Salem County New Jersey
Board of Chosen Freeholders

Resolution No. 2020 – 168

Approved as to Form and Legality	Date Adopted	Committee
_____	May 20, 2020	Administrative
Salem County Counsel		

RESOLUTION AMENDING RESOLUTION 2019-247 AWARDING A CONTRACT FOR PROCURING VOTING MACHINES AND SUPPORT SERVICES FOR THE COUNTY OF SALEM

WHEREAS, the Salem County Board of Chosen Freeholders adopted Resolution 2019-247 on July 17, 2019 in order to authorize the award of a contract to **Dominion Voting Systems** of Cedar Grove, NJ for Election Goods and Services, specifically voting machines, printers, software, scanners and support service for the County of Salem; and

WHEREAS, Dominion Voting Systems failed to execute the contract and due to their inability to deliver the equipment as specified in their quote and the contract; and

WHEREAS, Salem County and **Dominion Voting System** commenced renegotiations on the terms of the contract and the equipment to be delivered thereunder and have arrived at a mutually agreeable resolution regarding equipment specifications and delivery schedules as outlined in the Dominion Voting Systems revised project proposal dated March 1, 2020 inclusive of Exhibit A "Voting System Agreement Pricing Summary and Deliverables Description", Exhibit B "Software License Terms and Conditions", Schedule A "Print Copyright License Terms and Conditions" ; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A-11-5 (l) allows the County to purchase goods and services necessary or required to prepare and conduct an election by foregoing the public bidding process; and

WHEREAS, pursuant to New Jersey State Law N.J.S.A. 19:44A-20.7, the County did not utilize a "Fair and Open" process in the selection of this entity, hence, **Dominion Voting Systems** has completed a Business Entity Disclosure Certificate and Political Contribution Disclosure Form stating that they have not made any reportable contributions to a political or candidate committee in the County of Salem in the previous year, and that the contract will prohibit them from making any contributions through the term of this agreement; and

WHEREAS, a copy of the project proposal dated March 1, 2020 and all supporting documents are on file in the office of the Purchasing Agent, 110 Fifth Street, in the County of Salem, New Jersey as required by law; and

WHEREAS, the Salem County Treasurer has certified that funding for this contract shall be encumbered in accordance with N.J.A.C. 5:30-5.4 and this agreement shall further be contingent upon the availability and appropriation of sufficient funds contained in the 2020 Budget of the County of Salem under the item Information Technology and Equipment (C-04-55-885-019-903).

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Salem as follows:

1. The Board of Chosen Freeholders of the County of Salem affirms the approval to purchase Election Materials for the County of Salem Board of Elections, subject to the approval of the County Solicitor, to **Dominion Voting Systems, 519 Pompton Avenue, Suite 302, Cedar Grove, NJ 07009** in the amount not to exceed $945,230.00 (Nine Hundred Forty Five Thousand, Two Hundred and Thirty Dollars and Zero Cents).

2. Said contract also provides for an Annual Software Licensing Fee beginning on the first anniversary of the Effective Date through the Agreement Term of $32,350.00 (Thirty-Two Thousand, Three Hundred and Fifty Dollars and Zero Cents).

3. Said contract also provide for an Annual Hardware Warranty Fee beginning on the first anniversary of the Effective Date through the Agreement Term of $23,975.00 (Twenty-Three Thousand, Nine Hundred and Seventy-Five Dollars and Zero Cents).

4. The contract is affirmed as being for a period of eight (8) years commencing retroactively to January 1, 2020 and terminating December 31, 2028 and shall be completed in full accordance with the terms and conditions of the agreement.

5. The Salem County Administrator and the Clerk of the Board shall be authorized to execute said contracts.

BENJAMIN H. LAURY, Freeholder Director
Board of Chosen Freeholders

I hereby certify the foregoing to be a true resolution adopted by the Board of Chosen Freeholders of the County of Salem at its regular meeting of May 20, 2020.

STACY L. PENNINGTON
Clerk of the Board

RECORD OF VOTE

FREEHOLDER	AYE	NAY	ABSTAIN	ABSENT	RESOLUTION MOVED	RESOLUTION SECONDED
G. Ostrum, Jr.	✓					
C. Hassler	✓					✓
L. Ware	✓					
R.S. Griscom	✓				✓	
B. Laury	✓					

✓ Indicates Vote

Department Initials Purchasing

Salem County
NEW JERSEY

CERTIFICATION OF AVAILABILITY OF FUNDS

NOTE TO COUNTY DEPARTMENTS: This form is to be prepared by each department entering into a contract with a vendor when a resolution is required to be adopted by the Board of Chosen Freeholders of the County of Salem.

This form must accompany the resolution, and must be submitted with the resolution to the Finance Officer for approval by the Finance Officer at least one week prior to the Freeholder meeting at which it will be presented for adoption.

The contract/agreement between the County and the vendor shall be further contingent upon availability and appropriation of sufficient funds for this purpose in the County's Temporary and Permanent Budget. *If grant funds are utilized, this contract/agreement is further contingent upon the grants funds availability during the appropriate grant period.*

I, **Kelly A. Hannigan, Treasurer** of the County of Salem, hereby certify in accordance with **Section 5:34-5 of the Local Public Contracts Guidelines and Local Public Contracts Regulations** that adequate funds for the contract listed below are available.

I further certify that the funds are contained in the **OFFICIAL BUDGET** of the County of Salem under the item listed below.

AMOUNT:	$945,230.00
ACCOUNT NAME:	Information Technology and Equipment
ACCOUNT #:	C-04-55-885-019-903
FOR:	Procuring Voting Machines and Support Services
DATE:	May 20, 2020
VENDOR:	Dominion Voting Systems
	519 Pompton Avenue, Suite 302
	Cedar Grove, NJ 07009

Kelly A. Hannigan, Treasurer/Temporary CFO