

January 4, 2016

VIA E-MAIL

Mr. Thomas Tancula

Rail World, Inc.

Email: ttancula@railworld-inc.com

RE: 15-FOIA-253 Info - IFB #50291

Dear Mr. Tancula:

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

I. Background

On November 30, 2015, Metra received your request for: 1) A list of all bidders and their bid prices; and 2) Any and all correspondence from any source, including Metra, regarding a bid protest in connection with IFB #50291 (**Request**). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s Procurement Department is providing you with the following documents:

- The bid tabulation sheet for IFB #50291, containing the names of all bidders and bid prices;
- A letter dated 9/11/2014 from Metra to the FTA;
- A letter dated 9/10/2014 from Metra to TTI;
- A letter dated 8/8/2014 from Metra to TTI;
- A letter dated 8/8/2014 from Metra to the FTA;
- A letter dated 7/25/2014 from TTI to Metra; and
- An email dated 7/23/2014 from Metra to TTI, with attached Bid Protest Procedure

(Responsive Documents).

III. Denial

One (1) email containing communications between Metra and an attorney is being withheld in its entirety under Section 7(1)(m) of FOIA. Section 7(1)(m) of the FOIA authorizes exemption from disclosure of, “Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation . . .” [.] 5 ILCS 140/7(1)(m). Therefore, Attorney Thomas Stuebner has determined that the aforementioned email falls squarely within that definition, and its exemption is appropriate under FOIA.

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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your 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,



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

Attachment