

MEMORANDUM OF LAW

DATE: April 11, 1995

TO: Debbie Van Wanseele, Deputy Director - General Services

FROM: City Attorney

SUBJECT: Application of the Private Express Statutes to City  
Interoffice Mail Delivery

By memorandum dated February 8, 1995, you asked our office to analyze whether the City could implement a competitive bid process for the City interoffice mail distribution. The system consists of gathering all the mail, both interoffice and "outside" mail to one central location. Once gathered, it is distributed to the appropriate location by City personnel. Attached is a memorandum prepared by Legal Intern Elizabeth W. Hull, which our office adopts as its response. The following is a brief summary of the memorandum.

Statutes have established a monopoly for the United States Postal Service ("USPS"). It is generally unlawful for any person other than USPS to send or carry a letter on a post route or in any manner to cause or assist such activity. There are two exceptions that apply to this general rule. First, there is the "letter-of-carrier" exception which allows mail that is related to City business to be distributed pursuant to an internal mail system. Second, the "carriage prior or subsequent to mailing" exception which applies when the internal mail system does not reduce the revenue stream of USPS.

Both of these exceptions apply to the City's internal mail system. The "outside" letters are still brought to a central location by the USPS, thus, there is no loss in revenue presently received by USPS. The interoffice mail is sufficiently related to City business and, thus, qualifies for the "letters-of-the-carrier" exceptions.

Don't hesitate to call if you have any questions regarding this issue.

JOHN W. WITT, City Attorney

By

Elmer L. Heap, Jr.

Deputy City Attorney

ELH:mm:151:(x043.2)

Attachment

ML-95-25