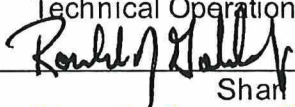




**OFFICE OF ATTORNEY GENERAL
SOLE SOURCE PROCUREMENT JUSTIFICATION FORM**

Requesting Office	CLD – Technical Operations Group		
Vendor Name	JSI Telecom	SAP Vendor No	172995
Brief Description of Service	Wiretap System Workstations, Firewalls and Switches		
Estimated Amount	\$133,560.00		
Requesting Office Approval	Ronald Golembeski, Technical Operations Group 	Date	7 MAY 2026
Director of HR and Office Services	Shari McGraw 	Date	5/11/2026
Operations Counsel (Form and Legality)	Rebecca Elo 	Date	05/11/2026

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 workstations, firewalls/switches that are necessary for individuals to remotely connect to 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).