



STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

RICK SNYDER  
GOVERNOR

COL. KRISTE KIBBEY ETUE  
DIRECTOR

August 31, 2015

Mr. Daniel S. Korobkin  
ACLU of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201

Subject: Appeal CR-109954-15

Dear Mr. Korobkin:

The Department has received your August 10, 2015, letter appealing the Department's July 21, 2015, written notice granting in part and denying in part your request for information under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.* You requested documents related to the Michigan State Police's (MSP) use of cell site simulators.

Your reasons for appeal are centered on three areas. The Department's response to each area follows.

**Adequacy of the Search for Records Responsive to Item 1 of the Request.**

Your appeal seeks reversal of the MSP's partial denial of records that you claim should exist and you challenge the adequacy of the MSP's search for such records. Item 1 of your request sought, "[R]ecords regarding the Michigan State Police's acquisition of cell site simulators including invoices, purchase orders, contracts, loan agreements, solicitation letters, correspondence with companies providing devices, and similar documents. In furtherance of this request, please produce records of all contracts, agreements, and communications with Harris Corporation and Digital Technology (DRT)."

The MSP, as noted in your letter of appeal, produced 201 pages of documents related to item 1. A second search for records was conducted and additional documents responsive to your request were located in long term storage. A copy of those documents is enclosed.

The following information has been redacted from the enclosed documents:

1. Information specifically identifying the type of equipment purchased and the capability of the equipment has been removed from these documents consistent with Section 13(1)(b)(v) as these are records compiled for law enforcement purposes the release of which would disclose law enforcement investigative techniques or procedures. The Department also cites Section 13(1)(y) which exempts from disclosure records or information of measures designed to protect the security or safety of persons or property. Portions of these records are exempt under Section 13(1)(d) which provides for records to be withheld that are specifically exempted by statute. The applicable statute is 18 USC 2512.
2. Communications of an advisory nature preliminary to a final decision of a policy or action were redacted under Section 13(1)(m).
3. The name of a detective sergeant was withheld consistent with Section 13(1)(s)(ii) which exempts the identity of a law enforcement undercover officer or agent or a plain clothes officer.

## **Redactions to Records Responsive to Item 1 of the Request**

Your appeal also challenges certain redactions to the records produced in response to Item 1 of your request under Sections 13(1)(v) and 13(1)(y) of the FOIA. The MSP's denials are reversed in part and upheld in part.

The Department's response to your request mistakenly cited Section 13(1)(v) of the FOIA and we concur that no civil action involving this matter currently exists between the parties. The citation was simply a scrivener's error. The correct citation is Section 13(1)(b)(v), which permits the MSP to exempt from public disclosure investigating records gathered for law enforcement purposes the release of which would disclose law enforcement investigative techniques or procedures. Therefore, the MSP's denial under Section 13(1)(v) is reversed.

The MSP, however, asserts the exemption in Section 13(1)(b)(v) as to all redactions mistakenly made under Section 13(1)(v). The Department also cited Section 13(1)(y) which permits the MSP to exempt from public disclosure:

[r]ecords or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

After review, the Department's original determination to withhold portions of those records on these grounds is upheld. Disclosure of specific investigative equipment, including its model, and capabilities, in the possession of the MSP will compromise the MSP's capabilities to protect the security and safety of persons or property and hamper the ability of investigators to effectively use that equipment in law enforcement investigations. If individuals engaged in criminal activity become aware of the techniques and resources available to law enforcement by making FOIA requests to the MSP, they will be able to modify their criminal operations in order to avoid detection and arrest. For example, as a footnote in your appeal letter indicates, at least one public body was forced to upgrade its equipment to track 4G LTE phones. If the MSP were to release records that indicated it had not purchased a similar upgrade, criminals would be in a position to know they could safely plan and execute criminal operations using such phones and thereby avoid detection. Or, if MSP were to release records that indicated it had purchased a similar upgrade, individuals planning a criminal enterprise would be in a position to know they should avoid using such phones during their planning and execution. Your appeal letter further indicates that disclosure of such information would be intensely covered by media outlets, further publicizing the information to actual and potential criminals. Under these circumstances, the MSP has determined that disclosure would impair its ability to protect the security and safety of persons and property and that the public interest in nondisclosure outweighs the public interest in disclosure in this particular instance.

In contrast to records containing information that would reveal law enforcement techniques and procedures and that would compromise the MSP's capabilities to protect the security and safety of persons or property, the MSP released information where it determined that the public interest in disclosure outweighed other interests. For instance, the MSP released the manufacturer and the cost of equipment to allow the public to track its expenditures, without compromising its effectiveness by releasing the model and capabilities of the specific equipment purchased.

This portion of your appeal suggests the MSP waived these and possibly other grounds to withhold this information from public disclosure. Specifically, you cite decisions construing the federal FOIA which suggest that federal entities subject to that law may waive otherwise valid exemptions by officially acknowledging information. Cases construing the Michigan FOIA, however, "have used the 'available elsewhere' factor to buttress a decision to deny access to a particular source of information." *Mullin v Detroit Police Dept.*, 133 Mich App 46, 53; 348 NW2d 708, 711 (1984) (noting contrary federal decisions and construing the exemption in Section 13(1)(a) of Michigan's FOIA). In light of the foregoing, the MSP upholds its denials pursuant to Sections 13(1)(b)(v) and 13(1)(y) of the FOIA.

**Withholding of Records Responsive to Item 3 of the Request**

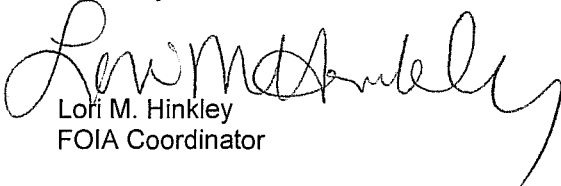
Item 3 of your request sought, "[a]ll memoranda of understanding, nondisclosure agreements, contracts, or other agreements with the FBI or any other state or federal agency regarding the Michigan State Police's possession and use of cell site simulators."

After review the Department's original determination is upheld.

Disclosure of any agreement that may exist between the MSP and the FBI is protected under Section 13(1)(d) of the FOIA as stated in the Department's response. In addition, the information obtained within that agreement, if released, could allow potential suspects to determine the law enforcement entities that possess this specialized equipment and thereby assist them in evading detection.

Under Section 10 of the FOIA, the MSP is obligated to inform you of your right to seek judicial review of this decision. If you prevail, the court must award reasonable attorney fees, costs and disbursements. If the court finds the denial to be arbitrary and capricious, the court must, in addition to any actual or compensatory damages, award punitive damages.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori M. Hinkley".

Lori M. Hinkley  
FOIA Coordinator

Enclosure

FORM DMB-287  
(REV 11/94)

PURCHASE ORDER

PURCHASE ORDER  
NUMBER 551P6200023

REQUESTING DEPARTMENT OR AGENCY : BFS  
DEPARTMENT OF STATE POLICE  
BUDGET & FINANCIAL SERVICES  
FINANCIAL SERVICES SECTION  
714 S. HARRISON ROAD  
EAST LANSING MI 48823

CONTACT: VICTORIA OLIVARE | DELIVERY REQUIRED | AGENCY REF # | BID NO. | ORDER DATE  
517 336-6336 EXT: | 10/13/06 | 55125000 | 551R6200030 | 09/13/06

HARRIS CORPORATION  
PO BOX 37  
MELBOURNE

FL 32902

CASH DISCOUNT : NET 30 DAYS  
DELIVERY REQUIRED :  
FREIGHT CARRIER :  
F.O.B. : DELIVERED

Received  
Dept. of State Police  
Financial  
Services  
JUL 20 2010

VENDOR ID : 2340276860/014

VENDOR PHONE :

SHIP TO:  
MICHIGAN DEPARTMENT OF STATE POLICE  
S.I.D. - REGION 1 (LANSING)  
TECHNICAL SERVICES UNIT (TSU)  
4000 COLLINS ROAD  
LANSING MI 48910

BILL TO:  
MICHIGAN DEPARTMENT OF STATE POLICE  
EMERGENCY MANAGEMENT DIVISION  
HOMELAND SECURITY SECTION  
4000 COLLINS RD  
LANSING MI 48910-5883

ITEM	COMMODITY ID	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
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1	680-87	1.00	LO	206,500.0000	206,500.00
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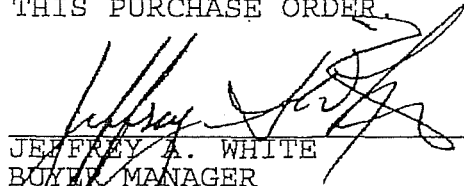
SURVEILLANCE AND COUNTERSURVEILLANCE EQUIPMENT AND SUPPLIES

CELLULAR TRACKING EQUIPMENT AND TRAINING PER VENDOR QUOTE #QTE6779-00941.

GRAND TOTAL 206,500.00

ADDITIONAL REQUIREMENTS :

YOUR OFFER ON THE ABOVE REFERENCED REQUISITION IS ACCEPTED AS TO THE  
ITEMS LISTED IN THIS PURCHASE ORDER.

  
JEFFREY A. WHITE  
BUYER MANAGER  
DEPARTMENT OF MANAGEMENT & BUDGET  
PURCHASING OPERATIONS

  
DATE

IN ORDER OF PRECEDENCE, THE RIGHTS AND OBLIGATIONS OF THE PARTIES TO A  
BLANKET PURCHASE ORDER OR A PURCHASE ORDER SHALL BE SUBJECT TO AND  
GOVERNED BY: (A) THE CONTENTS OF THE BPO OR PO AND ANY ATTACHMENTS

FORM DMB-287  
(REV 11/94)

PURCHASE ORDER

PURCHASE ORDER  
NUMBER 551P6200023

THERETO, (B) ANY PUBLISHED CHANGE ORDER MODIFYING THE INVITATION TO BID (ITB), (C) THE CONTENTS OF THE ITB, AND (D) THE CONTRACTOR'S PART(S) OF ANY BIDDER'S RESPONSE TO THE ITB WHICH CONTAINS INFORMATION, OPTIONS, CONDITIONS, TERMS, OR PRICES NOT REQUESTED OR REQUIRED IN THE ITB.

## PURCHASE ORDER INSTRUCTIONS AND CONDITIONS

1. THE STATE OF MICHIGAN IS EXEMPT FROM FEDERAL EXCISE TAX, STATE AND LOCAL SALES TAX, AND USE TAX, AND SUCH TAXES SHALL NOT BE INCLUDED IN THE INVOICE. SALES TO THE STATE OF MICHIGAN ARE NOT EXEMPT FROM THE ENVIRONMENTAL PROTECTION REGULATORY FEE IMPOSED PURSUANT TO SECTION 8 OF ACT 152 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1989.
2. SUBMIT TWO COPIES OF YOUR INVOICE TO THE "BILL TO" ADDRESS AS SHOWN. INVOICE MUST HAVE EITHER COMPANY NAME IMPRINTED OR A SIGNATURE. INVOICE MUST BE IN SUFFICIENT DETAIL FOR COMPARISON WITH THIS ORDER.
3. ENTER FEDERAL IDENTIFICATION NUMBER ON THE INVOICE. USE SOCIAL SECURITY NUMBER IF FEDERAL ID DOES NOT APPLY. FAILURE TO INCLUDE ONE OF THESE ID'S ON THE INVOICE WILL DELAY PAYMENT UNTIL THE ID NUMBER CAN BE OBTAINED.
4. SUBMIT SEPARATE INVOICE FOR EACH SHIPMENT AND/OR ORDER PROMPTLY UPON SHIPMENT.
5. THE PURCHASE ORDER NUMBER MUST BE PLAINLY NOTED ON EACH INVOICE, ON ALL PACKAGES AND SHIPPING TAGS, AND ON ALL CORRESPONDENCE PERTAINING TO THIS ORDER.
6. PACKING LIST MUST BE INCLUDED WITH EACH SHIPMENT.
7. QUESTIONS REGARDING PAYMENT OF THIS ORDER SHOULD BE DIRECTED TO THE PURCHASE ORDER "BILL TO" ADDRESS.
8. ALL CORRESPONDENCE OTHER THAN THAT REGARDING PAYMENT OF INVOICE RELATING TO THIS ORDER IS TO BE DIRECTED TO THE BUYER.
9. THIS ORDER IS A CONFIRMATION OF YOUR RECENT QUOTATION.
10. CANCELLATION OF CONTRACT (A) THE STATE MAY CANCEL THE CONTRACT FOR DEFAULT OF THE CONTRACTOR. DEFAULT IS DEFINED AS THE FAILURE OF THE CONTRACTOR TO FULFILL THE OBLIGATIONS OF THE QUOTATION OR CONTRACT. IN CASE OF DEFAULT BY THE CONTRACTOR, THE STATE MAY IMMEDIATELY AND/OR UPON 30 DAYS PRIOR WRITTEN NOTICE TO THE CONTRACTOR CANCEL THE CONTRACT WITHOUT FURTHER LIABILITY TO THE STATE, ITS DEPARTMENTS, DIVISIONS, AGENCIES, SECTIONS, COMMISSIONS, OFFICERS, AGENTS AND EMPLOYEES, AND PROCURE THE PRODUCTS AND/OR SERVICES FROM OTHER SOURCES, AND HOLD THE CONTRACTOR RESPONSIBLE FOR ANY EXCESS COSTS OCCASIONED THEREBY; (B) THE STATE MAY CANCEL THE CONTRACT IN THE EVENT THE STATE NO LONGER NEEDS THE SERVICES OR PRODUCTS SPECIFIED IN THE CONTRACT, OR IN THE EVENT PROGRAM CHANGES, CHANGES IN LAWS, RULES OR REGULATIONS, OR RELOCATION OF OFFICES OCCUR, OR IF PRICES FOR ADDITIONAL SERVICES REQUESTED BY THE STATE ARE NOT ACCPETABLE TO THE STATE. THE STATE MAY CANCEL THE CONTRACT WITHOUT FURTHER LIABILITY TO THE STATE, ITS DEPARTMENTS, DIVISIONS, AGENCIES,

FORM DMB-287  
(REV 11/94)

PURCHASE ORDER

PURCHASE ORDER  
NUMBER 551P6200023

SECTIONS, COMMISSIONS, OFFICERS, AGENTS AND EMPLOYEES BY GIVING THE CONTRACTOR WRITTEN NOTICE OF SUCH CANCELLATION 30 DAYS PRIOR TO THE DATE OF CANCELLATION; (C) THE STATE MAY CANCEL THE CONTRACT FOR LACK OF FUNDING. THE CONTRACTOR ACKNOWLEDGES THAT, IF THIS CONTRACT EXTENDS FOR SEVERAL FISCAL YEARS, CONTINUATION OF THIS CONTRACT IS SUBJECT TO APPROPRIATION OF FUNDS FOR THIS PROJECT. IF FUNDS TO ENABLE THE STATE TO EFFECT CONTINUED PAYMENT UNDER THIS CONTRACT ARE NOT APPROPRIATED OR OTHERWISE MADE AVAILABLE, THE STATE SHALL HAVE THE RIGHT TO TERMINATE THIS CONTRACT WITHOUT PENALTY AT THE END OF THE LAST PERIOD FOR WHICH FUNDS HAVE BEEN APPROPRIATED OR OTHERWISE MADE AVAILABLE BY GIVING WRITTEN NOTICE OF TERMINATION TO THE CONTRACTOR. THE STATE SHALL GIVE THE CONTRACTOR WRITTEN NOTICE OF SUCH NON-APPROPRIATION WITHIN 30 DAYS AFTER IT RECEIVES NOTICE OF SUCH NON-APPROPRIATION; (D) THE STATE MAY IMMEDIATELY CANCEL THE CONTRACT WITHOUT FURTHER LIABILITY TO THE STATE, ITS DEPARTMENTS, DIVISIONS, AGENCIES, SECTIONS, COMMISSIONS, OFFICERS, AGENTS AND EMPLOYEES IF THE CONTRACTOR, AN OFFICER OF THE CONTRACTOR, OR AN OWNER OF 25% OR GREATER SHARE OF THE CONTRACTOR, IS CONVICTED OF A CRIMINAL OFFENSE INCIDENT TO THE APPLICATION FOR OR PERFORMANCE OF A STATE, PUBLIC OR PRIVATE CONTRACT OR SUBCONTRACT; OR CONVICTED OF A CRIMINAL OFFENSE INCLUDING BUT NOT LIMITED TO ANY OF THE FOLLOWING: EMBEZZLEMENT, THEFT, FORGERY, BRIBERY, FALSIFICATION OR DESTRUCTION OF RECORDS, RECEIVING STOLEN PROPERTY, ATTEMPTING TO INFLUENCE A PUBLIC EMPLOYEE TO BREACH TO ETHICAL CONDUCT STANDARDS FOR STATE OF MICHIGAN EMPLOYEES; CONVICTED UNDER STATE OR FEDERAL ANTITRUST STATUTES; OR CONVICTED OF ANY OTHER CRIMINAL OFFENSE WHICH IN THE SOLE DISCRETION OF THE STATE, REFLECTS ON THE CONTRACTOR'S BUSINESS INTEGRITY; (E) THE STATE MAY IMMEDIATELY CANCEL THE CONTRACT IN WHOLE OR IN PART BY GIVING NOTICE OF TERMINATION TO THE CONTRACTOR IF ANY FINAL ADMINISTRATIVE OR JUDICIAL DECISION OR ADJUDICATION DISAPPROVES A PREVIOUSLY APPROVED REQUEST FOR PURCHASE OF PERSONAL SERVICES PURSUANT TO CONSTITUTION 1963, ARTICLE 11, SECTION 5, AND CIVIL SERVICE RULE 4-6; (F) THE STATE MAY, WITH 30 DAYS WRITTEN NOTICE TO THE CONTRACTOR, CANCEL THE CONTRACT IN THE EVENT PRICES PROPOSED FOR CONTRACT MODIFICATION/ EXTENSION ARE UNACCEPTABLE TO THE STATE.

11. ALL GOODS ARE SUBJECT TO INSPECTION AND TESTING. IN THE EVENT GOODS ARE DEFECTIVE IN MATERIAL OR WORKMANSHIP, OR OTHERWISE FAIL TO MEET THE REQUIREMENTS OF THE PURCHASE ORDER, THE STATE SHALL HAVE THE RIGHT TO REJECT THE GOODS OR RETAIN THE GOODS AND CORRECT THE DEFECTS. THE CONTRACTOR SHALL PAY THE STATE FOR EXPENSES INCURRED IN CORRECTING DEFECTS. REJECTED GOODS WILL BE HELD FOR 45 DAYS AFTER DELIVERY. THE CONTRACTOR MUST ARRANGE FOR THE RETURN OF SAID GOODS, INCLUDING PAYING FOR HANDLING, PACKING, AND TRANSPORTATION COSTS. THE STATE HAS THE AUTHORITY TO DISPOSE OF THE GOODS WITHOUT FURTHER LIABILITY TO THE STATE IN THE EVENT THE CONTRACTOR FAILS TO MAKE SUCH ARRANGEMENTS WITHIN THE SPECIFIED TIME PERIOD.
12. IN THE PERFORMANCE OF ANY CONTRACT OR PURCHASE ORDER RESULTING HEREFROM, THE VENDOR AGREES NOT TO DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT FOR EMPLOYMENT, WITH RESPECT TO THEIR HIRE, TENURE, TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT, OR ANY MATTER DIRECTLY OR INDIRECTLY RELATED TO EMPLOYMENT, BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, AGE, SEX, HEIGHT, WEIGHT, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP OR

FORM DMB-287  
(REV 11/94)

PURCHASE ORDER

PURCHASE ORDER

NUMBER

551P6200023

DISABILITY. THE VENDOR FURTHER AGREES THAT EVERY SUBCONTRACT ENTERED INTO FOR THE PERFORMANCE OF ANY CONTRACT OR PURCHASE ORDER RESULTING HEREFROM WILL CONTAIN A PROVISION REQUIRING NON-DISCRIMINATION IN EMPLOYMENT, AS HEREIN SPECIFIED, BINDING UPON EACH SUBCONTRACTOR. THIS COVENANT IS REQUIRED PURSUANT TO THE ELLIOTT LARSEN CIVIL RIGHTS ACT, 1976 PUBLIC ACT 453, AS AMENDED, MCL 37.1101, ET SEQ, AND ANY BREACH THEREOF MAY BE REGARDED AS A MATERIAL BREACH OF THE CONTRACT OR PURCHASE ORDER.

13. ALL CONTRACTS OR PURCHASE ORDERS ISSUED SHALL BE GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MICHIGAN. ANY DISPUTE ARISING HEREIN SHALL BE RESOLVED IN THE STATE OF MICHIGAN.
14. FOR AND IN CONSIDERATION OF THE OPPORTUNITY TO DO BUSINESS WITH THE STATE OF MICHIGAN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE VENDOR HEREBY ASSIGNS, SELLS AND TRANSFERS TO THE STATE OF MICHIGAN ALL RIGHTS, TITLE AND INTEREST IN AND TO ALL CAUSES OF ACTION IT MAY HAVE UNDER THE ANTITRUST LAWS OF THE UNITED STATES OR THIS STATE FOR PRICE FIXING, WHICH CAUSES OF ACTION HAVE ACCRUED PRIOR TO THE DATE OF PAYMENT AND WHICH RELATE SOLELY TO THE PARTICULAR GOODS, COMMODITIES, OR SERVICES PURCHASED OR PROCURED BY THIS STATE PURSUANT TO THIS TRANSACTION.
15. PURSUANT TO ACT 278 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1980, THE STATE SHALL NOT AWARD A CONTRACT OR A SUBCONTRACT TO AN EMPLOYER WHOSE NAME APPEARS IN THE CURRENT REGISTER OF EMPLOYERS FAILING TO CORRECT AN UNFAIR LABOR PRACTICE COMPILED PURSUANT TO SECTION 2 OF THE ACT. A CONTRACTOR OF THE STATE, IN RELATION TO THAT CONTRACT SHALL NOT ENTER INTO A CONTRACT WITH A SUBCONTRACTOR MANUFACTURER, OR SUPPLIER WHOSE NAME APPEARS IN THIS REGISTER. THE STATE MAY VOID A CONTRACT IF, SUBSEQUENT TO AWARD OF THE CONTRACT THE NAME OF THE CONTRACTOR AS AN EMPLOYER, OR THE NAME OF SUBCONTRACTOR, MANUFACTURER, OR SUPPLIER OF THE CONTRACTOR APPEARS IN THIS REGISTER.
16. PUBLIC ACT 533 OF 2004 REQUIRES THAT PAYMENTS UNDER THIS CONTRACT BE PROCESSED BY ELECTRONIC FUNDS TRANSFER (EFT). CONTRACTOR IS REQUIRED TO REGISTER TO RECEIVE PAYMENTS BY EFT AT THE CONTRACT & PAYMENT EXPRESS WEBSITE (WWW.CPEXPRESS.STATE.MI.US).

## ACCOUNTING INFORMATION :

SX	AGY	Y	INDEX	PCA	COBJ	AOBJ	GRANT	PH	PROJ	PH	AG1	AG2	AG3
01	551	6	28300	29920	6500								

TOTAL
206500.00

PENALTY: FAILURE TO DELIVER MAY RESULT IN CANCELLATION OF ORDER OR CONTRACT

--- END OF DOCUMENT ---

**BID TABULATION AND RECOMMENDATION FOR AWARD  
DEPARTMENT OF MANAGEMENT AND BUDGET  
PURCHASING OPERATIONS**

**CONTRACT DESCRIPTION:** 551R6200030 – Cellular Tracking System - Department of Michigan State Police

**CONTRACT PERIOD –**

**BASE YEAR(S):** One Time Purchase

**OPTIONS:** N/A

**BIDDERS:**

Harris Corporation, Melbourne, FL  
Digital Receiver Technology (DRT), Germantown, MD  
Smith Myers, Inc., Palm Bay, FL

**BID**

\$206,500.00  
\$241,885.00  
\$ 303,475.00

☒ Check if AS1 has been received by Purchasing Operations and reviewed by DMB

☒ Check if Signed Contract Received.

☐ Check if Award Recommendation is a Michigan Business

☐ Check if Check if Award Recommendation is a 'Not-to-Exceed' Amount

**AWARD RECOMMENDATION:** Harris Corporation

**APPROVED**

**NOTIFICATION LETTER DATE:** N/A

SEP 12 2006

**PROTEST EXPIRATION DATE:** N/A

MICHIGAN STATE  
ADMINISTRATIVE BOARD

**PURCHASE JUSTIFICATION:**

**Description of Product/Service Requested:** This request is for the purchase of StingRay and KingFish wireless products group and associated components.

**StingRay -**

User-friendly software enables control of the StingRay using a Windows O/S Laptop PC Controller.



Government Estimate: \$206,500.00

Vendor ID (MC): 23-40276860

**Cost Reduction Consideration:**

A. Negotiated Savings: \$0

B. Cost Avoidance:

Fiscal Year	Savings
	\$
Total:	\$ 0.00

C. Total Savings:

Fiscal Year	Savings
06	0
07	
08	
Total:	\$0

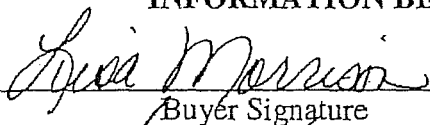
**PRICE CLAUSE:** firm fixed price

**CS-138 #:** N/A


**ESTIMATED 06 FISCAL YEAR COST:** \$206,500.00


**ESTIMATED TOTAL CONTRACT COST:** \$206,500.00

-----  
**INFORMATION BELOW THIS LINE FOR INTERNAL USE ONLY**

  
Buyer Signature

\_\_\_\_\_  
Manager Signature

  
Division Director Signature

  
Purchasing Operations Director Signature

**CIVIL RIGHTS INFORMATION:**

Harris Corporation  
P.O. Box 37  
Melbourne, FL 32902  
(800) 358-5297

**BID TABULATION AND RECOMMENDATION FOR AWARD  
DEPARTMENT OF MANAGEMENT AND BUDGET  
PURCHASING OPERATIONS**

**CONTRACT DESCRIPTION:** 551R6200030 – Cellular Tracking System - Department of Michigan State Police

**CONTRACT PERIOD –**

**BASE YEAR(S):** One Time Purchase

**OPTIONS:** N/A

**BIDDERS:**

	<b>BID</b>
Harris Corporation, Melbourne, FL	<b>\$206,500.00</b>
Digital Receiver Technology (DRT), Germantown, MD	<b>\$241,885.00</b>
Smith Myers, Inc., Palm Bay, FL	<b>\$ 303,475.00</b>

☒ Check if AS1 has been received by Purchasing Operations and reviewed by DMB

☒ Check if Signed Contract Received.

☐ Check if Award Recommendation is a Michigan Business

☐ Check if Check if Award Recommendation is a 'Not-to-Exceed' Amount

**AWARD RECOMMENDATION:** Harris Corporation

**NOTIFICATION LETTER DATE:** N/A

**PROTEST EXPIRATION DATE:** N/A

**PURCHASE JUSTIFICATION:**

**Description of Product/Service Requested:** This request is for the purchase of StingRay and KingFish wireless products group and associated components.

**StingRay -**

User-friendly software enables control of the StingRay using a Windows O/S Laptop PC Controller.

KingFish - I

**Additional:**

Each of the items (551R6200030 and 551R6200033) operate independently of each other; however, item #551R6200030 works most efficiently when used in conjunction with item #551R6200033. The cellular tracking system is best utilized when receiving cellular call data in real time over a computer network versus coordinating with a telecommunications provider representative.

**Purpose/Business Case of New Contract, Amendment, or Extension, Expected Outcomes and Award Decision:** Because United States Code 2512 of Title 18 prohibits the public discussion, offer for sale and public release of specifications for this type of equipment, proposals were solicited from 3 prospective vendors on July 14<sup>th</sup>, 2006 with Harris Corporation being the lowest.

**Commitment:** Firm Fixed Price

**Funding Source:** 100% Homeland Security

**Risk Assessment:** The purchase of this system would greatly assist in the health and safety of Michigan citizens or visitors, or to assist other states in similar circumstances. The ability to track the location of a mobile phone in real time as well as collect signaling information is vital to the war on terrorism. This equipment will allow the State to track the physical location of a suspected terrorist who is using wireless communications as part of their operation.

Government Estimate: \$206,500.00

Vendor ID (MC): 23-40276860

**Cost Reduction Consideration:**

A. Negotiated Savings: \$0

B. Cost Avoidance:

Fiscal Year	Savings
	\$
Total:	\$ 0.00

C. Total Savings:

Fiscal Year	Savings
06	0
07	
08	
Total:	\$0

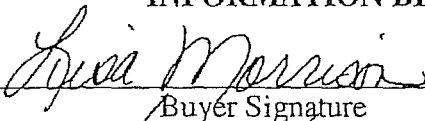
**PRICE CLAUSE:** firm fixed price

**CS-138 #:** N/A

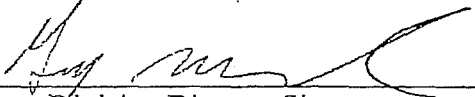
**ESTIMATED 06 FISCAL YEAR COST:** \$206,500.00


**ESTIMATED TOTAL CONTRACT COST:** \$206,500.00

-----  
**INFORMATION BELOW THIS LINE FOR INTERNAL USE ONLY**

  
Buyer Signature

\_\_\_\_\_  
Manager Signature

  
Division Director Signature

  
Purchasing Operations Director Signature

**CIVIL RIGHTS INFORMATION:**

Harris Corporation  
P.O. Box 37  
Melbourne, FL 32902  
(800) 358-5297

STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE

DATE: May 25, 2006

TO: Victoria Olivarez, Budget & Financial Services Division

FROM: Special Investigation Section, Technical Service Unit  
WRSID

SUBJECT: PURCHASE OF CELLULAR TRACKING EQUIPMENT

You recently received a purchase order for a number of components that together would allow our department the capability of  
This purchase has been approved, and funding provided for, under the Homeland Security Grant Program. Therefore, this purchase will be made with 100% federal funding.

It has recently come my attention that this purchase order will soon be sent out to the state's Department of Management and Budget for placement in the public bid process. Furthermore, it is my understanding that there are no exemptions or exceptions to the state purchasing guidelines for purchases over \$25,000. However, there are unique circumstances present with this purchase that may give it special consideration.

First and foremost, United States Code 2512 of Title 18 prohibits the public discussion, offer for sale, and public release of specifications for this type of equipment. I have attached an additional Word document that contains this section of the Federal Code of Regulations. However, it would appear that this statute would allow for direct communications between specific vendors and governmental entities when considering a purchase of this type of equipment. I have attached a Word document listing the vendors known to manufacture this type of equipment.

Secondly, it would seem to be bad policy to publicly disclose the type and nature of equipment being sought by the law enforcement community for use in criminal investigations. By publically disclosing the specifications for this equipment, we would in fact be educating the public on the capabilities and limitations of our investigative techniques. This could have a severe detrimental effect on future investigative efforts, which would include criminal acts as well as incidents of terrorism.

§§ 2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited

(1) Except as otherwise specifically provided in this chapter, any person who intentionally——

(a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications;

(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or

(c) places in any newspaper, magazine, handbill, or other publication or disseminates by electronic means any advertisement of——

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications; or

(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire, oral, or electronic communications,

knowing the content of the advertisement and knowing or having reason to know that such advertisement will be sent through the mail or transported in interstate or foreign commerce,

shall be fined under this title or imprisoned not more than five years, or both.

(2) It shall not be unlawful under this section for——

(a) a provider of wire or electronic communication service or an officer, agent, or employee of, or a person under contract with, such a provider, in the normal course of the business of providing that wire or electronic communication service, or

(b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof,

to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.

§§ 2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited

(1) Except as otherwise specifically provided in this chapter, any person who intentionally——

(a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications;

(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or

(c) places in any newspaper, magazine, handbill, or other publication or disseminates by electronic means any advertisement of——

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications; or

(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire, oral, or electronic communications,

knowing the content of the advertisement and knowing or having reason to know that such advertisement will be sent through the mail or transported in interstate or foreign commerce,

shall be fined under this title or imprisoned not more than five years, or both.

(2) It shall not be unlawful under this section for——

(a) a provider of wire or electronic communication service or an officer, agent, or employee of, or a person under contract with, such a provider, in the normal course of the business of providing that wire or electronic communication service, or

(b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof,

to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.



July 10, 2006

In reply please refer to:  
Quotation No. 06T0014

ATTN: Contracting Officer

Dear Sir or Madam,

Digital Receiver Technology (DRT) is pleased to quote the following:

Item	Description	Qty.	Unit Price	Extended Price
001	<b>DRT System</b> Consisting of the following items:	1	\$170,510.00	\$170,510.00
002	<b>antenna kit</b> Consisting of the following items:	1	\$19,425.00	\$19,425.00
003	<b>Module</b>	1	\$7,350.00	\$7,350.00
004	<b>Module</b>	1	\$14,700.00	\$14,700.00
005		1	\$14,950.00	\$14,950.00
006		1	\$14,950.00	\$14,950.00



007 **All Formats Training**

1

N/C

N/C

Consists of the following: 4 days of training at customer's facility in Michigan, all formats the customer is needing instruction and training on, mobile classroom, one DRT trainer, expenses for the trainer to travel to and during the training session. Customer will provide equipment such as:

This

training will be at **NO CHARGE** to the customer.

**Total Price \$241,885.00**

Items 001 through item 006 will be delivered 90-120 days after receipt of order. Shipping is FOB Destination (CONUS) and Payment Terms are NET 30 Days. DRT, Inc.'s standard terms and conditions apply. This quotation is valid until 31 August 2006.

Please contact the undersigned on extension 268, if you have any technical questions. For contractual or administrative information, please contact John Zeender, on extension 392.

Sincerely,

Christopher Teabo  
Marketing Manager

**HARRIS**

Quota	QTE8779-00941
Date	1/10/2006
Page	2

**Quotation****Bill To:**

Michigan State Police  
 Attn:  
 Special Investigation Division  
 Technical Services Unit  
 Lansing MI 48909  
 4000 Collins Rd.  
 USA

**Ship To:**

Attn:  
 Special Investigation Division  
 Technical Services Unit  
 4000 Collins Rd.  
 Lansing MI 48909  
 USA

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	MICH-STATE-POL	WPG1	BEST WAY	Net 30	0/0/0000	1,220

Quantity	Item Number	Description	UOM	Discount	Unit Price	Ext. Price
----------	-------------	-------------	-----	----------	------------	------------

session. Each session is scheduled for 12 hrs.

**NOTE**

After PO is issued, please call 1-800-358-5297 or  
 1-321-308-7437 to schedule training.

Please have your Purchase Order number ready when  
 you call as it will be necessary for scheduling.

**NOTE**

Delivery will be 90 days ARO unless otherwise  
 stated. Please see attached Terms and Conditions.

**NOTE**

If you are Tax Exempt, please include your Tax  
 Exempt ID number with your purchase order. If  
 Taxes are applicable, please include the amount of  
 tax on your PO.

\$0.00

\$0.00

\$0.00

HARRIS CORP - WIRELESS PRODUCTS GROUP  
 P.O. BOX 9800, M/S R5-11A  
 MELBOURNE, FL 32902-9800  
 PH: 800-358-5297, FAX: 321-308-7437, wpg@harris.com

Approved By:

Subtotal	\$206,500.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Trade Discount	\$0.00
Total	\$206,500.00



Quote	QTE8778-00841
Date	1/10/2006
Page	1

## Quotation

## Bill To:

Michigan State Police  
Attn:  
Special Investigation Division  
Technical Services Unit  
Lansing MI 48909  
4000 Collins Rd.  
USA

## Ship To:

Attn:  
Special Investigation Division  
Technical Services Unit  
4000 Collins Rd.  
Lansing MI 48909  
USA

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	MICH-STATE-POL	WPG1	BEST WAY	Net 30	0/0/0000	1,220
Quantity	Item Number	Description	UOM	Discount	Unit Price	Ext. Price
1			EA		\$89,500.00	\$89,500.00
1			EA		\$22,500.00	\$22,500.00
1			EA		\$4,500.00	\$4,500.00
1			EA		\$20,000.00	\$20,000.00
1			EA		\$3,500.00	\$3,500.00
1			EA		\$35,000.00	\$35,000.00
1			EA		\$11,250.00	\$11,250.00
1			EA		\$3,750.00	\$3,750.00
	NOTE					\$0.00
	Training to be performed at the Michigan State Police Facility in Lansing, MI.					
1	TRAIN-EC	Training - East Coast	EA		\$5,500.00	\$5,500.00
	1 Training is for up to 4 people per session. Each session is scheduled for 12 hrs and includes training for accessories, i.e., DF equip., Power Amps, etc.					
1	TRAIN-EC	Training - East Coast	EA		\$5,500.00	\$5,500.00
	1 Training is for up to 4 people per session. Each session is scheduled for 12 hrs and includes training for accessories, i.e., DF equip., Power Amps, etc.					
1	TRAIN-EC	Training - East Coast	EA		\$5,500.00	\$5,500.00
	1 Training is for up to 4 people per session. Each session is scheduled for 12 hrs and includes training for accessories, i.e., DF equip., Power Amps, etc.					

05/15/06

## REQUISITION HEADER

REQUISITION ID 551R6200030

(NAME AND ADDRESS OF REQUESTING DEPARTMENT OR AGENCY)

BFSD

DEPARTMENT OF STATE POLICE  
BUDGET & FINANCIAL SERVICES  
EAST LANSING

MI 48823

(517) 336-6336

DIRECT QUESTIONS TO  
VICTORIA OLIVAREZ

AGENCY REF#  
55125000

DUE DATE  
08/01/06

VENDOR: HARRIS CORPORATION

330 TWIN DOLPHIN DR  
REDWOOD SHORES  
CA 94065  
PHONE: -

SHIP TO:  
MICHIGAN DEPARTMENT OF STATE POLICE  
S.I.D. - REGION 1 (LANSING)  
TECHNICAL SERVICES UNIT (TSU)  
4000 COLLINS ROAD  
LANSING MI 48910

BILL TO:  
MICHIGAN DEPARTMENT OF STATE POLICE  
EMERGENCY MANAGEMENT DIVISION  
HOMELAND SECURITY SECTION  
4000 COLLINS RD PO BOX 30636  
LANSING MI 48909-8136

ITEM	COMMODITY ID /DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
001	680-87 SURVEILLANCE AND COUNTERSURVEILLANCE EQUIPMENT AND SUPPLIES	1.00	LO	206,500.0000	206,500.00

CELLULAR TRACKING EQUIPMENT AND TRAINING PER THE ATTACHED SPECIFICATIONS.

ESTIMATED TOTAL:

206,500.00

TERMS :

ACCOUNTING INFORMATION :

SX	AGY	Y	INDEX	PCA	COBJ	AOBJ	GRANT	PH	PROJ	PH	AG1	AG2	AG3	TOTAL
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
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23	23	23	23	23	23	23	23	23	23	23	23	23	23	23
24	24	24	24	24	24	24	24	24	24	24	24	24	24	24
25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
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27	27	27	27	27	27	27	27	27	27	27	27	27	27	27
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29	29	29	29	29	29	29	29	29	29	29	29	29	29	29
30	30	30	30	30	30	30	30	30	30	30	30	30	30	30
31	31	31	31	31	31	31	31	31	31	31	31	31	31	31
32	32	32	32	32	32	32	32	32	32	32	32	32	32	32
33	33	33	33											

01 551 6 28300 29920 6500

206500.00

206,500.00

# PURCHASE REQUISITION

(Bold Area for Purchasing Use Only)

V09344

A

Requisition ID <b>551 RWA/DSSO</b>		Bid ID		PO ID		Page 1 of 1	
Date Requested 1/13/2006		Date Needed		Originating Unit Technical Services Unit		Contact Person	
						Contact Phone Number 517-336-6668	
Agency Code 551	Fiscal Year 2006	Index Code (5 digits) 28300	Program Cost Account (5 digits) 29920	Comptroller Object Code (4 digits)	Percent 100 %	Estimated Dollar Amount \$ 206,500	
551					%		

SHIP TO ADDRESS: MICHIGAN STATE POLICE Technical Services Unit 4000 Collins Rd. Lansing, MI 48909		WORK SITE BILL TO ADDRESS: MSP-HSS ATTN: LT. CHRIS KELENSKE 4000 COLLINS ROAD LANSING, MI 48910		Purchasing: (517) 336-6337 FAX: (517) 333-2737	
Address Code		Address Code			

Line No.	Quantity	Commodity Number	Unit of Issue	Commodity Description Include Suggested Make & Model "Single Source" or "No Substitute" items must be justified.	Unit Price	Amount
1	1				\$89,500.00	\$89,500.00
2	1				\$22,500.00	\$22,500.00
3	1				\$4,500.00	\$4,500.00
4	1				\$20,000.00	\$20,000.00
5	1				\$3,500.00	\$3,500.00
6	1				\$35,000.00	\$35,000.00
7	1				\$11,250.00	\$11,250.00
8	1				\$3,750.00	\$3,750.00
9	1	TRAIN-EC		training (MI 4 people)	\$5,500.00	\$5,500.00
10	1	TRAIN-EC		training (MI 4 people)	\$5,500.00	\$5,500.00
11	1	TRAIN-EC		(MI 4 people)	\$5,500.00	\$5,500.00
				100% HOMEVAND SECURITY FUNDS P# 564		
Previous Purchase Order Number 551			Contract Number		Total \$206,500.00	

Submission of a signed price quotation from the vendor is required.

Vendor #1 MAIN ID Number	Vendor #2 MAIN ID Number	Vendor #3 MAIN ID Number
Name & Address Harris Corp - Wireless Products Group PO Box 9800, M/S R5-11A Melbourne, FL 32902-9800	Name & Address Sole source (Letters attached) 23402-16860/014	Name & Address Sole source
Telephone Number: 800-358-5297	Telephone Number:	Telephone Number:

SUGGESTED VENDORS MUST BE REGISTERED IN MAIN.

Post/Unit Approval <i>[Signature]</i>	Date 1-17-06
District/Division Approval <i>[Signature]</i>	Date 1/18/06
Bureau Approval <i>[Signature]</i>	Date 5-12-06
MSP Purchasing	Date

ORIGINAL - Purchasing  
PHOTOCOPY - To Be Retained By Originator

NOT ELIGIBLE UNDER  
MIDEAL LVI

✓

**STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE**

**DATE:** January 13, 2006

**TO:** D/F/Lt. Dave Peltomaa, Commanding Officer, Special Investigation Section  
WRSID

**FROM:** Special Investigation Section, Technical Service Unit  
WRSID

**SUBJECT: SOLE SOURCE JUSTIFICATION FOR CELLULAR TRACKING EQUIPMENT**

The attached paperwork is for the purchase of cellular tracking equipment under the 2005 Homeland Security Grant Program. This expenditure has been approved under the HSGP. I have attached documentation from the selected vendor detailing the fact that they are the only provider of this equipment.

\* \* \* Memory TX Result Report ( Aug. 21. 2006 10:06AM ) \* \* \*

1) Budget & Financial Svcs. Div.  
2)

Date/Time: Aug. 21. 2006 10:05AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0806 Memory TX	93350046	P. 3	OK	

## Reason for error

E. 1) Hang up or line fail  
 E. 3) No answer  
 E. 5) Exceeded max. E-mail size

E. 2) Busy  
 E. 4) No facsimile connection



MICHIGAN STATE POLICE

**FAX**

TRANSMITTAL SHEET

**DRIVE  
MICHIGAN  
SAFELY**DATE: August 21, 2006☐ URGENT

TIME: \_\_\_\_\_

☐ PMNo. of pages (including cover): 3☐ At your request

TRANSMITTED TO: Lisa Morrison, DMB Purchasing 517 335-0046  
 FAX NO. \_\_\_\_\_  
 FAX NO. \_\_\_\_\_  
 FAX NO. \_\_\_\_\_  
 FAX NO. \_\_\_\_\_

FROM: Vickie Olivarez, BFS 517-336-6336 517 333-2737  
 TELEPHONE NO. FAX NO.

ACKNOWLEDGMENT REQUESTED:	<input type="radio"/> YES <input checked="" type="radio"/> NO	Recipient: If "YES" it checked please complete this section and FAX this sheet to the sender.
RECEIPT ACKNOWLEDGED BY:	_____	
DATE:	TIME:	_____

COMMENTS OR INSTRUCTIONS: Price quote for 551R6200030.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FAXED BY: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

Date/Time: May. 17. 2006 7:10AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1651	Memory TX	93350046	P. 3	OK	

Reason for error  
E. 1) Hang up or line fail  
E. 3) No answer  
E. 5) Exceeded max. E-mail size

E. 2) Busy  
E. 4) No facsimile connection



MICHIGAN STATE POLICE  
**FAX**  
TRANSMITTAL SHEET

DRIVE  
MICHIGAN  
SAFELY

DATE: May 17, 2006

☐ URGENT  
☐ PRT  
☐ At your request

TIME: \_\_\_\_\_

No. of pages (including cover): 3

TRANSMITTED TO: DMB - Purchasing 517-335-0046  
FAX NO.  
FAX NO.  
FAX NO.  
FAX NO.

FROM: Vickie Olivarez, BPSD 517-336-6336 517 333-2737  
TELEPHONE NO. FAX NO.

ACKNOWLEDGMENT REQUESTED:	<input type="radio"/> YES <input checked="" type="radio"/> NO	Recipient: If "YES" is checked please complete this section and FAX this sheet to the sender.
RECEIPT ACKNOWLEDGED BY:	_____	
DATE:	TIME:	_____

COMMENTS OR INSTRUCTIONS: AS-1 for ~~551R6200030~~ 551R6200030

FAXED BY: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_



## \* \* \* Memory TX Result Report ( May. 26. 2006 10:00AM ) \* \* \*

1) Budget & Financial Svcs. Div.  
2)

Date/Time: May. 26. 2006 9:56AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
999 Memory TX	93366390	P. 20	OK	

## Reason for error

E. 1) Hang up or line fail  
E. 3) No answer  
E. 5) Exceeded max. E-mail size

E. 2) Busy  
E. 4) No facsimile connection



MICHIGAN STATE POLICE

**FAX**

TRANSMITTAL SHEET

**DRIVE  
MICHIGAN  
SAFELY**DATE: May 26, 2006☐ URGENT

TIME: \_\_\_\_\_

☐ PPTNo. of pages (including cover): 20☐ At your requestTRANSMITTED TO: Brad, DIT 517 336-6390

FAX NO.

FAX NO.

FAX NO.

FAX NO.

FROM: Vickie Olivarez, BFS 517-336-6336 517 333-2737

TELEPHONE NO.

FAX NO.

ACKNOWLEDGMENT REQUESTED:	<input type="radio"/> YES <input checked="" type="radio"/> NO	Recipient: If "YES" is checked please complete this section and FAX this sheet to the sender.
RECEIPT ACKNOWLEDGED BY:	_____	
DATE: _____	TIME: _____	

COMMENTS OR INSTRUCTIONS: Information on 551R6200030, cellular tracking equipment.

FAXED BY: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_



551K.02000100

Quote	QTE6779-00941
Date	1/10/2006
Page	1

## Quotation

### Bill To:

Michigan State Police  
Attn:  
Special Investigation Division  
Technical Services Unit  
Lansing MI 48909  
4000 Collins Rd.  
USA

### Ship To:

Attn:  
Special Investigation Division  
Technical Services Unit  
4000 Collins Rd.  
Lansing MI 48909  
USA

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	MICH-STATE-POL	WPG1	BEST WAY	Net 30	0/0/0000	1,220
Quantity	Item Number	Description	UOM	Discount	Unit Price	Ext. Price
1			EA		\$89,500.00	\$89,500.00
1			EA		\$22,500.00	\$22,500.00
1			EA		\$4,500.00	\$4,500.00
1			EA		\$20,000.00	\$20,000.00
1			EA		\$3,500.00	\$3,500.00
1			EA		\$35,000.00	\$35,000.00
1			EA		\$11,250.00	\$11,250.00
1			EA		\$3,750.00	\$3,750.00
	NOTE		*			\$0.00
	Training to be performed at the Michigan State Police Facility in Lansing, MI.					
1	TRAIN-EC	Training - East Coast 1 Training is for up to 4 people per session. Each session is scheduled for 12 hrs and includes training for accessories, i.e., DF equip., Power Amps, etc.	EA		\$5,500.00	\$5,500.00
1	TRAIN-EC	Training - East Coast Training is for up to 4 people per session. Each session is scheduled for 12 hrs and includes training for accessories, i.e., DF equip., Power Amps, etc.	EA		\$5,500.00	\$5,500.00
1	TRAIN-EC	Training - East Coast is for up to 4 people per	EA		\$5,500.00	\$5,500.00



551K4200050

Quote	QTE6779-00941
Date	1/10/2006
Page	2

## Quotation

## Bill To:

Michigan State Police  
Attn:  
Special Investigation Division  
Technical Services Unit  
Lansing MI 48909  
4000 Collins Rd.  
USA

## Ship To:

Attn:  
Special Investigation Division  
Technical Services Unit  
4000 Collins Rd.  
Lansing MI 48909  
USA

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	MICH-STATE-POL	WPG1	BEST WAY	Net 30	0/0/0000	1,220
Quantity	Item Number	Description	UOM	Discount	Unit Price	Ext Price
		session. Each session is scheduled for 12 hrs.				
		NOTE After PO is issued, please call 1-800-358-5297 or 1-321-309-7389 to schedule training. Please have your Purchase Order number ready when you call as it will be necessary for scheduling.	*			\$0.00
		NOTE Delivery will be 90 days ARO unless otherwise stated. Please see attached Terms and Conditions.	*			\$0.00
		NOTE If you are Tax Exempt, please include your Tax Exempt ID number with your purchase order. If Taxes are applicable, please include the amount of tax on your PO.	*			\$0.00

HARRIS CORP - WIRELESS PRODUCTS GROUP  
P.O. BOX 9800, M/S R5-11A  
MELBOURNE, FL 32902-9800  
PH: 800-358-5297, FAX: 321-309-7437, wpg@harris.com

Approved By:

Subtotal	\$206,500.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Trade Discount	\$0.00
Total	\$206,500.00

**Department of Management and Budget, Acquisition Services**  
**Procurement Initiation Letter**

This form must accompany all new requisitions, and requests for amendments/extensions submitted to Acquisition Services.

**Section 1. Department Identification**

1. Department:	State Police	2. Date:	1/13/06	5. E-mail:
3. Contact Person:		4. Phone #:	517-336-6668	Fax #: 517-336-6676

**Section 2. Purchase Request Identification**

Check One:      REQ <input type="checkbox"/> PO <input checked="" type="checkbox"/> BPO <input type="checkbox"/>				
6. <input checked="" type="checkbox"/> New Request	a. Requisition #:		b. Type of Purchase: <input checked="" type="checkbox"/> Commodity <input type="checkbox"/> Service <input type="checkbox"/> IT	
7. <input checked="" type="checkbox"/> One Time Purchase      OR	8. <input type="checkbox"/> Multi-Year Contract:		a. From:	b. To:
9. <input type="checkbox"/> Amendment	a. Contract/PO #:	b. Contract Period:	c. Current Contract Value: \$	d. Amendment Cost: \$
10. <input type="checkbox"/> Contract Extension	a. Contract #:	b. Contract Period:	c. Current Value of Contract: \$	d. Length of Extension: \$
e. Value of Extension: \$				

11. Vendor Name or Recommended Vendor (if applicable): Harris Corp.

**Section 3. Government Estimate**

12. <b><u>Enter Estimated Value:</u></b> \$206,500.00
a. <b><u>Government Estimated Based On:</u></b> <input type="checkbox"/> Competitive Quotes (Please attach) <input type="checkbox"/> Historical Pricing/Previous Contract Value <input checked="" type="checkbox"/> Market Research (GSA Pricing, Contract in another State, Web Research) <input checked="" type="checkbox"/> Other (Please attach details)
b. <b><u>Has the amount in box 12 above been approved in Department Budget?</u></b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b><u>If NO, please provide the amount that has been approved:</u></b> \$

**Section 4. Purchase Justification**

13a. <b><u>Description of Product/Service Requested:</u></b> Cellular tracking system
b. <b><u>Purpose/Business Case of New Contract, Amendment, or Extension and Expected Outcomes:</u></b>



From: Victoria Olivarez  
To: Lisa Morrison  
Date: 6/5/2006 2:01:52 PM  
Subject: Fwd: Re: equipment - 551R6200030

Lisa,

Attached is a list of suggested vendors and specifications for req. 551R6200030 for the cellular tracking equipment. Also, attached is a memo to me from the worksite explaining why the specifications for this item can not be listed in the ITB when it is sent out. Hopefully this information is helpful. Let me know if you need anything else.

Vickie

Victoria Olivarez  
Michigan State Police  
Budget & Financial Services Division  
714 S. Harrison Road  
East Lansing, MI 48823  
E-Mail: Olivarev@michigan.gov  
TX: (517) 336-6336  
Fax: (517) 333-2737

>>> 5/25/2006 9:21 PM >>>

Vicki,

Please read the attached Word document with the file name of cell tracking equipment. The .pdf documents contain information on the equipment that we desire to purchase from Harris Corp.

Thanks,

D/Sgt. :  
Michigan State Police  
Special Investigation Division  
Technical Services Unit  
4000 Collins Rd.  
Lansing, MI 48909  
TX: 517-336-6668  
FX: 517-336-6676

>>> Victoria Olivarez 05/08/06 10:02 AM >>>

I have the ADM-65 Purchase req. for the for \$38,700. But I have not received the paperwork on the other two request.

If you have any specifications for the communications intercept system please send them to me.

Thank you.

Vickie

Victoria Olivarez  
Michigan State Police  
Budget & Financial Services Division

From:  
To: OlivareV@michigan.gov  
Date: 5/25/2006 9:20:29 PM  
Subject: Re: equipment

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>>> 5/8/2006 8:32 AM >>>

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Lansing, MI 48909  
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FX: 517-336-6676

CC: peltomaad@michigan.gov



**STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE**

**DATE:** May 25, 2006

**TO:** Victoria Olivarez, Budget & Financial Services Division

**FROM:** WRSID, Special Investigation Section, Technical Service Unit

**SUBJECT:** PURCHASE OF CELLULAR TRACKING EQUIPMENT

You recently received a purchase order for a number of components that together would allow our department the capability of i

This purchase has been approved, and funding provided for, under the Homeland Security Grant Program. Therefore, this purchase will be made with 100% federal funding.

It has recently come my attention that this purchase order will soon be sent out to the state's Department of Management and Budget for placement in the public bid process. Furthermore, it is my understanding that there are no exemptions or exceptions to the state purchasing guidelines for purchases over \$25,000. However, there are unique circumstances present with this purchase that may give it special consideration.

First and foremost, United States Code 2512 of Title 18 prohibits the public discussion, offer for sale, and public release of specifications for this type of equipment. I have attached an additional Word document that contains this section of the Federal Code of Regulations. However, it would appear that this statute would allow for direct communications between specific vendors and governmental entities when considering a purchase of this type of equipment. I have attached a Word document listing the vendors known to manufacture this type of equipment.

Vendors:

Smith Myers Inc  
1418 Norman Street NE, Suite 11  
Palm Bay Florida 32907 USA  
Tel: (321)-726-8815  
Fax: (321)-726-8315  
Toll Free Tel: 1-800-345-9993

DRS Technologies Inc.  
Corporate Headquarters  
5 Sylvan Way  
Parsippany, NJ 07054

Tel: (973)-898-1500  
Fax: (973)-898-4730

Harris Corp.  
Government Communications Systems Division  
P.O. Box 37  
Melbourne, FL USA 32902-0037

Tel: (800)-358-5297

§§ 2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited

(1) Except as otherwise specifically provided in this chapter, any person who intentionally——

(a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications;

(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or

(c) places in any newspaper, magazine, handbill, or other publication or disseminates by electronic means any advertisement of——

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications; or

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(b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof,

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To: Lisa Morrison  
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Subject: Fwd: Re: equipment - 551R6200030

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CC: peltomaad@michigan.gov

**STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE**

**DATE:** May 25, 2006

**TO:** Victoria Olivarez, Budget & Financial Services Division

**FROM:** Special Investigation Section, Technical Service Unit  
WRSID

**SUBJECT: PURCHASE OF CELLULAR TRACKING EQUIPMENT**

You recently received a purchase order for a number of components that together would allow our department the capability of interrogating cellular communications for the purpose of direction finding. This purchase has been approved, and funding provided for, under the Homeland Security Grant Program. Therefore, this purchase will be made with 100% federal funding.

It has recently come my attention that this purchase order will soon be sent out to the state's Department of Management and Budget for placement in the public bid process. Furthermore, it is my understanding that there are no exemptions or exceptions to the state purchasing guidelines for purchases over \$25,000. However, there are unique circumstances present with this purchase that may give it special consideration.

First and foremost, United States Code 2512 of Title 18 prohibits the public discussion, offer for sale, and public release of specifications for this type of equipment. I have attached an additional Word document that contains this section of the Federal Code of Regulations. However, it would appear that this statute would allow for direct communications between specific vendors and governmental entities when considering a purchase of this type of equipment. I have attached a Word document listing the vendors known to manufacture this type of equipment.

Secondly, it would seem to be bad policy to publicly disclose the type and nature of equipment being sought by the law enforcement community for use in criminal investigations. By publically disclosing the specifications for this equipment, we would in fact be educating the public on the capabilities and limitations of our investigative techniques. This could have a severe detrimental effect on future investigative efforts, which would include criminal acts as well as incidents of terrorism.



Vendors:

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Tel: (321)-726-8815

Fax: (321)-726-8315

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551R620030

From:  
To: Olivarez, Victoria  
Date: 5/10/2006 3:28:25 PM  
Subject: Re: equipment

Here you go, I'll start working on the cell tracking equipment and send that to you when I'm done with it.

Michigan State Police  
Special Investigation Division  
Technical Services Unit  
4000 Collins Rd.  
Lansing, MI 48909  
TX: 517-336-6668  
FX: 517-336-6676

>>> Victoria Olivarez 5/10/2006 3:26 PM >>>  
Thanks!

Go ahead and send me the spec's for the GPS tracking system.

Vickie

Victoria Olivarez  
Michigan State Police  
Budget & Financial Services Division  
714 S. Harrison Road  
East Lansing, MI 48823  
E-Mail: [Olivarev@michigan.gov](mailto:Olivarev@michigan.gov)  
TX: (517) 336-6336  
Fax: (517) 333-2737

>>> : 5/10/2006 10:18 AM >>>  
Vicki,

I have attached a memorandum outlining the required specifications for the  
I have also completed the specs for the so let me know when you need that as  
well. Please let me know if I need to make any changes to this document.

Thanks,

D/Sgt.  
Michigan State Police  
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STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE

DATE: May 10, 2006

TO: Victoria Olivarez, Budget & Financial Services Division

FROM: WRSID, Special Investigation Section, Technical Service Unit

SUBJECT: GPS TRACKING EQUIPMENT; SPECIFICATIONS

This memorandum outlines the specifications for the GPS tracking equipment which has been approved for purchase under the Homeland Security Grant Program.

**Software Requirements**

- o Must be compatible with \_\_\_\_\_ equipment in order to limit training and compatability issues.
- o Advanced data analysis :
- o Includes Street addresses.
- o Select records based on date/time.
- o Ability to track multiple targets simultaneously.

**Hardware Requirements**

### **Technical Support**

The vendor must provide technical support 24 hours a day, 365 days a year free of charge with no limit on the number of hours of tech support available to the user, for the life of the unit.

The tech support line must be manned by qualified technicians. The tech support shall be provided for via a toll free telephone number. In addition, after hours calls must be returned within 30 minutes.

### **Loss Insurance**

If any of the on-target equipment is stolen, lost or irreparably damaged, the vendor must agree to replace the unit for half the current list price. This insurance shall be valid for the life of the product at no additional cost.

### **Training**

The vendor must offer a comprehensive on site training program, to be provided for by the vendor at the request of the Technical Services Unit.

### **Warranty**

A comprehensive 1 year warranty on all equipment, which shall include labor, parts and return shipment, shall be provided for by the vendor.

From: Victoria Olivarez  
To: Lisa Morrison  
Date: 8/21/2006 10:08:43 AM  
Subject: Re: Status of Purchase Requisition

Lisa,

I just faxed you the price quote for 551R6200030. Let me know if you need anything else.

Vickie

Victoria Olivarez  
Michigan State Police  
Budget & Financial Services Division  
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>>> Lisa Morrison 8/18/2006 2:05 PM >>>

I am trying to get these on the Sept. 5 Ad Brd., if not the Sept 12th. Do you happen to have a quote from Harris 551R6200030 that has the dollar amounts on it?

>>> Victoria Olivarez 8/17/2006 9:38 AM >>>

Hi Lisa,

I just want to check the status of a couple purchase requisition that I sent to DMB.

551R6200030 \$206,500  
551R6200043 \$26,995  
551R6200033 \$38,700

Will these three (3) request make it through year end purchasing on 09/15/06

Thank you for your assistance.

Vickie

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551 R6200050

Victoria Olivarez - PO's to close

From: Matthew Gardner  
To: Olivarez, Victoria  
Date: 9/26/2007 8:44 AM  
Subject: PO's to close

551C7200241

Hi Vickie,

Could you please close N7200167 and P6200023?

Thanks,

Matt

**From:** Victoria Olivarez  
**To:** Jeff White  
**Date:** 10/1/2007 3:09:34 PM  
**Subject:** Purchase Order

Jeff,

I did a purchase order cancellation on po 551P6200023. This went on an approval path to mailbox 07114007. Could you please approve this purchase order cancellation?

Thank you!

Vickie

Victoria Olivarez  
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