

January 17, 2008

Mr. Stefan Ritter  
Georgia Department of Law  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, GA 30334

Dear Mr. Ritter:

In a Request for Proposal (RFP) issued by the Oconee County Board of Commissioners (BOC) on November 16, 2007, the BOC stipulated that a Selection Committee appointed by the Oconee County Board of Commissioners will evaluate proposals submitted in response to the RFP.

At the December 18, 2007, meeting of the BOC, County Consultant Jimmy Parker announced to the BOC the composition of that Selection Committee: John Hatcher from the Oconee County Utility Department, Emil Beshara from the Oconee County Public Works Department, Alan Theriault, Oconee County Administrative Officer, Jim Sunta, from Precision Planning Inc., and Jimmy Parker, also of Precision Planning Inc.

Mr. Parker also informed the BOC that the Steering Committee would hold a meeting. Commissioner Jim Luke asked that members of the BOC be informed of the time and place of that meeting. In an e-mail message on December 20, 2007, Mr. Parker scheduled that meeting for January 4, 2007. He informed the BOC members of the meeting, as requested by Mr. Luke.

In an e-mail message I sent to Mr. Hatcher of the Utility Department and copied to BOC Chairman Melvin Davis on December 20, 2007, I asked to be informed of the time and place of the planned meeting of the Selection Committee.

Mr. Alan Theriault, in an e-mail message of December 21, 2007, copied to Mr. Hatcher and Mr. Davis, informed me that "The mere fact that a member of the general public is in anyway involved may taint and compromise the whole process." For that reason, Mr. Theriault said, I would not be informed of the time and place of the meeting and would not be allowed to attend.

I learned of the time and date of the meeting only as a result of an Open Records Request I filed with Oconee County on January 7, 2008. In that request, I asked to have access to the submitted bids, to any records produced as a result of evaluation of the bids, and to correspondence between Mr. Parker and County officials. I received nine sheets of paper, none of which contained any

information on the outcome of the meeting of the Selection Committee or the evaluation of its members of the bids. I also was denied access to the bids. Mr. Theriault cited O.C.G.A. 50-18-72 (a)(6)(B) and O.C.G.A. 36-91-21 et seq. in denying me access.

In an earlier round of bidding, in response to an RFP of June 29, 2007, I was given access to the bids and to the evaluation materials after I filed an Open Records Request. As a result of that access, I learned that the County had given informal tips to bidders that it was receptive to a bid using technology other than specified in the RFP. In addition, I learned that the County was recommending a bidder who had drawn up the design specifications and who used an alternative design. The low bidder had proposed to use the design covered by the RFP.

As a result of this analysis, which I presented on my blog and sent to the BOC members, the County tossed out the bids and started the bidding process over. The RFP of November 16, 2007, was the result.

I believe I have been unfairly and illegally denied access to materials I should have been allowed to view and have been illegally barred from attending a meeting, which was not properly announced. The Selection Committee was created by the BOC to perform a function it could have performed itself. Its existence was stipulated in the RFP, which was legally created by the BOC. It is even possible that a quorum of the BOC attended the meeting; all were informed of its existence and had the opportunity to attend. Given that fact alone, the meeting should have been publicly announced so citizens could have known that a quorum of the BOC might attend and could have attended.

I ask your assistance in addressing what I believe is a violation of Georgia law guaranteeing citizens access to the business of their government.

I thank you in advance for your attention to this matter.

Sincerely,

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cc: Ms. Hollie Manheimer, Executive Director  
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