



LAW DEPARTMENT

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226-3437

Phone 313•224•4550
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www.detroitmi.gov

October 21, 2021

Catherine Engelbrecht, Founder & President
True the Vote
P.O. Box 3109
Houston, Texas 77253-3109

RE: Freedom of Information Act Request No. A21-14808, Dated September 27, 2021, Concerning City of Detroit Records Pertaining to Konnech Election Management System

Dear Ms. Engelbrecht:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received at the City of Detroit Law Department Freedom of Information Act Section, via facsimile or email, on September 27, 2021. Because your request was received by electronic transmission, pursuant to Section 5(1) of the Michigan Freedom of Information Act, (the "Act"), MCL 15.235(1); it is deemed to have been received at the Law Department on the next business day, September 28, 2021. Thank you for your patience regarding this matter.

You request:

Specifically, I seek the following:

1. Access to and a copy of any and all documents related to the acquisition, utilization, specifications, security, and maintenance of the Konnech Election Management System. Specifically, any related Request For Proposal, Request for Proposal Responses, solicitation materials, contracts, sole source certifications, amendments, purchase orders, invoices, technical specifications, user manuals, training collateral, and security certifications.
2. All documents specified by statute to be retained in relation to the Konnech system and network, either connected directly or indirectly, to Konnech at large.
3. Any and all invoices, correspondence (including emails, memos, and advisories) regarding the acquisition, utilization, specifications, security, and maintenance of Konnech.
4. All relevant and responsive documents specifically related to how the City of Detroit uses Konnech and the implementation of the election software system.

In that regard, we are now in receipt of two hundred three hundred eight (308) pages of record from the City of Detroit Office of Contracting and Procurement (OCP). However, due to the volume of responsive records, we estimate that the City of Detroit will incur significant labor costs in reviewing and redacting the records responsive to your request. Accordingly, in the event you wish for the City to proceed with your request, we require that you submit a deposit payment pursuant to Section 4(8) of the Act, MCL 15.234(8).

Based on our prior experience, we estimate that it will take a Law Department personnel approximately three (3) hours to review and redact the records responsive to your request. The hourly wage rate of the lowest paid Law Department personnel capable of performing this task is \$38.69[\$28.84 per hour + \$9.85 in fringe benefit (34.173% of \$28.84)]. As such, we estimate that the Law Department will incur approximately One Hundred Sixteen and 07/100 Dollars (\$116.07)[\$38.69 per hour x 3 hours], in labor costs in performing this task. **However, in accordance with Section 4(9)(a)(ii) of the Act, MCL 15.234(9)(a)(ii), we have reduced the labor costs by 10%.**



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Accordingly, in the event you wish for the City to proceed with your request, we require that you submit a deposit in the amount of **Fifty-Two and 23/100 Dollars (\$52.23)** which reflects one-half of the reduced estimated labor costs by December 3, 2021. The payment must be made via check or money order payable to the "City of Detroit". Please note, we do not accept cash or process credit/debit card payment. **Additionally, please include the FOIA request number listed above on the memo line of your check/money order or on a separate note. Please do not write on the check outside the memo line as our bank will not process checks with writing outside the memo line; failure to comply with these policies may result in your check being returned to you.** Upon receipt of deposit payment, we will proceed with our review and redaction process; and at its completion, we will provide you with the final bill and the City's final response to your request. ***Please note, if we are not in receipt of deposit payment by the above-referenced date, we shall consider your request abandoned and close our file of this request, pursuant to MCL 15.234(14).***

Furthermore, please note that due to the number of requests received by the City, as well as the number of requests for which deposits have already been paid, we estimate that it may take approximately one hundred twenty (120) business days to complete your request upon receipt of payment.

Please note, pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request, or receiving a letter to submit the labor costs, may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and 15.240a(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or within 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or costs. MCL 15.240(6) and (7), and 15.240a(6) and (7).

When contacting our office regarding this request, please include the request number listed in the subject line above. For your information, please note that a public summary of the City of Detroit Freedom of Information Act procedures and guidelines are at www.detroitmi.gov and specifically at <https://detroitmi.gov/document/foia-procedures-and-guidelines> and <https://detroitmi.gov/how-do-i/request-document/foia-freedom-information-act-request>.

Very truly yours,

Amanda Kelly

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