

COMELEC ADVISORY COUNCIL

The Commission En Banc
COMMISSION ON ELECTIONS
Palacio del Gobernador, Intramuros,
Manila

ATTN: Hon. Sixto S. Brillantes, Jr.
Chairman

Dear Chairman Brillantes,

Greetings.

Respectfully submitted is the COMELEC Advisory Council Resolution No. 2012-003 "Addendum to CAC Resolution No. 2012-001 and Recommendations on the Procurement of the AES."

Rest assured of our continued support to your undertakings.

Very truly yours,


LOUIS NAPOLEON C. CASAMBRE
Chairman, COMELEC Advisory Council
DOST-Information and Communications Technology Office

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Resolution No. 2012-003

Addendum to CAC Resolution No. 2012-001 and
Recommendations on the Procurement of the AES

WHEREAS, Republic Act No. 9369, signed into law on the 23rd of January 2007 authorizes the Commission on Elections (COMELEC) to "use an automated election system or systems in the same election in different provinces, whether paper-based or a direct recording electronic election system as it may deem appropriate and practical for the process of voting, counting of votes and canvassing/consolidation and transmittal of results of electoral exercises," provided that, for the 2010 General Elections and succeeding national or local elections the "AES shall be implemented nationwide."

WHEREAS, Section 8 of RA 9369 provides for the creation of an Advisory Council that shall "recommend the most appropriate, secure, applicable and cost-effective technology to be applied in the AES, in whole or in part, at that specific form in time."

WHEREAS, the COMELEC Advisory Council issued on 12 January 2012 CAC Resolution No. 2012-001 recommending the use of the Optical Mark Reader (OMR) technology for the 2013 National and Local Elections;

WHEREAS, CAC Resolution No. 2012-001 recommended that:

12. For any purchase, consideration be given by COMELEC to:
 - a. cost of storage
 - b. facility for storage
 - c. reliability of hardware over time
 - d. cost of money."

WHEREAS, during the COMELEC Steering Committee meeting on 6 February 2012, it was discussed that COMELEC is considering to exercise the Smartmatic purchase option or to conduct a new bidding.

WHEREFORE, the Advisory Council, properly convened in a series of meetings, discussions and deliberations, resolves as it hereby resolved to recommend:

1. that for the sake of transparency and for the COMELEC to have the best option possible, COMELEC should exert all efforts to procure the necessary AES only through a competitive public bidding process;
2. that the option to purchase under the 2010 national and local elections contract should not be exercised, if as a consequence, the rest of the system must come from the same vendor, as this:

- a. may not afford the COMELEC the best possible total solution, as the hardware is just one component of the entire automated election system;
 - b. prevents the COMELEC from taking advantage of the best possible technology currently available considering technological advances and/or obsolescence;
 - c. will prevent other prospective vendors from competitively participating in the bidding process; and
 - d. may severely erode the public trust and confidence in the electoral process;
3. that the TOR should be formulated to allow all vendors to submit bid proposals which include previously used machines, provided that vendors should be able to give the same warranty, quality assurance, and support as in the case of brand new machines, so as to achieve the lowest possible cost.

FURTHERMORE, in the procurement of any OMR machines, whether brand new or used, the following items and/or conditions must be included:

1. the proprietary Software Development Kit (SDK);
2. libraries, configuration files, development tools, development environment and full documentation, needed to properly configure the operation of the machine;
3. the license to interface, modify, or alter the source code for purposes of conducting a Philippine election; and
4. the proviso that COMELEC shall be held free from any legal encumbrance as to its use in the way it deems fit for the 2013 elections and other elections thereafter should be non-negotiable.

The above items and/or conditions are necessary to ensure that only the COMELEC will have full control of the election process.

Adopted this 8th day of February 2012.



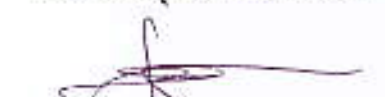
LOUIS NAPOLEON C. CASAMBRE
DOST - Information and Communications Technology Office



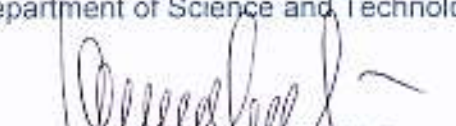
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