

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**RESOLUTION
NO. 2010-_____**

**A RESOLUTION AUTHORIZING SINGLE SOURCE SUPPLY PURCHASE
OF UPDATED HARDWARE FOR VOTER TABULATION SYSTEM**

WHEREAS, the Kittitas County Auditor's Office administers local, state and federal elections in Kittitas County; and

WHEREAS, shortcomings in the accuracy of administration of elections became highly publicized as a result of issues raised in Florida during the 2000 presidential election and issues involved in the 2004 Washington gubernatorial election; and

WHEREAS, in response to such election concerns both state and federal law were amended providing for additional safeguards, security, and accountability in the election process; and

WHEREAS, Kittitas County is required by law to conform with such amended state and federal mandates; and

WHEREAS, such state and federal laws set forth minimum requirements imposed upon Kittitas County as impacting safeguards, security, and accountability in the election process; and

WHEREAS, it is in the best interest of the public to not only meet but to exceed such minimum requirements imposed by law and to undertake systems and procedures that create even greater confidence, efficiency and certainty in the reliability of the election process; and

WHEREAS, Kittitas County has received grant funding to purchase equipment including updated hardware that is compatible with the County's previously installed proprietary software, to facilitate compliance with state and federal law; and

WHEREAS, by Resolution 2005-79 adopted June 21, 2005, the Board of Kittitas County Commissioners (BOCC) had authorized purchase of equipment and software including a proprietary document scan voter tabulation system, to be purchased from Hart Intercivic (Hart), a single source of supply, that eliminated the need for ballot duplication processes for certain ballots; and

WHEREAS, the existing equipment utilized by Kittitas County which is compatible with the proprietary document scan voter tabulation system is aging and is at risk of failure or malfunction during an election; and

WHEREAS, during an election period some Washington counties which utilize the same proprietary document scan voter tabulation system have had equipment failures and malfunctions of their specially configured computers and scanners as a result of aging equipment which was not timely replaced; and

WHEREAS, it is in the best interest of the public to replace the aging equipment including properly configured computers and scanners before failure or malfunction materializes which could jeopardize the integrity of certifying accurate election results in Kittitas County; and

WHEREAS, two of the items to be purchased with the available grant funding are updated computers and scanners specially configured with an older version of the computer operating system compatible with the Hart voter tabulation system, which is no longer commercially available without a special license, and which vendors at large are not licensed to provide; and

WHEREAS, Kittitas County has conducted a screening process to determine availability of the specially configured computers and scanners which would be compatible with the Hart voter tabulation system; and

WHEREAS, Hart Intercivic is the only vendor certified and approved by the National Association of State Election Directors following qualification testing by federally approved independent testing authorities, which parameters include but are not limited to hardware, firmware and software version control; and

WHEREAS, Hart Intercivic is the only vendor certified to install the required Windows 2000 operating system on new computers and scanners, which must be configured for compatibility with Hart's proprietary document scan voter tabulation system utilized by Kittitas County that complies with state and federal laws; and

WHEREAS, since all Hart voter tabulation system applications are developed, tested and certified on models recommended by Hart, there is no assurance that future versions of the Hart voter tabulation system applications would be compatible with third party hardware not provided by Hart; and

WHEREAS, the sustainability and maintenance of said version control requires that only Hart personnel are authorized to configure the Hart voter tabulation system with hardware within the certification guidelines; and

WHEREAS, configured equipment models other than those recommended by Hart would not receive the necessary support to be supplied by Hart, and Hart could not be held responsible for the proper function of such equipment models with the Hart voter tabulation system; and

WHEREAS, a county that independently purchases computers and/or scanners through a source other than Hart would be required to follow Hart's detailed and costly procedure to receive Hart's customer and technical support for use with the Hart voter tabulation system, and would be further required to pay for shipping to and from the Hart facility in Austin, Texas, where Hart's technicians would need to perform the necessary configuration and testing of the third party

hardware to ensure compliance with federal and state certification parameters, including installation of appropriate firmware and a background accessory kit; and

WHEREAS, third party scanners acquired commercially from sources other than Hart do not include the above items, and third party computers would require Hart's installation of appropriate Hart voter tabulation system applications, third party drivers and third party software; and

WHEREAS, Hart Intercivic has certified that Kittitas County will receive the lowest price it offers anyone in the State of Washington for these products; and

NOW, THEREFORE, BE IT RESOLVED, that it is declared to be in the best interest of the public to authorize the purchase of the updated computer and scanner equipment from Hart Intercivic as the single source of supply to upgrade current equipment compatible with the proprietary voter tabulation system that will meet the needs of Kittitas County, and that the competitive bidding requirements for the procurement are hereby waived.

BE IT FURTHER RESOLVED, that the Kittitas County Auditor is authorized to enter into the purchase from Hart Intercivic of the updated voter-tabulation-system-compatible computers and scanners specially configured with Windows 2000 for Kittitas County's existing voter tabulation system that meets the needs of Kittitas County.

DATED: this _____ day of _____, 2010 at Ellensburg, Washington.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
KITITITAS COUNTY, WASHINGTON**

Clerk of the Board

Chair

APPROVED AS TO FORM:

Vice Chair

Deputy Prosecuting Attorney

Commissioner