

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 27, 2017

J. Dale Shoemaker
PublicSource
746 East Warrington Avenue
Pittsburgh, PA 15210

Re: RTK Request - Final Response

Dear Mr. Shoemaker:

This is in response to your request for records made pursuant to the Pennsylvania Right-To-Know Law (the "RTKL"). This Office received your record request on October 20, 2017. In response to your request, this Office notified you on October 26, 2017 that an extension of time to respond to your request was necessary due to bona fide staffing limitations and the need for a legal review of your request. The specific records that you have requested and the County's response to your request are set forth below.

In your October 20, 2017 request, you stated:

"I respectfully request all documents related to the bid Allegheny County, the City of Pittsburgh and its partners made to Amazon Inc. to locate its "HQ2" facility in Pittsburgh or the surrounding region. I also request all related documents, including but not limited to:

A full copy of the proposal Allegheny County, the City of Pittsburgh and its partners submitted to Amazon Inc. on Oct. 19, 2017 to be the home of the company's second headquarters, titled "Future. Forged. For All." as well as all supplementary materials.

All documents related to the sites the city proposed Amazon Inc. could occupy.

All documents related to the incentives offered by the state of Pennsylvania, the City of Pittsburgh and/or Allegheny County "to offset initial capital outlay and ongoing operational costs" of Amazon, as detailed in Amazon's request for proposals."

JERRY TYSKIEWICZ, DIRECTOR

DEPARTMENT OF ADMINISTRATIVE SERVICES

202 COURTHOUSE • 436 GRANT STREET • PITTSBURGH, PA 15219
PHONE (412) 350-6109 • FAX (412) 350-4925 • WWW.ALLEGHENYCOUNTY.US

After careful and considered review, your request for access to the above-mentioned records must be respectfully denied because they are exempt from disclosure under the following exceptions set forth in Section 708 (b) of the RTKL:

Section 708 (b) (11) - A record that constitutes a trade secret or confidential proprietary information.

Section 708 (b) (22) - (i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following: (A) The leasing, acquiring or disposing of real property or an interest in real property.

Section 708 (b) (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).

Additionally, Section 305 of the RTKL states that the presumption that a record in the possession of a local agency is a public record shall not apply if the record is exempt from disclosure under other State law. Because the requested record contains confidential proprietary information and/or trade secrets, it is protected from disclosure under the Pennsylvania Uniform Trade Secret Act, 12 Pa.C.S.A. § 5301 *et seq.*

Pursuant to Section 1101 of the RTKL, a party denied access to a requested record may file a written appeal of the denial with the Pennsylvania Office of Open Records ("OOR") within fifteen (15) business days of the mailing date of the local agency's response. The OOR's address is:

Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA. 17120-0225

Sincerely,



Jerry Tyskiewicz, Director
County of Allegheny Open Records Officer