



California Fair Political Practices Commission

May 15, 1989

Gregory D. Thatch
1730 I Street, Suite 220
Sacramento, CA 95814

Re: Your Request For Informal Assistance
Our File No. I-89-222

Dear Mr. Thatch:

You have requested advice on behalf of the Sacramento Employment and Training Agency ("SETA") regarding the application of Section 84308 of the Political Reform Act (the "Act").^{1/} We do not have sufficient facts to provide a specific answer to your question. Therefore, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTIONS

1. Is Section 84308 applicable to the award of a lease through the use of the request for proposals ("RFP") procurement process?

2. Do the disclosure and disqualification requirements and prohibitions against soliciting, accepting, or directing contributions apply to contributions from proposers whose proposals have

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c) (3).)

been deemed nonresponsive by SETA staff and, therefore, not eligible for the award of a lease?

3. If the answer to the preceding question is "yes," would these requirements and prohibitions still apply if the staff determination of nonresponsiveness was not appealable to the SETA Governing Board?

4. Do the prohibitions against soliciting, accepting or directing contributions for three months following the date a final decision is rendered in the proceeding apply to contributions from proposers who were not awarded a lease by the SETA Governing Board?

5. As a result of board member disqualification, if the SETA Governing Board cannot obtain a quorum in order to make a decision on the proposals, is it permissible for the SETA Governing Board to invoke the doctrine of "legally required participation"?

6. If one of the members of the board voluntarily disqualifies himself or herself from making any decision on the lease, may that member accept or solicit a contribution of \$250 or more within the three months following the decision?

7. If a board member resigns before or after a final decision is made on the lease, do the prohibitions against soliciting, accepting or directing contributions apply to that former board member?

CONCLUSIONS

1. Section 84308 is applicable to the award of a lease which is not awarded through a competitive bid process.

2, 3, 4, and 6. The prohibition on contributions imposed by Section 84308 applies to all members of the governing board and all proposers throughout the proceeding and for three months following the final decision on the lease. Whether a proposer is disqualified early or is unsuccessful at the final decision does not matter. Similarly, a member's voluntary disqualification does not remove him or her from the contribution restrictions.

5. If a quorum cannot be obtained as a result of member disqualification, the rule of legally required participation may be invoked to achieve a quorum.

7. A board member who resigns is no longer subject to the restrictions of Section 84308. But anyone who replaces that member must be acting with full authority and independent of the former member.

FACTS

The Sacramento Employment and Training Agency (SETA) was formed in 1978 as a joint powers agency. SETA's Governing Board is comprised of two members of the Sacramento County Board of Supervisors, two members of the Sacramento City Council, and one public member selected jointly. SETA administers and operates job training and health and human services programs, and receives and disburses state and federal funds. Currently, all of SETA's funds are derived from grants or contracts from state and federal funds.

SETA needs to procure leased office and classroom space. SETA's funding sources require that this lease space be selected through a competitive procurement process. By action of the SETA Governing Board, SETA has issued a request for proposals (RFP), seeking two or three leased sites. This process is not a competitive bid process. Price is only one factor to be considered, and the proposal with the lowest price need not be selected. SETA has received eighty-seven proposals from thirty applicants in response to the RFP.

SETA staff reviews all proposals to see if they meet the specifications set forth in the RFP. A proposal which does not meet the specifications is deemed nonresponsive, will not be evaluated, and is not eligible to be recommended by staff for award of a lease. Under current guidelines, the staff determination of nonresponsiveness is appealable to the governing board. After reviewing all of the responsive proposals, staff will make a recommendation to the governing board. The final determination on the leases to be awarded will be made by the governing board at its sole discretion.

ANALYSIS

Section 84308 imposes limitations on contributions and prescribes disclosure and disqualification requirements for members of appointed boards and commissions who make decisions with respect to licenses, permits or other entitlements for use. The Commission has already determined that the provisions of Section 84308 apply to SETA's Governing Board members. (Thatch Advice Letter, No. A-84-318, copy enclosed.)

For purposes of Section 84308 a "license, permit, or other entitlement for use" is defined as:

...all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

Section 84308(a)(5) (emphasis added).

A lease is a contract as well as a conveyance. (Beckett v. City of Paris Dry Goods Co. (1939) 14 Cal.2d 633; Ellingson v. Walsh, O'Connor & Barneson (1940) 15 Cal.2d 673.) The leases in question will not be awarded through a competitive bid process, since the lowest bid need not be selected. It is still the advice of the Commission that the exception for competitively bid contracts should be narrowly construed to apply when the agency is required to accept the lowest qualified bidder. (Thatch Advice Letter, supra, at p. 3; Krauel Advice Letter, No. A-88-205, copy enclosed.) Therefore, Section 84308 is applicable to the lease procurement process in question.

Section 84308 prohibits any officer of a covered agency from accepting, soliciting or directing a contribution of \$250 or more from any party, agent or participant while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered. (Section 84308(b).) Any officer who has received a contribution of \$250 or more in the 12 months prior to the decision to be rendered must disclose that fact on the record and is disqualified from participating in the decision or using his or her official position to influence the decision. (Section 84308(c).)

A proceeding involving a license, permit or other entitlement is "pending" when the application has been filed, the proceeding has been commenced or the issue has been submitted for determination; it is the type of proceeding in which the officers are required to make a decision; and the decision is not purely ministerial. (Regulation 18438.2, copy enclosed.) A "party" to the proceeding is any person who files an application for, or is the subject of, a proceeding. (Section 84308(a)(1).)

Based upon the foregoing, all proposers who submitted proposals would be parties to the decision. They have filed the equivalent of an application for the award of the leases in question in the form of a proposal. Section 84308 prohibits officers of the agency from soliciting contributions from any "party" and prohibits any "party" from making contributions for three months following the date of a final decision by the agency in the proceeding. The fact that a particular proposer may be disqualified along the way or may not be the ultimate recipient of a lease award does not appear to be the triggering event with respect to the three-month prohibition on contributions. By the same token, Section 84308 prohibits the "officers" of an agency from accepting, soliciting or directing contributions. Therefore, the fact that an officer of the agency disqualified him or herself from the particular decision would not remove him or her from the prohibition on contributions to agency officers for three months following the final decision on the proposals.

However, if a board member resigns either before or after a final decision is made on the lease, the prohibitions against soliciting, accepting or directing contributions would no longer apply to that former board member. When an officer resigns, he or she cannot participate in the decisions on the contract and the disclosure and disqualification requirements would be moot. (Krauel Advice Letter, supra at p. 4.) The only proviso would be that any person who replaced the resigning officer must not be acting as the alter ego of the officer who resigned. Thus, a procedure which replaced an elected officer who resigned with a nonelected member was deemed acceptable so long as the nonelected member had equal authority and could act independently. (McMurtry Advice Letter, No. A-84-296, copy enclosed.)

If, as the result of board member disqualification, the governing board cannot achieve a quorum, it is permissible for the board to invoke the rule of "legally required participation" set forth in Section 87101. (Pleines Advice Letter, No. A-87-220 and Andrus Advice Letter, No. A-85-079, copies enclosed.) That rule has been interpreted to allow participation by an otherwise disqualified member only to the extent necessary to constitute a quorum. (In re Hudson (1978) 4 FPPC Ops. 13, copy enclosed.) The preferred procedure for selecting which disqualified member(s) will participate is by lot or other random means of selection. (Hudson, supra, at pgs. 17-18.)

If a public official who has a financial interest in a decision is legally required to make or to participate in making such a decision, he or she must:

- (1) Disclose as a matter of official public record the existence of the financial interest;
- (2) Describe with particularity the nature of the financial interest before he or she makes or participates in making the decision;
- (3) Attempt in no way to use his or her official position to influence any other public official with respect to the matter;
- (4) State the reason there is no alternative source of decision-making authority;

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(5) Participate in making the decision only to the extent that such participation is legally required.

Regulation 18701(b), (copy enclosed)^{3/}

If you have any further questions regarding this matter please contact me at (916) 322-5901.

Very truly yours,

Kathryn E. Donovan
General Counsel



By: Margaret W. Ellison
Counsel, Legal Division

KED:MWE:aa

Enclosures

^{3/} The Commission has noticed amendments to Regulation 18701 which would permit the members to engage in discussions during public meetings, in addition to voting on decisions, when then their participation is legally required. A copy of the notice and text of the amendments is enclosed. These amendments will be considered for adoption on June 6, 1989.

LAW OFFICES OF
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April 12, 1989

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HAND DELIVERED

Dianne Griffiths, General Counsel
Fair Political Practices Commission
1100 K Street, 2nd Floor
Sacramento, CA 95814

RE: SACRAMENTO EMPLOYMENT AND TRAINING AGENCY

Dear Ms. Griffiths:

Please be advised that this firm serves as legal counsel to the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency. I am writing to request an advice letter from the Fair Political Practices Commission (FPPC) with respect to Government Code Section 84308.

Background information regarding SETA is in order. SETA was formed in 1978 as a Joint Powers Agency by the City of Sacramento and the County of Sacramento. Pursuant to the Joint Powers Agreement, SETA's Governing Board is comprised of two members of the Sacramento Board of Supervisors, two members of the Sacramento City Council, and one public member selected jointly by the Board of Supervisors and the City Council. SETA is the grant administrator and recipient of federal Job Training Partnership Act (JTPA) funds awarded by the California Employment Development Department. SETA is also the recipient of federal Community Service Block Grant (CSBG) funds pursuant to an agreement with the California Department of Economic Opportunity. SETA also administers the Targeted Refugee Assistance Program on behalf of Sacramento County pursuant to federal funds awarded by the California Department of Social Services. Pursuant to a contract from Sacramento County, SETA also operates and administers the job training component of the Greater Avenues for Independence Act (GAIN) program in Sacramento County. SETA also serves as the grantee in Sacramento County for the Head Start Program under a grant from the Administration for Children, Youth and Families of the federal Department of Health and Human Services. Finally, SETA is authorized to administer and operate various other human service programs in Sacramento County as may be authorized by the Board of Supervisors and the City Council. Currently, all of SETA's funds are derived from grants or contracts from both the federal and state governments.

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The specific questions at issue arise out of SETA's current need to procure leased office and classroom space. SETA's funding sources require that this leased space be selected through a competitive procurement process. In this instance, the competitive procurement is accomplished through the use of Request for Proposals (RFP). By action of the SETA Governing Board, SETA has issued an RFP seeking two to three leased sites. Interested parties have responded by submitting proposals. A copy of the RFP is enclosed for your information. This procurement process is not a competitive bid process. Price is only one factor to be considered, and the proposal with the lowest price need not be selected. In response to the RFP, SETA received eighty-seven (87) proposals from thirty (30) applicants.

The RFP issued by SETA sets forth numerous specifications for the sites. Staff members review and compare each proposal to the specifications. If a proposal does not meet the specifications, that proposal is deemed nonresponsive by SETA staff, will not be evaluated and, accordingly, is not eligible to be recommended by staff for the award of a lease. Under current guidelines, the staff determination of nonresponsiveness may be appealed to the SETA Governing Board.

After reviewing all of the responsive proposals, staff will make a recommendation to the SETA Governing Board recommending that two or three leases be awarded. The final determination on the award of all leases will be made by the SETA Governing Board in its sole discretion.

In an FPPC advice letter to this firm dated February 6, 1978, (FPPC file No. A-84-318), FPPC determined that Government Code Section 84308 is applicable to SETA's Governing Board members. With respect to the leased office and classroom space procurement set forth above, we pose the following questions regarding the application of Government Code Section 84308:

- (1) Is Government Code Section 84308 applicable to the award of a lease through the use of the RFP procurement process? In the FPPC advice letter dated February 6, 1985, we were advised that, pending the promulgation of regulations, the exception for competitively bid contracts should be narrowly construed. Is this advice still valid?

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- (2) Do the disclosure and disqualification requirements and the prohibitions against soliciting, accepting, or directing contributions apply to contributions from proposers whose proposals have been deemed nonresponsive by SETA staff and, therefore, not eligible for the award of a lease? If the answer is yes, would these requirements and prohibitions still apply if the staff determination of nonresponsiveness was not applicable to the SETA Governing Board?
- (3) Do the prohibitions against soliciting, accepting or directing contributions for three (3) months following the date a final decision is rendered in the proceeding apply to contributions from proposers who were not awarded a lease by the SETA Governing Board?
- (4) As a result of board member disqualification, if the SETA Governing Board cannot obtain a quorum in order to make a decision on the proposals, is it permissible for the SETA Governing Board to invoke the doctrine of "legally required participation" as discussed in FPPC opinion number 77-007, dated February 7, 1978?

While we recognize that FPPC normally has twenty-one (21) working days to respond to requests for advice letters, we would appreciate receiving advice as soon as possible. Proposals are currently pending before SETA and time is of the essence.

If you need additional information or if we can be of assistance, please feel free to contact us.

Very truly yours,



GREGORY D. THATCH

GDT:dkb
cc: SETA Governing Board
Brian Richter, County Executive
Patricia A. Coleman, SETA Director
Walter Slipe, City Manager

C898.ltr

SACRAMENTO EMPLOYMENT AND TRAINING AGENCY
REQUEST FOR PROPOSAL
LEASED OFFICE AND CLASSROOM SPACE

I. GENERAL INFORMATION

A. Introduction

The Sacramento Employment and Training Agency (SETA) is requesting proposals to lease both office and classroom space in Sacramento County.

SETA's preference is to lease two (2) combination classroom/office sites and one (1) office site serving as an administrative center. One classroom/office must be located in the southern portion of the County and the other in the northern portion of the County. The administrative center should be located in the Central City area.

Proposals may be submitted for one (1) site or any combination of sites. SETA is seeking an average rental rate of the combined sites of not more than \$1.15 per square foot, fully serviced.

The classroom/office space will involve a steady flow of clients entering the facility for job training and related social services. The administrative center will house the administrative operations of SETA and will be used for meetings of the various boards and councils which operate under SETA's jurisdiction.

Leases must provide for occupancy no later than October 1, 1989; however, SETA may be willing to occupy a portion of the classroom/office space on July 1, 1989.

B. Background

SETA is a joint powers agency comprised of the City and County of Sacramento. SETA administers the Job Training Partnership Act program, Sacramento County Head Start program, Community Services Block Grant program, Refugee Resettlement program, and the employment and training component of the Greater Avenues for Independence (GAIN) program. SETA is governed by a five-member governing board comprised of two members of the Sacramento City Council, two members of the Sacramento County Board of Supervisors and one public member. Since 1978, SETA has administered over \$130 million dollars of state and federal funds.

Working in conjunction with the SETA Governing Board are a variety of boards and councils that assist in the administration of the programs. These boards and councils include the Private Industry Council (PIC), the Head Start Parent Policy Council (PPC) and the Community Action Board (CAB).

Currently, SETA occupies the following office space:

<u>Location</u>	<u>Square Footage Leased</u>	<u>Ending Term of Lease</u>
1930 "T" Street (Classroom/Office)	8,987	06/30/89
1510 "J" Street (Administrative Center)	13,516	09/30/89
310 Harris Avenue (Classroom/Office)	3,000	11/20/89
2245 Florin Road (Classroom/Office)	7,600	12/19/89

C. Site Location

1. **Southern County Classroom/Office Site**

This area includes the area bounded by Broadway on the north, Meadowview Road on the south, City limits on the west and Florin/Perkins on the east.

2. **Northern County Classroom/Office Site**

This area includes the area bounded by Sacramento County on the north, Highway 50 on the south, City limits on the west and Sacramento County on the east.

3. **Central City Administrative Center Site**

The administrative center must be located in the Central City area. This area includes the area bounded by "C" Street on the north, Broadway on the south, 4th Street on the west and Alhambra Boulevard on the east.

4. **Alternative Locations**

The areas identified above represent the preferred areas for location of each site. Consideration will be given to sites not located within these boundaries. Proposers are cautioned, however, that any site not located within the established

boundaries must be easily accessible to the trainees and the public.

5. **Combined Site**

The areas identified above represent SETA's preference for the three (3) locations. However, consideration will be given to proposals combining the administrative center with one of the classroom/office sites. Proposals for a combined site must address proximity to the local government center and general public access to the administrative site and must demonstrate how the administrative center can be housed independent of the classroom and training activities.

D. Solicitation

The purpose of this Request for Proposal (RFP) is to solicit proposals to lease classroom/office space to SETA in accordance with the requirements contained in this RFP.

It is understood that:

1. Any proposer may be required to furnish a financial statement and/or other information as determined by SETA identifying the financial ability of the proposer to furnish and maintain the required facilities.
2. This solicitation does not seek formal bids, but is a request for proposal. SETA shall not pay for any costs incurred by a responding person or entity. SETA reserves the right to accept or reject any or all proposals in whole or in part received in response to this request and to negotiate with all qualified sources. SETA may cancel this RFP, in whole or in part, at any time and in its sole discretion. SETA reserves the right to accept or reject any proposal or to waive any irregularity in any proposal. In determining and evaluating the best proposal, the rental rate will not necessarily be the controlling factor. Such factors as construction time, suitability of the building for the proposed use, site location, financial ability of the proposer, payment of agency relocation expense, along with any other factors deemed relevant by SETA will also be considered. SETA SHALL BE THE SOLE JUDGE IN THE DETERMINATION OF THESE MATTERS.
3. All terms of this Lease will be subject to negotiation and must receive the final approval of the SETA Governing Board.

E. Funding Sources

SETA's funding is based exclusively on federal and state grants and awards. Proposers should be aware that SETA's activities, including procurement of leased space and lease terms and conditions, are subject to any modifications required by its funding sources or the pertinent laws and regulations.

F. Responsiveness

In order to be deemed responsive to this RFP, any proposal submitted must: (1) identify the location(s), (2) include a site location map and front elevation of proposed building(s) or a photograph(s) of the existing structure(s), (3) identify the occupancy date, (4) identify the size of the proposed facility(ies), (5) quote proposed monthly rent, and (6) specifically address all other items identified in this RFP, including, but not limited to, the "Specifications" set forth in Section III.

G. RFP Schedule

This RFP is being released on February 17, 1989. Proposals shall be received no later than 5:00 p.m., P.D.S.T., March 17, 1989, at the SETA Office, 1510 "J" Street, Sacramento, California 95814. LATE PROPOSALS WILL NOT BE ACCEPTED. Any proposal submitted must be binding and irrevocable on the part of the proposer through April 6, 1989. The SETA Governing Board is currently scheduled to select a proposal(s) and to authorize lease negotiations at its public meeting of April 6, 1989.

II. IDENTIFIED SPACE

The following represents approximate space needs for each site. While one classroom/office site must be located in the Southern County area and one must be located in the Northern County area, SETA has no preference for the location of either site. Accordingly, proposers may propose either location for Site A or Site B.

A. Classroom/Office - Site A

	<u>Approximate Square Feet</u>
- Five (5) 640 square foot classrooms	3,200
- Two (2) 1,500 square foot telephone rooms	3,000
- Three (3) 100 square foot video rooms	300
- One (1) conference room	150
- One (1) employee breakroom/lounge	200

- One (1) participant (student) breakroom/ lounge	250
- Reception area	500
- Five (5) private offices	750
- Office area for open landscaping	2,880
- Space for exclusive use storage area, corridors and restrooms	<u>2,246</u>
TOTAL	13,476
- Minimum exclusive parking spaces	50

B. Classroom/Office - Site B

	<u>Approximate Square Feet</u>
- Two (2) 640 square foot classrooms	1,280
- One (1) telephone room	1,500
- One (1) video room	100
- One (1) conference room	150
- One (1) breakroom/lounge	250
- Reception area	150
- Two (2) private offices	300
- Office area for open landscaping	480
- Space for exclusive use storage areas, corridors and restrooms	<u>842</u>
TOTAL	5,052
- Minimum exclusive parking spaces	15

C. Administrative Center

	<u>Approximate Square Feet</u>
- One (1) large conference room	350
- One (1) small conference room	150
- One (1) board room	1,700
- Two (2) 200 square foot resource centers/libraries	400
- One (1) breakroom/lounge	350
- One (1) computer room	125
- One (1) photocopy room	275
- Six (6) 150 square foot offices	900
- Office area for open landscaping	3,600
- Space for exclusive use storage areas, corridors, restrooms and reception area	<u>1,570</u>
TOTAL	9,420
- Minimum exclusive parking spaces	24

III. SPECIFICATIONS

The specifications set forth below identify the standards and requirements for the premises to be leased by SETA. Each proposal must address each specification. These specifications are not intended to constitute limitations on additional amenities that a proposer may wish to include in any proposal. Proposers are encouraged to address other such amenities, such as assisting in relocation expenses.

Mandatory

- A. Single proposals for more than one site or for combined sites must identify if a single site may be selected and, if so, the rental rate for each site.
- B. All sites must be located in reasonable proximity to public transportation, and scheduled public transportation to each location must be identified.
- C. All leases must be for a five (5) year term with an option to renew.
- D. Each lease must include a provision permitting SETA to terminate the lease in the event SETA's funding is reduced to ninety percent (90%) of the funding level of fiscal year 1988.
- E. Proposed rental rates must be based upon usable square feet. A flat rate for rent for each year of the lease is preferred. Such a flat rate would exclude any pass through of operating expenses, taxes, etc.
- F. All rental rates must be for a fully serviced lease.
- G. All sites must have full handicapped access in conformance with all federal, state and local laws and regulations. Sites must also conform to all safety regulations and orders of applicable governmental agencies, including, but not limited to, the State Department of Industrial Relations, the U.S. Department of Labor - Occupational Safety and Health Department and the State Fire Marshall.
- H. All leases will preclude advance deposits, including security deposits.
- I. All leases will provide for lease payments to be paid in arrears at the end of each month.
- J. Exclusive parking space cost shall be included in the basic rent.

- K. Proposals must identify how additional parking needs of staff, the public and trainees can be met within reasonable proximity of each site.
- L. The board room in the administrative center must accommodate an audience of at least one hundred (100) persons. The room must include elevated board seating for twenty-five (25) persons, an area to accommodate seating for six (6) staff and a podium for the public to address the Board. The Board seating area, the podium and the staff area must be equipped with a complete public address and recording system.
- M. The administrative center must have a minimum of six (6) private offices of which five (5) must be contiguous to open landscape office areas.
- N. All sites must have the ability to fully secure the leased premises during non-business hours.
- O. All sites must be fully carpeted (restrooms, photocopy, storage areas and breakrooms excepted). The carpet must be of a type which will resist static electricity.
- P. All sites must be equipped with adequate window covers.
- Q. All sites must have central heating and air conditioning with adequate zone controls.
- R. All employee breakroom/lounge areas must include kitchen facilities (i.e., sink, garbage disposal, hot water, etc.) and must be able to accommodate a refrigerator, microwave and vending machines.
- S. All sites must include 220 volt wiring with dedicated lines for reproduction and computer equipment.
- T. The administrative center must have a separate file storage room.
- U. All leases will require the lessor to insure the building and improvements for replacement value and maintain public liability insurance with limits of at least One Million and No/100 Dollars (\$1,000,000.00), with SETA named as an additional insured.
- V. It is preferred that all leases include a provision granting SETA the option to lease additional contiguous space in future years.

IV. OFFEROR'S CONFERENCE

SETA will conduct an Offeror's Conference on February 27, 1989, from 2:00 p.m. to 3:00 p.m. The Conference will be held in the SETA Conference Room at 1510 "J" Street,

Sacramento, California. The Conference will be provided so that proposers may have the opportunity to raise any questions they may have pertaining to the development of their proposals. It is not the intent of SETA to offer personalized technical assistance, but rather to provide examples, clarify information or answer questions relative to the RFP. Please be advised that questions regarding the preparation of individual responses to this RFP will only be answered at the Offeror's Conference. Proposers are strongly urged to attend.



California Fair Political Practices Commission

April 13, 1989

Gregory D. Thatch
1730 I Street, Suite 220
Sacramento, CA 95814

Re: Letter No. 89-222

Dear Mr. Thatch:

Your letter requesting advice under the Political Reform Act was received on April 12, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh