

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE



Request For Proposal
#2013-002

Electronic Blank Ballot Delivery System

Release Date: December 19, 2013

Response Due Date: January 15, 2014, 5:00 p.m. Central Time

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Section I: GENERAL INFORMATION

1. Purpose and Information

Secretary of State Jim Bennett (hereinafter “Secretary of State”) solicits proposals from qualified companies for the comprehensive development and implementation of a statewide computerized Electronic Blank Ballot Delivery System for the 2014 Primary, Primary Run-Off, General, and applicable special elections that meets and exceeds the requirements, recommendations, and mandates of all state and federal laws, rules, and regulations for the citizens of the State of Alabama who are qualified to vote under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)¹ as modified by the National Defense Authorization Act for FY 2010², including Alabama Legislative Act 2011-619³.

This Request for Proposals (hereinafter “RFP”) is issued in accordance with the requirements of § 41-16-72(4), Code of Alabama 1975. This RFP is not an offer to contract but seeks the submission of proposals from qualified, professional companies that may form the basis for negotiation of an agreement to provide the statewide computerized Electronic Blank Ballot Delivery System referenced above. Specifically this RFP will focus on soliciting proposals to meet the requirements of UOCAVA Sections 102(f)(1); 102(f)(2); 102(f)(3); and 102(h).

The proposed solution shall serve as the official Electronic Blank Ballot Delivery System for the State of Alabama. This RFP seeks to implement a statewide uniform, interactive, platform structure that is utilized by the Absentee Election Managers within and from each of Alabama’s sixty-seven (67) counties for the 2014 Primary, Primary Run-Off, General, and applicable special elections.

¹ 42 U.S.C. § 1973ff *et seq.*

² Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2195, 2318-2335 (2009) (“MOVE Act”)

³ Act 2011-619 (<http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0008648.PDF>)

The Secretary of State reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama. The Secretary of State further reserves the right to amend this RFP in whole or in part. Any amendments to the RFP shall be made by written addendum and will be mailed and/or electronically forwarded to all vendors who submitted a proposal to this RFP issued on December 19, 2013.

2. Issuing Office & Contact Information

From the date of the issuance of this RFP until the selection of a Contractor, if any, is announced, all inquiries and questions concerning any aspect, component or part of this RFP shall be directed to the point of contact listed below.

All proposals should be submitted in the format provided in Section II to:

Adam Thompson

Deputy Chief of Staff

Office of Secretary of State Jim Bennett

600 Dexter Avenue, Suite S-105

Montgomery, Alabama 36103

334-353-7818 – telephone

334-242-4993 – facsimile

adam.thompson@sos.alabama.gov – electronically

3. Minimum Qualifications

Each Respondent must have successfully implemented a similar solution(s) in other states, countries or political subdivisions thereof. Written certification of these qualifications is required in the response.

4. Written Proposals

To be considered, each Respondent must submit a complete written proposal in response to the requirements of this RFP. Verbal proposals will not be accepted. Proposals should be as thorough and detailed as possible so that the company's capabilities to provide the required services can be properly evaluated.

5. Due Date & Submission

Proposals must be received in the Secretary of State's office on or before January 10, 2014, 5:00 p.m. Central Time. The original plus two (2) copies, one of which shall be electronic on a CD included with the submission, should be provided. Proposals received after the due date will not be considered.

It is the responsibility of the Respondent to ensure that its proposal is timely delivered and received in the proper office on or before the deadline for responding to this RFP. The Secretary of State will not consider proposals received after the date and time specified herein. The Secretary of State assumes no responsibility for late delivery by the U.S. Mail, the State's Central Mail Facility, a commercial courier service, or any other method of delivery selected by the Respondent. All proposals received by the Secretary of State will be subject to public disclosure in accordance with Alabama public records laws.

Questions should be emailed to adam.thompson@sos.alabama.gov. During the RFP process, neither the Secretary of State nor other employees of the Secretary of State's office should be contacted by any individual or company that intends to submit a response.

The proposal must include a statement as to the period during which the proposal is valid. Respondent is responsible for any costs incurred in developing or submitting a proposal, or in presenting information to the Secretary of State.

The proposal must be signed by an official in the responding company who has the authority to bind the company.

6. Selection of Provider

The Secretary of State will review and evaluate all proposals. After the review and evaluation of the proposals, the Advisory Proposal Evaluation Committee referenced in Section III of this RFP may recommend that the Secretary of State conduct interviews. Finalists chosen for interviews, if necessary, will be notified. The Secretary of State reserves the right to request a best and final offer from finalists. The Secretary of State will select the company the Secretary of State determines, in his sole discretion, to be fully qualified and best suited among those submitted proposals to best meet the needs of the State of Alabama. *All proposals received in response to this RFP may be rejected and the Secretary of State may solicit additional proposals or may cancel the RFP completely without making a selection.*

Upon selection, the Secretary of State will initiate negotiations for contract terms and conditions, including fees. The selection process is discussed in Section III.

7. Immigration Law Requirements

Pursuant to §§ 31-13-9(a), 31-13-9(b), 31-13-9(c), 31-13-9(d), 31-13-9(f), and 31-13-9(k), Code of Alabama 1975⁴, as amended by Alabama Act No. 2012-491⁵, as a condition for the award of any contract by the state to a business entity or employer

⁴ § 31-13-9, Code of Alabama 1975 (<http://alisondb.legislature.state.al.us/acas/CodeOfAlabama/1975/31-13-9.htm>)

⁵ Act 2012-491, (<http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0009507.PDF>)

that employs one or more employees, Respondents will be required to meet the following requirements:

§ 31-13-9(a). *As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.*

§ 31-13-9(b). *As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees within the state of Alabama, the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program. During the performance of the contract, the business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations.*

§ 31-13-9(c). *Any subcontractor on a project paid for by contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama and shall also enroll in the E-Verify program prior to performing any work on the project. Furthermore, during the performance of the contract, the subcontractor shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. This subsection shall only apply to subcontractors performing work on a project subject to the provisions of this section and not to collateral persons or business entities hired by the subcontractor.*

31-13-9(d). *A contractor of any tier shall not be liable under this section when such contractor contracts with its direct subcontractor who violates subsection (c), unless it is shown that the contractor knew or should have known that the direct subcontractor was in violation of subsection (c).*

31-13-9(f). *(1) This section shall not be construed to deny any procedural mechanisms or legal defenses included in the E-Verify program or any other federal work authorization program.*

(2) A business entity or employer that has enrolled in the E-Verify program and has used the program to verify the work authorization of an employee shall not be liable under this section for violations resulting from the hiring of that employee.

31-13-9(k). *All contracts or agreements to which the state, a political subdivision, or state-funded entity are a party shall include the following clause: "By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom."*

8. Agreement

The Respondent selected to serve as Provider must enter into an agreement with the Secretary of State. Said agreement shall comply with all state and federal laws, rules, and regulations. In the event that the Secretary of State selects a Provider, the company shall submit a proposed contract to the Secretary of State within five (5) business days of being notified by the Secretary of State of such selection.

9. Qualification to do Business in Alabama

All companies submitting proposals in response to this RFP must be qualified to transact business in the State of Alabama in accordance with Section 10A-1-7.01, et seq., Code of Alabama (2009), and possess a Certificate of Authority issued by the Secretary of State at the time the agreement is executed.

All proposals submitted in response to this RFP must also include a completed Disclosure Statement as required by Section 41-16-80, et seq., Code of Alabama (1975). Copies of the Disclosure Statement, and information, may be downloaded from the Alabama Attorney General's web site at <http://www.ago.state.al.us/Page-Vendor-Disclosure-Statement-Information-and-Instructions>.

10. Required Contract Language

Certain language is required in contracts issued by the State of Alabama. The successful Respondent will be required to enter into a contract which contains language concerning the following or language as specified.

- A. Act 2012-491 violations – The contract must set forth the penalties for violations of Section 9 (a) and Section 9 (c) of the Act.
- B. Total Contract Amount – Maximum dollar amount to be paid under the contract and specific statement of what is included in this amount.
- C. Contract Not A Debt – It is agreed that the terms, conditions, and commitments contained herein shall not be construed as a debt of the State of Alabama in violation of Article XI, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this contract shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this contract,

be enacted, then that conflicting provision in the contract shall be deemed null and void.

- D. Effective Date Language – Provider acknowledges and understands that this contract is not effective until it has received all requisite state government approvals, and shall not begin performing work under this contract until notified to do so by the Secretary of State. Provider is not entitled to compensation for work performed prior to the effective date of the contract.
- E. No Assignment of Contracts – A professional services contract cannot be assigned to a third party. If a different contractor is required, the original contract must be canceled and a new contract must be initiated.
- F. Resume – A one or two page summary description of credentials is required for attachment to the contract to document the expertise possessed to perform the contracted services.

Section II: PROPOSAL

Proposals received will be evaluated based on the contents of the proposal, including the Respondent's ability to perform the requested services, expertise, fees, and completeness of proposal. Act 2001-956 provides direction to the State in securing professional services. The professional services provider shall best meet the needs as expressed in the RFP. Price shall be taken into consideration.

The proposal should include, but is not limited to, the following:

1. Background Information, Administration and Personnel

A. Corporate Overview

1. Provide an overview of the Respondent, including the following:
Corporate profile, including the financial condition of the Respondent, overall business objectives, Respondent's experience, quality control procedures and ownership.
2. Provide an audited financial statement covering the Respondent's most recently concluded fiscal year.
3. Provide any restrictions, consent orders, litigation or mediation involving the Respondent, principals, or key personnel within the past five years; provide prior formal administrative protests or actions such as notices of default, unsatisfactory performance, etc., involving state or federal government and private companies related to the quality or performance of electronic blank ballot delivery systems or related services for any local, county, State or Federal government agency, public or private association, or private company.
4. Provide detailed information on any Respondents or subcontractors your company will partner with to provide services to the Secretary of State.

5. Provide a statement regarding the Respondent's commitment to minority business involvement.

B. Personnel

1. Provide the name, title, contact information and total years' experience of staff members who would be assigned to the work required in this RFP.

C. Client Information

1. Provide the organization name, address, contact name and telephone number of other clients for whom similar services described in this RFP are or have been provided.

2. Technical Capability & Required Services

A. Technical Capability

1. Describe your system's capability that allows "state of the art" services and your commitment to technological advances in the industry.
2. Describe your system's security capabilities and any federal or industry standards it meets or exceeds.
3. Describe in detail any security test(s) that your system has been submitted for and the results of the test(s), e.g. who, what, when, etc.
4. Explain briefly any area of expertise that sets your company apart from other providers as well as your company's resources and institutional stability.

B. Required Services

1. Transmission of Blank Absentee Ballots Electronically 55 days before the 2014 Primary, General, and Applicable Special Elections. The electronic blank ballot transmission system must be ready 55 days before the 2014 Primary, General and any applicable special elections to issue electronic ballots to all eligible UOCAVA voters requesting receipt of their ballots electronically.

- 1.1 The system must transmit blank absentee ballots of the appropriate ballot style electronically to Alabama absent uniformed services voters and overseas voters for the 2014 Primary, Primary Run-Off, General, and applicable special elections via an interactive wizard securely through the internet.
- 1.2 The system must be securely accessible through the internet to verified and authorized voters.
- 1.3 The system must be securely accessible through the internet to verified and authorized election administration personnel.
- 1.4 The system must allow for authentication of the voter prior to accessing the wizard.
- 1.5 The system must allow the voter to make and verify their selections electronically, and print the marked ballot.
- 1.6 The system must allow the authenticated voter to print an unmarked blank ballot.
- 1.7 The system must allow the voter to print detailed, complete jurisdiction-specific instructions for the return by U.S. mail of a marked ballot, to include but not limited to: cover sheets, mailing and security envelopes templates, postal and email addresses and oath statements.
- 1.8 The system must track and log session activity for use in forensic processes.
- 1.9 The system must allow authorized election administration personnel to manage and approve absentee ballots for voters.
- 1.10 The system must validate each voter's email address to identify common errors and notify election administration personnel for review and correction, if necessary.
- 1.11 The system must copy to state and county election administration personnel all email messages transmitted to voters.

- 1.12 The system must provide email delivery failure notices to state and county election administration personnel.
 - 1.13 The system must use State of Alabama or other U.S.-based email servers for transmission of messages to voters.
 - 1.14 The system must utilize one or more email addresses established by the Secretary of State as the sender for email messages originating from the electronic ballot transmission system.
 - 1.15 The system must be user-friendly.
2. Help Desk Services
 - 2.1 A Help Desk must be provided for voters and election administration personnel.
 - 2.2 Help Desk must be available Monday through Friday from 8:00 a.m. to 5:00 p.m. Central Time from implementation until forty-six (46) days prior to the 2014 Primary, Primary Run-Off, General, and applicable special elections for voters and election administration personnel.
 - 2.3 Help Desk must be available twenty-four (24) hours a day, seven days a week, starting forty-five (45) days prior to the 2014 Primary, Primary Run-Off, General, and applicable special elections and continuing until 15 days after each election for voters.
 - 2.4 Help Desk must be available from 6:00 a.m. to 10:00 p.m. Central Time, seven days a week, starting forty-five (45) days prior to the 2014 Primary, Primary Run-Off, General, and applicable special elections and continuing until 15 days after each election for election administration personnel.
 - 2.5 Help Desk must provide support at a minimum by toll-free telephone and email.

2.6 Respondent will maintain Help Desk statistics on help request volume, resolution, and response time, and provide reports to the Secretary of State upon request.

3. Security and Privacy Protections

3.1 National Institute of Standards and Technology (NIST) document NISTIR 7551 paragraph 6.2⁶ outlines several threats against electronic blank ballot delivery systems. Respondent should comment on their proposed system's ability to mitigate those threats. At a minimum, the Respondent should identify how their proposed system will:

3.1.1 Confidently authenticate the blank ballot delivery system to the voter.

3.1.2 Confidently authenticate the voter to the blank ballot delivery system.

3.1.3 Confidently confirm correct blank ballot delivery to the voter.

3.1.4 Confidently confirm requests for blank ballot replacement from the voter.

3.1.5 Protect private voter information.

3.1.6 Protect the voting server from malware.

3.1.7 Warn voters of the risk of phishing attacks.

3.1.8 Warn voters of the risk of host malware attacks.

3.1.9 Protect against server-based Denial of Service attacks.

3.1.10 Protect against host-based Denial of Service attacks.

4. Training

4.1 The Respondent shall train all appropriate elections personnel on the use and administration of the system.

⁶ "A Threat Analysis on UOCAVA Voting Systems," Andrew Regenscheid and Nelson Hastings, December 2008, <http://www.nist.gov/itl/vote/upload/uocava-threatanalysis-final.pdf>

4.2 Training shall be done in person with follow-up training available online, at the option of the election personnel.

5. Disaster Recovery

5.1 The Respondent should have a disaster recovery plan and a secondary system available for use in case a disaster causes primary system degradation and/or loss of availability.

3. Price Proposal

A. Overview

1. Each response should provide prices for professional services only. No equipment is to be priced in the proposal. Prices for all “hardware” items discussed in the system overview are to be stated separately and are **NOT** to be included in the total price of the proposal. The State of Alabama is required to purchase any hardware through the State Purchasing Department. Prices are to be stated for items within categories as follows, with a total for each category and a grand total.

- 1.1 Design
- 1.2 Development
- 1.3 Implementation
- 1.4 Training
- 1.5 Maintenance
- 1.6 System Support
- 1.7 Disaster Recovery

Section III: SELECTION & AWARD

1. Overview

The Secretary of State will designate an Advisory Proposal Evaluation Committee. The Committee will review and evaluate proposals received from eligible Respondents in response to this RFP and, if a recommendation is made, will make its recommendation to the Secretary of State. The Secretary of State will, at his sole option, choose a proposal to proceed with contracting services. *The Secretary of State reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama.*

2. Proposed Contract

The Respondent will provide the Secretary of State with a proposed contract document(s) within five (5) business days of being notified of its selection. Time is of the essence and the Respondent will provide prompt responses during the contract negotiation. If there is a successful negotiation of a contract, the Respondent and the Secretary of State will comply with all of the terms and conditions of that document(s) and all other applicable federal and state laws, rules and regulations. Review of any proposed contract will be a comprehensive analysis of its legality of form and compliance with all applicable federal and state laws, rules, and regulations, and shall be subject to review by the Alabama Legislative Contract Review Oversight Committee, Examiners of Public Accounts, or other entities designated by the Secretary of State.

3. Invoicing

The Secretary of State will make no advance payments. All invoices shall be submitted in arrears on a monthly basis and are subject to the laws, policies and procedures of the State of Alabama Department of Finance.

4. News Releases

No news releases, press conferences or advertisements pertaining to this solicitation or to awards made as a result of this solicitation, will be made and/or conducted without prior written approval of the Secretary of State.

5. Workspace and Equipment

The Respondent must provide its own workspace and equipment needed to carry out the services required under this RFP.

6. Insurance

Upon award, the Respondent will be asked to provide the Secretary of State within ten (10) working days of notification of award, certificates of insurance from an entity licensed to provide insurance within the State of Alabama. The Respondent will carry and maintain, during the entire period of performance under this contract, the following:

1. Worker's Compensation and Employee's Liability insurance with a minimum of \$200,000 per incident;
2. Comprehensive General Liability insurance with a minimum of \$1 million bodily injury per occurrence; and
3. Bonding of Respondent's employees (permanent, temporary or contracted) with a minimum of \$200,000 per incident.

Certificates of Insurance will be necessary for any and all sub-contractor(s), joint venture partner(s), or related entity of the Respondent.