Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

*Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at https://www.openrecords.pa.gov. In most cases, a completed RTKL request form is a public record.*

SUBMITTED TO AGENCY NAME: City of DuBois (Attn: AORO)

Date Request Submitted: 11/22/24 Submitted via: ■ Email □ U.S. Mail □ Fax □ In Person

PERSON MAKING REQUEST:

Full Name: Dana Eppley

Company (if applicable): PFM Asset Management

Please send response via: ■ Email □ U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [redacted]

Mailing Address: 213 Market St.

City: Harrisburg State: PA Zip: 17101 Telephone: [redacted]

How do you prefer to be contacted if the agency has questions? □ Telephone ■ Email □ U.S. Mail

■ **By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States.** ***I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.***

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

Requesting electronic copies of all proposals received, completed evaluation and scoring sheets, and other documentation related to the July 15, 2024 City of DuBois RFP for Professional Services—Municipal Pension Plans.

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? ☐ Yes, printed ■ Yes, electronic ☐ No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than ☐ $100 (or) ■ $0.

Do you want certified copies? ☐ Yes (*may be subject to additional costs*) ■ No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: $_____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

CITY OF DuBOIS, PENNSYLVANIA

P.O. BOX 408 16 W. SCRIBNER AVE. DuBOIS, PENNSYLVAN IA 15801

TELEPHONE: (814)371-2000
FAX: (814)371-1290

November 27, 2024

Dana Eppley
213 Market St.
Harrisburg, PA 17101
[redacted]

Dear Dana Eppley,

Thank you for writing the City of DuBois with your request for information pursuant to the Pennsylvania Right- To-Know law.

On November 21, 2024, you requested electronic copies of all proposals received, completed evaluation and scoring sheets, and other documentation related to the July 15, 2024 City of DuBois RFP for Professional Services—Municipal Pension Plans.

Pursuant to Section 902(a) of the Right to Know Law, the City of DuBois requires an additional 30 days to respond to the request:

- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.
- A legal review is necessary to determine whether the records are subject to access under this act.

The City of DuBois expects to respond to your request on or before December 27, 2024.

Respectfully,

Shawn Arbaugh
City Manager
City of DuBois, Clearfield County

CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801

TELEPHONE: 814-371-2000
FAX: 814-371-1290

December 24, 2024

Dana Eppley
PFM Asset Management
213 Market Street
Harrisburg, PA 17101

[redacted]

RE: RTK dated 11.22.2024

Dear Ms. Eppley,

The City of DuBois ("the City") acknowledges receipt of your request dated November 22, 2024, which you filed under the Right to Know Law ("RTKL"), 65 P.S. §§ 67.101-67.3104. Your request states the following:
"Requesting electronic copies of all proposals received, completed evaluation and scoring sheets, and other documentation related to the July 15, 2024 City of DuBois RFP for Professional Services – Municipal Pension Plans."

For purposes of analysis and response, your request will be broken down into the three (3) separate requests contained within it, each of which relate to the July 15, 2024 City of DuBois RFP for Professional Services – Municipal Pension Plans (hereinafter "RFP") and addressed separately and in turn. The three (3) requests seek the following information are as follows:

1) electronic copies of all proposals received by the City;
2) completed evaluation and scoring sheets; and
3) other documentation related to the RFP

Request 1: "electronic copies of all proposals received by the City"

Request 1 is granted, but *only* as to the content of each proposal received by the City which is *not* exempted from disclosure under Section 708(b)(26).

"Section 708(b)(26) of the RTKL provides an exemption to the disclosure of certain proposals and bids pertaining to the bidding process:
(b) Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:
***
(26) A proposal pertaining to agency procurement or disposal of supplies, *services* or construction *prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability*; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).
65 P.S. § 67.708(b)(26)."

Commonwealth v. Walsh/Granite JV, 149 A.3d 425, 427 n.2 (Pa. Commw. 2016) (emphases added).

As of the date of your request – November 22, 2024 – all bids that were submitted in response to the RFP have been opened; the City has chosen and selected one of said bidders; and the City has awarded a contract to the successful bidder. Accordingly, Section 708(b)(26) of the RTKL renders the proposals received by the City in response to the RFP subject to access and disclosure; however, pursuant to Section 708(b)(26) of the RTKL, in providing electronic copies of the proposals the City received in response to the RFP, the City will redact the following information from the same: _____.

Request 2: "completed evaluations and scoring sheets"

Request 2 seeks disclosure access to and disclosure of "completed evaluations and scoring sheets" relating to the evaluation of the proposals received by the City in response to the RFP. Such sought-after information and records of the same fall squarely within the ambit of information and records Section 708(b)(26) specifically exempts – *i.e.*, "the identity of members, notes and other records of agency proposal evaluation committees." Therefore, Request 2 is denied.

Request 3: "other documentation related to the RFP"

Request 3, which seeks "other documentation related to the [RFP]" in insufficiently specific, and, consequently, Request 3 is denied. "In ***Pennsylvania Department of Education v. Pittsburgh Post-Gazette***, 119 A.3d 1121, 1124 (Pa. Commw. 2015), th[e] [Commonwealth] Court conducted an extensive review of [its] case law regarding challenges to the specificity of a request under Section 703 of the RTKL and set forth 'a three-part balancing test, examining the extent to which the request sets forth (1) the subject matter of the request; (2) the scope of documents sought; and (3) the timeframe for which records are sought.'" ***Id.*** at 1124 (citing ***Carey v. Pa. Dep't of Corr.***, 61 A.3d 367, 372 (Pa. Commw. 2012)). ***Pittsburgh Post-Gazett*** further explained that: "The subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought. The subject matter should provide a context to narrow the search. The scope of the request must identify 'a discrete group of documents, either by type . . . or by recipient.' . . . . The timeframe of the request should identify a finite period of time for which records are sought. The timeframe prong is, however, the most fluid of the three prongs,

and whether or not the request's timeframe is narrow enough is generally dependent upon the specificity of the request's subject matter and scope . . . ." ***Id.*** at 1124-26 (footnotes and internal citations omitted).

Here, Request 3 fails to satisfy the scope-of-the-request prong of the three-part balancing test set forth in ***Pittsburgh Post-Gazett***; in particular, Request 3, in seeking "other documentation related to the [RFP]", does not in any way identify a discrete group of documents by type, recipient, or otherwise. ***Pittsburgh Post-Gazett*** instructs that if a request fails to adequately satisfy any one of the three prongs of the three-part balancing test, the request is insufficiently specific under the RTKL and warrants denial. For this reason alone, Request 3 is denied.

Thank you for your interest in the important work of the City of DuBois. If you have any questions, you can contact me directly at 814-371-2000 X 109.

Respectfully,

Lisa M. Hagberg

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County