

Carol A. Paquette/EAC/GOV
06/01/2005 11:15 AM

To Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Juliet E.
Thompson/EAC/GOV;twilkey@nycep.org
cc Sheila A. Banks/EAC/GOV, Adam Ambrogi/EAC/GOV, Gavin
S. Gilmour/EAC/GOV, Brian Hancock/EAC/GOV
bcc
Subject proposed consulting contract to assist with NASED/EAC
transition work

Commissioners et al. -

The work on developing the EAC processes, documentation, etc., for transitioning lab accreditation and system certification from NASED to EAC has fallen significantly behind schedule. The project timeline called for completion of this work for Commissioner review by the end of May. We are perhaps 50% complete at this point.

We had requested assistance from NIST to work with Brian Hancock on this effort, but they have not been forthcoming with meaningful help. They provided a point of contact who passed on a lot of reference material for Brian to review, but they haven't identified anyone to help with defining the processes and preparing the documentation. The point of contact has since been diverted by some family medical problems, and Lynne Rosenthal hasn't been able to identify another person.

Prior to his departure, Commissioner Soaries encouraged me to find some additional resources to help move this work to completion. The Chair similarly advised me about two weeks ago when I was speaking to her about my concern over the lagging schedule.

In response to this direction to get help, I sent an email to Steve Berger, David Karmol, Paul Craft, Brit Williams, and Michael Shamos, asking if they could identify any individuals or companies we could contract with quickly to get this work done. Steve Berger responded that he could assist. I checked with EAC Counsel's Office to see if there were any issues regarding EAC contracting with a member of the TGDC. Julie and Gavin informed me that there were no problems with this. Steve is very well-qualified by education and experience to assist us in this effort. Paul Craft and Brit Williams concurred that Steve could more than adequately fill the requirement.

Brian and I have had several conversations with Steve and are convinced that his assistance will enable us to move ahead quickly to meet our revised target completion date of June 30. He has worked on defining similar quality conformance programs for other organizations and is knowledgeable of all the relevant standards, etc., and which need to be applied.

Consequently, I am recommending that the EAC enter into a consulting contract with Steve Berger for a not to exceed amount of \$40,000 and a period of performance from June 1 through July 31. The first milestone is to help Brian complete this work for Commission review by June 30. Steve's time in the month of July would be utilized to respond to questions and comments from the Commissioners to complete the work for Commission approval and establishment of a transition date.

I am available to discuss this matter and answer any questions you may have. If you are in agreement with this course of action, I will ask DeAnna to prepare appropriate consensus vote.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov



"Stephen Berger"
<stephen.berger@ [REDACTED]>

06/01/2005 09:57 AM

Please respond to
stephen.berger@ieee.org

To bhancock@eac.gov, "Donald Heirman"
<d.heirman@ [REDACTED]>, "Dan Hoolihan"

<hoolihan@ [REDACTED]>

cc cpaquette@eac.gov

bcc

Subject RE: EAC Draft Documents

Brian,

Let me introduce the 3rd member of our "work crew" Dan Hoolihan. Dan has a lot of relevant experience to what we are doing. He is a NVLAP accreditor, very active on the FCC's Technical Competent Body Counsel and also works in international lab recognition areas. I know you will find Dan a valuable resource to have involved.

In talking to Dan this morning about our project we found ourselves discussing whether ISO Guide 65 type topics would be in view for this project. Guide 65 deals with vendor related topics, like their quality system, to assure that the manufactured product is the same as the tested product. ISO Guide 17025 focuses by contrast on lab accreditation. I asked Dan to write up a short discussion and forward it to you, to help us all get a clear focus on what we are doing first, what might come later and where we might find helpful guidance in preparing our materials.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709

From: bhancock@eac.gov [mailto:bhancock@eac.gov]

Sent: Wednesday, June 01, 2005 8:05 AM

To: Donald Heirman; Stephen Berger

Subject: EAC Draft Documents

Steve, Don,

Nice talking with you yesterday. Both Carol and I look forward to working with you to move the project towards completion.

Attached are three draft documents that will give you an idea of where we see the program headed. The first document is the letter of certification which we plan on sending initially to the current test labs which we would grandfather until the NVLAP portion of the program produces results.

The second document is a series of flow charts which outline the basic steps of the certification and testing, and laboratory accreditation program. The third document is a draft policy guide on the testing and certification program. The policy guide has some obvious gaps in several sections which I have not yet had time to complete. We value your assessment of these documents and look forward to meeting with you, Steve, next week, and with Don as soon as possible.

Thanks again.



"Stephen Berger"
<stephen.berger@[REDACTED]>

To cpaquette@eac.gov

cc

06/01/2005 09:49 AM

bcc

Please respond to
stephen.berger@ieee.org

Subject RE: additional contracting information

Carol,

The EIN for TEM Consulting is: [REDACTED]

I am attaching our W9 in case you need that in the future.

TEM Consulting is a small business and it is a corporation.

I filled out the EFT form and signed it, the PDF is attached.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Wednesday, June 01, 2005 7:46 AM

To: stephen.berger@ieee.org

Subject: additional contracting information

Steve -

Need a little more information about your business to complete processing of contract.

1) What is your tax ID # (or SSN, if no tax ID)

2) What is the classification of your business: small; other than small, small disadvantaged, small woman-owned

and the type of business: corporation; partnership; sole proprietorship

Also, if you wish to receive payments electronically you will need to complete the attached EFT authorization form. Thanks!

Carol A. Paquette

Carol A. Paquette/EAC/GOV
06/01/2005 08:24 AM

To: stephen.berger@ieee.org
cc
bcc
Subject: additional contracting information

Steve -

Need a little more information about your business to complete processing of contract.

1) What is your tax ID # (or SSN, if no tax ID)

2) What is the classification of your business: small; other than small, small disadvantaged, small woman-owned
and the type of business: corporation; partnership; sole proprietorship

Also, if you wish to receive payments electronically you will need to complete the attached EFT authorization form. Thanks!



EFT form~9075810.rtf

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov



"Stephen Berger"
<stephen.berger@[REDACTED]>
[REDACTED]

To cpaquette@eac.gov

cc

05/30/2005 10:04 AM

bcc

Please respond to
stephen.berger@ieee.org

Subject RE: Dates

Carol,

Hope you don't have to work all of memorial day? I wanted to get back with you on a couple of things.

I haven't heard back from Don or Dan yet, but let's tentatively plan on a conference call tomorrow at 1 ET. Do you have a conference number or would you like me to send out the one I use?

SATO is the travel agency that NIST uses when I come to the TGDC meetings. They don't seem to have the problem with last minute fare increases that we get booking directly. Otherwise the cost seems roughly comparable. For example, Southwest or American are the best connections from Austin. Right now, with 1 week notice I can go to BWI for \$109 each way, \$218 plus tax roundtrip. Less than a week and it goes to \$586 plus tax roundtrip.

I can arrive at BWI by 1:30 out of Austin, and be at your office by 3:30.

So for the week of the 6th, if it gives us enough time I could come in Monday the 6th and coordinate my departure to match your schedule, say leaving late on the 8th?

I am putting around the house and also working today. So feel free to call, it isn't an inconvenience [REDACTED] To get the lower airfare I should book today.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile [REDACTED]

FAX - (512) 869-8709

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Friday, May 27, 2005 5:06 PM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Dates

Steve -

Don't know what SATO stands for, does it mean invitational travel orders (i.e., the government makes your travel arrangements and provides you a ticket)?

Monday is a government holiday which I will be celebrating by trying to complete my review of the Voluntary Voting System Guidelines.

How about a phone call on Tuesday, the 31st? I'm available at 1 or 4:30 Eastern. Wednesday, June 1, is open all day, if that works better for you and your colleagues. Then we could have in person meeting the week of the 6th as you suggest. I'm on leave the 8th to attend an out-of-town graduation.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

"Stephen Berger" <stephen.berger@██████████>

05/27/2005 05:00 PM

To: cpaquette@eac.gov

cc

Subject: RE: Dates

Please respond to
stephen.berger@ieee.org

Carol,

Assuming I can travel under SATO, as when I come to TGDC meetings, we don't need to worry about last minute flight costs.

I am working on a meeting at the FCC for June 13-14 and could extend to work with you, which would save some travel costs. I think though that you will want a first meeting sooner. Would you like to have an initial conference call, including Don Heirman and Dan Hoolihan, on Monday and in in-person meeting sometime the week of June 6? With your statement that the contract looks acceptable I am comfortable with going ahead and getting started. I could also fly up next week, but wonder if we wouldn't accomplish more by having a couple of conference calls and doing some preparatory work on our side?

My thought is after an initial conference call we should see what models and similar documents we can gather from sources we are aware of and adapt to the needs of the EAC. So at a first meeting the following week we potentially would come with some model documents and procedures to consider.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - ██████████

Mobile ██████████

FAX - (512) 869-8709

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]
Sent: Friday, May 27, 2005 3:43 PM
To: stephen.berger@ieee.org
Subject: Re: Air Force Contract

Thanks, Steve. I agree with you that the consulting contract is the better way to go. I have reviewed the agreement you sent and it looks fine to me in terms of having all the appropriate clauses and safeguards. I have passed it to our General Counsel to see if she agrees that it is an acceptable contract document. If she gives me the okay we can probably have this in place by next Wednesday (June 1). We should be working on a date for you to come in so we can review work accomplished and what further remains to be completed.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

"Stephen Berger" <stephen.berger@ [REDACTED]>

05/27/2005 04:04 PM

To "Carol A. Paquette" <cpaquette@eac.gov>
cc
Subject Air Force Contract

Please respond to stephen.berger@ieee.org
--

Carol,

Attached is my Air Force contract. Besides a lot of boilerplate, the principle different is that this is a firm fixed price contract. You can see that a set of initial deliverables was specified and funded. Options were included that could be exercised at the agencies discretion. We can go that way with your job but I would need a clear set of deliverables to bid on. Of course my bid will be competitive but guarded to be sure that I can provide the deliverables within the bid. I think the work assignment based contract will be both quicker to get in place and provide you a lower final cost. Having a not-to-exceed on the work items should give you the same budget protections that the Air Force is getting with the firm fixed price approach.

Best Regards,



"Stephen Berger"

<stephen.berger@ [REDACTED]>

05/27/2005 09:14 AM

Please respond to
stephen.berger@ieee.org

To cpaquette@eac.gov, stephen.berger@ieee.org

cc bhancock@eac.gov

bcc

Subject RE: Help on establishing equipment certification system

Carol,

I will look forward to talking with you and Brian tomorrow.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 869-8709

Mobile [REDACTED]

FAX - (512) 869-8709

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Thursday, May 26, 2005 11:28 AM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Help on establishing equipment certification system

Steve -

1 p.m. tomorrow is good. Brian Hancock will be sitting in on the call. Do you want us to call you or will you call us? My direct dial is 202.566.3125. Thanks!

Carol A. Paquette

Interim Executive Director

U.S. Election Assistance Commission

(202)566-3125 cpaquette@eac.gov



"Stephen Berger"
<stephen.berger@ [REDACTED]>
>

To "Carol A. Paquette" <cpaquette@eac.gov>

cc

05/27/2005 03:55 PM

bcc

Please respond to
stephen.berger@ieee.org

Subject Draft Contract

Carol,

Attached is the draft work assignment based contract I have been using. So far it has worked very well for the kind of assignment we are discussing.

I will send a copy of the Air Force Contract attached to a separate note for you to consider as an alternative.

I look forward to working with you. Thank you very much for the confidence expressed in making this opportunity available.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709



EAC-TEM - Consulting Contract.doc

Carol A. Paquette/EAC/GOV
05/24/2005 04:00 PM

To stephen.berger@ieee.org
cc
bcc
Subject Re: Help on establishing equipment certification system

Steve -

Sorry I didn't have time to call you this morning. Today was pretty fully booked. What's your availability tomorrow or Thursday?

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Stephen Berger" <stephen.berger@ieee.org>



"Stephen Berger"
<stephen.berger@ieee.org>

05/23/2005 01:36 PM

Please respond to
stephen.berger@ieee.org

To "Carol A. Paquette" <cpaquette@eac.gov>
cc
Subject Help on establishing equipment certification system

Carol,

After our talk last week I made a few phone calls both to identify resources that are available and also to organize my own thinking around what kinds of help might be of the most help to you.

I started with some of my colleagues who have experience helping other agencies in similar areas. I am working with the assumption that you would like to have both expertise and experience as well as purely the hours to produce the necessary products. In my calls I started on the experience and expertise side.

I am going to make some assumptions about where you are at in these tasks, so feel free to correct me if I am wrong.

I have 3 of us with a lot of experience in setting up and managing laboratories and working on equipment grants at the FCC and FDA. If you look at my website, www.temconsulting.com you will find resumes for myself and Don Heirman (currently president of IEEE Standards Association). Also Dan Hoolihan has some time available, <http://www.emcexpert.com/>. All of us have other commitments but also have some time available between now and the end of June.

From our conversation I would assume matching a team like this with some contract tech writers may give you the manhours you need with the expertise to direct it efficiently.

If you like I can offer to contract all three of us through my company, TEM Consulting. I often use a work assignment based contract. This establishes a durable set of terms and conditions. Work and therefore payment are approved by work assignments. So the first work assignment can be for current needs with appropriate not-to-exceed limits and delivery dates. If further service is desired then new work assignments can be opened up. I have a standard contract that I use but also am working under a variation of this using an Air Force contract for some assignments I have for them.

If this is going in a direction that interests you I think I would suggest that you and I talk to set things up and then have an introductory call with the team to outline assignments and organize what we would do for you.

As I have thought about what I would do were I in your position I think I would make one of our assignments to go over to the FCC laboratory in Columbia and ask their help, borrowing as much as they may feel comfortable in sharing. I have contract with Rashmi Doshi almost weekly and would assume he would be helpful. The positive is that there may be a lot of workproduct from their system that could be adopted for EAC use. I would also assume that there is a lot of experience that could be gathered in to the benefit of the EAC. I think the principle challenge would be to 'right-size' the system to the EAC and voting equipment vendors. I believe the FCC manages something like 25,000 grants a year and has a system of 500 commercial test labs doing the testing required.

Probably my biggest general worry for the EAC is that it would be easy to create an overly complex system that would not be appropriate for this sector. However, there is a lot of experience out there that could be gathered in.

I will be in meeting from about 2:30 to 6:30 ET, but call me on my mobile before then if you want to talk further. Tomorrow I have an early flight from Tucson but would be available until about 10:30 ET.

Best Regards,

Stephen Berger

TEM Consulting, LP

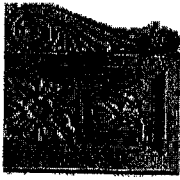
Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709



Brian Hancock/EAC/GOV
05/24/2005 09:21 AM

To: Carol A. Paquette/EAC/GOV@EAC

cc

bcc

Subject: Associates of Steve Berger

Carol,
Don Heirman who works with Steve at TEM Consulting, has 30 years with Bell Laboratories in many EMC (Electromagnetic Compatibility) roles including Manager of Lucent Technologies (Bell Labs) Global Product Compliance Laboratory. He is also President of IEEE Standards Association, and has been a group manager for electromagnetics for the U.S. National Committee Technical Management Committee for the IEC (International Electrotechnical Commission). Finally, (in his spare time!) he serves as an adjunct professor/senior research scientist at the University of Oklahoma Center for the Study of Wireless EMC.

Dan Hoolihan was Vice-President of the Minnesota Operations of TÜV Product Service from 1994-1999, Chief Operating Officer and co-founder of AMADOR Corporation from 1984 to 1994 and from 1969 to 1984, he was an EMC engineer and manager for Control Data Corporation in Minnesota. He is also a past President of the IEEE Electromagnetic Compatibility Society, and active with ANSI standards programs in this field.

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

Carol A. Paquette/EAC/GOV
05/18/2005 03:10 PM

To pcraft@dos.state.fl.us;britw@[REDACTED]stephen.berger@i
eee.org;dkarmol@ansi.org;shamos@cs.cmu.edu
cc
bcc
Subject EAC needs technical assistance to define system
certification process

Gentlemen:

As you may be aware, the EAC is supposed to take over the lab accreditation and voting system certification processes from NASED this fiscal year. Brian Hancock has been working very diligently to get the procedures defined, the forms, etc., designed, report formats specified, etc. Our legal counsel has been working on legal aspects. However, we just do not have adequate numbers of staff personnel to get this work completed in a timely fashion. Neither Brian nor counsel can devote full time to this effort because of the press of other EAC business and our general lack of staff resources.

We are looking for either individual consultants or companies with experience in doing this type of work. Our original completion date was the end of May, which we are not close to meeting. We are now targetting the end of June to complete documentation of the procedures, criteria, forms, etc., so this transition can happen by August. But this date cannot be met without assistance. Please forward any recommendations you might have as soon as possible. Since we have our own procurement authority we can turn around contracts quickly and we have adequate budgetary resources available to cover this work. We just need to identify some qualified sources who can go to work immediately. Thank you for your assistance.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov