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Bozzi v. City of Atlantic City

Superior Court of New Jersey, Appellate Division - January 7, 2014 - A.3d - 2014 WL 43991

Requestor brought suit alleging that city violated Open Public Records Act (OPRA) by charging excessive \$25 fee for copying requested bid specifications. The Superior Court, Law Division, Atlantic County, found that bid specifications were government records subject to OPRA, and that city violated OPRA. County appealed.

The Superior Court, Appellate Division, held that:

- Requester's failure to submit written OPRA request was fatal to relief, and
- Bid specifications were government records subject to OPRA.

Bid specifications for proposed contract to provide maintenance services for public safety building did not require specialized and skilled services, eligible to be obtained through competitive contracting proposals in lieu of public bidding under Local Public Contracts Law (LPCL), and thus request for copy of such specifications was not subject to LPCL provision governing fees for providing documentation for such proposals.

Bid specifications for proposed contract to provide maintenance services to county were not protected by deliberative process privilege under Open Public Records Act (OPRA). Although inter-departmental input was necessary for creation of the specifications, requested document was neither pre-decisional nor deliberative, rather, specifications were intended to be distributed.