

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE



Request for Proposal FY2019-03
Electronic Poll Book System or Systems
for Four (4) Years in the State of Alabama

Release Date: March 1, 2019 Noon Central Standard Time

Response Due Date: March 29, 2019 Noon Central Standard Time

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Section I: GENERAL INFORMATION

1. Purpose and Information

Secretary of State John H. Merrill (hereinafter "Secretary of State") solicits proposals from business entities offering the professional services of individuals who possess a high degree of specialized skill and knowledge in the comprehensive development and implementation of a secure computerized Electronic Poll Book System or Systems to be state certified for a period of four (4) years [forty-eight (48) months] in the State of Alabama that meets and exceeds the requirements, recommendations, and mandates of all state and federal laws, rules, and regulations. The Secretary of State has determined that the experience and professional qualifications of the service provider are particularly relevant to the provision of these services.

This RFP is issued in accordance with the requirements of Code of Alabama (1975), §17-4-2.1, and without limitation. Specifically, the Code of Alabama (1975), §17-4-2.1 provides that a participating Alabama county or municipality may adopt the use of any electronic poll book that has been state certified by the Secretary of State for use in the state. This RFP is not an offer to contract but seeks the submission of proposals from qualified, professional companies that may form the basis for the Secretary of State to certify a secure computerized Electronic Poll Book System or Systems for use only for a period of four (4) years [forty-eight (48) months] in the State of Alabama. Only after state certification by the Secretary of State shall the selected provider or providers be authorized to implement the Electronic Poll Book System or Systems in as many as 67 of Alabama's 67 counties with the consent of each participating county's judge of probate and county commission or, in the case of a municipality, with consent given by the applicable municipal governing body. The four (4) year [forty-eight (48) months] period shall commence only after state certification by the Secretary of State of the selected provider or providers. The current certification period will expire on June 23, 2019.

Importantly, the proposal submitted to the Secretary of State, in response to this RFP, must meet the requirements, recommendations, and mandates of the Code of Alabama (1975), §17-4-2.1 and all applicable federal laws, rules, and regulations. All respondents to this RFP shall be required to review and fully comply with Code of Alabama (1975), §17-4-2.1 which is attached to this RFP.

This RFP seeks to implement a uniform, interactive, platform structure that is utilized by various polling places on the election days.

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 without limitation. 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 March 1, 2019.

2. Issuing Office & Contact Information

From the date of the issuance of this RFP until the state certification of a secure computerized Electronic Poll Book System or Systems, 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 below listed.

During the RFP process, neither the Secretary of State nor other employees of the Secretary of State's office, except the below designated point of contact, should be contacted by any individual or company that intends to submit a response.

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

Clay S. Helms
Director of Elections

Office of Secretary of State John H. Merrill
600 Dexter Avenue, Suite E-206
Montgomery, Alabama 36130
334-353-7177 – telephone
clay.helms@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. Each Respondent must employ individuals who possess a high degree of specialized skill and knowledge; as such experience is particularly relevant to the provisions of the required services.

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. Respondents' proposals may be submitted electronically. 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 March 29, 2019 12:00 Noon Central Standard Time. Proposals received after the due date will not be considered.

It is the responsibility of the Respondent to ensure that its complete 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 incomplete proposals or any proposals received after the date and time specified herein. The Secretary of State assumes no responsibility for late delivery by the U.S. Postal Service, 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.

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 unless specified herein below:

1. Any questions concerning the RFP must be directed to the Elections Director, Clay S. Helms.
2. If the individual or company already has an agreement with the Secretary of State, the individual or company may contact the appropriate member of the Secretary of State's office concerning that agreement only.

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, and/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. State Certification of Provider or Providers

The Secretary of State will review and evaluate all proposals. After the review and evaluation of the proposals, the Advisory Proposal Evaluation Committee assembled by the Chief of Staff may recommend that the Secretary of State conduct interviews or demonstrations in Montgomery, Alabama. Finalists chosen for interviews or demonstrations, if necessary, will be notified. The Secretary of State reserves the right to request further information from finalists. The Secretary of State will select the

company or companies the Secretary of State determines, in his sole discretion, to be fully qualified to provide highly specialized professional services 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 certify the selected provider or providers and will inform Alabama's 67 counties, through their Judges of Probate, of the selected provider or providers.

7. Provider or Providers State Certified by Secretary of State

Only after state certification by the Secretary of State shall the selected provider or providers be authorized to implement the Electronic Poll Book System or Systems in as many as 67 of Alabama's 67 counties for only four (4) years [forty-eight (48) months] in the State of Alabama with the consent of each participating county's judge of probate and county commission or, in the case of a municipality, with consent given by the applicable municipal governing body.

Contractual arrangements or other similar methods of engagement, between a county or a municipality and a state certified Electronic Poll Book System, shall be between the county or municipality and the vendor providing a state certified Electronic Poll Book System. The Secretary of State shall not be a party to any contract or other method of engagement between a county or municipality and the vendor providing a state certified Electronic Poll Book System.

It is expressly understood that state certification by the Secretary of State applicable to any Electronic Poll Book System or Systems shall only apply to the provision of such services in the State of Alabama for only four (4) years [forty-eight (48) months]. Any further use of Electronic Poll Book Systems in the State of Alabama, after the conclusion of four (4) years [forty-eight (48) months] in the State of Alabama and under the

authority of Code of Alabama (1975), §17-4-2.1 and without limitation, shall require further state certification by the Secretary of State for any other future elections in the State of Alabama. The four (4) year [forty-eight (48) months] period shall commence only upon state certification by the Secretary of State of the selected provider or providers.

Further, it is expressly understood that, at any time during the four (4) year [forty-eight (48) months] state certification period, the Secretary of State may decertify, suspend and/or terminate state certification applicable to a provider or providers for, to include, but not be limited to, failure to adequately perform as determined exclusively by the Secretary of State.

8. 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 to include, but not be limited to, Code of Alabama 1975, § 10A-1-7.01 *et seq.*, and shall have filed and possess a valid "Application for Registration" issued by the Secretary of State at the time of responding to this RFP.

Section II: PROPOSAL

Proposals received will be evaluated based on the contents of the proposal, including the Respondent's ability to provide the services of individuals who possess a high degree of specialized skill and knowledge, as said experience and professional qualifications are particularly relevant to the provisions of these services. Proposals will also be evaluated on the Respondent's ability to perform the requested services, expertise, and completeness of proposal. The professional services provider shall best meet the needs as expressed in the RFP.

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 (5) 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 poll books 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 individuals, 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 will be assigned to the professional services 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 security capabilities and any federal or industry standards it meets or exceeds.
2. 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.
3. Explain briefly any area of expertise that sets your company apart from other providers as well as your company's resources and institutional stability.
4. Describe your company's ability to deploy the system in multiple counties or municipalities, to include implementation statewide or implementation for any number of counties less than the total 67 counties in the State of Alabama.

B. Required Services

1. The proposed solution shall be a uniform, interactive, platform structure that is utilized by various polling places statewide (or various municipal polling places), or in any number of counties less than the state's total 67 counties, for only four (4) years [forty-eight (48) months] in the State of Alabama. Compliant with Code of Alabama (1975), §17-4-2.1, the electronic poll book shall and must do as set forth hereinbelow at 1.1 – 1.10; therefore, describe in detail how the respondent's proposed solution will comply with all of the following:
 - 1.1 Comply with all applicable provisions of Code of Alabama (1975), §17-4-2.1, a copy of which is attached as Exhibit "A."
 - 1.2 Be secure.
 - 1.3 Be compatible with the statewide voter registration system.¹
 - 1.4 Include a failsafe data recovery procedure for information included in the electronic poll book.

¹ At the writing of this RFP, the State of Alabama uses ESSVR, LLC's PowerProfile system as its statewide voter registration system.

- 1.5 Contain the same information as the printed lists provided for in Code of Alabama (1975) Section 11-46-36 and any local law governing a municipal election and in Section 17-4-2 and the poll lists provided for in Section 11-46-50 and any local law governing a municipal election and in Sections 17-9-11 and 17-13-7.
- 1.6 Indicate whether the voter applied for an absentee ballot and the registration status of the voter in the statewide voter registration list.
- 1.7 Provide an electronic process to check in a voter on election day that incorporates the signature requirements set forth in Code of Alabama (1975) Section 11-46-50 and any local law governing a municipal election and in Section 17-9-11; provided that this process may not be used for checking in a voter who is required to cast a provisional ballot as provided for in Chapter 10 of this title, or whose name is not contained in the electronic poll book as an eligible voter for the precinct.
- 1.8 Provide functionality for quickly and accurately uploading voter history into the statewide voter registration list in accordance with Code of Alabama (1975), Section 17-4-33.
- 1.9 Provide for the retention of the voter data contained in the electronic poll book for the applicable retention period applicable to the records of election, which may be accomplished by archiving the data in electronic format on an external data storage device.
- 1.10 When used in a primary election or primary runoff election, provide for the recording and subsequent printing or exporting of electronic data of names and electronic signatures of the voters participating in the primary election or primary runoff election of each political party.

2. Help Desk Services

Describe in detail how the respondent's proposed solution will comply with all of the following:

- 2.1 A Help Desk must be provided for county, municipal and state election administration personnel on Election Day.
- 2.2 Help Desk must be available, at a minimum, for participating counties or municipalities from 6:00 a.m. to 11:59 p.m. Central Time during the fifteen (15) days preceding through twenty (20) days after each of the elections for four (4) years [forty-eight (48) months] in the State of Alabama.
- 2.3 Help Desk must provide support at a minimum by toll-free telephone and email.
- 2.4 Respondent will maintain Help Desk statistics on help request volume, resolution, and response time, and provide reports to the Secretary of State and/or county Judges of Probate and/or municipal officials upon request.

3. Training

Describe in detail how the respondent's proposed solution will comply with all of the following:

- 3.1 The Respondent shall provide training on the use and administration of the system to all appropriate elections personnel and poll workers in counties and municipalities utilizing electronic poll books.
- 3.2 Prior to each of the elections for four (4) years [forty-eight (48) months] in the State of Alabama, training shall be provided in person with follow-up training available online, at the option of the state and/or county and/or municipal election personnel.

4. Disaster Recovery

Describe in detail how the respondent's proposed solution will comply with all of the following:

- 4.1 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.

5. Update Information

Describe in detail how the respondent's proposed solution will comply with all of the following:

- 5.1 The respondent shall notify the Secretary of State of any updates to the system. Any update that changes the system's ability to comply with any of the technical capabilities or required services could result in the system being required to be recertified or being decertified by the Secretary of State.

3. Price Proposal

A. Overview

1. Each response should provide prices for professional services (including software) and the recommended hardware necessary for implementation of the system as a unit price. Hardware shall be identified as optional or mandatory for the functioning of the system.
2. Further, prices are to be stated separately 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
 - 1.8 Recommended Hardware

Section III: SYSTEM FAILURES

Respondent must provide details on any election day failures, regardless of whether the election was federal, state, county, municipal or special district, that affected users ability to conduct, manage or obtain information on the election. A failure is defined as any incident that required any mitigation from the company even if the incident was resolved during the election cycle or on election day.

Code of Alabama

Title 17. Elections. (Refs & Annos)

Chapter 4. Voter Registration Lists. (Refs & Annos)

Article 1. County Voter Registration Lists. (Refs & Annos)

Ala.Code 1975 § 17-4-2.1

§ 17-4-2.1. Electronic poll books.

Currentness

(a) The Secretary of State may allow the use of electronic poll books in lieu of the printed lists of qualified voters provided for in Section 17-4-2 and the poll lists provided for in Sections 17-9-11 and 17-13-7. A county, with consent of the county commission and judge of probate, may use electronic poll books in lieu of the printed lists of qualified voters. In addition, the Secretary of State and municipal governing bodies may allow the use of electronic poll books in lieu of the printed lists of qualified voters provided for in Section 11-46-36 or any local law governing a municipal election.

(b) A participating county or municipality may adopt the use of any electronic poll book that has been certified by the Secretary of State for use in this state.

(c) To be certified for use by the Secretary of State, an electronic poll book shall do all of the following:

(1) Be secure.

(2) Be compatible with the statewide voter registration system.

(3) Include a failsafe data recovery procedure for information included in the electronic poll book.

(4) Contain the same information as the printed lists provided for in Section 11-46-36 and any local law governing a municipal election and in Section 17-4-2 and the poll lists provided for in Section 11-46-50 and any local law governing a municipal election and in Sections 17-9-11 and 17-13-7.

(5) Indicate whether the voter applied for an absentee ballot and the registration status of the voter in the statewide voter registration list.

(6) Provide an electronic process to check in a voter on election day that incorporates the signature requirements set forth in Section 11-46-50 and any local law governing a municipal election and in Section 17-9-11; provided that this process may not be used for checking in a voter who is required to cast a provisional ballot as provided for in Chapter 10 of this title, or whose name is not contained in the electronic poll book as an eligible voter for the precinct.

(7) Provide functionality for quickly and accurately uploading voter history into the statewide voter registration list in accordance with Section 17-4-33.

(8) Provide for the retention of the voter data contained in the electronic poll book for the applicable retention period applicable to the records of election, which may be accomplished by archiving the data in electronic format on an external data storage device.

(9) When used in a primary election or primary runoff election, provide for the recording and subsequent printing or exporting of electronic data of names and electronic signatures of the voters participating in the primary election or primary runoff election of each political party.

(10) Comply with additional requirements as determined to be necessary and promulgated by the Secretary of State by rule pursuant to the Administrative Procedure Act.

(d) Electronic poll books may not be populated with data for eligible voters until the 10-day period immediately prior to an election in accordance with Section 17-4-2.

(e) The Secretary of State shall develop and provide to each participating county and municipality instructions, directives, and advisories regarding the examination, testing, and use of the electronic poll books.

(f) All expenses and costs incurred by a county commission in carrying out this section may be paid from funds made available to the Secretary of State under state and federal law to pay all such expenses and costs in all participating counties, from county general funds, or from municipal general funds.

(g) The Secretary of State may promulgate rules pursuant to the Administrative Procedure Act to implement the provisions of this section.

Credits

(Act 2016-317, p. 789, § 2; Act 2017-340, § 1.)

Ala. Code 1975 § 17-4-2.1, AL ST § 17-4-2.1
Current through Act 2018-579.