

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 16, 2023

[X] Consent [] Regular
[] Workshop [] Public Hearing

Department: County Administration
Submitted For: Supervisor of Elections

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to authorize:

- A) Memorandum of Agreement between the Supervisor of Elections and the State of Florida, Department of State, Division of Elections in the amount of \$317,498 for the purchase of goods and services, to be expended between July 1, 2022 through May 15, 2023, for the purpose of subscription to the Albert Network Monitoring Solution, for voting technology upgrades or enhancements and/or for improving voting accessibility. with the 2020 Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System

Summary: Grant funds are made available pursuant to Specific Appropriation 3136, Chapter 2022-156, Laws of Florida, in the ongoing effort to improve the administration of federal elections through security enhancements. Funds in specific Appropriation 3136 are provided to utilize the Help America Vote Act (HAVA) Election Security Grant funding. From these funds, up to \$1,000,000 may be used to provide subgrants to supervisors of elections for a subscription to the Albert Network Monitoring Solution and up to \$7,000,000 may be used to provide subgrants to supervisors of elections for voting technology upgrades or enhancements or for improving voting accessibility. The application for this grant is limited to a year’s subscription to albert Network Monitoring Solutions, the purchase of goods and/or services for voting technology upgrades and/or enhancements for the 2024 election cycle, and the purchase of goods and/or services for improving voting accessibility for the 2024 election cycle. The Catalog of Federal Domestic Assistance (CFDA) is 90.404 and **there is no match associated with this item. Countywide (AH)**

Background and Justification: The Department of State establishes a subgrant program for all 67 Supervisors of Elections. The Department of State is authorized to distribute to Florida’s 67 county Supervisors of Elections a total of eight million dollars (\$8,000,000) in non-recurring funds for fiscal year 2022-2023 from the Federal Grants Trust Fund, pursuant to section 101 of the Help America Vote Act of 2002 (HAVA) (“Help America Vote Act Requirements Payments”).

- Attachments:**
1. Florida Department of State Memorandum of Agreement for 2022-23 Election Security Enhancement Grant

Recommended by:	<i>Wendy Link</i>	4/18/2023
	Department Director	Date
Approved By:	<i>for [Signature]</i>	4/28/23
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years:	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs	\$317,498				
External Revenues	(\$317,498)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$0	N/A	N/A	N/A	N/A

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes ___ No X

Does this item include the use of Federal Funds? Yes X No ___

Budget Account No: 1170-180-1100-VAR

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Items purchased with grant funds were set aside to purchase if funds were awarded, thereby not affecting or displacing budget dollars.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lisa M. [Signature] 4/26/2023
OFMB [initials] [initials]

[Signature]
Contract Dev. and Control 4/25/23

B. Legal Sufficiency:

Anne Delgado 4/26/23
County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.



MEMORANDUM OF AGREEMENT
FOR 2022-23 ELECTION SECURITY ENHANCEMENT GRANT
FOR SUBSCRIPTION FOR ALBERT NETWORK MONITORING, VOTING
TECHNOLOGY UPGRADES OR ENHANCEMENTS AND/OR FOR IMPROVING
VOTING ACCESSIBILITY

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and Wendy Sartory Link Supervisor of Elections ("Sub-recipient") for Palm Beach County, Florida. This agreement governs the receipt and use of federal funds as specified herein. Unless otherwise specified herein, all required submissions shall be through the Department of State Online Grants System. The grant will be identified as grant number 23.e.es.100.050.

I. Governing Law

Grant funds are made available pursuant to Specific Appropriation 3136, Chapter 2022-156, Laws of Florida, in the ongoing effort to improve the administration of federal elections through security enhancements as follows:

Funds in Specific Appropriation 3136 are provided to utilize the Help American Vote Act (HAVA) Election Security Grant funding. From these funds, up to \$1,000,000 may be used to provide subgrants to supervisors of elections for a subscription to the Albert Network Monitoring Solution and up to \$7,000,000 may be used to provide subgrants to supervisors of elections for voting technology upgrades or enhancements or for improving voting accessibility.

The Department of State hereby establishes a subgrant program for the 67 county supervisors of elections. The Department of State is authorized to distribute to Florida's 67 county Supervisors of Elections a total of eight million dollars (\$8,000,000) in non-recurring funds for fiscal year 2022-2023 from the Federal Grants Trust Fund, pursuant to section 101 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.404 ("Help America Vote Act Requirements Payments"). A maximum of one million dollars (\$1,000,000) is allocated for a subscription to the Albert Network Monitoring Solution, and the remainder seven million dollars (\$7,000,000) is allocated for purchase of goods and/or services for voting technology upgrades or enhancements and/or for improving voting accessibility.

I. Scope of Work and Deliverables

Sub-recipient may apply for a 2023 election security grant for the purchase of goods and/or services based on the scope of work set forth in paragraph A and based on the maximum allocation by counties set forth in **Attachment A**.

An initial application for funds must be submitted through the Department of State Online Grants System no later than January 31, 2023, to be eligible for a subgrant award.

A. Scope of Work

Sub-recipient’s application for this grant is limited to:

1. Category 1: A year’s subscription to the Albert Network Monitoring Solution (Up to \$1492.53 per month maximum per county)
2. Category 2: The purchase of goods and/or services for voting technology upgrades and/or enhancements for the 2024 election cycle. Covered expenses shall only include goods or services purchased, including installation and completion of acceptance testing, in the eligible period. Examples of voting technologies include certified voting equipment, high-speed ballot and envelope printers, ballot-on-demand printers, electronic poll books, approved automated post-election voting system audit systems, approved independent recount tabulation system for recounts, and other peripherals that enhance and ensure secure elections.
3. Category 3: The purchase of goods and/or services for improving voting accessibility for the 2024 election cycle. Covered expenses shall only include goods or services purchased, including installation and completion of acceptance testing, in the eligible period.

Examples of voting accessibility products and/or services include accessible voting equipment, accessible vote-by-mail systems or services, polling place accessibility, and other accessible election technology, solutions, and assistive tools that enhance and ensure secure elections.

The total allocation for categories 2 and 3 is based on a minimum base rate of \$50,000 per county for a total of \$3,350,000 plus a proportional amount based on the number of active registered voters in 2022 General Election. This proportional amount for each county is calculated using the aggregated remaining amount of the \$3,650,000 divided by the total number of registered voters in the State. The maximum amount that each eligible Sub-recipient may receive is set forth in **Attachment A**.

NOTICE: Counties who apply to use funds for category 1 and/or 2 must first and fully apply all outstanding federal funds awarded previously including interest earned under the Help America Vote Act provided the goods and/or services would have been allowed under the purpose of the original award. See **Attachment B** – Certification Outstanding Federal Grant Funds for Use of Funds for Voting Technology Upgrades or Enhancements or for Improving Voting Accessibility

Sub-recipient may request advance payment, reimbursement, or a combination thereof. Request for reimbursement and/or advance payments for service may not exceed maximum allowable amounts awarded within the grant period.

B. Deliverables, Minimum Levels of Service, and Financial Consequences

Deliverable	Minimum Level of Service	Financial Consequences
1	Complete the application package of requirements for the implementation of the Scope of Work as follows: <i>Category 1: Funds may be requested for an annual subscription to the Albert Network Monitoring Solution (Up to \$1492.53 per month maximum per county)</i>	If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.

	<p>And signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (Attachment C). (Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35.) This form prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.</p>	<p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest accrued, shall be returned to the Department at the same time the final expenditure report is submitted or due, whichever is earlier.</p>
2	<p>Complete minimum level of service for category 1 – One-year subscription to the Albert Network Monitoring Solution.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.</p>	<p>If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.</p> <p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest accrued, shall be returned to the Department at the same time the final expenditure report is submitted or due, whichever is earlier.</p>
3	<p>Complete the online application package of requirements for the implementation of the Scope of Work as follows:</p> <p><i>Category 2: Funds may be requested for purchase of goods and/or services for voting technology upgrades or enhancements.</i></p> <p>And a signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (Attachment C). (Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35.) This form prohibits the disbursement of federal funds to the intended</p>	<p>If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.</p> <p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest</p>

	<p>recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.</p>	<p>accrued, shall be returned to the Department at the same time the final expenditure report is submitted or due, whichever is earlier.</p>
4	<p>Complete minimum level of service for category 2 - Purchase of goods and/or services for voting technology upgrades or enhancements.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.</p>	<p>If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.</p> <p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest accrued, shall be returned to the Department at the same time the final expenditure report is submitted or due, whichever is earlier.</p>
5	<p>Complete the online application package of requirements for the implementation of the Scope of Work as follows:</p> <p><i>Category 3: Funds may be requested for purchase of goods and/or services for improving voting accessibility.</i></p> <p>A signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (Attachment C). (Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35.) This form prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred,</p>	<p>If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.</p> <p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest accrued, shall be returned to the Department at the same time the final expenditure report is</p>

	whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.	submitted or due, whichever is earlier.
6	<p>Complete minimum level of service for category 3 - Purchase of goods and/or services for improving voting accessibility.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 30 days from installation receipt.</p>	<p>If Sub-recipient does not apply for grant funds by January 31, 2023, funds allocated to the county revert to the Election Security Fund.</p> <p>If Sub-recipient does not use awarded funds within the grant period, unexpended funds, including any interest accrued, shall be returned to the Department at the same time the final expenditure report is submitted or due, whichever is earlier.</p>

III. Grant Period and Timeline

The grant agreement covers the period indicated below:

Date	Event
July 1, 2022	Beginning period for eligible reimbursement funds.
December 15, 2022 (Thursday)	<ul style="list-style-type: none"> Open period to submit DOS Online Grants application Beginning period for expending advanced funds.
January 31, 2023 (Tuesday)	<ul style="list-style-type: none"> Deadline to submit DOS Online Grants application
May 15, 2023 (Monday)	<ul style="list-style-type: none"> Deadline to expend funds eligible for reimbursement in accordance with plan. Deadline to incur obligations eligible for advance payment in accordance with plan. Deadline to expend advance funds.
May 31, 2023 (Wednesday)	Deadline to submit a Final Expenditure Report/Expenditure Log using The Online Grants System and return any unspent advance funds, including accrued interest.

IV. Grant Application

To be eligible for the grant, Sub-recipient must submit an online grant application using the Department's Online Grants System as detailed in Section II. The maximum amount awarded to each Sub-recipient will be based on the online application and the allocation for the county for each category.

V. Grant Expenditure Log and Final Expenditure Report

For reimbursements, the Sub-recipient must submit an expenditure log demonstrating the use of grant funds during the allowable period prior to the release of any reimbursement payments. Each log must list all grant expenditures, including check numbers or transaction numbers, payees, dates of payment, check amounts, and associated Deliverables that support the satisfactory completion of services for each payment with supporting documentation.. Expenditure logs will be submitted online with payment requests at www.dosgrants.com. For advancements, the Sub-recipient must submit an expenditure plan detailing how the advanced funds are intended to be used in the applicable category. See **Attachment D - Expenditure Log/Plan**

The Sub-recipient must submit a Final Expenditure Report using **the Online Grants System** along with supporting documentation evidencing allowable expenses no later than May 31, 2023. Further requirements are detailed in Deliverables within Section II. Documentation must account for all expenditures made from grant funds awarded under this agreement. Along with the report, Sub-recipient shall return any unspent advanced funds. All returned and/or unspent funds, including interest earned, shall revert to the Federal Grants Trust Fund. Any expense not accounted and verified for in the supporting documentation in the expenditure log and/or final report shall be returned within 15 days of notice from the State. See **Attachment E - Final Expenditure Report**

Failure to comply with the deadlines to submit a final expenditure report and expenditure log and to return unexpended funds may affect eligibility for future awards.

VI. Restrictions

A. No lobbying

Sub-recipient shall not use any funds received hereunder to support lobbying activities to influence proposed or pending federal or state legislation or appropriations. This does not affect the right of the Sub-recipient, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

B. Non-allowable expenses

If the Sub-recipient expends any funds on expenses that are not allowable, the Sub-recipient must reimburse immediately the funds to the Department, not otherwise expended for allowable costs, including any interest earned during the term of this agreement. Any funds determined, at any time, not to be expended in accordance with this agreement shall be returned, including any interest earned, to the Department within 30 days of written notice. All funds returned shall revert to the Federal Grants Trust Fund.

C. Interest-bearing account

The Sub-recipient must establish and maintain the grant funds in an interest-bearing account in a “qualified public depository” as defined by section 280.02(26), Florida Statutes. The Sub-recipient must segregate the funds in a separate account established to hold only such funds. Sub-recipient must comply with the applicable requirements of chapter 280, including but not limited to:

- The execution and retention in your official records of a [Public Deposit Identification and Acknowledgement Form](#).
- The submission each year by November 30th of a [Public Depositor Annual Report to the Chief Financial Officer \(DFS-J1-1009\)](#).

For more information refer to the [Department of Financial Services Collateral Management for Governmental Units webpage](#) or contact the Program Administrator at 850-413-3167.

VIII. Payments

A. Distribution

The Department shall determine eligibility and grant award amount based on a completed online application including requisite attachments. Funds will then be distributed subject to whether the request is a reimbursement, advance or combination thereof. The award date for the subgrant is the day the funds are transferred or distributed to the Supervisor.

B. Electronic Funds Transfer and Warrants

It is recommended that the Sub-recipient establish and/or use electronic funds transfer (EFT) to receive payment more efficiently and timely. All Sub-recipient wishing to receive funds through electronic funds transfer must submit a [Direct Deposit Authorization form](#) to the Florida Department of Financial Services. To download this form, visit <https://www.myfloridacfo.com/Division/AA/Forms/DFS-A1-26E.pdf>. This file also includes tools and information that allow you to check on payments. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts.

Sub-recipients without EFT capabilities may experience longer timeframes for payment by warrant.

IX. Monitoring, Audits, and Audit Reporting

The administration of resources awarded to the Sub-recipient may be subject to monitoring, audits, and reporting requirements at the state and/or federal level. The Sub-recipient agrees to comply and cooperate with federal and state requirements for inspections, reviews, investigations, and/or audits including those deemed necessary by the Department, Inspector General, Chief Financial Officer, Auditor General and/or U.S. Election Assistance Commission. The Sub-recipient agrees to maintain records necessary to comply and to respond to such activities.

A. Department audit

The Department shall also conduct a limited scope post-grant audit of federal funds for six randomly selected Sub-recipients and may conduct more as needed. Sub-recipient agrees to comply with any additional instructions provided by Department staff to the Sub-recipient regarding such audit. If the

Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Sub-recipient did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the Sub-recipient must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action, and interest earned or that may have been earned. If it is determined that funds have not been used accordingly, Sub-recipient shall return awarded funds up to the amount determined to not have been used, including interest that would have accrued.

B. Audit Requirements for Federal Financial Assistance

Audit Requirements for Awards of State and Federal Financial Assistance (Form DFS-A2-CL), (**Attachment F**), entitled is incorporated herein and made a part of this agreement. Upon ascertainment of the total Sub-recipient grant amount, the form will be finalized to be Sub-recipient specific.

Additional guidance to state and federal monitoring and auditing requirements may be found at <https://www.eac.gov/payments-and-grants/audits-resolutions>.

X. Record Retention

A. Maintenance of records.

The Sub-recipient shall retain accurate and detailed records sufficient to demonstrate its compliance with the terms of this agreement for five fiscal years from the date an audit report is issued. The Sub-recipient shall allow the Department or its designee, CFO, or Auditor General or auditor access to such records, including access to the audit working papers during such period unless otherwise extended.

B. Property Inventory

The Sub-recipient must also maintain appropriate property inventory. Inventory is required for property with a cost or value of \$5,000 or more at the time of acquisition in the applicable fiscal subgrant year. Federal regulations (2 CFR 200.313(d)(1)) state that "property records [purchased with federal funds] must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property." See also Rule 69I-73, Florida Administrative Code. A property inventory template is attached. (**Attachment G**). Such property inventory shall be maintained at the local level.

C. Sensitive and/or confidential information.

Documentation associated with this sub grant may contain sensitive and/ confidential information that is exempt from public records disclosure pursuant to Florida and federal laws including but not limited to Section 119.0725 Section 282.318, F.S. and the Cybersecurity Information Sharing Act (CISA).

X. Entirety of the Agreement

All terms and conditions of this Agreement are fully set forth in this document and its attachments and shall be governed by the laws of the State of Florida. The parties agree that proper venue will be in Leon County, Florida. This agreement is effective as of the date it is fully executed.

The parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

By County Supervisor of Elections/Sub-recipient **By Department of State, Division of Elections**

Signature



Signature



Name and Title

Wendy Sartory Link
Supervisor of Elections

Name and Title

Maria Matthews, Director,
Division of Elections

Address

Palm Beach County Supervisor of Elections
240 South Military Trail,
West Palm Beach, FL 33415

Address

R.A. Gray Building, Ste. 316
500 S. Bronough Street,
Tallahassee, Florida 32399

County FEID 74-3196272

Date

1/24/2023

Date

2/15/2023

**Amendment #1 to Memorandum of Agreement
for 2022 -23 Election Security Funds
FOR SUBSCRIPTION FOR ALBERT NETWORK MONITORING, VOTING TECHNOLOGY UPGRADES OR
ENHANCEMENTS AND/OR FOR IMPROVING VOTING ACCESSIBILITY**

This Amendment amends the above-reference Memorandum of Agreement between the State of Florida, Department of State, Division of Elections, hereinafter referred to as the "Division" and Palm Beach County, hereinafter referred to as the "Grantee."

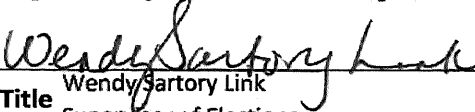

Specifically, due to a delay in processing requests, this amendment is needed to specific dates in Section III (Grant Period and Timeline), Section IV (Grant Submission), and Section V. (Final Expenditure Report) to allow Grantee more time to meet grant terms. Wherever the following dates appear in the specified in the original agreement as to certain activities, those dates are now changed to the extended (no later than) dates as noted in the table below. Initial dates remaining the same are included solely as point of reference.

Date	Event	Amended Dates
July 1, 2022	Beginning period for expending reimbursement funds.	Remains the same
December 15, 2022 (Thursday)	<ul style="list-style-type: none"> Open period to submit DOS Online Grants application Beginning period for expending advanced funds. 	Remains the same
January 31, 2023 (Tuesday)	<ul style="list-style-type: none"> Deadline to submit DOS Online Grants application 	Remains the same
May 15, 2023 (Monday)	<ul style="list-style-type: none"> Deadline to expend funds eligible for reimbursement in accordance with plan. Deadline to incur obligations eligible for advance payment in accordance with plan. Deadline to expend advance funds. 	June 30, 2023 (Friday)
May 31, 2023 (Wednesday)	<ul style="list-style-type: none"> Deadline to submit a Final Expenditure Report/Expenditure Log and return any unspent advance funds, including accrued interest. 	July 14, 2023 (Friday)

The parties now mutually agree to amended terms and conditions of the grant agreement as set forth herein. All other terms and conditions are fully set forth in the Memorandum of Agreement referenced above and its attachments and shall be governed by the laws of the State of Florida. This Amendment is effective as of the date it is fully executed by the undersigned officials as duly authorized.

By County Supervisor of Elections/Sub-recipient

By Department of State, Division of Elections

Signature 	Signature 
Name and Title Wendy Sartory Link Supervisor of Elections	Name and Title Maria Matthews, Director
Address Supervisor of Elections Office 240 South Military Trail West Palm Beach, FL 33415	Address R.A. Gray Building, Ste. 316 500 S. Bronough Street, Tallahassee, Florida 32399
County FEID 74-3196272	
Date 03-24-2023	Date 4/4/2023