



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

November 19, 2008

Mr. Mark Phillips
Vice President of Compliance Services
SysTest Labs, Incorporated
216 16th Street, Suite 700
Denver, CO 80202-5115

RE: EAC Approval of Remedial Action Plan

Pursuant to Sections 5.5.2.2 of the U.S. Election Assistance Commission's (EAC) *Voting System Test Laboratory Program Manual (Program Manual)*, this memorandum will serve as notification that the EAC has approved the remedial plan provided by SysTest in your correspondence of November 5, 2008 (attached). Please note that this is only an approval of the general scope of the remedial plan and confirmation that the plan, as submitted, meets the minimum requirements of Sections 5.5.2.1.1 – 5.5.2.1.4 of the *Program Manual*. As noted in the *Program Manual*, the EAC will only entertain lifting the suspension of accreditation upon complete and proper execution and verification of this plan.

Remember that **prior** to regaining valid accreditation as an EAC VSTL, SysTest must show that the current suspension of SysTest by NVLAP has been lifted. This process will include a follow-up on site visit by both NVLAP and EAC staff to verify that all items noted as laboratory deficiencies have been remedied.

If you have any questions concerning this notice, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill A. Hancock".

Director, Testing and Certification Program

Attachment: SysTest Cure Plan Response to NIST/EAC 11.05.08



November 5, 2008

Brian Hancock
Director of Voting System Testing and Certification
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005

cc: Jon M. Crickenberger
NIST/NVLAP Program Manager
National Institute of Standards and Technology
100 Bureau Drive, Stop 2140
Gaithersburg, MD 20899

Re: Opportunity to Cure

Dear Mr. Hancock:

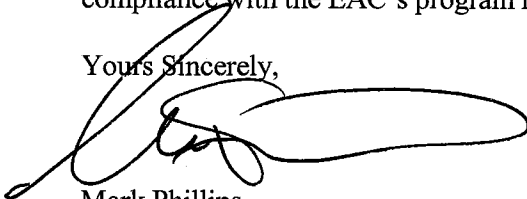
Pursuant to Section 5.5.2 of the U.S. Election Assistance Commission's (EAC) Voting System Test Laboratory Program Manual (Program Manual), SysTest Labs hereby requests the opportunity to cure our noncompliance with the EAC's Voting System Test Laboratory (VSTL) requirements as noted in your letter of October 31, 2008 regarding Suspension of Accreditation.

- In the correspondence sent to SysTest Labs, you identified the specific reason for the EAC suspension of SysTest Labs' accreditation to be based solely on the suspension of our NVLAP accreditation.
- As stated in the October 31, 2008 letter, our cure plan for the EAC must ultimately lead to the lifting of SysTest Labs' suspension by NVLAP. Therefore, the specific step required to achieve compliance within the EAC Program Manual is for SysTest Labs to resolve the accreditation suspension imposed by NIST/NVLAP. The attached document details our cure plan submitted to NIST/NVLAP for this express purpose. Identified in the detailed plan are the specific tasks, along with the resources and personnel to accomplish this objective.
- As you recognize, the timeframe for completion of our cure plan is dependent on the availability of personnel from NIST/NVLAP and its audit team. However, the following key dates are identified in our plan:
 - 10/31/2008 through 12/18/2008 – Execution of the NIST/NVLAP Cure Plan, subject to NIST/NVLAP approval
 - 12/08/2008 – Final submission of documentation required by NVLAP
 - 12/16/2008 – 12/18/2008 – Estimated date of NVLAP onsite visit and assessment at SysTest Labs
 - 01/05/2008 – Estimated date of NVLAP response.
 - 01/05/2009 – Estimated date of SysTest Labs' written certification attesting to our completion of our remedial plan and full compliance with EAC program requirements.

- SysTest Labs will provide you with weekly progress reports starting November 7, 2008 through completion of SysTest Labs' EAC cure plan.
- Once SysTest Labs successfully completes our remedial plan and is confident of being in full compliance with program requirements, we will provide a written certification attesting to that effect.

We understand that our plan for cure of our noncompliance of the EAC's VSTL requirements will be reviewed and that we will have the opportunity to work with the EAC Program Director to finalize and obtain approval of the plan. We appreciate the opportunity to bring SysTest Labs into compliance with the EAC's program requirements.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Phillips', written over a horizontal line.

Mark Phillips
Vice President, Compliance Services

Enclosures: Detailed NVLAP Cure Plan and Schedule of Tasks and Resources
NIST/NVLAP Letter to Jon Crickenberger dated November 5, 2008

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
1	VSTL Re-Accreditation Cure Plan	47 days	Mon 10/27/08	Mon 11/5/09	2%		
2	Cure plan	9 days	Mon 11/3/08	Thu 11/13/08	60%		SysTest Labs
3	Develop Cure Plan and Schedule	3 days	Mon 11/3/08	Wed 11/5/08	100%		SysTest Labs
4	Submit Cure Plan	0 days	Wed 11/5/08	Wed 11/5/08	100%		
5	Obtain approval of Cure Plan	2 days	Wed 11/12/08	Thu 11/13/08	0%		NVLAP Program Dir
6	NVLAP/NIST Cure Plan Management and Status to the NVLAP and NIST	15 days	Fri 11/7/08	Tue 12/2/08	0%		
7	Email progress report to NVLAP/NIST	0 days	Fri 11/7/08	Fri 11/7/08	0% 3		T. Mapps
8	Meet with NVLAP/NIST to review report	0.5 days	Fri 11/7/08	Fri 11/7/08	0% 7		SysTest Labs,NVLAP
9	Email progress report to NVLAP/NIST	0 days	Fri 11/14/08	Fri 11/14/08	0%		T. Mapps
10	Meet with NVLAP/NIST to review report	0.5 days	Fri 11/14/08	Fri 11/14/08	0% 9		SysTest Labs,NVLAP
11	Email progress report to NVLAP/NIST	0 days	Fri 11/21/08	Fri 11/21/08	0%		T. Mapps
12	Meet with NVLAP/NIST to review report	0.5 days	Fri 11/21/08	Fri 11/21/08	0% 11		SysTest Labs,NVLAP
13	Email progress report to NVLAP/NIST	0 days	Wed 11/26/08	Wed 11/26/08	0% 11		T. Mapps
14	Meet with NVLAP/NIST to review report	0.5 days	Wed 11/26/08	Wed 11/26/08	0% 13		SysTest Labs,NVLAP
15	Email progress report to NVLAP/NIST	0 days	Tue 12/2/08	Tue 12/2/08	0%		T. Mapps
16							
17	Cure Plan and Re-Accreditation Process	47 days	Mon 10/27/08	Mon 11/5/09	0%		
18	Remediation of Non-conformance Item 1 - Test Method Validation (Response to lack of properly documented and validated test methods) Owner - M. Santos, R. Thomas, J. Garcia	29 days	Mon 10/27/08	Mon 12/8/08	0%		
19	Confirm definition of Test Method with NVLAP	4 days	Fri 10/31/08	Wed 11/5/08	0%		SysTest Labs
20	Approval of Test Method definition	0 days	Wed 11/5/08	Wed 11/5/08	0% 19		NVLAP
21	Update, per NIST/NVLAP, mapping from Federal Voting System Standards to Test Method - Owner J. Garcia, M. Santos	17 days	Thu 11/6/08	Tue 12/2/08	0%		
22	Review/Update Test Method Template	5 days	Thu 11/6/08	Wed 11/12/08	0% 20		D. Valdez[50%],D. George[50%],T. Simmons[50%],M. Santos[25%],R. Thomas[25%]
23	Review current requirements to test methods mapping	5 days	Thu 11/6/08	Wed 11/12/08	0% 20		J. Schweitzer[75%],S. Davis[75%],D. Valdez[25%],D. Forester[75%]
24	Update requirements to test methods mapping	12 days	Thu 11/13/08	Tue 12/2/08	0% 23		S. Davis[50%],J. Schweitzer[50%],D. Valdez[50%],D. Forester[50%],D. George[75%],R. Thomas[50%],S. Singh[50%],M. Santos[25%]

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
25	Deliverable to NVLAP - Updated Test Methods mapping to Federal Voting System Standards	0 days	Tue 12/2/08	Tue 12/2/08	0% 24		Sys Test Labs
26	Update Test Methods and Test Procedures - Owner M. Santos	17 days	Thu 11/6/08	Tue 12/2/08	0%		
27	Review/Update Test Method Development Procedures	1 day	Thu 11/6/08	Thu 11/6/08	0% 20		R. Thomas[50%], M. Santos[50%]
28	Create/Update/Trace new Test Methods, If Required	3 days	Fri 11/7/08	Tue 11/11/08	0% 27		S. Davis[25%], J. Schweitzer[25%], D. Valdez[25%], D. Forester[25%], D. George[25%], R. Thomas[25%], S. Singh[25%], T. Simmons[25%], M. Santos[25%]
29	Review/Update Test Procedures	1 day	Wed 11/12/08	Wed 11/12/08	0% 28		R. Thomas[50%], M. Santos[50%]
30	Create/Update/Trace new Test Procedures, If Required	12 days	Thu 11/13/08	Tue 12/2/08	0% 29		S. Davis[25%], J. Schweitzer[25%], D. Valdez[25%], D. Forester[25%], D. George[25%], R. Thomas[25%], S. Singh[25%], T. Simmons[25%], M. Santos[25%]
31	Deliverable to NVLAP - Updated Test Methods and Test Procedures	0 days	Tue 12/2/08	Tue 12/2/08	0% 30		Sys Test Labs
32	Validation of Test Methods & Test Procedures - Owner R. Thomas	17 days	Thu 11/6/08	Tue 12/2/08	0%		
33	Review/Update Test Method and Test Procedures Validation	2 days	Thu 11/6/08	Fri 11/7/08	0% 20		M. Santos[25%], R. Thomas[25%]
34	Validate Test Methods and Test Procedures	15 days	Mon 11/10/08	Tue 12/2/08	0% 33		D. Forester[25%], J. Schweitzer[25%], R. Thomas[30%], D. Valdez[25%], S. Davis[25%], D. George[25%], S. Singh[50%], T. Simmons[50%], M. Santos[25%]
35	Deliverable to NVLAP - Validated Test Methods	0 days	Tue 12/2/08	Tue 12/2/08	0% 34		Sys Test Labs
36	Readiness Test	12 days	Mon 10/27/08	Tue 11/11/08	0%		
37	Submit Readiness Test RFI	1 day	Mon 10/27/08	Mon 10/27/08	0%		Sys Test Labs

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
38	Obtain Approval from EAC on Readiness RFI	10 days	Tue 10/28/08	Tue 11/11/08	0%	37	T. Mapps[10%]
39	Create / Update SLPs as required - Owner R. Thomas	4 days	Wed 12/3/08	Mon 12/8/08	0%		
40	Review/Update SLP for Writing Discrepancies	3 days	Wed 12/3/08	Fri 12/5/08	0%	26,32	R. Thomas[50%], S. Davis[50%]
41	Review/Update SLP for Test Execution	4 days	Wed 12/3/08	Mon 12/8/08	0%	26,32	D. George[50%]
42	Deliverable to NVLAP - Updated Writing Discrepancies and Test Execution SLPs	0 days	Mon 12/8/08	Mon 12/8/08	0%	40,41	SysTest Labs
43	Remediation of Non-Conformance Item 2 - Personnel Qualifications and Training (Response to testing conducted by unqualified or untrained personnel) Owner - L. Hoppert / J. James	24 days	Mon 11/3/08	Mon 12/8/08	0%		L. Hoppert[0%]
44	Update Overall Training Plan	4 days	Mon 11/3/08	Thu 11/6/08	0%		L. Hoppert[50%], J. Prochazka, R. Thomas[25%], M. Santos[25%]
45	Define/Update List of SLPs	1 day	Fri 11/7/08	Fri 11/7/08	0%	44	J. Prochazka, L. Hoppert[50%]
46	Update Training Records to include classes, approvals, and certifications	1 day	Mon 11/10/08	Mon 11/10/08	0%	45	L. Hoppert[25%], J. Prochazka
47	Validation/Testing Training	11 days	Mon 11/10/08	Mon 11/24/08	0%		
48	Update Training and Materials	6 days	Mon 11/10/08	Mon 11/17/08	0%		
49	Update Training and Materials - PCA	2 days	Mon 11/10/08	Tue 11/11/08	0%	27,33	M. Santos
50	Update Training and Materials - FCA	4 days	Wed 11/12/08	Mon 11/17/08	0%	49	R. Thomas
51	Develop Training Session	5 days	Tue 11/18/08	Mon 11/24/08	0%	50	J. Prochazka, L. Hoppert[35%]
52	SysTest Labs Certification Testing 101 Training	7 days	Thu 11/13/08	Fri 11/21/08	0%		
53	Update Training and Materials (Basics of SysTest testing)	2 days	Thu 11/13/08	Fri 11/14/08	0%		R. Thomas[25%], M. Santos[50%]
54	Develop Training Session	5 days	Mon 11/17/08	Fri 11/21/08	0%	53	J. Prochazka, L. Hoppert[35%]
55	SysTest Labs New Hire Training (EAC, NIST/NVLAP, VSS/VVSG, general policies)	0.5 days	Mon 11/10/08	Mon 11/10/08	0%		
56	Update Training and Materials	0.25 days	Mon 11/10/08	Mon 11/10/08	0%		L. Hoppert
57	Update Training Session	0.25 days	Mon 11/10/08	Mon 11/10/08	0%	56	L. Hoppert
58	Election Process	11 days	Fri 11/7/08	Fri 11/21/08	0%		
59	Update Training and Materials (learning the electoral process)	5 days	Fri 11/7/08	Thu 11/13/08	0%	44	J. Henry[35%], L. Hoppert[25%], J. Garcia[25%]
60	Develop Training Session	6 days	Fri 11/14/08	Fri 11/21/08	0%	59	L. Hoppert[25%], J. Garcia[25%], Henry[35%]
61	Voting Equipment System Training (General overview of devices and applications used)	13 days	Fri 11/7/08	Tue 11/25/08	0%		

Sys Test Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
62	Update Training and Materials	5 days	Fri 11/7/08	Thu 11/13/08	0% 44		L. Hoppert[25%], J. Henry[35%], D. Valdez[25%]
63	Develop Training Session	8 days	Fri 11/14/08	Tue 11/25/08	0% 62		L. Hoppert[25%], J. Henry[35%], D. Valdez[25%]
64	Document Control	11 days	Fri 11/7/08	Fri 11/21/08	0%		
65	Update Training and Materials	2 days	Fri 11/7/08	Mon 11/10/08	0% 44		L. Hoppert[50%]
66	Update Document Control Procedures	3 days	Fri 11/7/08	Tue 11/11/08	0% 44		L. Hoppert[25%]
67	Develop Training Session	6 days	Fri 11/14/08	Fri 11/21/08	0% 65FS+3 days		L. Hoppert[25%]
68	Deliverable to NVLAP - Updated Training Procedures, Materials and Curriculum	0 days	Tue 11/25/08	Tue 11/25/08	0% 64,61,58,47		M. Phillips
69	Re-administer training per updated training SLP and Materials	8 days	Tue 11/25/08	Mon 12/8/08	0% 45,51,60,62,66		SysTest Labs
70	Deliverable to NVLAP - Updated Training Records	0 days	Mon 12/8/08	Mon 12/8/08	0% 69		J. Prochazka
71	Remediation of Non-Conformance Item 3 - Vendor Communication (To include approved signature form) Owner - T. Mapps	8.5 days	Fri 10/31/08	Wed 11/12/08	0%		
72	Update Mfr Comm Training & Materials	3 days	Fri 10/31/08	Tue 11/4/08	0%		L. Hoppert[50%], T. Mapps[30%]
73	Update Mfr Comm Training Procedures	3 days	Wed 11/5/08	Fri 11/7/08	0% 72		L. Hoppert[50%], T. Mapps[30%]
74	Develop Training Session	1 day	Mon 11/10/08	Mon 11/10/08	0% 73		L. Hoppert[50%], T. Mapps[30%]
75	Re-administer training per updated training Procedures and Materials	1 day	Tue 11/11/08	Tue 11/11/08	0% 74		T. Mapps[50%], L. Hoppert
76	Confirm employee signatures on all required forms	0.25 days	Tue 11/11/08	Wed 11/12/08	0% 75		M. Phillips, L. Hoppert, T. Mapps
77	Deliverable to NVLAP - Update Training Records	0.25 days	Wed 11/12/08	Wed 11/12/08	0% 76		J. Prochazka
78	Confirmation of Delivery of all Required Documents Demonstrating Compliance per NVLAP Instructions & Letter Dated October 28, 2008	0 days	Mon 12/8/08	Mon 12/8/08	0% 18,43,71		M. Phillips
79	NVLAP Review of Documents	5 days	Tue 12/9/08	Mon 12/15/08	0% 78		NVLAP
80	Planning & Preparation for on-site assessment	24 days	Fri 10/31/08	Fri 12/5/08	0%		SysTest Labs
81	Schedule on-site assessment	0 days	Mon 12/15/08	Mon 12/15/08	0% 79		M. Phillips
82	Onsite Assessment	3 days	Tue 12/16/08	Thu 12/18/08	0% 81		NVLAP
83	NVLAP Response to Onsite Assessment	5 days	Tue 12/30/08	Mon 1/5/09	0% 82FS+5 days		NVLAP
84	Email progress report to EAC on Results of On-site Assessment and NVLAP Decision	0.5 days	Fri 12/19/08	Fri 12/19/08	0% 82		T. Mapps
85	Meet with EAC to review report	0.5 days	Fri 10/31/08	Fri 10/31/08	0%		SysTest Labs, EAC
86	Goal for Achieving NIST/NVLAP 17025, HB 150 and HB 150-22 Accreditation	0 days	Mon 1/5/09	Mon 1/5/09	0% 83		SysTest Labs
87	Submit Certification Letter to the EAC Program Director	0 days	Mon 1/5/09	Mon 1/5/09	0% 86		B. Phillips
88	EAC Review of Certification Letter	3 days	Tue 1/6/09	Thu 1/8/09	0% 87		EAC
89	Decision by EAC	0 days	Thu 1/8/09	Thu 1/8/09	0% 88		EAC