DEAN C. LOGAN
Registrar-Recorder/County Clerk

Los Angeles County Registrar-Recorder/County Clerk

January 18, 2018

TO: Supervisor Sheila Kuehl, Chair
               Supervisor Hilda L. Solis
               Supervisor Mark Ridley-Thomas
               Supervisor Janice Hahn
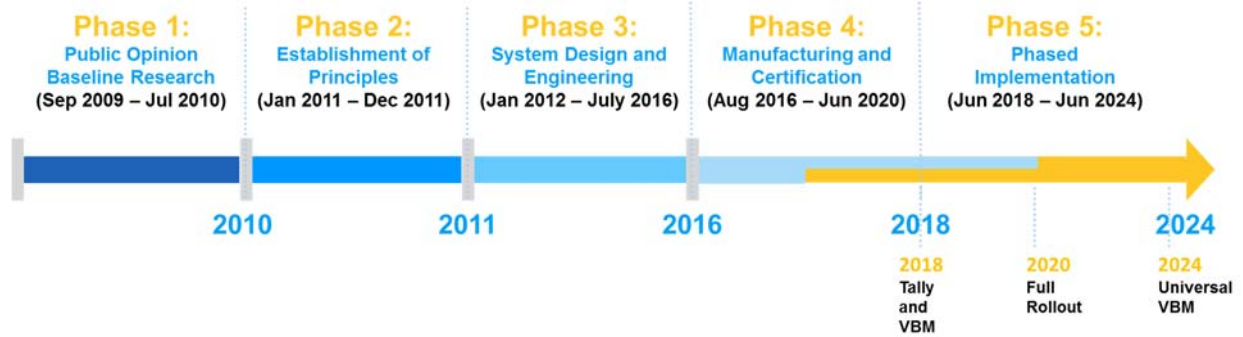   Supervisor Kathryn Barger

               Sachi A. Hamai, Chief Executive Officer

FROM: Dean C. Logan, Registrar-Recorder/County Clerk

NOTIFICATION OF INTENT TO ENTER INTO NEGOTIATIONS FOR SOLE SOURCE AGREEMENT WITH DIGITAL FOUNDRY FOR DEVELOPMENT AND SUPPORT OF FULLY INTEGRATED VSAP TALLY SOLUTION

This is to notify your Board that the Registrar-Recorder/County Clerk (RR/CC) intends to enter into sole source negotiations with Digital Foundry for continued development and support services for the Voting Solutions for All People (VSAP) Tally solution. RR/CC engaged with Digital Foundry under a competitive ESMA Work Order in August of 2017 to assist with the prototyping, development and testing of VSAP Tally V.1 to be used to process and tabulate ballots from the new VSAP Vote by Mail (VBM) solution, scheduled to be rolled out in the November 2018 Gubernatorial General Election. As RR/CC proceeds to implement the new VSAP technology for in-person voting at Vote Centers for the 2020 Presidential Election cycle, maintaining the partnership with Digital Foundry is critical to the timely completion of a fully featured VSAP Tally V.2 necessary for the successful rollout of an integrated VSAP solution in the March 2020 Presidential Primary Election.

BACKGROUND

VSAP is a multi-phase program to modernize the County's voting system and the voting experience through a voter-centered approach. Phases 1 through 3 are now complete. The figure below summarizes the phases and the overall timeline of the program.

Phase 1: Public Opinion Baseline Research (Sep 2009 – Jul 2010)	Phase 2: Establishment of Principles (Jan 2011 – Dec 2011)	Phase 3: System Design and Engineering (Jan 2012 – July 2016)	Phase 4: Manufacturing and Certification (Aug 2016 – Jun 2020)	Phase 5: Phased Implementation (Jun 2018 – Jun 2024)

2010 2011 2016 2018 2024

2018
Tally
and
VBM

2020
Full
Rollout

2024
Universal
VBM

In Phase 1, the VSAP gathered data and carried out research that shaped our overarching strategy for voting system modernization. The research revealed that users expect more than just an upgrade in voting technology, and true modernization efforts are needed to improve the entire voting experience and engage the electorate.

In Phase 2, an Advisory Committee (AdCom) of community stakeholders and election advocates was established to ensure the voice of Los Angeles County voters continued to guide the VSAP. Using the findings of Phase 1, the AdCom adopted a set of General Voting System Principles to ensure the new voting system meets the diverse needs of County voters. At the same time, independent research at UCLA found that without changes to the regulatory environment, it would be very difficult for the County to acquire a California-certified commercial voting system consistent with the adopted principles and scalable to the size and complexity of the County's electorate. These factors along with feedback from the AdCom made a strong case for RR/CC to pursue the development of a new publicly-owned voting solution.

Phase 3 of the project marked a major transition from research to design and engineering, including a new Tally component. To ensure a sound technical approach to voting system design, a VSAP Technical Advisory Committee (TAC) was established to bring on reputable, nationally-recognized technical expertise in voting technology, security, transparency and accessibility. Following a crowdsourced voting system design effort undertaken in partnership with the Information Technology Innovation Foundation and funded by the U.S. Election Assistance Commission, RR/CC identified and engaged IDEO, a global design and innovation firm specializing in human-centered design, to produce design and engineering specifications for the new VSAP solution.

RR/CC is currently in progress with Phase 4 to manufacture and certify the new voting system. Realizing that rolling out components of the VSAP solution in phases is the best approach to balancing the implementation risks with the risks of continuing to conduct elections with an aging legacy voting system, RR/CC engaged with the software architecture and engineering firm Digital Foundry to assist in developing the VSAP Tally solution for use with the new VBM solution in the November 2018 Gubernatorial General Election, while it carried out a separate solicitation process to procure the services of a prime contractor to manufacture the other components and integrate them as a complete

VSAP solution to be tested and certified under California Voting System Standards, and used in the 2020 Presidential Election cycle.

The roadmap for developing the VSAP Tally solution aligned to supporting the Gubernatorial General Election in November 2018 and the Presidential Election cycle in 2020 is illustrated below:

Tally Production Solution Roadmap*
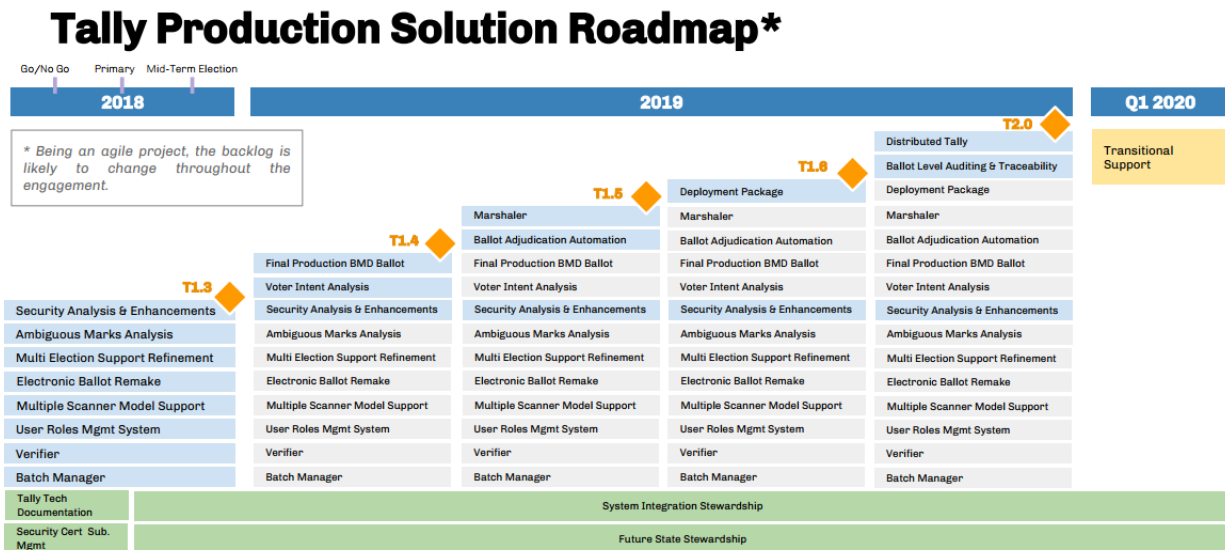
JUSTIFICATION FOR SOLE SOURCE AGREEMENT WITH DIGITAL FOUNDRY

In August 2017, RR/CC engaged with Digital Foundry under a competitive ESMA Work Order 2016-010 to assist in the architecting, prototyping, development, and testing of a VSAP Tally solution capable of processing and tabulating new VSAP VBM ballots. While this approach will allow RR/CC to meet its important goal of rolling out the new VSAP VBM solution in the November 2018 Gubernatorial General, ESMA's annual program spending caps make it impractical as a contracting vehicle for the development of the fully featured version of VSAP Tally necessary to support in-person voting and integration with the overall end-to-end VSAP solution.

Carrying out a traditional competitive solicitation to continue the VSAP Tally development effort would pose very serious risks to the successful and timely implementation and launch of the overall VSAP solution in the 2020 Presidential Election cycle. The depth of knowledge and expertise Digital Foundry now has in RR/CC's unique election tally requirements, as well as the solution architecture and technology, cannot be easily or quickly replicated.

Any disruptions to the velocity and cohesiveness of the VSAP Tally team would cause major delays in the project, including meeting the required certification and testing

timelines set forth by the California Secretary of State. Further, this agreement with Digital Foundry will include an ongoing engagement with an accredited Voting Systems Test Lab that will, among other things, continue to conduct proactive security testing on the Tally system, prior to seeking full certification with the State. Lastly, changing vendor services midway through solution development could introduce flaws in the performance, accuracy and security of the VSAP Tally that could threaten the viability of the VSAP as a certifiable voting system or potentially expose the County to liability risks.

Maintaining the partnership with Digital Foundry ensures the continuity, capability, and momentum of the team, and gives RR/CC the best option for developing a secure, accurate, and high-performing VSAP Tally solution in the required timelines.

NEXT STEPS

In accordance to Board Policy 5.100, RR/CC will proceed to enter into negotiations with Digital Foundry for continued VSAP Tally development and support services after the four-week notice period unless otherwise directed. The negotiated agreement with Digital Foundry will be provided for your approval no later than June 2018.

If you have any questions, please contact me, or your staff may contact Francisco Perez, Assistant Division Manager, at 562-462-2737.

DL:RF:FP
VW:cp

c: Chief Executive Office
     Deputy CEO
     Executive Office, Board of Supervisors
     Board Deputies
     Chief Information Office
     County Counsel