

November 1, 2024

VIA EMAIL TO OPENRECORDS-PROCUREMENT@ATLANTAGA.GOV

City of Atlanta
Department of Procurement
Attn. DOP Open Records Custodian
55 Trinity Avenue SW, Suite 1900
Atlanta, GA 30303

Re: Open Records Request; Special Procurement for Diversion Services

Dear Records Custodian:

Pursuant to Georgia's Open Records Act, as amended and effective April 17, 2012, **I write to request the following information related to the special procurement recently initiated by Mayor Andre Dickens for diversion services:**

- 1. The entire file for the 14-day special, emergency, or sole source procurement for diversion services initiated by Mayor Andre Dickens¹ and/or his staff during September or October of 2024.** We request that this include, *but not be limited to*, the legally required written finding of the Chief Procurement Officer authorizing the procurement, the list of any entities invited to bid, and the names of any offerors. *It is our understanding that neither local nor state law exempts documentation of unsealed procurement processes from disclosure when properly requested pursuant to open records laws.*
- 2. Any and all emails between the following mayoral staff and Department of Procurement email addresses jmajumdar@atlantaga.gov and SupplierSupport@atlantaga.gov from August 1, 2024 to November 1, 2024 containing the search terms “WestCare,” “PAD” and/or “diversion”:**
 - a. Theodis Pace (tpace@atlantaga.gov)
 - b. LaChandra Burks (lburks@atlantaga.gov)
 - c. Odie Donald (odie@atlantaga.gov)
 - d. Courtney English (cenglish@atlantaga.gov)
 - e. Mohamed Balla (mballa@atlantaga.gov)
- 3. Any and all emails between the following Atlanta City Councilmembers and Department of Procurement email addresses jmajumdar@atlantaga.gov and SupplierSupport@atlantaga.gov from October 22, 2024 to November 1, 2024:**
 - a. Michael Julian Bond (mbond@atlantaga.gov)
 - b. Alex Wan (awan@atlantaga.gov)

The Georgia Open Records Act does not require an agency to impose fees for providing access to public records, but if your agency intends to do so, I ask that they comply with the terms of the Act. Under the law, “an agency shall utilize the most economical means reasonably calculated to identify and produce

¹ The special procurement was referenced by Councilmember Alex Wan during the October 30, 2024 meeting of the Atlanta City Council Finance Committee.

responsive, non-excluded documents. . . [T]he charges for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.” O.C.G.A. § 50-18-71(c)(1). In addition, according to O.C.G.A. § 0-18-71(c)(2), copying charges are not to exceed \$0.10 per page or the actual cost of the CD, DVD, or other media if electronic records are produced.

In the event that you believe that the documents I have requested do not exist in the format I have requested, but you are aware that the data is stored electronically on a database over which you have control or to which you have access, please be reminded that Georgia law provides that *"[a]n agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data."*

I am prepared to pay reasonable search and retrieval fees if necessary. However, if costs are estimated to exceed \$25, your agency is required to notify me within three business days. O.C.G.A. § 50-18-71(d). Advance payment is not required unless costs will exceed \$500. *See* O.C.G.A. § 50-18-71(d).

If my request is denied in whole or in part, the law requires your agency to justify all redactions by reference to the exemptions in the Act, specifying code section, subsection, and paragraph. O.C.G.A. § 50-18-71(d). The law also requires you to release all other portions of a record that contain exempt material. O.C.G.A. § 50-18-72(b).

Please produce the requested records within the three-day limit. If all records are not available within the three-day limit, the Act requires you to send whatever records *are* available within that time and to provide a description of those records that are unavailable, as well as a timetable for their prompt production. O.C.G.A. § 50-18-71(b)(1)(A). Please provide the documents as they become available.

Thank you in advance for your attention to these matters. Please feel free to contact me at troberts@schr.org if you have any questions.

Sincerely,

/s/

Tiffany Roberts
Public Policy Director

cc: Terrica Redfield Ganzy
Executive Director
Southern Center for Human Rights

Puneet Cheema
Manager, Justice in Public Safety Project
Legal Defense Fund

Gary Spencer
Senior Counsel
Legal Defense Fund

Kacey Mordecai
Justice in Public Safety Project Counsel
Legal Defense Fund

David Moss
Fellow, Justice in Public Safety Project
Legal Defense Fund

Emily Early
Associate Director, Southern Regional Office
Center for Constitutional Rights

Jessica Vosburgh
Staff Attorney
Center for Constitutional Rights