

FOIL: return of spec 5820

Exhibit J

From: Robert Cox
robertcox@talkofthesound.com

To: Melendez, Wilfredo
wmelende@newrochelleny.gov

Cc: Jones, Kim
kjones@newrochelleny.gov
Tarantino, Albert
ataranti@newrochelleny.com
dpeters@newrochelleny.com
dpeters@newrochelleny.com
+5 more



On: Friday 21 November 2025 at 15:15:49

Dear City Manager,

There is no question that the bid proposal for the Flowers Park RFP is a public record. You have made various public and private (to me) statements in this regard. And yet you are stonewalling me.

My FOIL for those records remains but I would also like to make a new FOIL request here to address the point that no submissions for "spec 5820" or any other RFP can be returned to the bidder or his representatives for any reason as once submitted they are a public record.

This is a public records request.

I would like to obtain the following records:

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database records, I would like them converted into Microsoft Excel (i.e., .xls) I would like all communications including the delivery of documents to take place via email as much as is possible based on the nature and size of the available records. Other online digital delivery methods such as Dropbox are also acceptable.

The New York State Committee on Open Government has issued numerous advisory opinions to the effect that an agency can not require that a request be made on a prescribed form. The Freedom of Information Law, §89(3), as well as the regulations promulgated by the Committee (§1401.5), require that an agency respond to a request that reasonably describes the record sought within five business days of the receipt of a request. As such, neither the Law nor the regulations refer to, require or authorize the use of standard forms. Accordingly, it has consistently been advised that any written request that reasonably describes the records sought should suffice.

I willing to pay any necessary, required statutory costs but for any costs that exceed \$20.00 I would like prior notification of the estimated cost to comply with this records request so I do not get any big surprises. I am willing to entertain any reasonable request to tailor or narrow my request to make compliance easier. I can be charged for the time required to "prepare" records at the lowest hourly rate for the lowest-paid person capable of doing the work but I cannot be charged for "search" time or for any costs related to work done by a machine (e.g., a machine that scans and converts paper documents to PDF files, exporting a digital video file from a video surveillance system, duplicating an audio cassette recording, burning files onto a CD) or for any costs not specified under the statute.

I would like the Records Access Officer to certify that the records are genuine.

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Dear City Manager,

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I have waited patiently for the records to no avail. I complied with every request. As previously indicated, I have to draw a line under this at some point and did so with yesterday's deadline. That deadline has now passed.

There have four discussion items on this matter. 68 citizens addressed council at CTBH. There have been numerous media reports. There is no question but that the the bid proposal documents are a matter of great public interest.

Among the words used most often have been "public engagement" and "transparency". The failure to make public the bid proposal documents— which were inarguably public records the moment you pulled the RFP more than a week ago — is neither.

There is no need for a FOIL request for you to release these public records. You have had the authority to do so all along but certainly since last Thursday as there is no legal basis to withhold them.

As previously stated, I will proceed with publishing an article today about the bid proposal documents. I had hoped it would be about the documents themselves not your repeated stonewalling of their release but so be it.

Thank you.

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Talk of the Sound

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On Thursday, 11/20/25 at 17:26 Melendez, Wilfredo <wmelende@newrochelleny.gov> wrote:

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From: Robert Cox <robertcox@talkofthesound.com>

Sent: Thursday, November 20, 2025 4:40:09 AM

To: Melendez, Wilfredo <wmelende@newrochelleny.gov>; Jones, Kim <kjones@newrochelleny.gov>

Subject: Re: RE: Statement on flowers park

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Will

I have been under the impression that you intended to make the bid proposal documents available to me (or otherwise make them public so I could download them) based on my initial request after the RFP deadline on 10/29. I also made a FOIL request through the Clerk. And when asked to re-submit a FOIL request after you pulled the RFP I did so despite my belief your initial response obviated the need to do so. I still have no indication that there is some good reason for not providing the bid proposal documents so am left to conclude that despite your past statements to me and your public statements about "transparency" and two FOIL requests, you do not want the public to see the bid proposal documents.

Under POL, which you previously cited, there is no longer a basis to withhold bid documents for an RFP that is closed or awarded.

I would prefer to just get the records and publish them but in the event I do not have them by noon your time (my end of day) I will publish a story about your not producing the records despite your past statements to me, your public statements and your obligations under FOIL. Of course, I will continue to expect the records.

Thanks

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News Tips

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Can you please send them no later than tomorrow morning your time?

Thank you

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Can I get them?

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From: Robert Cox <robertcox@talkofthesound.com>
Sent: Thursday, November 13, 2025 3:46 PM
To: Melendez, Wilfredo <wmelende@newrochelleny.gov>
Subject: Statement on flowers park

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I saw Matt's statement and published it

Now I hear you have a statement

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wmelende@newrochelleny.gov

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On: Tuesday 2 December 2025 at 19:31:44

Will

This FOIL request was not acknowledged within 5 days. I can appeal and you would have 10 days to grant or deny my request. As always, I would rather you just produce the records. As a courtesy, please send all records from 11/21/25 to today. If you do not wish to do that I will make an appeal tomorrow along with an additional FOIL to cover the balance of related records.

Kind regards

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