



December 23, 2019

VIA E-MAIL

Mr. Patrick Jacob
Director, Business Development and Sales
Bombardier Transportation
Email: patrick.jacob@rail.bombardier.com

RE: 19-FOIA-251 RFP Documents for ACORN

Dear Mr. Jacob:

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.* ("FOIA").

I. Background

On August 28, 2019, the FOIA Department received your request "to obtain the RFP documents issued by Metra for the ACORN System. To be clear, I am not asking for Clever Devices' proposal, only the RFP Documents issued by Metra" ("**Request**"). Your Request is granted in part and denied in part.

II. Responsive Document

In response to your Request, Metra's FOIA Department is providing you with a copy of RFP No. 215 issued by Metra for the ACORN System ("**Responsive Document**").

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, Section 7(1)(s) of FOIA 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 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.

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

Attachment