

ELECTRONIC PRIVACY INFORMATION CENTER



September 12, 2005

Fax 202-566-3127

Julie Thompson
FOIA Officer
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

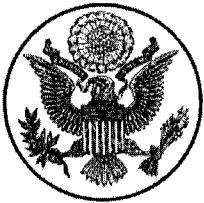
We are seeking all agency records concerning agency contracts awarded between July 9, 2004 and the date of the receipt of this letter. The documents sought include, but are not limited to documents regarding contracts, memorandum of understanding, and fee for service agreements in the employment of Stephen Berger and Kennesaw State University by the U.S. Election Assistance Commission (EAC). We also seek documents regarding contracts, memorandum of understanding, fee for service agreements, and employment of other current or former members of EAC's Technical Guidelines Development Committee (TGDC). Also provide all memorandum, letters and e-mails regarding meetings and communications to enter into contracts, memorandum of understanding, fee for service agreements, and employment of TGDC members or institutions they were affiliated with within one year of the date of the first meeting of the Committee.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

November 9, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

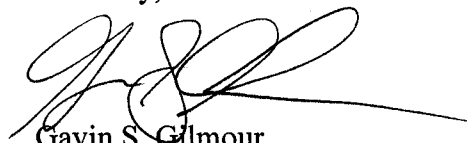
Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on September 14, 2005 (dated September 12, 2005). A copy of your request is attached.

Please find documents responsive to the above referenced request, enclosed. As you look through the materials you will find that a few pieces of information have been redacted in black. As required by FOIA exemption 6, the EAC has redacted certain pieces of personal information, including home addresses, telephone numbers, names, bank account information, employer identification numbers, and personal e-mail addresses. The EAC has also redacted confidential commercial information as mandated by FOIA exemption 4. Specifically, the EAC has redacted information that can be used to calculate actual costs regarding Kennesaw State labor rates. Further, the EAC has withheld one document (three pages) and five e-mails (less than a page each) pursuant to the deliberative process privilege and FOIA exemption 5. The EAC has withheld these documents as they are predecisional documents in which EAC decision makers discuss contracting policy options.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,


Gavin S. Gilmour
Associate General Counsel

Attachments:

1. Your Request Letter (dated September 12, 2005)
2. Responsive Documents



U.S. ELECTION ASSISTANCE COMMISSION
 1225 NEW YORK AVENUE, N.W., SUITE 1100
 WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of)
)
 Award of Contract for Technical Assistance to the)
 EAC for the Collection, Management, Review, and)
 Response to Public Comments Received on the)
 Voluntary Voting Systems Guidelines)

CERTIFICATION

I, Gracia M. Hillman., Chair of the Election Assistance Commission, do hereby certify that on July 22, 2004, the Commission decided by a vote of 3 to take the following action(s):

1.

Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review and Response to Public Comments Received on the Voluntary Voting Systems Guidelines.

Commissioners DeGregorio, Hillman and Martinez voted affirmatively for the decision.

Attest:

22 July 2005

 Date

 Gracia M. Hillman
 Chair



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

BALLOT DEADLINE: July 21, 2005, 12:30PM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR TECHNICAL ASSISTANCE TO THE
EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 7/19/05 SIGNATURE: Paul DeGregorio

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

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RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 7/22/05 SIGNATURE: Ray Martinez

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

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VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 12 July 21/05 SIGNATURE: [Signature]

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

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- () I approve the recommendation.
- () I disapprove the recommendation.
- () I object to the recommendation.
- () I am recused from voting.

COMMENTS: _____

DATE: _____ **SIGNATURE:** _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Earle Holley
Kennesaw State University

Sincerely,

Gracia Hillman, Chair

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER

2. ORDER NUMBER

3. CONTRACT NUMBER

4. ACT NUMBER

7/22/05

EAC-0544

E4019088

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)

Kennesaw State University
 1000 Chastain Road, MS #0102
 Kennesaw, GA 30144

POC: Mr. Earle Holley. Vice President for Business & Finance
 Phone: (770) 423-6021 Fax: (770) 423-6794

B. TYPE OF ORDER

REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO.

AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

16. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 7/27/2005

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments.				
TOTAL COST OF CONTRACT: \$175,000.00					

21. RECEIVING OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

175,000.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

175,000.00

24. MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)
 U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

25B. TELEPHONE NO.

(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia Hillman, Chair

26B. TELEPHONE NO.

(202) 566-3100

26C. SIGNATURE

Gracia Hillman

GENERAL SERVICES ADMINISTRATION

2. CONTRACTOR'S ORIGINAL

GSA FORM 300 (REV. 2-93)

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

52.203-1 Officials Not to Benefit (APR 84)

52.203-3 Gratuities (APR 84)

52.203-6 Covenant Against Contingent Fees (APR 84)

52.203-8 Restriction on Subcontractor Sales to the Government

(JUL 85)

52.203-7 Anti-Kickback Procedures (OCT 88)

52.212-9 Variation in Quantity (APR 84)

(In the preceding clause, the permissible variations are stated in the schedule.)

52.222-3 Convict Labor (APR 84)

52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)

52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)

52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)

52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)

52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)

52.225-3 Buy American Act - Supplies (JAN 89)

52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)

52.232-25 Prompt Payment (SEP 92)

52.233-1 Disputes (DEC 91)

52.233-3 Protest After Award (AUG 89)

52.246-1 Contractor Inspection Requirements (APR 84)

52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)

52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)

52.243-1 Changes - Fixed Price (AUG 87)

52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)

52.243-1 Changes - Fixed Price (APR 84) - Alt. II

52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 7/22/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC-0544	4. ACT NUMBER E4019088
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
Kennesaw State University
 1000 Chastain Road, MS #0102
 Kennesaw, GA 30144

POC: Mr. Earle Holley, Vice President for Business & Finance
 Phone: (770) 423-6021 Fax: (770) 423-6794

8. TYPE OF ORDER	REFERENCE YOUR
<input type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

MAXIMUM PAYMENT AMOUNT		9B. CHECK, IF APPROP <input type="checkbox"/> WITHHOLD 20% REMARKS
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>		
MAXIMUM AMOUNT APPROVED FOR PAYMENT		

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments.				
	TOTAL COST OF CONTRACT: \$175,000.00				

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been: received on (Date)	TYPE OF DELIVERY (Mark "X" in appropriate box)		
	<input type="checkbox"/> A. FULL	<input type="checkbox"/> B. PARTIAL	<input type="checkbox"/> C. FINAL PARTIAL
and accepted on (Date)	NAME AND TITLE (Type, print or stamp)		OFFICE SYMBOL
	SIGNATURE		TELEPHONE NO.
			DATE SIGNED

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

COPY

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE
COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC
COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below.

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contrast price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
2. *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial data, the contract clauses in this document shall take precedence.
3. *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other Complications.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

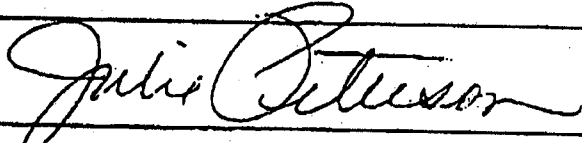
Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		Kennesaw State University			
Address	1000 Chastain Road				
City	Kennesaw	State	GA	Zip	30144-5591
Taxpayer ID Number (TIN)					

Financial Institution Name		Bank of America			
Financial Institution Phone Number		1-800-333-9473			
Financial Institution Routing Transit Number (RTN)		[REDACTED]			
Depositor Account Title		Kennesaw State College Operating Account			
Depositor Account Number		[REDACTED]			
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person		Julie Peterson			
Phone	(770) 499-3378				

MUST HAVE SIGNATURE	
Company/Payee Authorized Signature	



Office of Sponsored Programs

August 25, 2005

Ms. Carol Paquette
U.S. Election Assistance Commission
1225 New York Avenue, N.W. Suite 1100
Washington, D.C. 20005

Re: EAC-0544, Kennesaw State University

Dear Ms. Paquette,

Please find enclosed one copy acknowledging receipt and acceptance of EAC-0544, Contract for Technical Assistance for the EAC for the Collection, Management, Review, and Response to the Public Comments Received on the Voluntary Voting System Guidelines. As this is a cost reimbursement type (Time and Materials) contract, we have enclosed our budget for this work. We will expect to be reimbursed for the expenses outlined on the attached budget.

Please let me know if you have any questions with any of the foregoing.

Kind regards,

A handwritten signature in cursive script that reads "Carolyn Elliott-Farino".

Carolyn Elliott-Farino
Associate Director

Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.
2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.
 - d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.
4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.
5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.
6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.
7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound,

we
would ask that the EAC consider an addendum to this contract to
facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget.
Please let me know your thoughts.

- Merle.

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

Kennesaw State University
Computer Science and Information Systems

Contract Proposal

"EAC TGDC Guidelines Management"

(Election Assistance Commission Technical Guidelines Development Committee
Guidelines Management)

June 4, 2005

Contact Information

Contract Manager

Mr. Earle Holley
Vice-President for Business and Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, GA 30144
770-423-6021
Fax (770) 423-6794

The Vice-President for Business and Finance will be the signatory on the contract.

Project Manager

Merle S. King
Department of Computer Science and Information Systems
Kennesaw State University
1000 Chastain Road, MS #1101
Kennesaw, GA 30144
770-423-6005
Fax 770-423-6731

Tax ID #

TBD

Classification and Type of Business

Public, State University

Remittance Address, Including Information for Electronic Funds Transfer (form attached)

Cognizant Federal Contract Audit Agency

TBD

Deliverables

1. KSU will Maintain the master working copy of the EAC TGDC Guidelines. This would include constant and frequent communication with the EAC to incorporate their decisions on the disposition of comments submitted in response to the Guidelines. Changes to the document will be made as soon as responses are received from the EAC.
2. KSU will organize the discussion process for the EAC board(s) meetings to comment on Guidelines. Board meeting dates and locations will be announced by the EAC. The KSU teams will attend the board meetings, propose a recommended organization for the review of the Guidelines, and collect and assimilate information from these meetings.
3. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
4. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to KSU. KSU will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their disposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as requested.

5. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

Budget

Given the unknown quantity of work involved in the project, it is projected that there will be fixed costs of \$71,100 and variable costs associated with the volume of comments received. The total projected costs are estimated at \$149,050. KSU's indirect rate is 50% of personnel costs.

KSU will invoice the EAC quarterly for the duration of the project.

Budget							3-Jun-05
EAC TGDC Comment Review Project							
Fixed Costs							
Personnel	June	July	August	September	October	Total	
PM	4000	4000	4000	4000	4000	20000	
Student Asst.		600	600	600	600	2400	
Total						22400	
Consultants							
King [REDACTED]							
[REDACTED]	3500	3500	3500	3500	3500	17500	
Subtotal						39900	
Indirect (50%)						19950	
Fringes (30%) for full-time employees						11250	
				Total Fixed Personnel		71100	
Variable Costs							
Graduate Stu.		800	800	800	800	3200	
Consultants		12000	12000	12000		36000	
						39200	
Indirect (50%)						19600	
				Total Variable		58800	

Personnel

Travel	2000	4000	4000	4000	4000	18000
Phone	70	70	70	70	70	350
Supplies/Copies		200	200	200	200	800

Total Variable Non-personnel 19150

Contract Total 149050

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu
cc britw@
bcc
Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

malfunctions in the 2004 election, but there were many instances of procedural glitches. The need for management guidelines has long been recognized in the election community. The EAC would like to initiate the development of such guidelines or best practices, as a complementary product to the Voluntary Voting System Guidelines. In EAC's view, this work would require participation of a working group of election officials. However, an entity is needed to manage the development process and to provide research, documentation and other capabilities necessary to this work.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov



"Merle King"
 <mking@kennesaw.edu>
 05/25/2005 04:51 PM

To cpaquette@eac.gov
 cc
 bcc

Subject Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.

end of December

2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.

EAC doing this

3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:

maintain master copy of document & make revisions as directed by EAC maintain version control

a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;

b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.

c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.

4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.

2 hearings plus Bd mtggs organize this

6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.

7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a

small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound, we would ask that the EAC consider an addendum to this contract to facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget. Please let me know your thoughts.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDCGuidelinesProposalBudget.xls

Draft Budget
EAC TGDC Comment Review Project

25-May-05

Fixed Costs

Personnel	June	July	August	September	October	Total
PM	4000	4000	4000	4000	4000	20000
Student Asst.		600	600	600	600	2400
Total						22400

Consultants

King [REDACTED]	3500	3500	3500	3500	3500	17500
-----------------	------	------	------	------	------	-------

Subtotal 39900

Indirect (50%) 19950

Total Fixed Personnel 59100

Variable Costs

Graduate Stu.		800	800	800	800	3200
Consultants		8000	8000	8000		24000
						27200

Indirect (50%) 13600

Total Variable Personnel 40800

Travel 1000 2000 2000 2000 1500 8500

Phone 70 70 70 70 70 350
Supplies/Copies 200 200 200 200 200 800

Total Variable Non-personnel 9650

Contract Total 109550

Carol A. Paquette/EAC/GOV
05/26/2005 07:57 AM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Follow-up to Monday's Meeting

Merle -

This is a good summary. A few additional things came to mind as I was reviewing this:

1) I think we would also want you to maintain and revise the master working copy of the Guidelines, under strict version control, so we can be working on updates during the comment period. We want to do everything we reasonably can to minimize the time needed at the end of the period to wrap everything up. I envision the process working as follows. As you note in your paragraph 3, the reviewers will categorize comments and make recommendations to EAC on their disposition. In turn, we would advise you of the Commission's decision on your recommendations and you could make appropriate changes to the document.

2) We expect some comments may come in the form of "white papers," not necessarily related by the author to a specific section of the Guidelines. For example, Ted Selker at MIT offered to provide his specification for audio-verified audit trails for inclusion in the initial set of TGDC recommendations. It was too late in the process for additional material of this scope to be considered, so I told him he should submit it during the comment period. I understand that we may have a similar paper to consider on cognitive disabilities. The point being that comments may arrive in all shapes and sizes and we just have to make sure we have a process for tracking and handling them all. We're doing a walkthrough of the comments web application today and I will find out if data can be entered into the database manually, so we can have a single source for capturing all comments, whether received by web form, email attachment, or snail mail.

3) Speaking of the web application, I'm going to forward you the link and password for the demo version, so you can have a look at it and see if there are modifications we should make.

4) Just a little more detail on your paragraph 5. There will be 2 hearings and one combined Board meeting dealing with the Guidelines. The first hearing is June 30 in New York City. The second is July 26; location still to be determined, but will be west of Mississippi. Board meeting will be sometime in July, again the location hasn't been determined as yet. I anticipate that the Board meeting will be 1.5 - 2 days. Would have your team organize the discussion for this meeting, so we can get through the entire document and cover all their concerns.

Your estimated cost looks fine; I anticipate it will increase somewhat with the additional work outlined above. I will look into what we can do to get a separate contract in place for Brit. Call me if we need to discuss any of this. Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
05/25/2005 05:35 PM

To cpaquette@eac.gov
cc
Subject Re: Follow-up to Monday's Meeting

Carol - The prior email only addresses the Guidelines. We thought that had the highest priority and we (Brit, Kathy Rogers, and I) need some time to discuss the Management Guidelines work.

Talk to you soon,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 5/25/2005 5:30:38 PM >>>
Merle -

Thanks for getting back to me so quickly on this. I will review this evening and get back to you tomorrow. Just at a glance this appears to

only include the Guidelines review assistance. So can I assume that there will be another paper coming on the Management Guidelines work?

Appreciate you and Brit traveling to DC to have this conversation. I agree that it was very helpful in fleshing out the concept for both of these tasks.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202) 566-3125 cpaquette@eac.gov

"Merle King" <mking@kennesaw.edu>
05/25/2005 04:51 PM

To
cpaquette@eac.gov
cc

Subject
Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline



"Merle King"
<mking@kennesaw.edu>

06/08/2005 07:51 PM

To cpaquette@eac.gov

cc

bcc

Subject Proposal

Carol - I have taken another cut at the EAC TGDC Guidelines Proposal. Please see attached.

I have made two modifications to the budget. The budget is now at \$149,050. Let me know if that creates issues:

1. I forgot to include fringes for full-time employees in the original
2. I have added additional consultant capacity regarding the need to provide maintenance of the guidelines and travel to all board meetings by the KSU team.

I am tracking down a couple of pieces related to Tax ID and the ETF form. I am not sure what "Cognizant Federal Contract Audit Agency" means. Our budget people might, but if you could help clarify that piece it would help.

We are closing out our fiscal year, so things have ground to a halt in terms of support from our business office. Sorry for the delay

- Merle

Merle S. King
<http://science.kennesaw.edu/cs1s>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDGGuidelinesContract060505.doc

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu

cc britw@

bcc

Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

- 1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.
- 2) Tax ID number
- 3) Classification and type of business
- 4) Remittance address, including information for electronic funds transfer (form attached)
- 5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Carol A. Paquette/EAC/GOV
06/01/2005 09:56 AM

To mking@kennesaw.edu
cc
bcc
Subject EFT form

Merle -

Forgot to attach this form to previous email.



EFT form~9075810.rtf

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Carol A. Paquette/EAC/GOV
06/10/2005 08:43 AM

To mking@kennesaw.edu
cc
bcc
Subject proposal

Merle -

The proposal looks fine. Based on a conversation with Steve Berger a few days ago, I have another task to add. Sorry for the piecemeal approach; this will be the last "add-on".

The new task is as follows:

There are several places in the Voting System Guidelines (especially in Volume II on testing), that refer to "external" standards: e.g., ANSI, IEC, MILSTD. We need to create a references section in the document where all these materials are referenced in their latest version. It will require some research to determine what the latest version is. As versions change, EAC can issue an addendum to the references without having to dig into the entire document with changes. Then the text reference can be simply the title of the reference. Also, if there are commercial standards that replace the MILSTDs, we'd like to reference those instead, since many of the MILSTDs are no longer maintained by DoD.

The cognizant federal contract audit agency is whatever organization has been named to audit any federal grants or contracts that the University has. Either your budget or grants/contracts people should know who this is.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov



"Merle King"
<mkking@kennesaw.edu>
06/28/2005 09:07 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: website

Carol - The Center staff has never given testimony to the GA Legislature. I have given testimony once, at a NIST meeting, but it was on the topic of functionality, not VVPAT.

The organization of the full-time staff at the Center is as follows:

Merle King - Executive Director
Ray Cobb - Director
Tara Robie - Sr. Project Coordinator
Anthony Peel - Sr. Project Coordinator
Jessica Bamford - Project Coordinator

Brit is a contractor with the SOS office and although he spends time at the Center, he is not on the Center budget. He does not report to me.

The Center is completely funded by the SOS of Ga., as a line item in their budget.

The Center staff has had private conversations with our vendor regarding VVPAT and I have expressed my opinion to several vendors on the legal and operational issues associated with the concept.

I have discussed the proposed work for the EAC with the SOS Elections Director and we believe there is not a conflict of interest in the proposal. I think we can be impartial and objective in our review of comments. Our position has always been to enforce the law, rules and regs.

There is also a separation of responsibility component to the proposal. The work with the EOC will be through my department (Computer Science and Information Systems). It will not be with the Center for Election Systems.

Hope this helps.

- Merle

Merle S. King
<http://science.kennesaw.edu/cs>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
Merle -

Discussed transferring the Guidelines document and comment application with the Commissioners and the Executive Director (Tom Wilkey) this morning, along with the other tasks related to reviewing the comments that you had provided a proposal for. Being ever cognizant of how the EAC is perceived, the Commissioners asked me to check to see if the Center or Kennesaw ever provided testimony to the GA legislature or has otherwise taken a public position on the topic of voter verified audit trails? We know Brit's views, but he was always speaking for himself on the topic. The question is whether the Center itself has taken a position on this high profile issue. Also, my understanding is that the Center is pretty much fully funded by the GA Secretary of State's office. Would that relationship in any way impinge on your ability to be objective and impartial when reviewing and advising on the disposition of comments? Can you advise? Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

"Merle King" <mking@kennesaw.edu>
06/27/2005 05:14 PM

To
cpaquette@eac.gov
cc
"Ken Honea" <khonea@kennesaw.edu>
Subject
website

Carol -

I noticed that you got the glynn.com site up and running on Saturday.

We have reserved the following url:
<http://guidelines.kennesaw.edu/guidelines> and put the content there.
The firewall is properly configured so that it can be linked when you are ready.

Please advise on how we should proceed.

Thanks,

Merle



"Brit Williams"
<britw@██████████>
06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette"
<cpaquette@eac.gov>

cc

bcc

Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully support the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

----- Original Message -----

From: "Merle King" <mking@kennesaw.edu>
To: <cpaquette@eac.gov>
Sent: Tuesday, June 28, 2005 9:07 AM
Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
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> The work with the EOC will be through my department (Computer Science
> and Information Systems). It will not be with the Center for Election
> Systems.

> Hope this helps.

> - Merle

> Merle S. King
> <http://science.kennesaw.edu/csis>
> Chair, CSIS Department
> Kennesaw State University
> 1000 Chastain Road, MB #1101
> Kennesaw, GA 30144-5591
> voice: 770-423-6354; fax: 770-423-6731

>>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>

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> Can
> you advise? Thanks!

> Carol A. Paquette
> U.S. Election Assistance Commission
> (202)566-3125 cpaquette@eac.gov

> "Merle King" <mking@kennesaw.edu>

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 📧

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, [REDACTED]. Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

We have been hard-hit by Dennis. We have had building problems and were without power for 4 hours today. Things are a bit hectic here.

Talk to you tomorrow,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

Carol A. Paquette/EAC/GOV
07/06/2005 06:07 PM

To: "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject: Re: Follow Up

Merle -

I expect to get your contract signed in the next day or two. However, I still need those couple bits of information - I think it was tax ID number, cognizant federal contract auditing agency and maybe something else - before it can be processed through finance. Will also be forwarding you some email traffic regarding some issues with the way the current website is working so you can avoid these problems.

The Commissioners have a problem with Brit working on the Guidelines comments. Their view is that there is an inherent conflict of interest for Brit to have been on the TGDC that came up with the basic recommendations and then also to be part of the EAC comment review team. So we will not be able to contract with him for this purpose. I know he has suggested he would resign from the TGDC, but that doesn't really fix this problem.

Attached is the final SOW. Let me know if you have any issues or questions with it. Thanks!



SOW guidelines review.doc

I'll forward your message to Tom. His email address is twilkey@eac.gov.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/06/2005 04:03 PM

To: cpaquette@eac.gov
cc
Subject: Follow Up

Carol - Any decision yet on the contract with KSU and Brit?

I have attached a word document regarding a training program that we are doing for election observers at the Carter Center. Tom Wilkey, Brit and I were discussing the usefulness of a similar program for NIST scientists - to familiarize them with the life cycle of an election. I do not have Tom's email address at the EAC. Could you forward this proposal to him?

Thanks, and let us know.

- Merle

Carol A. Paquette/EAC/GOV
07/06/2005 10:28 AM

To Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Thomas R.
Wilkey/EAC/GOV, Juliet E. Thompson/EAC/GOV

cc

bcc

Subject Guidelines support from Kennesaw State - DECISION
REQUIRED BY FRIDAY, JULY 8

Commissioners -

Attached is the Statement of Work I have discussed with Merle King at Kennesaw State, specifically the Center for Election Systems. The period of performance for this work would be from the date of award through the end of December 2005. This will allow ample time to complete the Guidelines revisions and archive the comments and other materials from the comment review process. Prior to our making arrangements for them to provide web hosting for the document and collecting the on-line comments, they had given me an estimate of about \$150,000 for this effort. I am proposing to increase that amount to \$175,000 to cover the use of their secure server and IT support services.

I was asked to ascertain whether the Center for Election Systems or Kennesaw State had publicly taken any positions regarding VVPAT or other high profile election administration issues. Merle King has provided assurances that they have not testified on this matter to the Georgia legislature or expressed an opinion in any other venue. They have presented testimony to NIST, but on the topic of voting system functionality requirements. There was also the question of potential conflict of interest since the Center is funded as a line item in the Georgia Secretary of State's budget. Similar to our contract with the Eagleton Institute, the EAC contract would be with the University, since sub-elements do not have contracting authority. While the contract would draw on the expertise of Center personnel, their work would be managed and accountable independently through the University.

As a retiree of the Georgia higher education system, Brit Williams is prohibited from being a consultant on any university contract. His work with the Center is actually paid for through a contract with the Secretary of State's office. We anticipate potentially contracting with Brit to assist with the management guidelines work we plan to get underway in conjunction with NASED. He will not be involved with the Guidelines comment review work.



SOW guidelines review.doc

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

MEMORANDUM

July 15, 2005

TO: EAC Commissioners

FROM: Tom Wilkey, Executive Director

SUBJECT: Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review, and Response to Public Comments Received on the Voluntary Voting System Guidelines

On June 29, 2005, EAC formally opened the ninety day public comment period on the Voluntary Voting System Guidelines. In light of our limited staff resources, EAC will require assistance in the review, posting, and analysis of these comments. This work will require personnel who have knowledge and experience with election administration processes and terminology, voting system technology, the testing of voting systems, and the application of standards. It will also require the ability to electronically host the document for public review, as well as the on-line commenting application that has been developed.

Kennesaw State University houses a unique facility, the Center for Election Systems, which possesses all of these capabilities. The Center provides voting system certification and acceptance testing, voting system configuration, election official and poll worker training, ballot generation, election day technical support, and election monitoring for all jurisdictions in the State of Georgia. This is the only institution of its kind in the United States and thus qualifies for FAR Subpart 6.302-1 exception to the requirement for full and open competition. We have been conducting a series of discussions with this institution regarding EAC's requirements in order to arrive at a mutually agreeable statement of work and cost estimate.

The Commissioners have previously reviewed and approved the attached statement of work for this effort. We have reviewed Kennesaw's cost estimate for this effort and find it reasonable for the experience levels and types of personnel needed to perform this work.

RECOMMENDATION:

Approve the award of a contract to Kennesaw State University in the amount of \$175,000.

Attachment

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below.

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
2. *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial data, the contract clauses in this document shall take precedence.
3. *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other Complications.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

6
7/8/2005

STATEMENT OF WORK FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

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retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.
4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition,

some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.

5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Assist EAC in planning and conducting Guidelines discussions with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall assist the EAC by facilitating the discussion of the Guidelines at these meetings. The Contractor shall take notes at these meetings and collect all comments provided by the Board members.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

Budget
EAC TGDC Comment Review Project

17-Aug-05

Fixed Costs

Personnel	July	August	September	October	November	Total
Project Manager (King) [REDACTED]	3322	3322	3322	3322	3322	16610
Project Coordinator	4000	4000	4000	4000	4000	20000
Faculty(2) @P-T Rate		6000	6000	6000	6000	24000
Student Asst.		1200	1200	1200	1200	4800
System Admin.	1000	1000	1000	1000	1000	5000
Graduate Students		1000	1000	1000	1000	4000
Total						74410
 Indirect (50%)						 37205
 Fringes (30%)						 22323
						Total Personnel 133938
----- Consultants		4000	4000	5000	5000	18000
 Travel	2400	5000	5000	5000	4200	21600
 Supplies/Copies		300	220	600	260	1380
 Project Total						 174918