



April 23, 2019

VIA E-MAIL

Mr. Adam Rouse

BKD

Email: acrouse@BKD.com

RE: 19-FOIA-092 RFP #1138 Info

Dear Mr. Rouse:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“**FOIA**”)

On March 26, 2019, we received your request for documentation, including but not limited to: RFP scoring sheets and selected firm’s proposal- including pricing for RFP 1138 (Annual Risk Assessment & Internal Audit Plan Consulting Services) (“**Request**”). Your Request is granted in part and denied in part.

I. Responsive Document

In response to your Request, Metra is providing you with Baker Tilly’s Pricing and Proposal (“**Responsive Document**”).

II. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Keith Pardonnet has determined that portions of Baker Tilly’s Pricing and Proposal, which are marked as “Confidential”, are exempt from disclosure under Section 7(1)(g) of FOIA. Section 7(1)(g) of FOIA states that “trade secrets and commercial or financial information obtained from a person or business” can be exempt “where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.” The aforementioned portions are specifically marked as “Confidential” and therefore fall squarely within this exemption. Accordingly, it has been determined that the above-referenced sections are properly redacted under Section 7(1)(g) of the FOIA.

III. Denial

Documents expressing opinions and recommendations are exempt under Section 7(1)(f) of FOIA, which exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS

140/7(1)(f). The scoring sheets you requested contain recommendations and opinions used in determining the selection of a vendor and are deliberative in nature. As such, Attorney Keith Pardonnet has determined that the requested scoring sheets are properly withheld from disclosure in their entirety under Section 7(1)(f) of the FOIA.

IV. Right of Review

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your partial denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments