



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
LYNN SWEET-REIMEL,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-0792
	:	(Consolidated appeal of OOR Dkt. Nos.
TOWAMENCIN TOWNSHIP,	:	AP 2026-0792, AP 2026-0793, and AP
Respondent	:	2026-0794)

FACTUAL BACKGROUND

On January 13, 2026, Lynn Sweet-Reimel (“Requester”) emailed three requests (collectively “Requests”) to Towamencin Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

Request 1

1. **Proposals and Submissions:** All proposals, submissions, responses, or materials provided by any attorney or law firm in response to the solicitor RFP; and all versions, drafts, or revisions of any submitted proposal.
2. **Evaluation and Scoring Materials:** All scoring sheets, evaluation notes, ranking documents, comparison charts, or internal review materials used by the Township Manager, Township Supervisors, or Township staff in evaluating the proposals; and all summaries, recommendations, or internal memoranda discussing the qualifications or ranking of any applicant.
3. **Communications Between Township Officials:** All emails, text messages, memoranda, letters, notes, or written communications between or involving any of the following individuals concerning the solicitor RFP, the firms that applied, or the selection process: Supervisor Kofi Osei; Supervisor Vanessa Gaynor; Supervisor Chuck Wilson; Supervisor Kristen Werner; Supervisor Courtney

Morgan; Township Manager Joyce Ferguson; and Former Supervisor Amer Al-Agha.

4. **Communications With Attorneys or Law Firms:** All communications with any attorney or law firm regarding the RFP, including scheduling, interviews, evaluations, scoring, recommendations, or discussions of qualifications; and all communications concerning conflicts of interest, recusals, disclosures, or political activity related to any applicant.
5. **Time, Process, and Criteria:** All documents reflecting the timeline, process, criteria, or procedures used in reviewing or selecting solicitor candidates; and all internal notes, drafts, or summaries describing how the Township evaluated or compared applicants.
6. **Calendars and Meeting Records:** All calendar entries, meeting notes, agendas, or scheduling records related to the solicitor RFP process and any records of interviews, meetings, or discussions held with applicants.
7. **Political Activity (If Considered or Referenced):** Any records reflecting political involvement, fundraising activity, campaign participation, or political event attendance by any attorney or law firm that submitted a proposal, to the extent such records were referenced, considered, or discussed during the RFP process.

Request 2

1. **Emails, Text Messages, and Written Communications:** All emails, text messages, letters, memoranda, notes, or written communications between any Township official and any attorney or law firm regarding the solicitor RFP, including scheduling, interviews, evaluations, scoring, recommendations, or discussions of qualifications.
2. **Communications Involving Township Officials:** All communications involving any of the following individuals, whether sending, receiving, or copied: Supervisor Kofi Osei; Supervisor Vanessa Gaynor; Supervisor Chuck Wilson; Supervisor Kristen Werner; Supervisor Courtney Morgan; Township Manager Joyce Ferguson; and Former Supervisor Amer Al-Agha.
3. **Communications with Attorney Applicants:** All communications with any attorney or law firm that submitted a proposal for the solicitor RFP, including but not limited to: scheduling or coordinating interviews; requests for additional information; discussions of conflicts of interest; discussions of political activity, fundraising, or campaign involvement; any communications referencing qualifications, experience, or suitability.

4. Internal Communications Involving Attorneys: All internal Township communications that reference or discuss communications with attorneys or law firms regarding the RFP, including summaries, notes, or forwarded messages.
5. Calendar Entries and Meeting Records: All calendar entries, meeting notes, agendas, or scheduling records reflecting communications or meetings with attorneys or law firms regarding the RFP.

Request 3

1. Scoring Sheets and Evaluation Forms: All individual or collective scoring sheets, evaluation forms, ranking documents, scorecards, rating matrices, or assessment tools used by any Township official or committee member in reviewing solicitor RFP submissions.
2. Notes, Comments, and Evaluation Materials: All handwritten notes, typed notes, comments, annotations, or evaluative materials created by any Township official during the review of solicitor RFP proposals, including interview notes.
3. Interview Records: All records reflecting interviews with attorney applicants, including: interview questions; interview notes; interview scoring interview summaries; internal or external recommendations.
4. Ranking and Recommendation Documents: All documents reflecting the ranking of attorney applicants, including: recommendations; shortlists; finalist lists; internal memos; summaries prepared for Supervisors; any documents used to justify or explain the final selection.
5. Internal Communications about Scoring or Selection: All internal Township communications discussing scoring, ranking, evaluation, selection, concerns, conflicts, suitability, or recommendations. This includes emails, text messages, notes, or memoranda exchanged between Township officials.
6. Final Selection Materials: All documents reflecting the final decision-making process, including approval sheets, decision memos, internal summaries, or materials prepared for the Board of Supervisors

On February 20, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Township denied the Requests, asserting that Request 2, Request 3, and Items 1-6 of Request 1 seek exempt records pertaining to the solicitor Request for Proposals (“RFP”)

evaluation, 65 P.S. § 67.708(b)(26), and that Item 7 of Request 1 does not seek a “record” under 65 P.S. § 67.102.

On March 2, 2026, the Requester appealed¹ to the Office of Open Records (“OOR”), challenging the denial based on the Township’s claimed procurement records exemption.² The OOR invited both parties to supplement the record and directed the Township to notify the OOR if any third parties have a direct interest in the appeal.³ 65 P.S. § 67.1101(c).

On March 5, 2026, the Requester submitted a position statement arguing that the Township did not conduct a good faith search for records and that the Township’s request for clarification was procedurally improper. The Requester also submitted screenshots of email correspondence between the Township and the Requester, wherein the Township sought clarification for several portions of the Requests.

On March 7, 2026, the Township requested an extension to the submission period. On March 11, 2026, noting that the Requester did not object, the OOR extended the submission period for both parties. On the same day, the Requester submitted correspondence objecting to the extension to the extent the Township introduces new exemptions or new legal theories.⁴

On March 30, 2026, the Township submitted a verified position statement (“Iannozzi Statement”) and sworn affidavit (“Iannozzi Affidavit”) authored by Robert Iannozzi Jr., Esq., reiterating its grounds for denial. On April 2, 2026, the Requester submitted a position statement.

¹ The appeals were docketed as OOR Dkt. Nos. AP 2026-0792, 2026-0793, and 2026-0794. Because they involve the same agency, Requester, and issues, the appeals were consolidated into OOR Dkt. AP 2026-0792. *See* 65 P.S. § 1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

² The Requester did not appeal the Township’s denial of Item 7 of Request 1 because it does not seek a “record” under 65 P.S. § 67.102. Therefore, that issue has been waived by the Requester on appeal, and it will not be further addressed in this Final Determination. *See Pa. Dep’t of Corr. v. Off. of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011).

³ The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”)

⁴ An agency may raise new grounds for denial on appeal. *See Levy v. Senate of Pa.*, 619 Pa. 586, 621 (Pa. 2013).

However, as the submission was made after the record closed, it was not considered for purposes of this appeal. *See* 65 P.S. § 67.1102(a)(2) (“The appeals officer may admit into evidence ... documents ... believe[d] to be reasonably probative and relevant to an issue in dispute [and] may limit the nature and extent of evidence found to be cumulative.”); 65 P.S. § 67.1102(b)(3) (“In the absence of a regulation, policy or procedure ..., the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute”); *UnitedHealthcare of Pa., Inc. v. Baron*, 171 A.3d 943, 952 (Pa. Commw. Ct. 2017) (“Requester is not entitled to rebuttal for the sake of having the last word”); *Jensen v. Pa. Dep’t of Corr.*, No. 317 C.D. 2023, 2024 Pa. Commw. Unpub. LEXIS 108, *8 (finding that a requester did not have a due process right to respond to the agency’s position statement).

LEGAL ANALYSIS

The Township is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Township is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The Township argues that it properly withheld exempt procurement records. Section 708(b)(26) of the RTKL exempts from disclosure:

A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection

of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of an agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).

65 P.S. § 67.708(b)(26). While Section 708(b)(26) references the Commonwealth Procurement Code, the OOR has found that the exemption applies to local agencies as well. *See, e.g., Frankhouser v. Daniel Boone Area Sch. Dist.*, OOR Dkt. AP 2022-2019, 2022 PA O.O.R.D. LEXIS 2667; *Risnychok v. Montgomery Cnty.*, OOR Dkt. AP 2021-2031, 2021 PA O.O.R.D. LEXIS 1976. The OOR has also held that (1) proposals relating to an agency procurement are exempt prior to the award of a contract and (2) records used or created by a proposal evaluation committee are permanently exempt. *See, e.g., UnitedHealthcare of Am. v. Pa. Dep't of Human Services*, OOR Dkt. AP 2020-1501, 2020 PA O.O.R.D. LEXIS 2874, *aff'd, UnitedHealthcare of Pa., Inc. v. Pa. Dep't of Human Services*, No. 1117 C.D. 2020, 2022 Pa. Commw. Unpub. LEXIS 547 (Pa. Commw. Ct. 2022); *Pa. Health and Wellness, Inc. v. Pa. Dep't of Human Resources*, OOR Dkt. AP 2020-1398, 2021 PA O.O.R.D. LEXIS 644. Additionally, Section 708(b)(26) shields from public disclosure evaluation committee scoring information and any "other records" used by an evaluation committee during the course of evaluations of competitively bid proposals. *See United Healthcare v. Pa. Dep't of Human Servs.*, 187 A.3d 1046, 1057 (Pa. Commw. Ct. 2018) (Section 708(b)(26) temporarily exempts offerors' proposals from disclosure until a contract is awarded or the procurement is canceled); *Osborne v. Pittsburgh City*, OOR Dkt. AP 2024-2094, 2024 PA O.O.R.D. LEXIS 2343.

In support of its position, the Iannozzi Affidavit affirms that the Township's Board of Supervisors authorized the issuance of an RFP for Solicitor on December 10, 2025. Iannozzi Affidavit, ¶ 9. The Township's Board of Supervisors and the Township manager facilitated the

interviews of candidates serving as the functional equivalent of a proposal evaluation committee as contemplated under the RTKL. *Id.* at ¶ 10. At the time of the Requests and the Township's responses, the Solicitor RFP was still active. *Id.* at ¶¶ 11, 13. The Requests implicate the following Township procurement records: Township communications (between the Township manager and Township Supervisors) regarding Solicitor RFP submissions, including the overall process and need, attorneys to involve, and scheduling, Solicitor Candidate Communications (between the Township manager and Solicitor Candidates) regarding the Solicitor RFP and scheduling, Solicitor RFP submissions, Township summary of Solicitor RFP submissions, Supervisor interview questions/consideration, and supervisor interview score sheets and evaluation notes. *Id.* at ¶ 12. These procurement records are the only records responsive to the Requests that exist within the Township's possession, custody or control. *Id.* at ¶ 14.

Under the RTKL, an affidavit or statement made under penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). Here, the Requests seek various procurement records, including proposals and scoring sheets, related to a particular RFP. *See* 65 P.S. § 67.708(b)(26); *Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal materials when determining whether an exemption applies); *Office of the Governor v. Davis*, 122 A.3d 1185, 1193-94 (Pa. Commw. Ct. 2015) (en banc) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record). The Township's Affidavit, authored by the Township's Solicitor, establishes that at all times during the Requests and through the Township's responses, the Solicitor RFP was active and ongoing. Therefore, based on the language of the Requests and the evidence presented, the Township has met its burden of proving

that the Requests seek procurement records which are exempt from disclosure under the RTKL. See 65 P.S. § 67.708(a)(1); *Winig v. Cheyney Univ. of Pa.*, OOR Dkt. AP 2022-1606, 2022 PA O.O.R.D. LEXIS 1840 (finding that records related to proposals were exempt where the agency presented evidence that the contract had not been executed); *Shannon v. Pa. Dep't of Gen. Svcs.*, OOR Dkt. AP 2021-1375, 2021 PA O.O.R.D. LEXIS 1675 (holding that Section (b)(26) exempts records used by a proposal evaluation committee).

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Township is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Montgomery County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁵ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 28, 2026

/s/ Felecia Khorram

FELECIA KHORRAM
APPEALS OFFICER

Sent via portal to: Lynn Sweet-Reimel
Robert Iannozzi, Jr., Esq.

⁵ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).