



2

CAMBRIDGE CITY COUNCIL

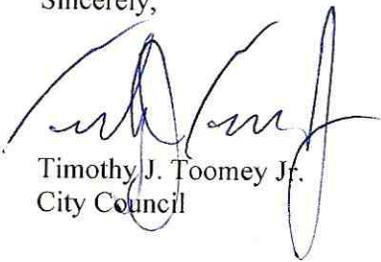
Timothy J. Toomey, Jr.
City Councillor

2014 JUL 18 AM 10:21
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

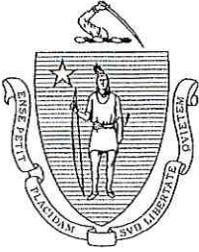
Dear Colleagues,

For your information I would like to share my appeal of a public records denial with the Division of Capital and Asset Management and Maintenance regarding the sale price of the Sullivan Courthouse

Sincerely,



Timothy J. Toomey Jr.
City Council



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

TIMOTHY J. TOOMEY, JR.
STATE REPRESENTATIVE
26TH MIDDLESEX DISTRICT
SOMERVILLE - CAMBRIDGE
ROOM 238, STATE HOUSE
TEL: (617) 722-2380
FAX: (617) 722-2847
Timothy.Toomey@MAhouse.gov

COMMITTEES:
VICE CHAIR, REVENUE
CONSUMER PROTECTION AND
PROFESSIONAL LICENSURE
STATE ADMINISTRATION AND
REGULATORY OVERSIGHT

Supervisor of Records
Office of the Secretary of the Commonwealth
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

Re: Appeal of DCAMM Public Records Request Denial – Request No.188

To the Supervisor of Public Records:

I am writing to request your assistance with a request I made of the Division of Capital Asset Management and Maintenance (DCAMM) on June 30, 2014 using their online records request system. This request was for all records pertaining to the sale of the Edward J. Sullivan Courthouse in East Cambridge.

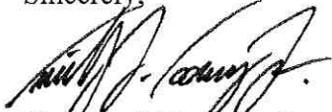
The response I received from DCAMM indicated that it is their opinion that these records are exempt because they are relative to policy positions being developed by an agency. However, I feel that many of the records requested are not part of the development of a policy, but are relative to a fully-developed and adopted policy—the sale of a certain state property. Presently, DCAMM has a signed purchase and sale agreement with a buyer for the Sullivan Courthouse. The existence of a signed agreement with a private buyer indicates that the decision to sell the courthouse, the development of a request for proposals, the selection of a bidder, and the terms of the purchase and sale agreement are no longer being deliberated. They are components of a fully developed and implemented policy and as such are subject to disclosure under the Public Records Law.

Furthermore, state law addresses the disclosure of bids and proposals independently from the disclosure of documents relative to policy development (M.G.L. c. 4, sec. 7, cl. 26). While an

exemption is provided for proposals and records that are part of an ongoing, confidential RFP process, that exemption ends once a proposal has been selected. DCAMM selected a winning proposal for the Sullivan Courthouse in late 2012 and entered into a purchase and sale agreement with the winner shortly thereafter.

Thank you for your attention to this letter and your assistance with this appeal. Should you have any questions or wish to discuss this matter further, I can be reached at 617-722-2380.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Toomey, Jr.", written in a cursive style.

Timothy J. Toomey, Jr.
State Representative
26th Middlesex District



DEVAL L. PATRICK
GOVERNOR

The Commonwealth of Massachusetts
Executive Office for Administration and Finance
Division of Capital Asset Management and Maintenance
One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

GLEN SHOR
SECRETARY, ADMINISTRATION
& FINANCE

CAROLE CORNELISON
COMMISSIONER

July 8, 2014

Honorable Representative Timothy J. Toomey, Jr.
Massachusetts General Court
State House Room 238
24 Beacon Street
Boston, MA 02133

RE: Massachusetts State Public Records Request
No. 188 - Edward J. Sullivan Courthouse

Dear Honorable Representative Toomey:

This is in response to your public records request letter related to the Edward J. Sullivan Courthouse in Cambridge. The records you seek are exempt from public disclosure. Documents relating to policy positions being developed by an agency are exempt from disclosure. M.G.L. c.4, §7, 26. Records which address the development of policy are exempt from disclosure, unless and until the recommended policy is adopted. The purpose of this exemption is to allow government offices to deliberate and form policy by engaging in free and frank exchange of options and ideas, which would be inhibited by public scrutiny.

If you have any further questions regarding your request, please contact me at (617) 727-4050, ext. 31382.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Wilson".

Peter Wilson
Deputy General Counsel

cc: Taran Grigsby, General Counsel, DCAMM
Dana Harrell, Deputy Commissioner of Real Estate, DCAMM
John Billera, DCAMM

We have received your request for public records. If any or all of the requested documents are exempt pursuant to the public records law, you will be notified by this office. We will be researching your request and will contact you once the records are available.

The Massachusetts General Laws for Public Records M.G.L. c. 66 provides that certain fees may be assessed when public record requests are made to a custodian of documents. We will provide you with an estimate if your request is likely to exceed \$100.00.

Once we have reviewed the documents, copies will be made available to you for pick-up or by mail once payment is received.

If you have any further questions regarding your request, please contact publicrecords.dcam@state.ma.us

Thank you.

The Division of Capital Asset Management and Maintenance

15th Floor, One Ashburton Place, Boston, MA 02108

****PLEASE PRINT THIS PAGE FOR YOUR RECORDS****