



October 16, 2019

VIA E-MAIL

Mr. Pete Hartney

US Oil

Email: phartney@usoil.com

RE: 19-FOIA-199 Info - IFB #45527

Dear Mr. Hartney:

Metra's FOIA Department ("FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

I. Background

On July 19, 2019, the FOIA Department received your request: "the following pages be forwarded to me as listed below of the following bidding companies.

Mansfield Oil

Colonial Oil

Pinkerton Oil

Exhibit 1-L page 12 of 16 - **Schedule A** - Bidder/Proposer/Contractor Commitment to DBE Subcontractor Participation and any subsequent added pages for further explanation in how each NAICS Code will be divided up to determine the overall total DBE commitment.

Exhibit 1-L page 13 of 16 - Schedule C - Confirmation of Commitment

Exhibit 1-N Price List

Exhibit 1-M Contract signature page

Exhibit 1-O All responses to all questions in this Exhibit (including but not limited to the Addendum 1 additions to this section pages 7 through 10) and added extended pages used to answer all questions"

("Request"). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with the above-referenced Exhibits for Mansfield Oil and Colonial Oil. Pinkerton Oil submitted Exhibit 1-L Schedules A & C, 1-N, 1-M. However, Pinkerton Oil did not acknowledge or submit to Metra Addendum No. 1, which included a revision to Exhibit 1-O.

III. 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 Aruj Chaudhry has determined

that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information (insurance policy numbers) and personal telephone numbers contained in the Responsive Documents is redacted under Section 7(1)(b) of FOIA which exempts “private information.” “Private information” means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, personal email addresses and home addresses. 5 ILCS 140/2(c-5).
2. Certain pages contained in the Responsive Documents are marked “Confidential” and are redacted 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.” As certain pages within the Responsive Documents are specifically marked “Confidential” it has been determined that their redaction is proper under this exemption. 5 ILCS 140/(1)(g).
3. Insurance information referenced in the Responsive Documents is redacted under Section 7(1)(s) of FOIA which authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Aruj Chaudhry, all information regarding insurance within the Responsive Document has been redacted.

IV. Right of Review

A person whose request to inspect or copy a public record that was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). 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.

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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.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments