

#2017-117

Board of Trustees held meeting to review Appeal on Nov. 30th. The meeting is posted on the PNW + audio + video is available.

Nova Dubovik <ndubovik@utah.gov>



**Re: State Records Committee: Hagen v. CCA, Appeal Req. 2017-117, INCOMPLETE**

1 message

**Jon Hagen**

To: Nova Dubovik <ndubovik@utah.gov>  
Cc: Kyle Thompson

Wed, Dec 27, 2017 at 11:05 AM  
Christopher Gurnee <cgurnee@capstoneclassical.org>

REC'D DEC 27 2017

Hi Nova,

Capstone Classical did not respond to our appeal for public information. Below is the information we are seeking to be released through your office.

Narrative:

H-Wire Technology Solutions made public records request to Capstone Classical Academy in Ogden Utah on 6-Nov-2017 for the following information in response to their RFP posted on the State of Utah's public RFP website, "Sciquest":

1. Full and complete copy of each firms RFP response including any addenda, exhibits and pricing information.
2. All communications with H-Wire, Executech and ETS. Including, but not limited to, All email correspondence, All text messages between Capstone board and/or staff members and H-Wire, Executech or ETS.
3. Copies of voicemails to or from H-Wire, Executech or ETS.
4. Copy of the sign in roster of the public opening.
5. Any correspondence (Email, text messages and voice logs) which include the terms. "RFP Template" "RFP" "Tech support" ETS" "Eminent Technical Solutions" "IT" "Computer" 10GB"
6. Copy of the bid matrix.

This request was made because Capstone Classical posted an RFP for IT Services on the State of Utah procurement website (AKA, Sciquest). The deadline for RFP submission was 5:00 PM on November 1st, 2017. At 5:00, H-Wire was the only bidder present (at the bid closing) with an RFP response. Executech arrived at 5:15 with a late offer but the bid was still part of the public opening, at which time there were only two respondents,

1) H-Wire and 2) Executech.

No other vendor or bidder was present or included in the public bid opening. On Monday, November 6th, 2017 H-Wire was notified of Capstone's selection of ETS as their IT service provider via e-mail (Attached as exhibit A). ETS was not present at the bid opening nor was a bid present for the public opening.

Clearly, the school in question violated procurement laws.

Capstone Classical responded on 21-Nov-2017 to our GRAMA request with the attached information citing that they would not release the remainder of the data because it was "protected".

Because the award has already been made, there is no unfair competitive advantage at this point to any of the bidders. All records related to the RFP, competitive bids, pricing, etc. are public records. Capstone Classical also

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failed to provide email records requested, text messages and other forms of communication between them and other vendors related to their RFP.

We ask your appeal board instruct Capstone Classical to release all information requested in our original GRAMA request at their earliest convenience.



Jon Hagen  
Managing Partner, H-Wire  
(801) 301-3468

On Tue, Dec 26, 2017 at 11:14 AM, Nova Dubovik <ndubovik@utah.gov> wrote:  
Good morning Mr. Hagen:

If the Board of Trustees of Capstone failed to respond, or make a decision on an appeal of an access denial that failure is the equivalent of a decision affirming the access denial it can be appealed to the State Records Committee or District Court. It is your decision as to which entity you'd like to appeal the decision. If you intend to appeal the decision to the State Records Committee please submit an updated relief sought if one is needed. Let me know your decision.

Sincerely,

*Nova Dubovik*

**Nova Dubovik**  
Archivist II  
State Records Committee Executive Secretary  
Utah State Archives Records and Service  
346 South Rio Grande St.  
Salt Lake City, UT, 84101  
(801) 531-3834  
ndubovik@utah.gov

On Tue, Dec 26, 2017 at 10:48 AM, Jon Hagen <jon@h-wire.com> wrote:  
Hi Nova,

Capstone Classical did not respond to our GRAMA appeal.

What are the next steps for our case with your office?



Jon Hagen  
Managing Partner, H-Wire  
(801) 301-3468

On Wed, Nov 22, 2017 at 9:35 AM, Nova Dubovik <ndubovik@utah.gov> wrote:  
Thank you, Mr. Hagen, I look forward to working with you on this matter.

Have a wonderful Thanksgiving as well.

*Nova Dubovik*

**Nova Dubovik**  
Archivist II  
State Records Committee Executive Secretary  
Utah State Archives Records and Service