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32644

TO: Board of Acquisition and Contract

FROM: Reginald Lafayette
Commissioner of Board of Elections

Douglas A. Colety
Commissioner of Board of Elections

DATE: February 20, 2013

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Robis Elections, Inc. for the provision of data processing and programming services of the AskED devices in a total amount not to exceed Forty Thousand Dollars (40,000.00) payable upon the submission of invoices and pursuant to an approved budget, for a term of one (1) year commencing January 1, 2013 and terminating December 31, 2013

Transmitted herewith is a resolution requesting authority for the County of Westchester (the "County"), acting through and by its Board of Elections (the "BOE") to enter into an agreement with Robis Elections, Inc. ("Robis") for the provision of data processing and programming services of AskED devices which are used in connection with County Elections. The handheld on-site election support system is a complete system of electronic devices that permits Election Inspectors and Pollsite Coordinators to process voters at the polling place in compliance with County, State, Federal, Department of Justice and HAVA requirements.

In accordance with §4-128 of the NYS Election Law, the BOE is required to provide maps, street finders, polling place and election district information to workers at the polls. The AskED device meets this requirement since it contains the most recent voter registration database for the entire County of Westchester. This enables the election inspectors to verify voter eligibility and party affiliation instantly on-site, ensure the voter is at the correct polling place and election district, print out maps and direct voters to the proper location. The AskED device also contains instructional videos related to operation of the Optical Scan and BMD voting machines, audio support for assistance to Spanish speaking voters and a searchable help problem solver.

Robis is the Sole Source for the data processing and programming of the AskED device. The Westchester County Board of Elections purchased five hundred (500) handheld units and entered into a five (5) year Agreement with Robis which commenced on January 14, 2008. That Agreement provided that for the first two elections Robis would handle the election data processing and burning of compact flash cards. After the first two (2) elections, Robis would do the data processing for a cost of \$1,995 per election plus an additional charge per card for flash card burning. According to the original Agreement, "any ownership or proprietary rights in the AskED software" remains solely with Robis. Therefore, no other entity is able to perform the data processing and programming for these devices and the County does not have the necessary hardware to perform this function on its own.

Pursuant to Section 9 of the Westchester County Procurement Policy and procedures, and after reasonable investigation, it has been determined that Robis is the only practicable source for data processing and programming of the AskED devices. Therefore, this contract is not subject to public bidding since it is exempt from the Procurement Policy under Section 9 of said Policy, and we hereby recommend to your Honorable Board that this procurement be treated as a sole source procurement pursuant to Section 9 of the Westchester County Procurement Policy.

This contract is in the public's best interest because the AskED device is critical to the operation of the election process for the BOE and failure to approve it would render the units currently owned obsolete. AskED devices are necessary to confirm correct voter information of County residents, and to enable all County residents to vote in their proper polling places in the upcoming 2013 Elections.

As we believe this agreement to be in the best interests of the County, we most respectfully urge Your Honorable Board to approve the attached resolution.

RJL/DAC/jpi
Attachment

RESOLUTION

Upon communication from the Commissioners of the Board of Elections, be it hereby:

RESOLVED, that County of Westchester is hereby authorized to enter into an agreement with Robis Elections, Inc. for the provision of programming services of the ASKED devices for each election to be held in 2013, in a total amount not to exceed Forty Thousand Dollars (40,000.00) payable upon the submission of invoices and pursuant to an approved budget, for a term of one (1) year, commencing January 1, 2013 and terminating December 31, 2013.

RESOLVED, that in accordance with section 9 (a) this procurement is deemed to be a sole source procurement pursuant Section 9 of the Westchester County Procurement Policy; and be it further

RESOLVED, that this contract is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice, and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	14	1000	4070		\$40,000

Budget Funding Year(s) **2013** Start Date **01/01/2013** End Date **12/31/2013**
 (must match resolution)

Funding Source	Tax Dollars	\$40,000 _____
	State Aid	_____
	Federal Aid	_____
\$40,000.00 (must match resolution)	Other	_____