

Minnesota 55402, and represent the Defendant in the above-captioned matter. I respectfully submit this affidavit upon personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of page 22 of the State's Request for Proposal ("RFP").

3. Attached hereto as Exhibit 2 are true and correct copies of CMI's required Confidentiality Agreement and Affidavit, submitted as Exhibit E to CMI's Proposal in Response to the State's RFP.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Pricing Sheet submitted by CMI as part of its Proposal in response to the State's RFP.

5. Attached hereto as Exhibit 4 is a true and correct copy of page 18 of CMI's Proposal in Response to the State's RFP.

6. Attached hereto as Exhibit 5 is a true and correct copy of page 2 of the State's RFP.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Notification of Contract Award.

8. Attached hereto as Exhibit 7 is a true and correct copy of page 7 of the State's RFP.

9. Attached hereto as Exhibit 8 is a true and correct copy of page 3 of the State's RFP.

10. Attached hereto as Exhibit 9 is a true and correct copy of page 4 of the State's RFP.

11. Attached hereto as Exhibit 10 is a true and correct copy of page 5 of the State's RFP.

12. Attached hereto as Exhibit 11 is true and correct copy of a December 10, 1996 letter from the State of Minnesota to CMI, Inc., requesting clarification regarding CMI's Proposal in response to the State's RFP.

13. Attached hereto as Exhibit 12 is a true and correct copy of CMI's December 11, 1996 Response to the State's Letter Requesting Clarification.

14. Attached hereto as Exhibit 13 is a true and correct copy of Amendment No. 4 to the State's and CMI's Contract No. 414329.

15. Attached hereto as Exhibit 14 is a true and correct copy of an October 24, 1997 letter from Gloria O'Connell Sonnen, the State's Acquisition Management Specialist, to Greg Miller, Director of Sales, National Draeger Inc.

16. Attached hereto as Exhibit 15 is a true and correct copy of handwritten notes reflecting a meeting between State employees Eldon Ukestad, Bob Mooney, Al Becika, and possibly Gloria O'Connell Sonnen, at which the RFP, proposal, and evaluation process for the breath alcohol test instruments was discussed.

17. Attached here as Exhibit 16 is a true and correct copy of the State's Memorandum Opposing Petitioner's Motion for Additional Discovery in the matter captioned *Derheim v. Commissioner*, File No. 66-CV-07-3323, Rice County, Minnesota District Court.

18. Attached here as Exhibit 17 is a true and correct copy of the State's Memorandum Opposing Petitioner's Motion for Additional Discovery in the matter

captioned *Zulpo v. Commissioner*, File No. 70-CV-08-5244, Scott County, Minnesota
District Court.

19. Attached hereto as Exhibit 18 is a true and correct copy of page 2 of the
Pricing Sheet.

FURTHER YOUR AFFIANT SAYETH NOT.

s/William A. McNab
William A. McNab

Subscribed and sworn to before me
this 21st day of May, 2009.

s/Linda Margot Magiera
Linda M. Magiera
NOTARY PUBLIC-MINNESOTA
My Commission Expires January 31, 2014

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