INVITATION TO BID

Office of the Hamblen County Mayor

511 West Second North Street Morristown, TN 37814

<u>ITB TIMELINE:</u> Times listed below are in local time.

Date Issued:	Tuesday, November 7, 2022
ITB Title:	2022 Voting System for Hamblen Co Election Commission (2022-20)
ITB Question Deadline:	Monday, November 14, 2022 @ 2:00p.m. All correspondence and communication must be via email to the designated Hamblen County point of contact listed on page 5. Questions submitted by telephone call will <u>not</u> be answered. Questions submitted after this deadline will <u>not</u> be answered.
ITB Answer Deadline:	Wednesday, November 16, 2022 @ 4:00p.m.
Bid Submission Deadline Date & Time:	Monday, November 28, 2022 @ 2:00p.m. If the Hamblen County Courthouse is closed for business at the time scheduled for proposal opening, for whatever reason, proposals will be accepted and opened on the next business day of the County, at the originally scheduled hour.
Bid Submission Opening Location:	Hamblen County Courthouse, West Wing Conference Room, 1 st Floor, Administrative Building
Contract Award:	December 16, 2022

INTRODUCTION:

Hamblen County (hereafter referred to as "County") is soliciting sealed, competitive bids from qualified vendors for up to eighty (80) new, non-refurbished voting machines as stated in the specifications listed in this document. This is a turnkey project and should be quoted as such.

Award will be made to the lowest responsive and responsible bidder.

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I. <u>SPECIFICATIONS:</u>

- Election Management System
- Direct Recording Electronic (DRE) System with Voter-Verifiable Paper Audit Trail (VVPAT), or
- Hybrid voting system which utilizes a ballot marking device to produce a marked paper ballot, or
- An All-Paper Hand Marked System
- Absentee Ballot Scanning/Reporting System
- Provisional Ballot Scanning/Reporting System
- Tabulators, Tabulation System, High Speed Central Vote Tabulator
- Training, Technical Support, and/or Election Day Support
- Electronic Poll Book Solution for Early Voting and Election Day
- Ballot on Demand Solution for Early Voting
- In-house Ballot Printing Option and/or Supplier Services
- Requirements: The voting system purchased by the election commission must meet the following minimum requirements.
 - * Certified by the U.S. Election Assistance Commission to, at a minimum, the 2005 Voluntary Voting Systems Guidelines.
 - * Certified by the State Election Commission and Coordinator of Elections. A vendor may submit a bid for a system that is under review, but the County will not purchase the system until it is certified.
 - * Should have accessibility features to allow voters with disabilities to vote independently and privately.

- Turn-Key Purchase: The selected vendor must provide all components needed to operate its system as well as the tabulation system that consolidates votes from Absentee Voting, Early Voting and Election Day Voting into exportable reports for publishing of election results and exportable reports. The proposal must include all hardware, firmware, software, computers, printers, cables, operation system software, training, training manuals/resources, user manuals, maintenance manuals, technical support and any other item not listed, required to provide a fully functional voting system.
- Warranty: Vendor warrants to the County that all items delivered and all services rendered shall conform to the specifications, drawings and bid and/or other descriptions furnished and/or incorporated by reference and will be fit for the particular purpose purchased, of merchantable quality, good workmanship and free from defects. Vendor extends to the County all warranties allowed under the U.C.C. Vendor shall provide copies of warranties to the County. Return of merchandise not meeting warranties shall be at the vendor's expense.

II. <u>PROJECT INFORMATION:</u>

The Hamblen County Election Commission serves 37,613 voters with sixteen (16) election day precincts and one early voting site.

Precinct	# of Machines
Nursing Home	1
Early Voting	8
M-H Library	3
Meadowview	3
Hillcrest	4
Lincoln Heights	3
Manley Intermediate	5
Fairview Marguerite	4
Cherokee Park	5
Russellville Intermediate	4
Russellville Primary	4
Whitesburg	4
Union Heights	5

West View	3
Witt	3
Alpha Intermediate	5
Cedar Hill	5
Manley Primary	5
Spares	6
Total Machines:	80

III. <u>GENERAL INFORMATION:</u>

Project Administrator:

The County Finance Department is the sole point of contact for this procurement. All communication between prospective bidders and the County upon receipt of this ITB shall be in email form to the County Finance Department as follows:

Johnna Harrell 511 West Second North Street Morristown, TN 37814 Telephone: 423-586-1931 Email: Johnna.harrell@co.hamblen.tn.us

Any other communication will be considered unofficial and non-binding on the County. Communication directed to parties other than the County Finance Department may result in disqualification of the prospective proposer.

ITB Questions and Answers:

Questions regarding this ITB will be accepted via email to the Project Administrator until 2:00p.m. Monday, November 14, 2022. Questions submitted by telephone call will <u>not</u> be answered. Questions submitted after this deadline will <u>not</u> be answered.

Questions *and* Answers will be posted to the Hamblen County Government website, www.hamblencountytn.gov, under the Bids & Proposals Tab no later than 4:00p.m., Wednesday, November 16, 2022.

Proprietary Information and Public Disclosure:

Materials submitted in response to this competitive procurement shall become the property of Hamblen County. All bids submitted will remain sealed until the deadline for submission of bids has expired. Once a bid is submitted to Hamblen County Government and is opened, it constitutes a public record and is subject to the open records request pursuant to the Tennessee Open Records Act.

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Cost of Bid Submission:

The County will not be liable for any costs incurred by any respondent in preparation of a response to this ITB, in conducting of a presentation, or any other activities related to responding to this ITB.

Revisions to the ITB:

In the event it becomes necessary to revise any part of this ITB, addenda will be produced in writing and submitted to all prospective respondents known to the County and will be listed on the Hamblen County website, www.hamblencountytn.gov, under the Bids and Proposals Tab. All addenda issued must be signed and included with the bid submission.

The County reserves the right to cancel or to reissue this ITB in whole or in part prior to the issuance of a purchase order.

Period of Performance:

County PO Issuance through Set-up and Training.

No Obligation Contract:

The County reserves the right to accept or reject any or all bid submissions at its sole discretion without penalty and to not issue a purchase order as a result of this ITB. The County also has the right to waive any formal defects in submissions when deemed in the best interest of the County. Further, the County reserves the right to negotiate with any respondent concerning matters which the County determines require clarification or changes not in conformity with the specific requirements set forth herein.

<u>Right To Withdraw:</u>

Respondents have the right to request a withdrawal of their proposals from consideration due to error by giving notice at any time <u>before</u> and not later than two (2) days <u>after</u> submissions are publicly opened.

Commitment of Funds:

The Hamblen County Legislative Body are the only individuals who may legally commit the County to the expenditures of funds for a purchase order resulting from this ITB. Obligations on purchase orders that envision extended funding through successive fiscal periods shall be contingent upon actual appropriations for the following years.

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Invoice Requirements:

Invoices will be paid within fifteen (15) days after receipt.

Invoices should be submitted to the County Finance Department and include the following:

- 1. Purchase order number assigned by the County;
- 2. A description of the item purchased; and
- 3. The date(s) the item was delivered.

IV. <u>SUBMISSION REQUIREMENTS:</u>

<u>All</u> items in this ITB must be included with the bid submission. Respondents are required to submit one (1) complete packet either electronically or in a sealed envelope based on the instructions below. Proposals, whether mailed, hand-delivered or electronically submitted must arrive no later than 2:00p.m. local time on Monday, November 28, 2022.

Instructions for Submitting Bids Electronically:

Electronic submission should be sent to Johnna.harrell@co.hamblen.tn.us via WeTransfer.com, an internet-based computer file transfer service. The message line of the WeTransfer page must state: **2022 NEW VOTING SYSTEM FOR HCG ELECTION COMMISSION ITB#2022-20, NOVEMBER 28, 2022** @**2:00P.M.** <u>Please note: Bids should be submitted no earlier than November 22, 2022 as the documents are only available for download for seven (7) days and we cannot access them for any reason prior to Monday, November 28, 2022 @ 2:00p.m.</u>

Instructions for Submitting Hard Copies of Bids:

Envelopes **must** arrive **sealed** and clearly **marked** with **2022 NEW VOTING SYSTEM HCG ELECTION COMMISSION ITB#2022-20, NOVEMBER 28, 2022** @ **2:00P.M.** on the outside of the envelope to the Hamblen County Mayor's Office, 511 West Second North Street, Morristown, TN 37814, Attention: Johnna Harrell. Bids, whether mailed or hand-delivered must arrive no later than 2:00p.m. local time on Monday, November 28, 2022.

Respondents assume the risk for the method of delivery chosen. The County assumes no responsibility for delays caused by any delivery service whether in-person or electronically. Late proposals will **not** be accepted.

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Submission Content:

All items listed below **must** be included in your submission.

- 1. Bid Form (attached)
- 2. Exceptions Form (attached)
- 3. Anti-Collusion Statement (attached)
- 4. Certificate of Compliance with Iran Divestment Act (attached)
- 5. Any addenda issued

Bid Form:

The respondent must complete the bid form on pages 10-18 of this document. This includes the respondent's contact information and proposed cost.

Exceptions Form:

The exceptions form listed on page 19 of this document give options of "<u>NO EXCEPTIONS</u> <u>TAKEN</u>" or "<u>BIDDER TAKES EXCEPTIONS</u>". One of these should be selected and submitted with the sealed bid.

If a bidder **has** exceptions to the scope of services listed in this document, they must be listed on the exceptions form on page 19 of this document.

If the bidder **has no** exceptions to the scope of services listed in this document, they should indicate so by selecting, "NO EXCEPTIONS ARE TAKEN" on the exceptions form on page 19 of this document.

Anti-Collusion Statement:

The respondent certifies by signing the anti-collusion statement on page 20 of this ITB that this proposal is made without prior understanding, agreement, or accord with any other person submitting proposals for the same service and that this submission is in all respects bona fide, fair and not the result of any act of fraud or collusion with another person engaged in the same line of business or commerce.

Iran Divestment Act:

The respondent must certify on page 21 of this ITB that neither they nor any of their successors, parent companies, subsidiaries or companies under common ownership or control certifies, under penalty of perjury, that to the best of their knowledge and belief that they are not on the list created pursuant to Tennessee Code Annotated § 12-12-106.

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Signatures:

The Exceptions Form, Anti-Collusion Statement, Certification of Compliance with the Iran Divestment Act, and all ITB Amendments must be signed and dated by a person authorized to legally bind the respondent to a contractual relationship.

Insurance Requirements:

The successful vendor must obtain and keep in force for the term of the contract or services, workman's compensation, comprehensive general liability insurance and bodily injury and property damage insurance sufficient to hold the County harmless in the event of an accident or injury to vendor or any employee or subcontractor of vendor. Submission of a copy of your insurance coverage will be mandatory within 30 days of award; otherwise, the County may rescind its acceptance of the vendor's bid.

- A. General Liability: \$1,000,000.00 per occurrence \$2,000,000.00 General Aggregate
- B. Worker's Compensation and Employer's Liability: \$1,000,000.00
- C. Comprehensive Automobile Liability: Minimum of \$1,000,000.00

V. <u>FORMS:</u>

a) <u>BID FORM</u>

Information of company or individual with whom the contract would be written	
Company Legal Name:	
Address:	
Phone:	
Primary Point-of-Contact:	
Primary Point-of-Contact Email Address:	
List Experience with Projects of Similar Size and Complexity:	
Describe your company process or background checks and security training of those who will be working on the project:	
Confirm that all equipment proposed is new or newly manufactured, not reconditioned or refurbished in any way:	

Additional pages will be accepted if needed to complete the information below. Additional pages must be labeled with the header it is referring to...i.e. Ballot Marking Device continued...

System Description:

Describe the overall system for your proposed solution, including hardware and software. Describe the benefits of your system. Provide any manufacturing process certifications you have received for the components offered. Provide details regarding the location where components are sourced, and the voting system hardware and software manufactured.

Ballot Marking Device:

Describe the functionality of your proposed ballot-marking device, taking the following into account:

- 1) Ease of use by voters and election officials.
- 2) Accessibility features.
- 3) Support of split precincts or multiple ballot styles on a single unit.
- 4) Options to ensure activation of the proper ballot style for each voter.
- 5) Preventing the voter from over voting.

6) Allowing under votes but notifying the voter of their right to cast votes for all contests for which they are eligible.

- 7) Allowing voters to make multiple selections for a single contest when applicable.
- 8) Process for casting a write-in ballot.
- 9) Summary of selections presented to voters.
- 10) Troubleshooting features for election officials.
- 11) Opening and closing procedures for election officials.
- 12) Battery backup in the event of loss of power, including alerts to election officials.
- 13) Supplies needed for operation, such as paper, toner, seals, etc.

Precinct-Based Scanners:

Describe the scanner used in the precinct to tabulate votes. Per T.C.A. 2-20-104(d), precinct-based optical scanners used in an election in this state shall not have any capability, enabled or disabled, for wireless communication of any sort. Per State Election Commission policy, the scanner should have a removable bin to collect the ballots. Take the following into account as you prepare your response and provide a response to each of the following:

1) Ease of use by voters and election officials.

2) Clarity to voter and election officials that ballot has been cast and stored.

3) Poll opening and closing procedures, including printing a zero tape in the morning and results tape in the evening.

4) Does is read names or barcodes?

5) Safeguards to ensure votes are not cast until polls open and cannot be cast after the last voter in the line at the close of polls casts a ballot.

6) Can a ballot be scanned more than once, or photocopies be scanned?

7) Battery backup in the event of loss of power, including alerts to election officials.

8) Procedures and time necessary to clear any jammed cards or ballots.

9) Preservation of ballot images.

10) How many will each scanner be able to scan in an election cycle before being replaced.

11) Supplies needed for operation, such as external memory devices, extra binds, ballot boxes, etc.

12) How many ballots/cards can be held in the original bin? Will you be able to change out the scanner and place on a new bin or replace the bin internally.

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Direct Recording Electronic (DRE) system with Voter-Verifiable Paper Audit Trail (VVPAT):

Describe the functionality of your proposed DRE system, taking the following into account:

1) Ease of use by voters and election officials.

2) Accessibility features.

3) How machines are transported and stored.

4) Support of split precincts or multiple ballot styles on a single unit.

5) Options to ensure activation of the proper ballot style for each voter.

6) Preventing the voter from over voting.

7) Allowing under votes but notifying the voter of their right to cast votes for all contests for which they are eligible.

8) Allowing voters to make multiple selections for a single contest when applicable.

9) Process for casting a write-in ballot.

10) Summary of selections presented to voters.

11) Troubleshooting features for election officials.

12) Opening and closing procedures for election officials including printing of a zero tape in the morning and results tapes upon closing.

13) Battery backup in the event of loss of power, including alters to election officials.

14) How cast vote records are stored, backed up and secured on a device.

15) Anti-tampering features, including protection of unused ports during storage, transportation and use.

16) Voter-verifiable audit trail functionality for each ballot cast.

17) Supplies needed for operation, such as paper, toner, seals, etc.

Absentee Scanner:

Describe your central absentee scanning device solution, including the brand and model and any necessary software:

- 1) Ballots per minute capacity.
- 2) Capability to read variety of marks on ballots.
- 3) Can a ballot be scanned more than once or photocopies be scanned?
- 4) Process for handling exceptions, such as over votes, write-in and other ballots needing manual review.
- 5) Process for importing results into election management system

6) System logs.

- 7) Troubleshooting information for election officials.
- 8) Battery backup solution in the event of loss of power.
- 9) Does it have any capability, enabled or disabled, for wireless communication of any sort?

Election Management System:

Describe your election management hardware and software and their functionality, including the following:

1) Programming of the election.

- 2) Ballot creating and printing by vendor choice.
- 3) Does your system provide a way that the County can print our own absentee and emergency ballots?4) Audit logs.

5) Election night reporting, including steps to ensure that all precincts and anticipated results have been reported.

6) Process to ensure speed and accuracy of tabulation.

7) Customization of reports.

<u>Maintenance:</u>

 Confirm capacity to upgrade or modify any of the deliverables without charge to meet requirements mandated by changes to state or federal law or State Election Commission policy.
Confirm capacity to upgrade or modify software to meet requested enhancements.

3) What is the length of warranties on each piece of equipment and what is included with the maintenance?

Yearly Fees:

1) All fees required to operate the voting system must be disclosed in the proposal. Proposers also shall include estimated fee costs for the next 120 months.

2) Describe the yearly fees that will be associated with each piece of equipment.

3) Is there an annual maintenance fee? Is the maintenance fee optional? What does that cover?

4) What are the yearly support fees for setting ballot and programing the machines? Does a representative come one site to program the voting machines?

5) Are there any licensing fees that are required for the operation of the voting system?

Security:

1) Describe your process for identifying physical and specific cybersecurity risks and mitigating them in the election environment, and how the implementation of the mitigation processes will increase the likelihood of success on the current proposal. Be specific and provide specific examples of how this process has been successful in both confirming proper implementation and identifying needed changes. Include lab testing and third-party testing you regularly employ. Provide a description of processes you use to test, patch and anomaly handle.

2) Provide a description of the threat environment as it applies to the systems and their interconnections that are addressed in your proposal. Provide an assessment of the severity of threats and identify and align mitigation approaches to the threats. Also, provide an assessment of the residual risks following mitigation actions.

3) Describe how you monitor ongoing security threat changes and respond to evolving threats, including monitoring common vulnerabilities and exposures (CVEs) and any ability to receive and share real-time threat information. Indicate participation in information sharing networks, including the Sector Coordination Council of the Election Infrastructure Subsector (EIS-SCC), the Information Technology Information Sharing & Analysis Center (IT-ISAC), the Election Infrastructure ISAC (EI-ISAC) and others.

4) Define or provide documentation on incident handling, recover and contingency processes, including communication plans, backup procedures, and process for operational data availability. This should also include items such as log and audit, log analysis and assessment and forensics capabilities.

5) Define what constitutes an incident and any levels of severity. Include procedures for notifying the government in the event of incidents of each level of severity, to include responsibilities and liability. Additionally, provide a communication plan for handling an incident.

6) Describe your process for moving datas, whether digitally or physically, while maintaining appropriate security protection and data integrity. This includes between organizations such as the proposer and proposed subcontractors, and to the government, where applicable, during transitions to new systems and technologies.

7) Describe the security audits and penetration analysis performed on a regular basis. If conducted, provide annual security audit reports conducted by an independent auditor.

Training and Support:

1) Describe the training you will provide for staff, election officials and the public for the new system, including samples of training materials.

2) Will training materials be provided or be an additional expense?

- 3) Describe your early voting, election day and general support.
- 4) How many elections will be covered under the original agreement for support?
- 5) What are the normal fees for election day on site support?
- 6) Where is your representative located to service Hamblen County?

Delivery of Equipment:

From the date the bid is awarded, what will be the delivery time of the equipment? Proposers shall include an estimated time schedule for delivery, training and implementation of the election system.

Cost:

Pricing should include all expenses, training and shipping costs for the voting system. Pricing should be submitted as itemized by each item included in the proposal and with a turnkey cost for the voting system.

1) Vendors should include a breakdown of costs for each piece of equipment, supplies and materials that are required for the voting system. The vendor should determine the amount of equipment required for Hamblen County. Voting information is located in Section II, Project Information.

2) Proposals should include equipment and supplies individually, separate from the voting system, if additional equipment or supplies are needed. Pricing on these items will remain firm fixed for 12 months after the award date.

3) Proposers should include election day support costs for the system and should estimate the support costs for the next ten (10) years.

4) Proposers should include maintenance fees for the election system that is proposed and shall estimate maintenance costs for the next ten (10) years.

b) EXCEPTIONS FORM

Bidder MUST sign the appropriate statement below, as applicable.

Bidder understands and agrees to all terms, conditions, requirements and specifications stated herein. NO EXCEPTIONS ARE TAKEN.

FIRM NAME:	
AUTHORIZED	
REPRESENTATIVE:	
(printed)	
AUTHORIZED	
REPRESENTATIVE:	
(signature)	
DATE:	

Bidder takes exception to the following terms, conditions, requirements and specifications stated herein.

FIRM NAME:	
AUTHORIZED	
REPRESENTATIVE:	
(printed)	
AUTHORIZED	
REPRESENTATIVE:	
(signature)	
DATE:	
EXCEPTIONS TO NOTE:	

c) ANTI-COLLUSION STATEMENT

By signing this form the respondent agrees that he/she has not divulged to, discussed, or compared his/her submission with other respondents and has not colluded with any other respondent whatsoever. Note: no premiums, rebates or gratuities to any employee or agent are permitted with, prior to, or after any delivery of service. Any such violation will result in any contract related to this ITB being null and void and could constitute a felony and result in a fine, imprisonment and civil damages.

The undersigned certifies that he/she has read, understands, and agrees to all terms, conditions, and requirements of this ITB, and is authorized to enter into a contract with Hamblen County Government. This form must be signed personally by the respondent or the respondent's authorized agent. All signatures must be original.

Signature

Printed Name

By signing this form, the respondent signifies understanding and agreement with Hamblen County Government's Terms and Conditions.

Title

Date

d) CERTIFICATION OF COMPLIANCE WITH IRAN DIVESTMENT ACT Tenn. Code Ann. § 12-12-101 et seq.

Comes _____

_____, for and on behalf of

(Printed name of Principal Officer of Company)

_____, (the "Company") and, after being duly

authorized by the Company so to do, makes oath that:

By submission of these qualifications, each respondent certifies, and in the case of a joint submission each party certifies, under penalty of perjury, that to the best of their knowledge and belief that each respondent is not on the list created pursuant to the Iran Divestment Act, Tenn. Code Ann. § 12-12-106.

Signature

Title

Date

V. <u>ITB SUBMISSION CHECKLIST:</u>

- Submission is labeled on the outside of the envelope or in the subject line, if electronically submitted, '2022 VOTING SYSTEM FOR HAMBLEN CO ELECTION COMMISSION ITB#2022-20, NOVEMBER 28, 2022 @ 2:00p.m. as instructed on page 7 Section IV of this document
- □ Bid Form completed (pages 10-18 Section V.a. of this document)
- □ Exceptions Form completed and signed (page 19 Section V.b. of this document)
- □ Anti-Collusion Statement Signed (page 20 Section V.c. of this document)
- Certification of Compliance with Iran Divestment Act completed and signed (page 21 Section V.d. of this document)
- □ Signed Addenda (if applicable)