
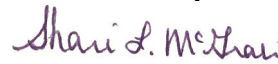
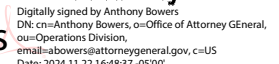


**OFFICE OF ATTORNEY GENERAL
SOLE SOURCE PROCUREMENT JUSTIFICATION FORM**

Requesting Office	CLD -- Technical Operations Group		
Vendor Name	JSI Telecom	SAP Vendor No	172995
Brief Description of Service	Wiretap Collection System		
Estimated Amount	\$608,598.00		
Requesting Office Approval	Robert J. Mattis, SSSA Technical Operations Group 	Date	11/22/2024
Director of HR and Office Services	Shari McGraw 	Date	11/22/2024
Operations Counsel (Form and Legality)	Anthony Bowers  <small>Digitally signed by Anthony Bowers DN: cn=Anthony Bowers, o=Office of Attorney General, ou=Operations Division, email=abowers@attorneygeneral.gov, c=US Date: 2024.11.22 16:48:37 -0500</small>	Date	

Please check all that apply:

- ☐ The service is only available, or must be obtained from a single contractor.
- ☒ A Federal or State statute or Federal Regulation exempts the service from the competitive procedure.
- ☒ It is clearly not feasible to award the contract for services on a competitive basis.
- ☐ The services are to be provided by attorneys or litigation consultants.
- ☐ The services are to be provided by expert witnesses.
- ☐ The services involve the repair, modification or calibration of equipment and they are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer, provided the contracting officer determines that bidding is not appropriate under the circumstances.
- ☐ The contract for services is in the best interest of the Commonwealth.

Justification:

The OAG seeks to procure, refresh, and update the hardware and software which comprise the Wiretap Collection System which the OAG has used for over twenty (20) years in law enforcement activities undertaken by the Criminal Law Division. This memo sets forth the requisite authority and justifications for such procurement.

The Commonwealth Procurement Code ("CODE"), 62 Pa.C.S.A. §§ 101, et seq., a body of law applicable "to every expenditure of funds...by Commonwealth agencies under any contract, irrespective of their source...".

Id., § 102(a). As a default rule, Section 301(a) of the CODE vests the Department of General Services with the primary authority and responsibility to both formulate procurement policy and undertake the “procurement and supervision of the procurement of supplies...for executive agencies and those independent agencies for which the department acts as purchasing agency.” *See id.*, § 301(a). However, the CODE also contains an exception to that default rule for “independent agencies” at Section 301(b), stating:

Except as otherwise specifically provided by law and this section, independent agencies shall use the department as their purchasing agency for the procurement of supplies or construction. Independent agencies shall have the authority to procure their own services. However, when any independent agency acts as its own purchasing agency, it shall use the procedures provided in this part for any procurement of supplies, services or construction.

Id., § 301(b) (underlining added).

The Pennsylvania Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S.A. § 5701, *et. seq.*, (the ACT) generally prohibits the possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices, and telecommunication identification interception devices. *See* 18 Pa.C.S.A. § 5705. However, the ACT also contains an exception to that prohibition for contracts with “the United States, the Commonwealth,...or [their] officer, agent or employee” when such contract is “in furtherance of the appropriate activities” of such entity. *Id.*, § 5706(a). Critical here, Section 5706(b) of the ACT vests authority to enter into such contracts with the OAG, stating:

[T]he Attorney General and the district attorney or their designee so designated in writing shall have the sole responsibility to buy, possess and loan any electronic, mechanical or other device which is to be used by investigative or law enforcement officers for purposes of interception as authorized under section 5704(2), (5) and (12) (relating to exceptions to prohibition of interception and disclosure of communications), 5712 (relating to issuance of order and effect), 5713 (relating to emergency situations) or 5713.1 (relating to emergency hostage and barricade situations).

Based upon the above, the OAG has determined that it is authorized by both the CODE and the Act to directly procure the Wiretap Collection System.

The CODE requires that “all Commonwealth agency contracts” be awarded through either a “competitive sealed bidding under section 512” or one of the alternative methods enumerated therein. *See* 62 Pa.C.S. § 511; *see also id.*, § 515 (“[a] contract may be awarded for a supply, service or construction item without competition if the contracting officer first determines in writing” that one of the conditions enumerated therein exist). The conditions under which Sole Source Contracts may be awarded include, as pertinent here:

(2) A Federal or State statute or Federal regulation exempts the supply, service or construction from the competitive procedure”

...

(4) It is clearly not feasible to award the contract for supplies or services on a competitive basis.

62 Pa.C.S. § 515(a).

Based upon the above, the OAG has determined that this procurement would satisfy the conditions of 62 Pa.C.S. § 515(a)(2) and (4).



Unified. Visualized.

Date: 15 Aug 2024

PennOAG-24-MJG-343-MedRefresh-V07

To: Cody
Copies:

PennOAG-22-MJG-288-Refresh-V01-SARF
via e-mail

From: Marshall Grenier - Sales Manager

Penn-OAG VB843 Core Refresh - Medium

CLIN	Description	QTY	Total
4Sight UCM/4SE Core Servers			
J4185-344	Server - 2U - Two 24 Core CPU, 24HD (2.5") ESX	4	
J4185-701	RAM - Pair of 64GB LRDIMMs	20	
J4185-810	Hard Drive - SSD - 960GB - 2.5" - All3	36	
		Subtotal:	\$ 184,936
4Sight UCM Recording Workstation			
J4185-337	Server - 2U - Two 8 Core CPU, 24HD (2.5") Win	1	
J4185-802	Hard Drive - SAS - 1.2TB - 10k - 2.5" - All3	8	
J2185-17be	Input Card - 24 line Analog PCI-e (J1241) Re-use from existing system	2	
		Subtotal:	\$ 16,893
4Sight UCM Additional Hardware			
J4185-671	Server - 1U - One 4 core CPU, 2 HD (3.5") Chassis	1	
		Subtotal:	\$ 4,947
4Sight Content Storage			
J2185-67c	SAN - Rack Mount 2U - NLSAS DAE for -67e/67ab - 58TB Useable Storage	2	
J2185-67a	SAN - Rack Mount 2U - SAS - SSD DPE - 15TB SSD Useable Storage	1	
		Subtotal:	\$ 64,023
4Sight Networking			
J2185-40hb	Switch - All 8 - 48 Port Gb Ethernet	2	
		Subtotal:	\$ 11,139

Penn-OAG VB843 Core Refresh - Medium

CLIN	Description	QTY	Total
4Sight Software			
J2185-21a	Software -- Domain Controller	2	
J2185-21b	Software -- Database	1	
J2185-21c	Software -- Archiving Site Manager	1	
J2185-21e	Software -- Remote Desktop Services	1	
J2185-24a	Software -- Recording Workstation -- All Types	2	
J2185-28fk	Win 2019 Svr Rmt Desktop User CAL (5 pack) / JSI Proprietary Integration Software	3	
J2185-25a	Software -- Post Processing	1	
J2185-25y	Software -- Management Services -- System Tools	1	
J2185-24pd	Software -- Protocol Decode (1Gbps) -- Annual Subscription	1	
J2185-20a	Software -- Playback (Desktop)	27	
J2185-24b	Software -- Add per Device Capability -- All Types	27	
J2185-28gj	Software -- In House Map Server User CAL	27	
J2185-24md	Software -- Mobile Device License	2	
J2185-28eg	Data Warehouse License / JSI Proprietary Integration Software	60	
J2185-28eh	IP2 Location License / JSI Proprietary Integration Software	1	
J2185-28ex	TAC Database System License / JSI Proprietary Integration Software	1	
J2185-28ey	TAC Database User CAL / JSI Proprietary Integration Software	20	
J2185-21bx	Software -- DB Standard Edition -- Block of 1M Sessions Under Management	36	
Subtotal:			\$ 44,255
UCM / 4SE - 3rd Party Software			
J2185-28fb	Win 2019 Std 24 Core Server / JSI Proprietary Integration Software	32	
J2185-28fa	Win 2019 Std 16 Core Server / JSI Proprietary Integration Software	2	
J2185-20r	Anti-Virus Software	38	
J2185-28vf	Vsphere Foundation - Per Core - Annual Subscription	192	
	Yearly Subscription will be added to Support Plan		
J4185-28ha	SQL Enterprise License -- 4 cores -- Embedded	1	
J4185-28hb	SQL Enterprise License -- add 2 cores -- Embedded	1	
Subtotal:			\$ 106,478
RH Upgrade			
J4185-489	Server -- Tower -- Two 8 Core CPU, 16HD (2.5") Win	7	
J4185-802	Hard Drive -- SAS -- 1.2TB -- 10k -- 2.5" -- All3	26	
J2185-28fa	Win 2019 Std 16 Core Server / JSI Proprietary Integration Software	7	
Subtotal:			\$ 102,300

Penn-OAG VB843 Core Refresh - Medium

CLIN	Description	QTY	Total
Printing & Disk Publishing Producer			
J2185-51e	Disc Publishing Producer - Small - Alt 2	1	
J2185-51abd	Media Kit BD (500 count 25G) - Standard Printing	1	
Subtotal:			\$ 20,797
Racks and Rack Accessories			
J2185-43bb	Rack Chassis - 42U - 48" Deep	1	
J4185-43c	Rack - Add LCD/Keyboard - 1U - Alt 1	1	
J4185-43f	Rack - 8 port KVM Switch - Basic plus 8 cables - 1U - Alt 1	1	
J2185-43x	Smart UPS - 3,000VA - Rack Mount	3	
J2185-43z	Smart UPS Battery - Extended Runtime - Rack Mount for -43d/43x - (2U)	3	
Subtotal:			\$ 21,779
Project Services			
J1185-82b	On-site Visit - Four (4) days	3	
Subtotal:			\$ 31,050
Total			\$ 608,598

