

Meyers, Robert (COE)

IND 02-51

From: Meyers, Robert (COE)
Sent: Monday, September 23, 2002 4:51 PM
To: Walker, Ardyth (COE)
Subject: FW: Public records - release of bidder identity info.prior to public opening

Ardyth,

I wanted you to view the response the County Attorney's Office gave Kay Sullivan about the matter that you and I discussed last week.

Robert

-----Original Message-----

From: Cuevas, Robert A (CA)
Sent: Monday, September 23, 2002 2:59 PM
To: Sullivan, Kay M. (COC)
Cc: Meyers, Robert (COE); Lucas, Theodore (DPM)
Subject: Public records - release of bidder identity info.prior to public opening

Kaye,

The following is in response to your 9/17 e-mail to Robt. Meyers which he forwarded to this office for handling:

The Public Records Law provides that sealed bids and proposals received by the County are temporarily exempt from disclosure from the time they are received until passage of a certain limited period of time after bid opening. We believe this exemption applies to any information contained on the envelope in which the bid is submitted as well as any log sheets identifying those who have submitted a sealed bid or proposal.

The County, as a general matter, provides for disclosure of bids sooner than required by the Public Records Law by providing in most of its solicitations that sealed bids or proposals received "will be publicly opened" on the bid opening date. In such instances, the better practice is to protect the confidentiality of sealed bids and proposals received, information contained on the envelopes in which they are received and any log sheets identifying those who have submitted a sealed bid or proposal until such time as the bids or proposals are publicly opened.

Meyers, Robert (COE)

From: Sullivan, Kay M. (COC)
Sent: Tuesday, September 17, 2002 3:34 PM
To: Meyers, Robert (COE)
Cc: Simmons Jr., Fred (DPM); Cave, Linda (COC); Lucas, Theodore (DPM)
Subject: Bid Process

Today, my staff person assigned to accepting bids allowed a lobbyist to review the return address labels of bids pertaining to the Water and Sewer Department and Aviation Department Financial System (ERP), RFP No. 360.

She gave the lobbyist a copy of the log-in sheet which shows the bids that have been submitted, so far.

I need an opinion regarding her allowing the lobbyist to review the mailing labels prior to the opening of a bid. Additionally, when does public information become public information as it pertains to bids -- before or after the bids have been opened? I don't have a problem with the log sheet being given to the public, but I am concerned that a member of the public, a lobbyist, was given authorization to physically handle an unopened.

Thank you for your support. I need to advise my staff of the appropriate action to take if this issue comes up again.