

January 6, 2010

Diane Stoddard, Assistant City Manager
Lawrence City Hall, 6 E 6th St
Lawrence KS 66044

Dear Diane,

I am writing in response to your request for a copy of the University's analysis of the proposals for the transit facility. After further consideration of your request, we've come to the conclusion that release of the information at this time would not be prudent.

Consistent with University purchasing policies and procedures, the Request for Proposal document indicated that proposals and information in proposal files (including price information) shall not be disclosed until a contract has been executed or all proposals have been rejected. As you know, City staff have been allowed to be present at meetings with vendors, and were provided with information regarding vendor responses, in the context of the University's Procurement Negotiation Committee ("PNC") review process. The information that the City is now asking for, in contrast, is intended specifically to be shared in an open public forum outside of that context, prior to contract award.

We aren't confident that making the award contingent upon approval by the City Commission would address all of our concerns in this regard. Moreover, if for some reason the City Commission did not approve the separate proposed agreement between the City and University, the University's ability to continue to negotiate with the current preferred vendor, or the other vendors who responded to the RFP, could be seriously compromised if details regarding vendor responses had already become public. As I'm sure you can understand, the University does not want to take steps that are contrary to its stated procedures, or that might compromise the integrity of the procurement process.

In light of these issues, and the importance of this facility to transit operations, the University has determined that the best course is for the University to proceed with a contract award as soon as possible. It would not be prudent for the University to make the award contingent upon City Commission approval and, given the urgency to begin construction of the necessary facilities, it would not be in our interests to delay the award decision pending City Commission approval of an agreement with the University for the City's use of the facility. As you know, the City will not be a party to the agreement with the vendor.

The University will of course continue to provide City staff with information regarding the procurement through the confidential PNC process. Once a contract award is made, the University will have more flexibility with regard to its ability to share information regarding other proposals that were received. We are confident that the University and the City will be able to work out an agreement regarding mutually beneficial dual use of the facility that is acceptable to both parties.

We look forward to continuing to work with you on this important matter.

Sincerely,



Don Steeples
Senior Vice Provost for Scholarly Support

DS/srh