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Dade officials defend deal on voting machines

BY KARL ROSS
kross@herald.com

Miami-Dade County officials, in a response issued over the weekend, challenged the findings of an inspector general's report that portrayed as easy marks the staff members who oversaw a \$25 million deal to buy new voting machines.

The 16-page, point-by-point response contradicts several of the inspector general's most damaging findings, asserts that the inquiry was plagued by errors, and disputes the perception that county employees were duped into purchasing outdated, obsolete technology.

The report, a draft of which was made public last week, is the result of a seven-month probe into how the deal was structured.

The report was highly critical of the team of county employees who negotiated a contract with Election Systems & Software, the Omaha, Neb., company that makes the iVotronic machines that debuted in last year's disastrous Sept. 10 primary.

Investigators contend that "critical misunderstandings" of the state process for certifying new voting equipment led the staffers to assume wrongly that the iVotronic machines were suitable for Miami-Dade's unique electoral needs.

According to the report, 'there is the notion that if the product is `certified,' it somehow means more than it is. Simply put, certification means that the product [voting system] may be used in the state of Florida. Certification has no bearing on whether it is a good product.'

County officials took issue with the inspector general's characterization, saying Election Department officials are fully aware of the "purpose and limitations" of the certification process. Certification was "only one of the factors" used in making the final selection between ES&S and two rival competitors, they said.

County officials noted, moreover, that of the three firms, only ES&S's machines complied with the Americans with Disabilities Act.

Regarding the machines themselves, county officials say they are satisfied with the purchase.

They reject comparisons in the inspector general's report between the microprocessors in the iVotronics and late-model personal computers, which are more powerful:

``Any comparison is not justified since its intended use is quite different from that of a PC.

At the time of the county's solicitation and ES&S' demonstration of the voting systems, this equipment was considered to be state-of-the-art technology."

In this respect, the county's response mirrors that of ES&S, which blasted the comparison last week in a 52-page rebuttal.

"The county's report is very similar to ours," said ES&S spokesman Miguel De Grandy. "I think it validates everything that we've said."

County Manager Steve Shiver declined to elaborate on the response, citing possible litigation.

He did say it was unlikely that the county would abandon the iVotronic system.

"We're pretty limited in our options," Shiver said. "We have a sizable investment, so we'll see it through one way or the other."

County Inspector General Christopher Mazzella could not be reached for comment.

In a section of the report covering the terms of a bond intended to protect the county against defective merchandise, the inspector general argues that the provisions "were inadequate and the result of a bad business decision" -- namely, that the county allowed ES&S to decrease the bond amount before receiving and testing all voting machines and trying out software for a trilingual ballot.

County officials say the inspector general's allegation is "not accurate," and they counter that ES&S was not permitted to decrease the bond amount until Aug. 28 -- nearly two weeks before the September primary and 20 days after the last machines were tested. The report contends that the first bond reduction occurred months earlier, on April 3.

County officials noted that of the 10 Florida counties purchasing touch-screen voting machines from ES&S, only Miami-Dade managed to negotiate a special catch-all clause into the warranty that offers "umbrella protection" against defects.

"The county firmly believes the bond it secured was the appropriate bond type, in the right amount and for the most advantageous term," the response states.

County officials also seek to dispel the inspector general's concern that the county could be stuck with a costly tab for upgrades to ES&S operating software.

Such upgrades are expected to dramatically reduce the time it takes to open polls.

Whereas the inspector general's report says "cost data related to these upgrades is not yet available," county officials quote a letter from ES&S stating that the upgrades would be provided at no charge.