



Mayor Ras J. Baraka

Department of Law

A City We Can All Believe In

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January 12, 2018

Mr. Jon Whiten
New Jersey Policy Perspective
137 West Hanover Street
Trenton, New Jersey 08618

RE: Open Public Records Application # LAW 17-24

Dear Mr. Whiten:

The City of Newark has received your request for “A copy of the City of Newark’s bid to Amazon regarding the company’s RFP for its “HQ2” Project. My understanding is that the bid was submitted on or near October 19, 2017. I am requesting the bid in PDF format via email.”

The City of Newark regrets to inform you that your request for the bid submitted in response to Amazon’s request for proposals is **denied** because releasing to the public the City’s actual bid would provide competing cities with an advantage in the competition to be selected as the location of Amazon’s second headquarters. Under OPRA, all government records are subject to public access unless the records fall within at least one of its exemptions. N.J.S.A. 47:1A-1. Included among the government records to which the exemption applies is “information which, if disclosed, would give an advantage to competitors or bidders” Id.; Communications Workers of Am. v. Rousseau, 417 N.J. Super. 341 (App. Div. 2010).

Although Amazon has stopped accepting public bids, Amazon has not selected the location of its new headquarters, nor has it released any documentation stating that competing cities cannot amend their bids. If the specific details of the City's bid become public, there is a substantial risk that representatives from any of the 238 cities including cities in Mexico, and Canada will amend their own bids in response.

If you wish to discuss your request further, you may contact the Office of the City Clerk at 973 424-4116 or 4117.

Very truly yours,



KENYATTA K. STEWART, ESQ.
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CITY OF NEWARK,
DEPARTMENT OF LAW