



County of San Mateo

Inter-Departmental Correspondence

Department: ASSESSOR-COUNTY CLERK-
RECORDER-ELECTIONS
File #: 23-913

Board Meeting Date: 11/14/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Mark Church, Chief Elections Officer & Assessor-County Clerk-Recorder
Subject: Resolution Authorizing the Chief Election Officer to Execute Agreements with Essential Election Material Vendors

RECOMMENDATION:

Adopt a resolution authorizing the Chief Election Officer, or designee(s), to execute agreements with each vendor listed in Attachment A to provide as needed essential election-related materials for the March 5, 2024 Presidential Primary Election, with a term of November 14, 2023 through December 31, 2024, for an aggregate amount not to exceed \$2,500,000, and granting a waiver of the competitive bidding requirement for acquisition of these services pursuant to Section 2.83.050(e) of the San Mateo County Ordinance Code.

BACKGROUND:

The Registration & Elections Division (Elections Division) requires certain products and services on a regular basis in order to successfully conduct elections in San Mateo County. During elections, sudden changes in circumstance requiring significant adaptation within tight statutory deadlines are common. The upcoming March 5, 2024 Presidential Primary Election will require products and services from the vendors listed in Attachment A, in excess of the \$200,000 departmental contract limit.

DISCUSSION:

California law recognizes that the procurement of elections-related materials is time-sensitive and requires flexibility, containing certain exceptions for procurement. For example, Elections Code section 14100 provides that "[t]he county elections official, in providing the materials required by this division, shall not be required to utilize the services of the county purchasing agent."

The Elections Division seeks authority to utilize a master services agreement (MSA) process with the vendors listed on Attachment A of the resolution, which identifies the recommended eligible vendor pool along and provides the estimated contract amounts for each vendor. The not-to-exceed aggregate amount of \$2,500,000 will authorize the Chief Elections Officer, or designee(s), to execute

agreements and associated amendments with the vendors listed in Attachment A for a term of November 14, 2023 through December 31, 2024 ("Term").

All agreements or amendments entered into through the MSA process shall be reviewed by the County Attorney, Risk Management, and/or Information Services Department, where applicable, to ensure appropriate procurement practices are followed.

Each of the vendors listed on Attachment A provides services vital to the elections process.

- **Toppan Merrill** typesets, prints, binds, and mails the Sample Ballot and Voter Information Pamphlet, and provides the PDF version of these items for our voter lookup page. Toppan Merrill has provided these essential services for over 40 years to elections offices across the state, including to the City and County of San Francisco and County of Santa Clara. As a vendor for the County, Toppan Merrill has demonstrated, with each election, an ability to meet all legally required timelines and is the only vendor in the area that maintains partnerships with three additional print facilities in case of printing emergencies, a critical resource for ensuring the delivery of accurate and timely voter materials.
- **K&H Integrity Communications (K&H)**, which has been in business for over 100 years, prints and mails every San Mateo County Official Ballot. K&H serves as a vendor for counties throughout the State, including the County of Santa Clara and County of Los Angeles, and is certified by the Secretary of State pursuant to California Code of Regulations Section 20220, which provides that no vendor shall print official ballots for use in a California election prior to certification by the Secretary of State. K&H provides a unique blend of unparalleled expertise and professionalism with a deep familiarity of both the County's specific ballot preparation processes and our local community, and has always been available around-the-clock during the ballot-mailing period to immediately answer questions and address issues that may arise.

For the reasons set forth above, the Elections Division recommends that the Board waive the requirement of competitive bidding for acquisition of these essential elections services pursuant to Section 2.83.050(e) of the San Mateo County Ordinance Code because the best interest of the County would be served without the necessity of competitive bidding.

The County Attorney has reviewed and approved the resolution as to form.

FISCAL IMPACT:

The aggregate maximum fiscal obligation of agreements and/or amendments entered into under the MSA process during the Term is \$2,500,000. Total expenditures across all agreements will be monitored and managed by fiscal staff that support the Elections Division. Appropriations to cover the costs of this MSA are included in the Assessor-County Clerk-Recorder's FY 2023-24 Adopted Budget and will be included in future budgets. These costs will be fully reimbursed by jurisdictions participating in the March 5, 2024 Presidential Primary Election, as authorized by law, and funded by a transfer from Non-Departmental Services.