

# NON NOTICE

» BRAD BUMSTED + PAULA KNUDSEI

## Documents reveal a long-running dispute between State Police and a Florida company whose work on an \$800 million-plus radio network landed it on Pennsylvania's list of deficient contractors

**T**he Pennsylvania State Police flagged the major contractor on a foundering statewide radio project for what it described as deficient work on “grounding” for metal towers and preventative maintenance, placing it on the Contractor Responsibility Program list in 2015, records obtained recently by The Caucus reveal.

And a top State Police official alleged a subcontractor later submitted “inaccurate and deceptive” documents on work it claimed to have done to correct flaws, the records reveal.

The contractor, Melbourne, Florida-based Harris Corp., “categorically” denied the allegations and any deceitful conduct.

“As a long-standing supplier, Harris has been and remains fully committed to cooperating and working with the Commonwealth, through appropriate channels, to resolve contract disagreements that may arise from time to time,” company spokeswoman Pam Cowan said in a written response to questions from The Caucus.

But at least one Harris employee expressed concerns as early as August 2013 about the quality of work, calling it “sloppy and unprofessional,” records show.

As key lawmakers continue to raise questions about the soaring costs and protracted length of the now-\$800 million-plus project, The Caucus has obtained hundreds of pages of documents that cast light on how the statewide radio network spiraled out of control and into what critics derisively refer to as “Pennsylvania’s Big Dig.”

Documents obtained through the

state’s Right to Know Law and dozens of interviews showed ongoing tension between the Office of Administration and the State Police, the primary user, and a clear lack of legislative oversight and a revolving door between state officials and contractors.

The documents also reveal that, year after year, lawmakers were raising questions about work on the project at public hearings, but that little was actually done about it.

The state, meantime, kept paying the bills.

The findings outraged lawmakers.

“If we spent \$1 billion and didn’t get what we paid for, we ought to be looking into it,” Republican Sen. Gene Yaw of Lyscoming County said at a Senate budget hearing last week for the State Police.

“I’ve been hearing about it year after year since I’ve been in the Senate — hearing that it was bad,” said Yaw, who was elected in 2008.

Investigating why that happened is “called government responsibility,” he told State Police brass.

During the past four years there has been an effort by the State Police to document what officials alleged was deficient work by Harris Corp.

The State Police were given control



Then-Gov. Tom Ridge signs a measure authorizing \$179 million in spending for a statewide police radio network in 1996.

THIS IS THE SECOND OF A TWO-PART SERIES BY THE CAUCUS INTO A STATEWIDE radio network for law enforcement that has cost taxpayers more than \$800 million so far and has never fully worked.

The series is the result of a four-month Caucus investigation. The first stories appeared in The Caucus’ Feb. 21 edition.

Among the findings:

- » There was a “revolving door” between the state and the contractors. Several top officials had ties to Harris Corp., the primary contractor, and earlier to M/A-COM, the original contractor, which Harris acquired in 2009, records and news accounts show. They included Jeffrey Logan, pictured at right in the photo of Gov. Tom Ridge signing the authorization for the project. Logan took a job with M/A-COM a few years after leading the Office of Administration’s launch of the project. He later worked for Harris.
- » There was a historic tug of war creating friction between state agencies over the project, the Office of Administration and State Police.
- » The cost ballooned over two decades because of inadequate legislative oversight and proprietary equipment manufactured by Harris Corp. that made some parts useless and expensive to replace.
- » The repeated failure in 2014 of hand-held radios in the mountainous terrain of north-eastern Pennsylvania during the manhunt for Eric Frein, who is accused of shooting and killing a state trooper and wounding another, sparked action on a new system.

of the project in 2012 after the Office of Administration under various governors ran the project since its inception.

The costs soared to more than \$800 million from just \$179 million authorized by Gov. Tom Ridge in 1996. M/A-COM Inc., owned by AMP Inc., was the first main contractor.

Harris took over in 2009 after purchasing Tyco Electronics, which had acquired AMP Inc.

#### CONTRACTOR RESPONSIBILITY PROGRAM

Records show the State Police placed Harris Corp. into the Contractor Responsibility Program in 2015 for allegedly deficient work on electric "grounding" for metal towers and work on a separate preventive maintenance contract.

The Contractor Responsibility Program, or CRP, is a system used by state agencies for tracking "warnings" against contractors for deficient work, said Troy Thompson, a spokesman for the Department of General Services, which shares the program's oversight.

Harris has protested its inclusion in the Contractor Responsibility Program, stating the entries by the state were "incorrectly filed, are not consistent with the intended use of the CRP program and should be removed."

In an October 2015 letter, Paul R. Greco, the vice president of contracts at Harris, disagreed with Harris' inclusion in the state's listing of deficient contractors.

"Disagreement over requirements, cost responsibility, and the passage of

time during good-faith negotiations does not make Harris a non-responsible contractor, and certainly does not justify a negative entry in the Commonwealth's Contractor Responsibility Program," Greco wrote.

Harris remains in the CRP program to date, officials say.

A Feb. 21 story in The Caucus reported that Harris acknowledged two CRP entries by State Police, but the reason why was not available at that time. The program filings are typically not available to the public. The companies placed in the program can't be viewed on the state's website.

Contractors that are "debarred" by the state are listed on the Department of General Services' eMarketplace website, but Harris has not been debarred and can seek other Pennsylvania contracts.

#### ALLEGED DEFICIENCIES

Among the state's issues with Harris is a preventive maintenance program for STARNet, the statewide communications system for law enforcement, 21 other state agencies and emergency management officials.

The preventive maintenance contract with Harris was approved in June 2012 for \$562,000 per month. The contract also allows for "demand maintenance," which ran from \$95,000 to \$125,000 more per month for parts, labor and time Harris specialists took traveling to various sites in the state.

The other contract at issue, records show, deals with the replacement of

**“If we spent \$1 billion and didn't get what we paid for, we ought to be looking into it.”**

REPUBLICAN SEN. GENE YAW, LYCOMING COUNTY, SPEAKING AT A SENATE BUDGET HEARING LAST WEEK FOR THE STATE POLICE

"grounding" on metal towers used to transmit radio signals.

The metal towers, which stand 200 feet to 300 feet tall, must be grounded in the event of lightning strikes. The state uses about 253 metal towers. It owns 173 and rents the remainder.

Deficiencies in grounding on the metal towers pose "the risk of damage to property and personal injury," the State Police wrote in its entry for Harris in the Contractor Responsibility Program.

Two purchase orders under the grounding contract were issued by the state in July 2011 and June 2012. One was for \$1.4 million and the other about \$677,000. Combined, they called for grounding 58 sites, documents state.

#### THE DISCOVERY

In August 2013, while evaluating grounding services by Harris, the State Police first inspected sites in two counties that had sustained equipment damage because of lightning strikes earlier that year, said John Nally, chief of site development and maintenance for the State Police.

In all, 26 sites were identified with above-ground deficiencies. Harris told State Police the company would fix them.

Harris had been paid almost \$2 million, State Police said.

But it wasn't until April 2015 that underground deficiencies were discovered in Adams County.

State Police Major Diane Stackhouse, director of the Bureau of Communication, CONTINUED, page 8

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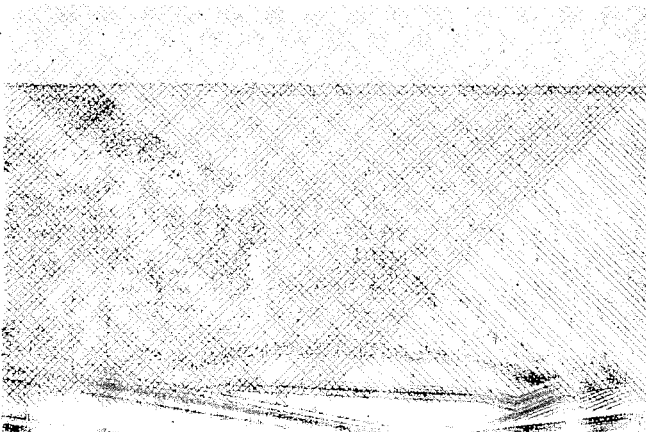
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**I apologize for the sloppy and unprofessional work our vendor has performed, my degree of trust in them has been shaken.**

**BOB ARNEY**  
A REGIONAL SERVICE MANAGER IN  
HARRIS' RF COMMUNICATIONS DIVISION



**CONTINUED FROM PAGE 7**  
ions and Information Services, demanded 12 sites be excavated to determine if underground problems existed.

As of May 2015, eight sites had been excavated and "serious defects and deficiencies were found," Stackhouse wrote.

The Caucus learned of the Adams County site independent of the records it obtained through the Right to Know Law. Tower locations were redacted by the State Police in those documents.

"The deficiencies found at eight sites leads to the ineluctable conclusion that problems are widespread and most likely universal throughout all 58 sites" remediated under the two purchase orders, Stackhouse stated.

"The Commonwealth has no confidence that any of the sites were properly grounded," Stackhouse wrote in May 2015.

She demanded all defects be repaired and substandard installations replaced, according to her letter. That required excavating and examining all 58 sites, Stackhouse said.

Harris promised to re-ground all the sites under warranty, but the contractor stopped after re-grounding 12 sites rather than continuing to finish the 46 remaining, State Police said.

Harris replied to the state in a June 10, 2015, letter written by David Gerhard, a senior manager and head of field services. He stated the company would be "fully cooperative" in working with State Police in the examination of grounding work at 12 sites.

However, Gerhard's letter stated Harris had conducted its own review of the grounding system performance and "10 out of the 11 sites met the grounding system performance requirements set forth in the Purchase Orders."

Gerhard stated Harris was prepared to "correct any deficiencies found in the performance of the grounding work at the other 46 sites, again pursuant to its five-year warranty."

But Gerhard stated that he wanted "complete findings" of State Police's examination of the 12 sites, and then a meeting to discuss the findings.

In a June 16, 2015, email, Kenneth Stuck, the State Police's site develop-

Harris: We don't belong on Pennsylvania's 'deficient' list

THE CAUCUS SOUGHT COMMENT from Harris Corp. after obtaining hundreds of pages of pictures and documents from the Pennsylvania State Police about allegedly deficient work on electrical grounding of metal towers and work on preventive maintenance. Its reporters sought comment based on the company's placement in the state's Contractor Responsibility Program.

The Caucus received this written response from company spokeswoman Pam Cowan.

"Harris has been a supplier to the Commonwealth of PA for many years. As a long-standing supplier, Harris has been and remains fully committed to cooperating and working with the Commonwealth, through appropriate channels, to resolve contract disagreements that may arise from time to time.

"Harris has already communicated extensively with the Commonwealth about the grounding project in an effort to convey Harris' position and reach a mutually beneficial resolution.

"Harris is fully cooperating with the Commonwealth's current review of the preventive maintenance program.

"Given that these contract discussions are ongoing, Harris believes that the two CRP entries were incorrectly filed, are not consistent with the intended use of the CRP program and should be removed."

ment and maintenance manager for the statewide radio system, pushed back at Harris' assertion that 10 sites met the grounding system performance requirements.

Writing to Stackhouse, Stuck said Harris' statement about the 10 sites was "a little misleading."

Stuck explained that the statement of work required Harris to submit the ground system design to the state before contractors started construction.

"To my knowledge, this step (design approval) never took place," he wrote. "So, Harris met a performance objective that we never agreed to ... and now they're telling us we should be okay with it?" Stuck stated in the email.

After Stuck's email, Stackhouse sent Harris another letter. On June 22, 2015, she wrote to Gerhard that "false documents were submitted attesting to completion according to these specifications."

She also alleged that "Harris provided the Commonwealth inaccurate and deceptive" drawings.

Harris strenuously objected to the State Police characterizations of decep-

tive and false documentation, according to an October 2015 letter from Greco, the Harris vice president.

"Harris did not generate any improper documentation and categorically denies any suggestion that it participated in any deceitful conduct," Greco wrote.

#### NOT THE COMPANY LINE

But at least one Harris employee expressed concerns as early as August 2013 about the quality of the grounding work.

"I apologize for the sloppy and unprofessional work our vendor has performed, my degree of trust in them has been shaken," wrote Bob Arney, a regional service manager in Harris' RF Communications Division, in an email to State Police staffers.

The subject line of the email, released to The Caucus by the State Police, was "Grounding."

One month later Arney was even more specific about grounding problems, detailing a list of 25 items to be inspected, and repaired, if necessary, at each of the re-grounded sites.

In a September 2013 email to State Police staffers describing the more than two dozen items for inspection he wrote, "I apologize personally for the issues and the generally poor workmanship."

In April 2014 Arney emailed a State Police staffer about re-grounding work: "I am very disappointed at what I am seeing at that (undisclosed) site!"

Emails show that Arney left Harris sometime in mid-2014. No explanation



BLAINE T. SHAHAN FOR THE CAUCUS

Representatives from the Pennsylvania State Police testify on the statewide radio system before the Senate Appropriations Committee last Thursday.

was provided for his departure in an email from Harris manager Gerhard announcing the staff change.

Attempts by The Caucus to reach Arney were unsuccessful.

#### LAST-DITCH EFFORT

A lawyer for Harris contacted the State Police Office of Chief Counsel in November 2015 to request the office's lawyers become involved in negotiations between the company and the law enforcement agency.

State Police assistant counsel Thomas F. Jakubiak declined involvement in a December 2015 letter.

Jakubiak also turned down Harris' request to remove the company's two entries in the Contractor Responsibility Program.


"The fact remains that the Commonwealth did not get the grounding work it paid for, and that fact alone justifies the information in the entry," Jakubiak wrote.

He also said that the Contractor Responsibility Program entry for failure to perform maintenance required by the contract was "fully supported by facts and documentation gathered thus far."

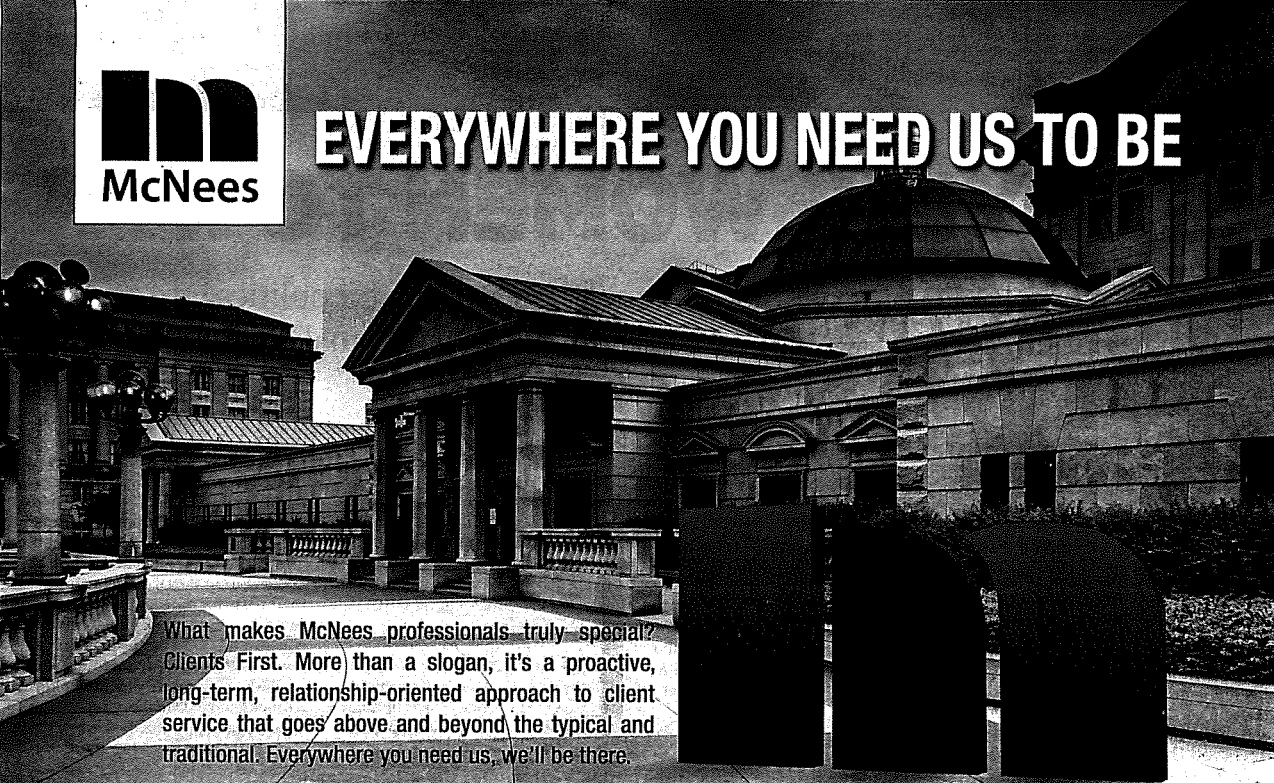
Harris' lawyer tried again on Dec. 30, 2015, to persuade State Police to withdraw the two entries.

"Most fundamentally, CRP entries are not to be used for punishment or as leverage in contract administration," wrote Harris attorney William W. Warren Jr.

To date, Harris remains on the list of deficient contractors. ©



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