



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

TRICIA L. FOSTER
DIRECTOR

August 9, 2019

Phil Simmons
Intoximeters, Inc.
2081 Craig Road
St. Louis, MO 63146
Sent via e-mail to: bids@intox.com

RE: Vendor Performance Issues; State of Michigan Contract #180000000709

Mr. Simmons

This letter is to inform you of the continuing and substantial issues the Michigan Department of State Police ("MSP") is having with your company's contractual compliance on the above-named contract. Since contract inception, there have been substantial performance issues related to timely certification of Datamaster Instruments and failure of your employees to comply with basic security protocols. These issues have been specifically enumerated and particularized in the accompanying Corrective Action Plan ("CAP").

Without restating the entirety of the CAP contents, it should suffice to say that the numerous recurrent failures to timely certify the instruments have resulted in significant aggravation for MSP.

[REDACTED] These issues alone substantially frustrate the main purpose of this contract.

[REDACTED] While that has helped, there remain some issues with [REDACTED] Consequently, MSP would like to seek guarantees that [REDACTED] and would request that those guarantees be incorporated into the contract via change notice.

Additionally, there have been several incidents in which [REDACTED] [REDACTED] This issue appears to have resolved itself at this point, but it is important going forward that all technicians follow the necessary protocols prior to entering any secured facility. Perhaps more

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problematic is that there have been several instances where your [REDACTED]

[REDACTED] MSP is seeking further contractual safeguards to ensure that this does not reoccur going forward.

Any one of these incidents standing alone is a material breach of the contract that could subject Intoximeters to contractual penalties, liquidated damages, and even termination of the contract. Regardless, there have been recent improvements, and MSP certainly wishes to salvage this business relationship. However, Intoximeters must immediately address and remedy these issues. MSP has often expressed its frustration with these contractual violations and has been patient and hopeful that a final remedy can be achieved. We require that Intoximeters submit their response to **Steps 2 and 3** of the CAP within 14 days of the date of this letter, as detailed in the CAP itself.

Sincerely,



Joe Ernst
Senior Relations Analyst, Supplier Relations
Central Procurement Services - Customer Experience
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CC: Dan Dunsworth, Chris Dalton