

**AMENDMENTS TO
REQUEST FOR PROPOSALS
FOR OPTICAL SCANNING VOTE COUNTING SYSTEM
ISSUED ON JUNE 7, 2011**

Pursuant to Section 9.1.5 of the Request for Proposals for Optical Scanning Vote Counting System issued on June 7, 2011 (the "RFP"), the following sections of the RFP are hereby amended as follows:

1. **New Section After Section 6.5.6.7 Local Technical Support During General Election – Mandatory at Implementation**

Following this section, insert a new section 6.5.6.8 that shall read as follows:

Section 6.5.6.8 – Penalties for Proponent's Failure to Provide Technical Support.

Failure to provide technical support as required by Section 6.5.6.7 hereof shall subject proponent to a penalty of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00).

2. **Section 9.7 Performance Bond** – is deleted in its entirety and shall now read:

Section 9.7 Performance Bond

The selected proponent shall post a performance bond in favor of the CEE in the amount of TWELVE MILLION DOLLARS (\$12,000,000.00). Such performance bond

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shall be acceptable to the CEE and shall be issued by an insurance company registered and duly authorized to conduct insurance business in Puerto Rico by the Office of the Insurance Commissioner of Puerto Rico.

The CEE shall have the right to execute the performance bond if proponent incurs in substantial breach of its obligations under the contract. As used herein, a substantial breach shall mean a breach that renders impossible the implementation of the Optical Scanning Vote Counting System for the 2012 General Election.

A proponent shall have incurred in substantial breach in the following instances:

1. The proponent is incapable of complying with the minimum system requirements as evidenced by the Factory Acceptance Tests ("FAT") based on the following criteria:
 - a. The proponent gives formal notice to the CEE of its inability to comply with the requirements.
 - b. Following an initial failure of the FAT, and after the CEE gives proponent notice of such failure and grants proponent a term that shall not exceed four (4) weeks to take any remedial action required to succeed in the FAT, proponent once again fails the FAT.
2. The proponent is incapable of delivering the equipment required for use in all electoral colleges during the 2012 General Election. A proponent shall be deemed incapable of delivering the equipment if:

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- a. The number of machines received by the CEE as of July 30, 2012 is less than 6,000 machines.
- b. After CEE conducts tests on all machines, only 5,900 machines pass the validations tests as of August 30, 2012
- c. The central system for receiving electoral results does not work properly after June 15, 2012.

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The CEE shall release the performance bond once proponent delivers all machines and the CEE receives, tests and accepts all machines.

3. **Section 9.8 Penalties for Breach** - is deleted in its entirety and shall now read:

The CEE shall have the right to execute the performance bond pursuant to the provisions of Section 9.7 hereof. In addition, the CEE shall have the right to pursue any and all remedies that the CEE may have in law or equity against proponent.

Except as specifically stated herein, all terms and conditions of the RFP shall remain in full force and effect.