Plug in to a standard 110 volt AC outlet;
g) Provide a battery back-up unit, which can provide continuous operation in case of power failure for a minimum of two (2) hours;
h) Contain an internal clock for recording dates and times of all activities;
i) Provide for automatic zeroing or clearing of the accumulators prior to processing of actual voted ballots;
j) Contain a counter or provide for periodic printing of the number of ballots counted on the device;
k) Provide visual messages to assist in the resolution of problems or in the operation of the device;
l) Allow any removable components to be easily accessed or removed by election officials; and,
m) Require minimal maintenance during storage.

All central count Optical Scan systems must:

a) Employ a reusable, removable and interchangeable memory device capable of storing election results for multiple precincts, districts, and ballot styles;
b) Store tabulation of votes, ballot by ballot, in two or more memory locations on separate integrated circuit chips that shall be electronically compared throughout the election generating an error message when differences are detected.
c) Plug in to a standard 110 volt AC outlet;
d) Provide a battery back-up unit, which can provide continuous operation in case of power failure for a minimum of two (2) hours;
e) Contain an internal clock for recording dates and times of all activities;
f) Provide for automatic zeroing or clearing of the accumulators prior to processing of actual voted ballots;
g) Contain a counter or provide for periodic printing of the number of ballots counted on the device;
h) Allow any removable components to be easily accessed or removed by election officials;
i) Provide a display panel that reflects potential errors with ballots detected as the ballot is scanned;
j) Provide a back up recovery in the event of power failure; and,
k) Provide for data storage to transmit data electronically with other systems.

4.04.09 Voter Comfort:

All DRE voting systems must:

a) Allow adjustable font size and contrast for ease of sight;
b) Provide ballot including minimal, easy to follow on-screen instructions for use by the voter;
c) Make the voter aware of their ballot choice by clear means;
d) Provide voters a summary screen at the end of the ballot;
e) Be capable of supporting multiple languages;
f) Allow voter to change selection until the voter is satisfied with choice at anytime prior to the final casting of a ballot;
g) Allow the voter to review their write-in input to the interface, edit that input and confirm that the edits meet their intent;
h) Prompt the voter to confirm the voter's choices before casting their ballot, signifying to the voter that casting the ballot is irrevocable and directing the voter to confirm the voter's intention to cast the ballot, and shall further signify to the voter that the ballot has been cast after the vote is stored successfully: and
i) Provide a means to demonstrate the operation of the devices to the voters.

4.04.10 Accessibility:

All DRE voting systems must:

a) Meet or exceed all federal and state laws that address accessibility to voting;
b) Provide sufficient width, and have easily adjustable height, to allow wheelchair access, or provide an alternative solution if the devices are contained in a voting booth;
c) Allow the voter to review their write-in input to the interface, edit that input, and confirm that the edits meet their intent;
d) Provide a clear, identifiable action that the voter takes to "cast" the ballot;
e) Have a booth (if the devices are contained in a voting booth) designed so as to provide privacy for the voter while voting, be well lit, and equipped with a fixed surface of writing height on which to vote and accommodate elderly, disabled or other voters with special needs; and
f) Make clear to the voter how to cast a ballot, such that the voter has minimal risk of doing so accidentally, but when the voter intends to cast the ballot, the action can be easily performed.

Unassisted access DRE systems must also:

a) Provide a method by which voters can choose the language of the ballot whether presented visually or through audio devices;
b) Be adaptable for disabled voters, from a restructuring of the voting unit or booth to the removal of the device including being lightweight and portable enough for use on a voter's lap or to provide an alternative solution;
c) Provide audio instructions for the ballot and a mechanism for the visually impaired voter to cast a ballot, either on the voting unit, itself, or on a separate device designed for this purpose; and
d) Allow the auditory functions to be adjustable to meet the needs of the voter ;
e) Provide a sip and puff device for voters who have limited or no use of hands and/or arms; the device must include disposable mouth pieces;
f) Provide for the use of a stylus for voters who have limited or no use of hands and/or arms;
g) Provide buttons which are easily identifiable for people who are blind or visually impaired;
h) Allow the option of a blank screen for voters who are blind or visually impaired so they can be assured their vote is private (NOTE: this feature is desirable, but not mandatory);
i) Allow adjustable font size and contrast for people with visual impairments and colorblindness; and,
j) Allow for a election official to assist a voter in activation, either through remote help or direct access to the voting unit; or devices should allow the voter themselves to activate the unit using some form of activation device [i.e. smart card, access code, or activation cartridge].

4.04.11 Portability/Ease of Use:

All DRE voting systems must:

a) Be composed of equipment which is compact, portable, and made up of components each weighing less than 50 pounds;
b) Provide precinct units able to withstand frequent loading and unloading, stacking, assembling, disassembling, reassembling, and heavy use, without damage to internal circuitry;
c) Provide election officials with a method to immediately detect if a voting unit is not operating properly;
d) Be composed of equipment of such size as to be able to move through standard size doorways into various size polling places for storage in a particular location within the polling place prior to Election Day use if applicable. Most counties will store machines at a central location and transport them to the polling place prior to Election day;
e) Be transportable, without damage to internal circuitry; conditions for transporting could include extremely bumpy roads, exposure to extreme heat or cold, dust or other environmental elements;
f) Provide election officials with instructions that are easy to follow and easy to understand;
g) Include a printer that is easy for the election official to operate; and
h) Allow arrangement of the system components at the polls that do not create hazards for the voters and election officials.

All central count Optical Scan voting systems must:

a) Provide election officials with a method to immediately detect if a voting unit is not operating properly;

b) Be composed of equipment of such size as to be able to move through standard size doorways into various size polling places for storage in a particular location within the polling place prior to Election Day use if applicable. Most counties will store machines at a central location and transport them to the polling place prior to Election day;
c) Be transportable, without damage to internal circuitry; conditions for transporting could include extremely bumpy roads, exposure to extreme heat or cold, dust or other environmental elements;
d) Provide election officials with instructions that are easy to follow and easy to understand;
e) Include a printer that is easy for the election official to operate;

4.04.12 Communications:

It is highly desirable for all voting systems to:

a) Provide for network reliability in the speed and accuracy of data transmission of election results;
b) Provide for encryption of data transmissions that prohibit access to or manipulation of data transmissions;
c) Provide for the removal of an already counted precinct and a re-counting of that same precinct in the event of errors in transmission;
d) Be capable of transmitting election results to a host system from a precinct or district, or from a regional receiving site; and
e) Provide for accurate and immediate transfer of data.

Current West Virginia law does not allow networking or transmitting election results electronically from polling places.

4.04.13 Absentee Voting/Early Voting:

All DRE voting systems must:

a) Program absentee and early voting ballots from the same database and election definition used to program the precinct voting devices;
b) Allow the devices used for early voting to be deactivated at the end of each day and reactivated the next day without requiring the polls to be closed or results to be printed until early voting is completed;
c) Integrate absentee and early voting results with Election Day results seamlessly and immediately; and,
d) Produce and record results from optical scan ballots if applicable.

All central count Optical Scan voting systems must:

a) Integrate absentee and early voting results with Election Day results seamlessly and immediately.

4.04.14 Election Management System:

Any proposed Election Management System (EMS) shall consist of the hardware and software required to perform all processes from election setup through the completion of the election cycle. The EMS shall generate all required master and distributed copies of the voting program in conformance with the definition of the ballot for each polling place and voting device, including devices required to facilitate absentee voting, early voting, language accessibility, and disabled voters. The software must ensure that county personnel can accomplish all EMS programming functions as a part of the election setup process. The EMS must include the following components:

Administrative Database

The EMS shall allow local and state election officials to generate and maintain an administrative database containing the definitions and descriptions of political subdivisions and offices within the jurisdiction. The environment in which all databases in the subsystem are maintained shall include all necessary provisions for security and access control.

The EMS shall provide for the definition of political and administrative subdivisions where the list of candidates or contests may vary within the polling place and for the activation or exclusion of any portion of the ballot upon which the entitlement of a voter to vote may vary by reason of place of residence or other such administrative or geographical criteria.

For each election, the EMS shall allow the user to generate and maintain a candidate and contest database and provide for the production or definition of properly formatted ballots and software. This database shall be used by the system with the administrative database to format ballots or edit formatted ballots within the jurisdiction.

The proposed software shall allow additional districts to be added to the election structure without affecting the existing ballot typing in the ballot management software.

Election Programming

The EMS shall provide a mechanism for definition of the ballot, including the number of allowable votes for each contest and for special voting options such as write-in candidates. The EMS should also provide a software capability for the creation of newly defined elections, for the

retention of previously defined formats in that election, and for the modification of a previously defined ballot format. Data entered during election setup shall be carried through ballot layout and production of final canvasses with minimal, if any, duplicate data entry. The proposed software shall automatically transfer all ballot setup information from the EMS to the ballot tabulation system.

Ballot software should allow counties the capability to program memory devices for absentee voting, early voting and Election Day tabulation for each proposed voting system from a single, uniform application.

The election setup parameters shall accommodate multiple candidates, offices, parties, provide rotation (for primaries and general elections) of the same, and all other voting options and specifications as provided for by State law.

Absentee Voting/Early Voting

The EMS must fully support the absentee and early voting requirements as specified in Section 4.04.12.

Write-In Candidates

The proposed system shall provide a means of recording votes cast for candidates for any office whose names do not appear upon the ballot. It must allow for each voter to enter as many names of write-in candidates as the voter is entitled to select for each office. All official write-in votes shall be merged seamlessly.

Election Testing

The software must provide a mechanism for testing correctness of the election programming for each voting device and polling place. Such testing must be capable of ensuring accurate programming by simulating an actual election from setup to final vote tally in accordance with Chapter 3 of West Virginia Code.

Statewide Integration

The county EMS should be able to receive data electronically from the state in an agreed upon format that contains at a minimum the following data:

a) Full candidate name;
b) Address line;
c) Candidate sequence;
d) Text of ballot questions and voting option language;

e) Name of authorized presidential candidate when applicable;
f) Office name;
g) Number to vote for each office;
h) Party affiliation;
i) Ballot style indicator; and,
j) Number of registered voters at the precinct.

4.04.15
Election Reporting Requirements:

The proposed Election Reporting system must:

a) Receive and seamlessly integrate results from all proposed voting devices, including the ability to merge results from a precinct count optical scan device and an unassisted access device in the same precinct;
b) Prevent provisional ballots from entering the count on election night;
c) Provide a cumulative, canvass and precinct report of absentee voting, early voting and Election Day voting as one total;
d) Provide for unofficial reports including absentee, early voting, Election Day, write-ins and total vote;
e) Provide for official reports including absentee, early voting, Election Day, write-ins, provisional and total vote;
f) Provide for unofficial and official reports including absentee, early voting, Election Day, write-ins and total vote;
g) Provide, for election night reporting, a listing of precincts/districts reporting and a listing of precincts/districts not reporting;
h) Provide the ability to custom design election reports;
i) Provide for the removal of an already counted precinct and a re-counting of that same precinct in the event of errors in transmission or any other type of error;
j) Generate results in an agreed upon format for election night reporting;
k) Allow all reporting requirements to be met at both the county and state level (where applicable);
l) Provide for the transmission of election results through whatever medium chosen by the State:
    i) County;
    ii) Precinct;
    iii) District;
    iv) Candidate Name;
    v) Office;
    vi) Number of votes for (including ballot questions);
    vii) Number of votes against (where applicable) (including ballot questions); and
    viii) Number of ballots cast at the precinct level (by party affiliation if applicable);

l) Provide for the return of data from any or all counties to a central state location where statewide results for any or all counties may be seamlessly integrated for state races;
m) Provide for the download of election results into widely used formats, at a minimum, ASCII, HTML and Excel;
n) Provide for election results to be produced in such a manner as to allow for easy copying for paper distribution; and
o) Provide a system audit log containing sufficient information to allow the auditing of all operations related to central site (state or county) ballot tabulation, results consolidation and report generation, including at a minimum:
    i) Program identifier and version number;
    ii) Election file(s) used;
    iii) Record of options entered by the operator;
    iv) Record of actions performed by the software; and
    v) Record of all tabulation and consolidation input.

4.05 Federal Requirements:
The Vendor must identify all known federal requirements that apply to the proposal, the evaluation, or the contract.

Any voting system(s) proposed by the Vendor must meet all voting system standards set forth in Title III, Section 301 of the Help America Vote Act of 2002 (HAVA). These standards include, but are not limited to:

a) Audit Capacity;
b) Accessibility for individuals with disabilities;
c) Alternative language accessibility; and
d) Error rates.

For the five (5) years following the contract award, the successful Vendor is solely responsible for meeting HAVA Title III compliance requirements, once said requirements have been set out by the Election Assistance Commission (EAC), on all provided voting systems, at no cost to the State or Counties.

4.06 Deliverables:

The Vendor will be required to provide the following deliverables:

Implementation of Installed and Configured DRE's and Unassisted Access DRE's and Optical Scan Voting Devices
The Vendor will be responsible to:
a) Comply with all delivery and setup dates;
b) Provide the Project Director designated by the State with a checklist to be completed and signed attesting to the successful installation, configuration and testing of the voting device equipment. The Project Director may assign this task to other personnel as required; and
c) Ensure the price of all procured voting devices will remain the same throughout the life of the contract.

Complete Adherence of All Voting Device Equipment to West Virginia and HAVA Requirements
The awarded Vendor must be able to validate the capabilities of the proposed voting devices. Each type of voting device equipment must adhere to the certification requirements set forth by the State of West Virginia (see Appendix A) and HAVA. The awarded Vendor must develop and facilitate a detailed demonstration session for the Secretary of State and invited guests by August 19, 2005. This demonstration session will be used to confirm that the proposed voting devices meet the aforementioned requirements. The Vendor will:

a) Develop and submit a walk-through document prior to the session that can be used by the Secretary of State to identify if each minimum requirement has been met;
b) Identify and confirm during the demonstration session when a requirement is being met; and
c) Document and respond to any and all questions related to the demonstration. A form of detailed "minutes" must be provided to the Project Director within one week of the walk-through.

Election Management System (EMS)
The awarded Vendor must provide a fully functional Election Management System. It must include all software and any hardware required for each jurisdiction (state or county) purchasing the system. The EMS must support the following functions:

a) Administrative Database;
b) Election Programming;
c) Absentee and Early Voting;
d) Write-in Candidates;
e) Election Testing; and
f) Statewide Integration;

Election Reporting System
The awarded Vendor must provide a fully functional Election Reporting System. It must include all software and any hardware (that is not typically included with a standard PC workstation) required for each jurisdiction (state or county) purchasing the system. This system must meet all reporting requirements as specified in section 4.04.14.

Election Administration Support
The awarded Vendor will be required to perform the following election administration support functions:

a) The Vendor must establish a Project Manager or primary contact person. This individual must serve as the primary point of contact. They will be responsible for communicating and facilitating all directives and issues provided by the Project Director, the Committee, and/or the Secretary of State. This individual will work in close conjunction with the Project Director. Any change to the person filling this role must be approved in advance and in writing by the Secretary of State;
b) The Vendor must maintain a direct, toll free telephone number for the duration of the contract and subsequent renewals to facilitate access to the Project Manager;
c) The awarded Vendor will prepare a plan to support the counties in which the system is being deployed. On-site technical support shall be provided to counties for federal (Primary, General, and Special) elections in which the new voting system, or parts thereof, are being utilized for the first time. Vendors may structure their support plan to reflect regional on-site technical support for elections, providing recognition of geographic restrictions and coverage capability of the number of polling locations within the Vendor-proposed regional area. Some of the responsibilities of on-site technical support include but are not limited to polling place troubleshooting, sufficient supply of spare parts, reliable mode of transportation, and immediate communication access to Vendor staff;
d) The Vendor shall perform all pre-election programming, ballot setup, and associated training for completed counties during the contract period;
e) On-site technical support must be available for comprehensive election day support; and
f) Post election testing and reporting.

Comprehensive and Extensive Voting System Training
The overall success of this project will rely on effective training as much as effective voting device equipment. The awarded Vendor will be responsible for providing a comprehensive training program and related manuals throughout the duration of the project for all phases. Each responding Vendor will be required to address the totality of their training curriculum in their bid response. Training programs should cover every function ranging from programming of voting devices to troubleshooting techniques and to Election Day polling place procedures. Training programs, related materials, and documentation will be provided at all levels of the election process. Such training shall be sufficient to the point that local election officials will be able to operate the voting systems without the continuous assistance from the Vendor. In addition, the Vendor must provide well designed, accurate, and voter friendly brochures describing to the voters how the voting devices are operated, and indicate in the Vendor's proposal the number of brochures to included. The proposal must include a list

of all types of reusable training materials (i.e. manuals, videos, CD ROMs, etc.) that are available and the number of each included in the Vendor's proposal.

Hardware, Software and Firmware Documentation
The Vendor will provide the appropriate documentation and related materials for the following:

a) A copy of the release software, firmware, utilities, hardware, and instructions required to install, operate and test the voting system;
b) Diskettes, tapes, or compact disks containing copies of all source code files required to develop the system object code and firmware; with any utilities, hardware, and instructions required for the State to read the source code on a personal computer with a Microsoft based operating system;
c) System flow charts describing the information flow; entry and exit points; and the relationship of programs, device drivers, data files, and other program components;
d) Identification of version, release, and modification levels of all software and firmware components;
e) Identification of the steps and procedures required to generate all program modules providing system functions for which certification is requested; and
f) One complete set of user and technical documentation for all hardware components required to operate each system for the Secretary of State and local election officials, in both printed and electronic format.

Warranty
The Vendor shall provide:

a) A minimum of a five (5) year warranty, for all Voting System hardware and software, regardless of whether this warranty period for any piece of equipment and software shall extend beyond the term of this contract as described in this RFP;
b) Documentation and acceptance testing for each delivered unit;
c) During the term of the warranty, all software, firmware and hardware updates, as well as all software, firmware and hardware patches to repair defects in the system, at no additional charge to the State; and,
d) Any mandatory changes in EAC standards and policies will be programmed and/or delivered by the Vendor at no additional cost to the State or Counties.

SECTION FIVE
PROPOSAL FORMAT AND CONTENT

5.01 Proposal Format and Content:
The State discourages overly lengthy and costly proposals; however, in order for the State to evaluate proposals fairly and completely, Vendors must follow the format set out in this RFP and provide all information requested. A Vendor's failure to include any of these items in their proposal may cause the proposal to be determined to be non-responsive and the proposal may be rejected.

5.02 Transmittal Letter:
A transmittal letter, at the beginning of the proposal, should include the complete name and address of Vendor's firm and the name, mailing address, e-mail address, telephone number and fax number of the person the State should contact regarding the proposal.

Proposals must be signed by a company officer empowered to bind the company.

5.03 Executive Summary:
The executive summary must:

a) Briefly summarize the Vendor's understanding of the State's requirements;
b) Provide a short synopsis of how the Vendor's proposal meets or exceeds the State's requirements;
c) Confirm that the Vendor will comply with all provisions in this RFP;
d) Disclose any instances where the firm or any individuals working on the contract has a possible conflict of interest and, if so, the nature of that conflict (such as employed by the State of West Virginia);
e) Contain the statement of capacity required under Section 4.03;
f) Note any sections of the proposal that are confidential along with the reasons for confidentiality;
g) Include a statement of guarantee that the Vendor will constantly afford the State the lowest price for equipment and software that it charges to any non-Federal customer (not including volume discounts);
h) Include a statement of guarantee that should any West Virginia county purchase additional voting systems outside of the contract resulting from this RFP, the unit prices will not exceed those proposed in response to this RFP for a period of three (3) years following contract award;
i) Identify any and all exceptions taken to the requirements of this RFP, Contract or attachments; and,
j) Include a statement that your company is ISO 9000 certified or is in the process of becoming ISO 9000 certified.

5.04 Voting System Requirements:
Vendors must provide comprehensive narrative statements that illustrate their understanding of the requirements of the project and the project schedule. All requirements (bullet point or paragraph) must be addressed individually with a clear explanation of how the Vendor plans to meet that requirement. Be specific when responding, as these responses will be evaluated and scored to determine the Vendor selected for award. Voting system requirements should be addressed for each voting system proposed.

This section of the proposal shall be organized into two major sub-divisions: minimum requirements and scored requirements.

Minimum Requirements:
Any proposed voting system that does not meet the minimum requirements will cause the proposal to be considered non-responsive and the proposal will be rejected. The minimum voting system requirements are found in Section 5.04 of this RFP. Responses to voting system minimum requirements should be organized as follows:

a) Understanding of State of West Virginia Certification Requirements
b) Compliance with ITA Requirements
c) Compliance with EAC Voting System Standards
d) Compatibility
e) Accuracy
f) Audit and Security
g) Technical Requirements
h) Voter Comfort
i) Accessibility
j) Portability/Ease of Use
k) Communications
l) Absentee Voting/Early Voting
m) Election Management System
n) Election Reporting
o) Federal Requirements

Scored Requirements:
Proposals including voting systems that meet all minimum requirements will then be scored for evaluation against other offers. Scoring will be based on the answers to the following questions (questions apply to each proposed voting system unless otherwise noted):

a) Please describe your proposed DRE voting device, and your unassisted DRE voting device, and its capabilities, with emphasis on the following questions:

    i. Does the device produce a paper ballot?
    ii. Does the device produce a voter verifiable paper record of the vote cast? If so, please describe the record and whether it is optional or mandatory.

iii. Does the device produce an audit trail that can be used in recounts?
iv. What is the average life cycle of the device?
v. What is the average time it takes to vote on the device?
vi. How many different ballot styles does the device accommodate at one given time? What are capacity requirements?
vii. How large is the device and accompanying hardware during storage and when assembled for voting?
viii. What are the storage requirements of the device, including any environmental requirements related to heat and humidity, as examples?
ix. What is the weight of the device and accompanying hardware?
x. What is the screen size(s)?
xi. What are options related to changing unit heights to accommodate special need voters?
xii. What are the available font sizes?
xiii. What are the color options?
xiv. What are the options for changing contrast?
xv. If options are changed, can they be reset to defaults by a single action?
xvi. Describe the user interface with the system, particularly for accommodating voters' disabilities relating to vision, hearing, cognitive abilities, learning, physical mobility and fine motor skills.
xvii. Describe the configuration and use of the "touch-screen keyboard" or equivalent function for the input of write-in candidates?
xviii. Describe the configuration and use of the keypad or other manual entry mechanism.
xix. Is there a single key or function that allows the user to go back to the previous screen/entry to make corrections?
xx. Describe any alternative input methods available for disabled voters.
xxi. Does the device require the voter to insert a card or other item to begin voting? If so, describe the process including access for disabled voters.
xxii. If the proposed device requires an optical scan device to read a marked ballot, then list all supported devices by manufacturer and model number.
xxiii. Describe how your voter verifiable paper trail (VVPT) will work and whether it can be changed as a setup option to bypass VVPT in the event West Virginia State Law changes. Note current West Virginia State Law requires that a VVPT be used.
xxiv. Does your system provide for random storage, retrieval and printing of votes cast?
xxv. Does your system provide for random storage, retrieval and printing of VVPT's?

b) Provide any additional features that will be included with unassisted access DRE devices, including but not limited to:

i. Does the device accommodate audio recording of voting information for dissemination to visually impaired voters?
ii. Does the device provide an option for synthesized or digitized speech to disseminate information to visually impaired voters? If so, please describe the function in detail including the manufacturer, options for replacements or upgrades and user satisfaction.
iii. Does the device allow the user to adjust audio playback speed and/or volume?

c) Provide any additional features that will be associated with central count optical scan machines.
d) Please describe how your current products will change and be enhanced over the course of the next two years.
e) Describe in detail the methods for handling recounts on each voting system.
f) What are the reporting and audit techniques that are incorporated into each voting system?
g) Describe the redundancy systems for recording votes and explain which back-up devices or audit functions of the system can be used to independently verify the vote totals cast.
h) What are the impacts, procedures and remedies in the event of a power failure? What if the battery backup fails as well?
i) What system is in place to identify and record any attempt at tampering with the system?
j) Describe the types of election reports available and the flexibility in the production of these reports.
k) Describe the process required for non-English ballot support.
l) What is an average anticipated "turn-around time" in programming voting systems for use during the short time between ballot certification (60 days before the election) and the date of the election? How will you ensure that customer programming needs are met?
m) What is the average anticipated "turn-around time" for ballot design, preparation, and delivery for use during the short time between ballot certification (60 days before the election) and the date that absentee ballots must be made available (42 days before the election), according to law? Between ballot certification and the date of the election? How will you ensure that customer ballot needs are met?
n) What are your specifications for paper used in your devices?
o) What is the minimum lead-time required for last minute ballot changes?
p) What procedures are in place to notify the voter of an under vote or over vote?
q) What procedure is in place to allow the voter to review the ballot prior to casting the ballot?

r) What methods of voter education have you found to be most successful in establishing voter familiarity and comfort with your system?
s) Describe how your system protects the voter's secrecy while voting.
t) How often do the machines require regularly scheduled maintenance?
u) In the instance of equipment malfunction, is the voting unit capable of retaining a record of all votes cast prior to the malfunction? How are the ballots recaptured and included in the election results?
v) If the polls are to be kept open later by special order may the election be reopened (assuming there is a break in the day) with the new votes being added to the votes cast earlier that day?
w) Explain how your system tallies and reports write-in votes. Include any manual steps that are required to be performed by election officials and/or county staff.
x) Describe the abilities of the proposed Election Management System and Election Reporting System to ensure the integrity, availability and security of data.
y) Identify each item of equipment, software and service you are proposing including model number, version and revision number of software.
z) Are the models and versions proposed identical to those tested by the ITA?
aa) Describe how the "back end" votes tallying process will work to integrate optical scan devices, unassisted DRE voting device and DRE voting device output in a seamless manner.

The proposal must include all necessary equipment, software, services and support to any user entity in the State of West Virginia. All initial equipment ordered shall be newly manufactured, not reconditioned or refurbished in any way. The proposal must include all microcomputers, printers, hardware connector cables, cabling, operating system software, software applications, training, training manuals, maintenance manuals and technical support required to provide a fully functional voting system.

Proposed DRE's and unassisted access DRE devices must include all materials required for the "voting booth" needed for the device. Any answers or statements provided by the Vendor regarding the dimensions, weight, storage requirements, ease-of-use or portability of the proposed unassisted access device must include the voting booth materials as well.

5.05 Management Plan for Implementation, Training, Service and Support:
Vendors must provide comprehensive narrative statements that set out the methodology and management plan they intend to follow and illustrate how the plan will serve to accomplish the work and meet the State's project schedule. The management plan must address the entire life cycle of the proposed voting system from initial delivery and training through on-going annual support and election programming.

The management plan should address how the Vendor will meet the required deadlines for the following events taken from the Schedule of Events (Section 2.14) and Scope of Work (Section 4.01):
a) Completion of programming;
b) Provision of on-going programming services for 2006 and beyond; and
c) Post-implementation hardware and software support for production voting systems during 2006 election year and beyond.

In addition, the plan must specifically address and provide adequate planning to accomplish all tasks outlined in Deliverables (Section 4.06), including:
Implementation of installed and configured optical scan, DRE, and unassisted access DRE;
Complete adherence of all voting device equipment to West Virginia and HAVA certification requirements;
Election Management Systems;
Election Reporting Systems;
Election Administration Support (including programming);
Comprehensive and Extensive Voting Systems Training;
Hardware, Software and Firmware Documentation; and
Warranty.

The proposal must indicate by name a Project Manager or other designated single point of contact for the duration of the contract. This individual will be the primary contact for the State of West Virginia and the Secretary of State or its counties for any necessary communication with the Vendor.

5.06 Experience and Qualifications:

Vendors must provide an organizational chart specific to the personnel assigned to accomplish the work called for in this RFP; illustrate the lines of authority; designate the individual responsible and accountable for the completion of each component and deliverable of the RFP.

Vendors must provide a narrative description of the organization of the project team and personnel roster that identifies each person who will actually work on the contract and provide the following information about each person listed:
a) Title;
b) Resume;
c) Location(s) where work will be performed; and
d) Duration of employment with the Vendor.

If a Vendor intends to use Subcontractors, the Vendor must identify in the proposal the names of the Subcontractors and the portions of the work the Subcontractors will perform.

Proposals must address the requirements from Vendor Qualifications (Section 4.03) including:

a) Previous Experience;
b) References;
c) Financial Status; and
d) Capacity.

The State reserves the right to contact any or all references provided by the Vendor. Vendors are invited to provide letters of reference from previous clients.

5.07 Cost Proposal:

Cost proposals must be completed according to the Cost Proposal Template provided as Appendix B. All line items of the template must be completed in full. Should a Vendor wish to indicate that a line item in the template does not apply to their proposal, it should be entered as a zero (0). An incomplete template will be determined to be non-responsive, and the Vendor's proposal will be rejected. The Vendor is encouraged to include any explanations, details or notes regarding their cost proposal separately from the Cost Proposal Template.

All costs associated with the contract must be stated in U.S. currency.

Cost proposals will be evaluated after the technical proposals; therefore, Vendors must submit the cost proposal in a separate, sealed envelope.

Voting Device Costs:

The voting device costs must be separated between central count optical scan devices, DRE systems, and unassisted access DRE's. All costs must be indicated on a per unit basis for each type of device. Furthermore, unit costs must be divided into the categories provided on the template. For evaluation and scoring purposes the final voting device cost used will be the unit cost of the central count optical scan device multiplied by 50, plus the unit cost of the DRE's multiplied by 1,500 plus the unit cost of the unassisted access DRE's multiplied by 2,021. By using the 1,500 and the 2,021 value, the State does not imply that any specific number of devices of each type will necessarily be purchased. The State reserves the right to purchase any number of devices, up to (or slightly over) 6,000, at the unit cost proposed by the Vendor. The Vendor must assure the State that they have the capacity to supply the maximum number of devices envisioned by this RFP. All unit costs proposed must be held firm by the Vendor for the duration of the original contract. The Vendor must ensure that no other Contract receive better pricing than provided in its' response except for volume discounts.

Election Management System Costs:

The proposed cost for the EMS system proposed by the Vendor must be stated as a statewide cost encompassing all 55 West Virginia counties and a central State installation. This figure will be used for evaluation and scoring. The State anticipates

that a statewide license or volume discount would provide a statewide figure significantly less than the per license cost multiplied by 56 (55 counties and 1 state license).

Election Reporting System Costs:

The proposed cost for the election reporting system proposed by the Vendor must be stated as a statewide cost encompassing all 55 West Virginia counties and a central State installation. This figure will be used for evaluation and scoring. The State anticipates that a statewide license or volume discount would provide a statewide figure significantly less than the per license cost multiplied by 56 (55 counties and 1 state license). For Vendors with an integrated EMS and reporting system, all costs should be included in the EMS line items with zero (0) in the reporting system line items and should include adequate notes explaining that fact.

Voting Device Maintenance Costs:

The cost proposal must indicate the support costs for standard maintenance and upgrades on a per unit basis for voting devices after the warranty has expired. The cost per unit for central count Optical Scan devices, DRE devices and unassisted access DRE devices must be given for all three (3) option years. West Virginia rarely conducts elections in odd-numbered (non-election) years, except for municipal elections. This fact should be addressed in the Vendor's proposal and should result in lower maintenance costs in those years.

Programming Costs:

The cost proposal must indicate the election programming costs for a "standard" precinct for the original contract term plus three (3) option years. The programming cost given must assume one central count optical scan device and one unassisted access device per precinct. A "standard" precinct is assumed for this calculation to consist of three (3) ballot styles twenty five (25) races and four (4) candidates per race. The cost for a "standard" precinct will be used for proposal evaluation purposes only. The Vendor must also specify in the Cost Template their proposed programming rate and cost methodology (i.e. by hour, precinct, device, etc

Software Maintenance Costs:

The cost proposal must indicate the annual maintenance costs required for continued support and upgrades for the proposed Election Management System and Election Results System. For Vendors with an integrated EMS and reporting system, all costs should be included in the EMS line items with zero (0) in the reporting system line items and should include adequate notes explaining that fact.

5.08 Required Enclosures:

Vendors must provide all documents, samples, or other information specifically required in this RFP, including (but not limited to):

a) Letter of Commitment for performance bond or provision for surety deposit;
b) Sample source code escrow agreement;

c) Copies of last two (2) year end financial statements;
d) Qualification certificate issued by the ITA for each proposed voting system; and
e) Separate cost proposal (refer to Section 2.06.3).

5.09 Evaluation Criteria:
All proposals will be reviewed to determine if they are responsive. Responsive proposals will be evaluated using the criteria set out in Section Six.

Analysis and scoring of proposals deemed responsive will be conducted on an individual basis for Evaluation Committee clarification purposes only. Individual scores will not be averaged to create overall scores. The Evaluation Committee will be responsible for assigning a group-consensus score for each item of the proposal, which will be ascertained through discussion. The final overall score for each proposal will be result of the accumulation of the group-consensus item scores.

SECTION SIX
EVALUATION CRITERIA AND VENDOR SELECTION

THE TOTAL NUMBER OF POINTS USED TO SCORE THIS CONTRACT IS 100; (The maximum total number of Technical points is 65; the maximum total number of Cost points is 35.)

6.01 Voting System Requirements :
Twenty-five (25) total possible evaluation points will be assigned to this criterion. Proposals will be evaluated against the questions set out in Section 5.04 of this RFP.

6.02 Management Plan for Implementation, Training, Service and Support:
Twenty-five (25) total possible evaluation points will be assigned to this criterion. Proposals will be evaluated against the questions set out below.

a) How well does the methodology and management plan support all of the project requirements and logically lead to the deliverables required in the RFP?
b) How well is accountability completely and clearly defined?
c) Is the organization of the project team clear?
d) How well does the management plan illustrate the lines of authority and communication?
e) To what extent does the Vendor already have the hardware, software, equipment, and licenses necessary to perform the contract?
f) Does it appear that Vendor can meet the schedule set out in the RFP?
g) Has the Vendor gone beyond the minimum tasks necessary to meet the objectives of the RFP?
h) Is the proposal practical, feasible, and within budget?
i) Have any potential problems been identified?
j) Is the proposal submitted responsive to all material requirements in the RFP?
k) Have samples of training materials been provided and are they responsive to the needs of the State expressed in this RFP?

6.03 Experience and Qualifications:
Fifteen (15) total possible points will be assigned to this criterion. Proposals will be evaluated based on the information requested in Section 5.03 of this RFP. If the RFP required a minimum amount of experience or qualifications, no points will be deducted for meeting the minimum.

6.04 Contract Cost:
Thirty-five total possible evaluation points will be assigned to cost. The 35 point cost component will be further divided into four categories for evaluation: purchase price, on-going maintenance costs and on-going programming costs.

The purchase price category will make up twenty (20) maximum points of the overall score. Purchase price will be composed of the cost of the voting devices (based on 2,021 unassisted access DRE devices, 1,500 DRE devices, and 50 central count optical scan devices), the statewide cost of the Election Management System, the statewide cost of the Election Reporting System, associated training, warranties and peripherals.

The maintenance costs category will make up seven (7) maximum points of the overall score. Maintenance costs will be evaluated as the average of the three years proposed maintenance contract for one unassisted access device and one optical scan device.

The programming costs will make up five (5) maximum points of the overall score. Programming costs will be evaluated as the average of the programming costs for the initial contract term and the three option years proposed for a "standard" precinct (see Section 6.07 for definition) with one unassisted access device and one optical scan device.

The annual software maintenance cost will make up three (3) maximum points of the overall score. Annual software maintenance will be evaluated as the total annual maintenance fees charged for the Election Management System and Election Reporting System assuming a statewide installation (55 county licenses plus 1 state license).

The lowest cost proposal for each category will receive the maximum number of points allocated to cost for that category. The point allocations for that category of cost on the other proposals will be evaluated according to the method set forth below.

Applying Preference Laws:
The cost amount used for evaluation may be affected by the application of West Virginia preference laws (ref. Section 2.18). The preference given to a resident Vendor will be equal to the preference given or required by the state of the nonresident Vendor (i.e. reciprocal preference).

Converting Cost to Points:
After applying any reciprocal preference, the lowest cost proposal will receive the maximum number of points allocated to cost. The point allocations for cost on the other proposals will be determined as follows:

$$\frac{\text{Price of Lowest Cost Proposal}}{\text{Price of Proposal Being Rated}} \times \text{Total Points for Cost Available} = \text{Awarded Points}$$

SECTION SEVEN
ATTACHMENTS

7.01 Attachments

Attachments

1. Appendix A - West Virginia Law and Rules for Certification of Voting Systems
2. Appendix B - Cost Proposal Template
3. Appendix C - West Virginia County Information
4. Appendix D - Checklist for Vendors
5. Appendix E – Definitions
6. Vendor Preference Certificate
7. Vendor Registration and Disclosure (WV-1)
8. No Debt Affidavits

ATTACHMENT ONE
APPENDIX A – WEST VIRGINIA LAW AND RULES FOR CERTIFICATION OF VOTING SYSTEMS

§3-4A-8. Approval of electronic voting system by state election commission; expenses; compensation of persons examining system.

Any person or corporation owning or being interested in any electronic voting system may apply to the state election commission to the end that such system may be examined and a report be made on its accuracy, efficiency, capacity and safety. Upon the written application of any vendor tendered to the secretary of state or to any clerks in his office in charge of receiving filings for any purpose, it shall be the non-delegable, nondiscretionary duty of the secretary of state to fix a date, time and place, not more than thirty days after the receipt of such application, for a meeting of the state election commission for mutual consideration of such application, and to mail notice thereof by certified mail to each member of the commission.

The state election commission shall appoint two qualified computer experts who are not members of the same political party to examine the system and make full reports thereon to the commission within thirty days from the date of the application. They shall state in the report whether or not the system so examined complies with the requirements of this article and can be safely used by voters at elections under the conditions prescribed in this article. If the report be in the affirmative on said question, the system may be approved by the commission and, if approved by the commission, a system of its make and design may be adopted for use at elections as herein provided: Provided, That under no circumstances shall a system be approved that is not capable of accurately tabulating returns based upon all possible combinations of voting patterns including, but not limited to, crossover voting and in accordance with section five, article six of this chapter.

No electronic voting system shall be used at any election unless it has heretofore or hereafter been approved under this section or its former provisions. Each of the two qualified computer experts appointed by the commission shall be entitled to reasonable compensation and expenses in making such examination and report, and such compensation shall be paid by the person or corporation applying for such examination, which sum shall be paid in advance of making the examination and which sum shall be the sole compensation to be received by any such expert for his work hereunder.

3-4A-9. Minimum requirements of electronic voting systems.

An electronic voting system of particular make and design may not be approved by the State Election Commission or be purchased, leased or used by any county commission unless it meets the following requirements:

(1) It secures or ensures the voter absolute secrecy in the act of voting or, at the voter's election, provides for open voting;

(2) It is constructed to ensure that no person, except in instances of open voting as provided in this section, can see or know for whom any voter has voted or is voting;

(3) It permits each voter to vote at any election for all persons and offices for whom and which he or she is lawfully entitled to vote, whether or not the name of any person appears on a ballot or ballot label as a candidate; and it permits each voter to vote for as many persons for an office as he or she is lawfully entitled to vote for; and to vote for or against any question upon which he or she is lawfully entitled to vote. The automatic tabulating equipment used in electronic voting systems is to reject choices recorded on any ballot if the number of choices exceeds the number to which a voter is entitled;

(4) It permits each voter to deposit, write in, affix upon a ballot, card, envelope or other medium to be provided for that purpose, ballots containing the names of persons for whom he or she desires to vote whose names do not appear upon the ballots or ballot labels;

(5) It permits each voter to change his or her vote for any candidate and upon any question appearing upon the ballots or ballot labels up to the time when his or her ballot is deposited in the ballot box or his or her ballot is cast by electronic means;

(6) It contains a program deck consisting of cards that are sequentially numbered or consisting of a computer program disk, diskette, tape or other programming media containing sequentially numbered program instructions and coded or otherwise protected from tampering or substitution of the media or program instructions by unauthorized persons and capable of tabulating all votes cast in each election;

(7) It contains two standard validation test decks approved as to form and testing capabilities by the State Election Commission;

(8) It correctly records and counts accurately all votes cast for each candidate and for and against each question appearing upon the ballots or ballot labels;

(9) It permits each voter at any election other than primary elections by one mark or punch to vote a straight party ticket, as provided in section five, article six of this chapter;

(10) It permits each voter in primary elections to vote only for the candidates of the party for which he or she is legally permitted to vote and precludes him or her from voting for any candidate seeking nomination by any other political party, permits him or her to vote for the candidates, if any, for nonpartisan nomination or election and permits him or her to vote on public questions;

(11) It, where applicable, is provided with means for sealing or electronically securing the vote recording device to prevent its use and to prevent tampering with ballot labels, both before the polls are open or before the operation of the vote recording device for an election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed;

(12) It has the capacity to contain the names of candidates constituting the tickets of at least nine political parties and accommodates the wording of at least fifteen questions;

(13)(A) Direct recording electronic voting machines must generate a paper copy of each voter's votes that will be automatically kept within a storage container, that is locked, closely attached to the direct recording electronic voting machine, and inaccessible to all but authorized voting officials, who will handle such storage containers and such paper copies contained therein in accordance with section nineteen of this article.

(B) The paper copy of the voter's vote shall be generated at the time the voter is at the voting station using the direct recording electronic voting machine.

(C) The voter may examine the paper copy visually or through headphone readout, and may accept or reject the printed copy.

(D) The voter may not touch, handle or manipulate the printed copy manually in any way.

(E) Once the printed copy of the voter's votes is accepted by the voter as correctly reflecting the voter's intent, but not before, it will automatically be stored for recounts or random checks and the electronic vote will be cast within the computer mechanism of the direct recording electronic voting machine.

(F) Direct recording electronic voting machines with a mandatory paper copy shall be approved by the Secretary of State. The Secretary of State may promulgate rules and emergency rules to implement or enforce this subsection pursuant to the provisions of section five, article three, chapter twenty-nine-a of this code.

(14) Where vote recording devices are used, they shall:

(A) Be durably constructed of material of good quality and in a workmanlike manner and in a form which makes it safely transportable;

(B) Be constructed with frames for the placing of ballot labels that the labels upon which are printed the names of candidates and their respective parties, titles of offices and wording of questions are reasonably protected from mutilation, disfigurement or disarrangement or are constructed to ensure that the screens upon which appear the names of the candidates and their respective parties, titles of offices and wording of questions are reasonably protected from any modification;

(C) Bear a number that will identify it or distinguish it from any other machine;

(D) Be constructed to ensure that a voter may easily learn the method of operating it and may expeditiously cast his or her vote for all candidates of his or her choice and upon any public question;

(E) Be accompanied by a mechanically or electronically operated instruction model which shows the arrangement of ballot labels, party columns or rows, and questions;

(F) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to provide for the direct electronic recording and tabulating of votes cast in a system specifically designed and engineered for the election application;

(G) For electronic voting systems that utilize a screen upon which votes may be

recorded by means of a stylus or by means of touch, be constructed to prevent any voter from voting for more than the allowable number of candidates for any office, to include an audible or visual signal, or both, warning any voter who attempts to vote for more than the allowable number of candidates for any office or who attempts to cast his or her ballot prior to its completion and are constructed to include a visual or audible confirmation, or both, to the voter upon completion and casting of the ballot;

(H) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all pages before completing his or her vote and to allow the voter to review and change all ballot choices prior to completing and casting his or her ballot;

(I) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to allow election commissioners to spoil a ballot where a voter fails to properly cast his or her ballot, has departed the polling place and cannot be recalled by a poll clerk to complete his or her ballot;

(J) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to allow election commissioners, poll clerks, or both, to designate, mark or otherwise record provisional ballots;

(K) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, consist of devices which are independent, non-networked voting systems in which each vote is recorded and retained within each device's internal nonvolatile electronic memory and contain an internal security, the absence of which prevents substitution of any other device;

(L) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, store each vote in no fewer than three separate, independent, nonvolatile electronic memory components and that each device contains comprehensive diagnostics to ensure that failures do not go undetected;

(M) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, contain a unique, embedded internal serial number for auditing purposes for each device used to activate, retain and

record votes;

(N) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to record all pre-election, election and post-election activities, including all ballot images and system anomalies, in each device's internal electronic memory and are to be accessible in electronic or printed form;

(O) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed with a battery backup system in each device to, at a minimum, prevent the loss of any votes, as well as all pre-election, election and post-election activities, including all ballot images and system anomalies, stored in the device's internal electronic memory and to allow voting to continue for two hours of uninterrupted operation in case of an electrical power failure; and

(P) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to prevent the loss of any votes, as well as all pre-election, election and post-election activities, including all ballot images and system anomalies, stored in each device's internal electronic memory even in case of an electrical and battery power failure.

ATTACHMENT TWO
APPENDIX B – COST PROPOSAL TEMPLATE

Each Vendor must present a **firm fixed cost proposal** for the work to be performed. Said cost proposal should include all costs (separate provisions for travel and/or per diem will not be accepted).

Where there is a reference in this RFP to deliverables, submission requirements or other response and contract performance discussions, said reference might not be all inclusive of all requirements in the RFP. It is incumbent upon the Vendor to read this entire RFP carefully and respond to, and price, all requirements and ensure all costs proposed include all requirements.

Unit Cost for Unassisted Access DRE Device

A. Voting Device Unit (including hardware, software and firmware)	$
B. Accessibility Peripherals	$
C. Other Peripherals	$
D. Memory Cards	$
E. Modem	$
F. Manuals	$
G. Training	$
H. Warranty	$
I. Other (specify)	$
J. Total Unit Cost for Unassisted Access DRE Device (A + B + C + D + E + F + G + H + I)	$

Unit Cost for DRE Device

K. Voting Device Unit (including hardware, software and firmware)	$
L. Other Peripherals	$
M. Memory Cards	$
N. Modem	$
O. Manuals	$
P. Training	$
Q. Warranty	$
R. Other (specify)	$
S. Total Unit Cost for DRE Device (K + L + M + N + O + P + Q + R)	$

Unit Cost for Central Count Optical Scan System

T. Central County Voting Device Unit (including hardware, software and firmware)	$
U. Other Peripherals	$
V. Memory Cards	$
W. Modem	$
X. Manuals	
Y. Training	$
Z. Warranty	$
AA. Other (specify)	$
AB. Total Unit Cost for Central Count Optical Scan System (T + U + V + W + X + Y + Z + AA)	$

Election Management System

AC. Statewide License for 50 Counties and Central State License	$
AD. Single License for a County or the Central State License	$

Election Reporting System

AE. Statewide License for 50 Counties and Central State License	$
AF. Single License for a County or the Central State License	$

Grand Total Purchase Cost

AG. Statewide Voting System [(J x 2,021) + (S x 1,500) + (AB x 50) + AC + AE]	$

Voting Device Maintenance Option Year 1

AH. Per Unit for Unassisted Access DRE Device	$
AI. Per Unit for DRE Device	
AJ. Per Unit for Central Count Optical Scan Device	$
AK. Total per Polling Place	$

Voting Device Maintenance Option Year 2

AL. Per Unit for Unassisted Access DRE Device	$
AM. Per Unit for DRE Device	
AN. Per Unit for Central Count Optical Scan Device	$
AO. Total per Polling Place	$

Voting Device Maintenance Option Year 3

AP. Per Unit for Unassisted Access DRE Device	$
AQ. Per Unit for DRE Device	
AR. Per Unit for Central Count Optical Scan Device	$
AS. Total per Polling Place	$

Grand Total Voting Device Maintenance Cost

AT. Average Three (3) Year Maintenance per Polling Place [(AK + AO + AS) / 3]	$

Programming During Initial Contract Term

AU. "Standard" Precinct (see Section 5.07 for definition)	$
AV. Vendor's Proposed Programming Rate	$ /

Programming Option Year 1

AW. "Standard" Precinct (see Section 5.07 for definition)	$
AX. Vendor's Proposed Programming Rate	$ /

Programming Option Year 2

AY. "Standard" Precinct (see Section 5.07 for definition)	$
AZ. Vendor's Proposed Programming Rate	$ /

Programming Option Year 3

BA. "Standard" Precinct (see Section 5.07 for definition)	$
BB. Vendor's Proposed Programming Rate	$ /

Grand Total Programming Cost

BC. Average Programming per "Standard" Precinct [(AU + AW + AY + BA) / 4]	$

Statewide Annual Maintenance for Software

BD. Annual Maintenance for Election Management System	$

BE. Annual Maintenance for Election Reporting System	**$**
BF. Total Statewide Annual Maintenance for Software (BD + BE) (Grand Total Maintenance)	**$**

ATTACHMENT THREE

APPENDIX C - WEST VIRGINIA COUNTY INFORMATION

	Current Number of Precincts	2004 Voting Age Population	2004 Registered Voters	2004 Votes Cast for Governor	Voting and Counting Devices	Number of Devices	Own, Lease or Rent Devices
Barbour	23	11,980	9,340	6,601	Paper Ballot	N/A	N/A
Berkeley	59	56,376	52,308	33,308	CES Votomatic III Punch Card	307	Own
Boone	37	19,610	17,754	10,200	ES&S Model 150 Optical Scan	1	Own
Braxton	22	11,356	9,091	5,870	Paper Ballot	N/A	N/A
Brooke	27	20,247	16,308	10,752	Punch Card/Ballot Tabulator Voting Booths ES&S Model M300L	178	Purchased
Cabell	69	77,382	60,652	37,497	Votronic & Unity	250	Own
Calhoun	10	5,884	5,216	2,886	ES&S Optical Scan Model 150	1	Own
Clay	13	7,686	6,917	4,059	Optical Scan ES&S Model 150	1	Own
Doddridge	12	5,550	4,842	3,177	Optical Scan ES&S Model 150	1	Own
Fayette	39	37,239	27,640	16,895	ES&S Votomatic - Punchcard	290	Own
Gilmer	12	5,708	4,813	2,826	Optical Scan Counter ES&S 150	1	Own
Grant	15	8,737	7,819	4,605	Paper	N/A	N/A
Greenbrier	36	26,996	22,329	14,396	Optical Scan ES&S Model 315	1	Own
Hampshire	23	15,122	11,550	7,764	Optical Scan ES&S 150 OMR Ballot Reader	1	Own
Hancock	28	25,865	21,149	12,895	Shoup Lever Machines	115	Own
Hardy	14	9,715	8,079	4,913	Paper Ballot	N/A	N/A
Harrison	93	52,794	44,975	30,437	Optical Scan ES&S - 315	1	Own
Jackson	38	21,243	19,461	13,106	Optical Scan ES&S 150	1	Own
Jefferson	31	32,124	28,372	19,533	Punch Card - DBM through ESS	0	Rent
Kanawha	183	157,435	132,956	86,590	Punch Card ES&S	1,100	Own
Lewis	24	13,180	9,628	7,020	Optical Scan ES&S #650 and Ivotronic	5 iVotronic, 1 opscan	Own
Lincoln	35	16,899	18,580	8,214	Optical Scan ES&S	1	Own
Logan	52	29,374	27,607	14,367	Lever Machines	150	Own
Marion	75	44,927	41,155	24,924	ES&S Touch Screen Ivotronic	230	Lease with the Intent to Buy
Marshall	45	27,407	22,841	15,053	Punch Card - Machine Business Records Corp	275	Own
Mason	38	20,056	18,586	11,930	Optical Scan - ES&S 315	1	Own
McDowell	42	20,995	18,963	7,228	Optical Scan ES&S	1	Own
Mercer	61	49,710	32,677	22,343	Punch Card ES&S Model 1000L	300	Own

ATTACHMENT THREE
APPENDIX C - WEST VIRGINIA COUNTY INFORMATION

Mineral	35	20,747	15,754	11,255	AIS Model 115 Ballot Scanner	2	Own
Mingo	39	21,414	18,048	10,604	Punch Card ES&S	300	Own
Monongalia	92	66,950	51,323	33,561	Ivotronic and Optical Scanners ES&S 315	4 iVotronics, 2 opscan	Own
Monroe	17	11,650	9,014	5,901	Optical Scanner- AIS 115	1	Lease Purchase
Morgan	13	11,595	10,380	6,476	Paper Ballot	N/A	N/A
Nicholas	28	20,374	16,323	10,303	Optical Scan ESS Model 150	1 for Counting 208 Voting Booths	Own
Ohio	38	37,331	30,614	20,067	Votomatics Punchcard	340	Votomatics - own Tabulators - rent
Pendleton	13	6,407	5,297	3,349	Paper Ballot	N/A	N/A
Pleasants	11	5,728	4,968	3,370	Paper Ballot	N/A	N/A
Pocahontas	15	7,227	5,356	3,855	ESS Optical Scan 150	1	Own
Preston	35	22,390	17,705	11,869	Optical Scanner AIS 115	1	Own
Putnam	48	38,708	34,527	24,921	Punch Card Sequoia Voting System - Software	200	Own
Raleigh	63	62,150	48,288	30,329	Optical Scan Ballots - ES&S Optical Scan Reader	1	Own
Randolph	37	21,952	16,365	11,446	AIS 115 Optical Scan Counter	1	Own
Ritchie	15	7,967	6,586	4,143	Optical Scan ES&S Model 150	1	Own
Roane	20	11,834	9,206	6,108	ES&S 150 Optical Scanner	1	Own
Summers	15	10,330	8,849	5,477	ES&S 150 Optical Scanner	1	Own
Taylor	18	12,403	9,688	6,498	Paper Ballot	N/A	N/A
Tucker	11	5,764	4,965	3,565	Optical Scan ES&S	1	Own
Tyler	12	7,361	6,057	4,232	ES&S Optical Scan 150	1	Own
Upshur	29	18,126	13,918	9,288	Punch Card CES Model M 200 Tabulator CES Votomatic III Voting Devices DIS Card Reader Tabulator	Voting 200 Counting 2	Own
Wayne	37	32,881	30,761	17,618	Shoup Lever Machines	118	Own
Webster	14	7,487	6,053	3,726	AIS Model 115 Optical Central Ballot Scanner	1	Own
Wetzel	22	13,489	11,417	7,060	Votomatic Punch Card	155	Own/Lease Counter
Wirt	9	4,381	4,093	2,585	Paper Ballot	N/A	N/A
Wood	85	67,758	54,876	38,909	Optical Scanner - ES S&S 550-2	2	Own
Wyoming	39	19,950	16,655	8,529	Paper Ballot	N/A	N/A
Totals		**1,405,951**	**1,168,694**	**744,433**			

ATTACHMENT FOUR
APPENDIX D - CHECKLIST FOR VENDORS

- ❑ Submit any questions, comments, or requests for clarification to the Procurement Officer by the deadline for submission of questions.
- ❑ Review Sections 2.29 and 2.30. State any objections to any of the provisions in the Contract Form or Indemnification and Insurance Requirements prior to the deadline for submission of questions.
- ❑ Be sure the proposal is signed by an individual authorized to bind the Vendor to the provisions of the RFP.
- ❑ Comply with West Virginia State and West Virginia State Procurement Office Registration requirements prior to the deadline stated in the RFP.
- ❑ Comply with minimum requirements for experience.
- ❑ Comply with professional licensing requirements, and provide copies of certifications, if required.
- ❑ Provide the information about the qualifications of the firm and individuals that will be working on the project.
- ❑ Identify all known federal requirements that apply to the proposal, the evaluation, or the contract.
- ❑ Provide the required number of references.
- ❑ Provide all documents or materials that must be submitted with the RFP (see Section 5.08).
- ❑ Ensure that all confidential sections of the proposal are clearly marked as such.
- ❑ Provide samples of training materials.

ATTACHMENT FIVE
APPENDIX E - DEFINITIONS

Absentee Ballot A ballot that will be sent to a voter, upon request, who will then mark the ballot with his/her selections and return it his/her county clerk's office.

Bidder, Contractor, Offeror or Vendor (used interchangeably herein)
A Vendor who returns a properly completed bid in response to a request for proposal from an authorized state or agency purchasing agent and shall include all entities and employees of those entities that are directly or indirectly included in a proposal to provide services and/or equipment pursuant to this Request for Proposal.

Central County Optical Scan Voting System
An optical scan voting system wherein the processing and counting of ballots is done in a central location at the county level

DRE A Direct Recording Electronic device that:
- Records votes by means of a ballot display provided with mechanical or electro-optical devices;
- Processes the data by means of a computer program;
- Records voting data in internal memory devices; and,
- Tabulates voting data as hard copy or stored in a removable memory device.

EAC Election Assistance Commission: HAVA created the EAC to serve as a national clearing house and resource for the compilation of information and review of procedures with respect to the administration of Federal elections

Early Voting An option available to the voters under West Virginia law which provides an opportunity to cast their selections prior to Election Day in predetermined locations specified by the county

EMS (Election Management System)
The system used to allow programming of the voting devices for Election Day

Election Reporting System
The program used to produce tabulated results of ballots cast based on parameters chosen by the county

Evaluation Committee A committee appointed by the West Virginia Secretary of State to evaluate all proposals and make a recommendation for award of contract to the State Purchasing Division

F.O.B. Final Destination Free on Board Final Destination: The seller's responsibility for shipped goods ceases only when those goods arrive at the ultimate destination. Consequently, the seller is liable for all delivery costs. Title changes hands upon delivery and the Vendor owns the goods in transit and must file any claims

HAVA The Help America Vote Act of 2002

ITA Independent Test Authority: Organization approved by NASED to independently test and certify voting systems

NASED National Association of State Election Directors

WVC West Virginia Code (State statutes)

Optical Scan Voting System
System in which votes are recorded by means of marks made in voting response fields.

Over Vote Voting for more than the maximum number of selections allowed in a race.

Project Director Prior to the awarding of the contract, the individual designated by the State Purchasing Division as the primary contact for the awarded Vendor. Following the awarding of the contract, the individual designated by the Secretary of State as the primary contact for the awarded Vendor.

Project Manager The individual designated by the successful Vendor as the primary contact for the Secretary of State

Provisional Ballots
Allows individuals, who have been deemed provisional in accordance to West Virginia law, to cast a ballot. This ballot is not added to the voted ballots until it is determined by a canvassing board whether the individual has met all requirements to cast a ballot for that election.

RFP Request for Proposal

Sub-Contractor Vendors have the option to hire contracted employees to

assist with performance under this contract.

SOS The Secretary of State of West Virginia

State The State of West Virginia

Statutes Laws passed by Congress or a state legislature and signed by the President or the governor of a state, respectively, that are codified in volumes called "codes" according to subject matter.

Under Votes Any circumstance resulting in the maximum allowed number of selections for a race or ballot issue not being selected

Unassisted Access DRE Voting System A DRE voting system that provides voters with a disability a way to cast their ballot in secret without assistance

Voter Verifiable Paper Audit Trail (or Voter Verifiable Paper Trail) A DRE voting system-generated paper copy of each voter's votes that is automatically kept within a secured storage container attached to the voting device.

Voting System All the necessary components (hardware, software, and associated services) to fulfill the requirements within this RFP for the DRE, central count optical scan system, absentee ballot, and voter verifiable paper trail requirements.

Warranty A guarantee given to the state, by the Vendor, stating that a product or service is reliable and free from defects and that the contractor will repair/replace the defective product or re-perform the service.

ATTACHMENT
P.O #_____

This agreement constitutes the entire agreement between the parties, and there are no other terms and conditions applicable to the licenses granted hereunder

Agreed

_____	_____
Signature Date	Signature Date
_____	_____
Title	Title
_____	_____
Company Name	Agency/Division

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER	PAGE
SOS36206	1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
RON PRICE
304-558-0492

VENDOR
RFQ COPY
TYPE NAME/ADDRESS HERE

SHIP TO
SECRETARY OF STATE
BUILDING 1, ROOM 157K
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0770 558-6000

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/26/2005				

BID OPENING DATE: 08/01/2005 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				TO RESPOND TO QUESTIONS PER THE ATTACHED		
				NO OTHER CHANGES		
0001	1	JB		578-35		
				VOTING SYSTEM UPGRADE		
				****** THIS IS THE END OF RFQ SOS36206 ****** TOTAL:		

SCANNED

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE | TELEPHONE | DATE

TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

Request for Quotation
SOS 36206
Addendum 1

Question: **Is a ballot marking device an acceptable alternative to the Unassisted DRE?**

Answer: Yes

Question: **Can a vendor apply or submit an application for certification within the state prior to receiving a NASED 2002 System Number for the system?**

Answer: Certification must meet the Federal Election Commission 2002 Voluntary Voting Systems Standards as well as the requirements of the Election Assistance Commission Advisory 2005-004.

Question: **Has the state scheduled certain times for the examination and certification of election systems by the vendors.**

Answer: Scheduling and method of certification for use in West Virginia is found in Attachment 1. However, in order to constitute as a winning Vendor, certification of the current voting system as described in the RFP must be certified by the West Virginia State Election Commission. The state will meet all requirements found in this section of West Virginia Code.

Question: **RFP p. 27 Section 4.04.06 Accuracy, Central Count Optical Scanner Item r. This item states a requirement for the system to "scan a ballot with up to 6 columns and 150 oval positions." Is the requirement actually for this very specific ballot format? If the requirement is to meet some other need, please clarify.**

Answer: The requirement is a minimum that must be met. The central count optical scanner must be able to scan at the least 6 columns and 150 oval positions.

Question: **RFP p. 32, Section 4.04.11 Portability/Ease of Use, Central Count Optical Scan Item a. Please define "voting unit" as it relates to central count systems.**

Answer: The term "voting unit" as it relates to this subsection is specifically referencing the central county optical scan machine and no other device.

Question: **RFP p. 32, Section 4.04.11 Portability Ease of Use, Central Count Scan, Item b. This item refers to equipment used in polling places and Election Day. Please clarify the use of central count systems in this manner.**

Answer: The reference to polling place was incorrect in this section. All terms designated "polling place" for this specific subsection should clearly read "central count location."

Question: RFP p. 33, Section 4.04.13 Absentee/Early Voting, DRE voting systems, Item d. This item requires the system to "produce and record results from optical scan ballots if applicable." Please clarify the functionality desired. Is the intent for the DRE components to produce and record optical scan ballots?

Answer: The DRE system must have the ability to communicate, record, and produce results in conjunction with the optical scan system.

Question: RFP p. 39, Section 4.06 Deliverables, Election Administration Support, Item d. Please define "completed counties." Is it the State's intent for the selected Vendor to provide all programming and ballot set up for all counties during the term of the contract?

Answer: If the system requires the programming to be done by the vendor then those costs must be included in the bid.

Question: RFP p. 43 Section 5.04 Scored Requirements, Item a.xxii. Please clarify the functionality desired. Is the intent for the DRE voting device to read a marked ballot?

Answer: It is not a requirement that the DRE device read a marked ballot. The devices must be integrated as such that the results will be produces by the EMS for both systems as a whole.

Question: RFP p. 48, Section 5.07 Cost Proposal, Programming Costs. Is it the State's intent for the selected Vendor to provide all programming an ballot set up for all counties during the term of the contract?

Answer: If the system requires the programming to be done by the vendor then those costs must be included in the bid.

Question: Will the State accept a proposal for only DRE and unassisted DRE voting devices (excluding the central count optical scan system)?

Answer: The bid must include all requirements of the RFP which includes the DREs, unassisted DREs, and the central count optical scan units.

Question: Will the State make available a Word version of the RFP?

Answer: Please contact the West Virginia Purchasing Division for applicable formats that the RFP is available.

Question: Page 15 of the RFP refers to a five year contract with the option for renewal for three one-year option years. To be clear, are these options years within, or beyond the five-year contract?

Answer: The three one-year option years are beyond the five-year contract.

Question: Page 17 of the RFP states that 10% of all service and software invoices will be held and released thirty days after completion of the project. Please define what constitutes "completion of the contract."

Answer: The project is completed once all requirements in Section 4.06 are completed. As the warranty period is ongoing, the funds will be dispersed once the State is satisfied that the Vendor will meet all warranty requirements specified.

Question: With regard to election administration support, and programming services specifically: Page 20 of the RFP stipulates that the vendor must provide, during the term of the contract (which we understand to be 5 years) all election programming at the discretion of the county; Page 39, which defines the Election Administration Support, includes pre-election programming during the contract period; Page 46 instructs the vendor to meet the deadline for scope of work (see section 4.01) which includes provision of programming services for 2006 and beyond;

a. Can you please clarify the programming services to be provided by the vendor, and for how long, and

b. Please clarify the specific elections the State expects the vendor to support during the contract term, and please indicate if special elections are included and if so, how many?

Answer: The programming support will be determined based on the units bid and the capability of election officials to be trained for programming. If the programming is vendor specific and must be completed by the vendor, all programming costs should be included for all elections. In determining the amount of elections to calculate for, the State does suggest that in the five years, there will be two statewide election cycles, and at the minimum of two additional special elections. As municipal election costs are funded by municipalities, it is our assumption that that expenditure will be placed on the municipalities as it has in the past.

Question: Vendors were instructed, in the RFP, to refer to the state HAVA plan. That plan currently refers only to "Direct recording Electronic DRE Devices" and limits state HAVA funding to "The purchase of DRE

voting equipment." Does the state have plans to modify the HAVA plan to include additional devices?

Answer: It is the State's intentions to meet all requirements set forth by the requirement of the Help America Vote Act, including the submission of state plans.

Question: While the RFP requires ITA certification, there are no specific reference to either the 1990 or the 2002 standards. Which voting system standards must a vendor's election software and hardware meet?

Answer: Certification must meet the Federal Election Commission 2002 Voluntary Voting Systems Standards as well as the requirements of the Election Assistance Commission Advisory 2005-004.

Question: Section 4.04.03 of the RFP refers to the compliance with EAC Voting System Standards. At present, there are no EAC voting system standards. Are we correct to assume that the State is referring to the current 2002 voting system standards?

Answer: No, the requirement to be in compliance with EAC Voting System Standards is to include all current standards and any additional mandatory standards that are presented continuing for 5 years after the award of the contract.

Question: Page 38 requires that each voting devise must "Adhere to the certification requirements set forth by the State of West Virginia (see Appendix A) and HAVA." Must vendors submit written verification stating how their propose systems meet the specific statutory requirements in Appendix A?

Answer: No, however, the system must meet the certification requirements set for in West Virginia law which is included in Attachment A.

Question: The RFP Minimum Requirements and Scored Requirements did not appear to specifically require the Vendor to conform to the West Virginia Election Code. Is this interpretation correct?

Answer: Please refer to Section 4.04.04.

Question: Page 42 (a) (i) of the RFP asks if the Vendor's DRE voting device produces " a paper ballot"; can you please clarify the difference between this capability and the voter verifiable paper record reference in (a) (ii)?

Answer: The paper ballot as reference to in (a) (i) on page 42 is as such and may not be voter verifiable.

Question: Can a Ballot Marking Device that meets the West Virginia Code and is designed to serve the disabled voter be proposed as an alternate unassisted DRE voting device?

Answer: Yes

Question: From page 21 of the RFP, please define/clarify the statement "Complete Statewide Election System Implementation by 12/31/2005".

Answer: All items required hardware and software, in the RFP must be delivered by 12/31/2005.

Question: Attachment 2: Cost Proposal Template. the forms only allow for a one-to-one ration of peripheral devices to each voting unit. For those instances where the ratio is not one-to-one, or only a single peripheral device is required to make the system complete)ex. one unit per County), does the State want these items listed as part of the explanations, details, or notes as discussed in Section 5.07?

Answer: Any extra peripheral device must be discussed in Section 5.07.

Question: Section 5.07 of the cost instructions states that the EMS and ERS costs must reflect all 55 counties and a central State installation. However the cost proposal template only ask for the cost of 50 counties and a central State license. Which guidelines would the State prefer be used for the pricing of these software items?

Answer: As all 55 counties will be required to have at the minimum of one unassisted accessible DRE per polling place, it is a requirement that each county has the EMS.

Question: Please clarify where in the pricing forms we reflect the cost of election administration support services such as project management, on-site technical support, poll worker training and EMS training.

Answer: All administrative costs for support services should be reflected in the unit price of each machine.

Question: Section 4.04.08 pertaining to a Central Count OS reader, the requirement reads: "provide for data storage to transmit data electronically with other systems." What is "data storage" and what are the other systems referred to?

Answer: Data storage is referencing the process that data is stored with the ability to be transferred to another program to merge election results. The other systems refer to the DREs.

Question: Section 4.04.06 section j: Control logic and data processing methods to detect errors and provide correction method. Please explain more clearly.

Answer: All DRE voting systems must provide control logic and data processing methods to detect errors and provide a correction method.

Question: Section 4.04.06 section K: Accommodate multi-member districts where multiple votes are cast for more than one candidate in the same election. Please explain this more clearly and give an example if possible.

Answer: A race in which a voter must choose more than one candidate within the district at the same election. *Example: In some multi-member House of Delegate districts, voters must choose more than one candidate at any one election.*

Question: What is the minimum amount of technical points required to move beyond the technical portion of the evaluation.

Answer: 70 percent of the 65 technical points available must be retained in order to continue through to the cost evaluation.

Question: When must the current version of the voting system be approved by the West Virginia State Election Commission?

Answer: As soon as possible. In order to constitute as a winning Vendor, certification must be received by the West Virginia State Election Commission. It is strongly encouraged that each bidder receive state certification immediately.

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