



CITY OF PORTSMOUTH

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Suzanne M. Woodland
Deputy City Manager / Regulatory Counsel

MEMORANDUM

Date: November 6, 2024

To: Karen S. Conard, City Manager

From: Suzanne M. Woodland, Deputy City Manager / Regulatory Counsel

Re: Below-Market Housing Sherburne School site, RFP 09-25

The Procurement Coordinator received an email from one of the four proposers shortly after the release of the proposals and the master score sheet to the City Council, the Housing Committee and the public (through posting on the City's website). The proposer wanted to advise of its intention "to explore" an option if selected.

The Legal Department and I have reviewed this communication with the Procurement Coordinator and shares that in the ordinary course of procurement, all communications received from a proposer after the deadline for submitting the proposal would be deemed untimely. Although a public record, that additional communication would not be shared with the selection committee and part of the deliberative process. The proposer would be advised that if selected for an interview or if invited to negotiate an agreement, the additional information could and should be shared at the time. Otherwise, sharing the additional information after the submission deadline would be unfair to the other firms.

That stated, because of the atypical nature of this procurement process, if the City Council reaches a consensus at the work session that it would like to be advised of the additional communication, the City Council should give all the firms an opportunity to make additional written comments by a date certain. Alternatively, if the City Council elects to interview one or more of the firms, it may be appropriate to raise the subject matter of the email at the interview if the firm is selected.

I recommend that this memorandum be shared with the City Council, the Housing Committee and posted on the Sherburne Project page and that all proposers be notified.

Cc: Selection Committee Members
Eleftheria Pimpas, Procurement Coordinator
Trevor McCourt, Deputy City Attorney
Jennifer Smith, Staff Attorney