



December 27, 2016

VIA E-MAIL

Ms. Ivana Garriga
Chicago United Industries, LTD
Email: ivanag@cuilt.com

RE: 16-FOIA-268-Documents re Contract No. 34408

Dear Ms. Garriga:

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 October 21, 2016, we received your request for a copy of contract documents including but not limited to, all corresponding price increase requests, awarded price increases and/or unsuccessful price increases by Metra and a copy of the Bid Tabulation of bid opening on 03/05/14 for Metra Contract No. 34408 awarded to McClendon Company (“**Request**”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with a copy of Metra Contract No. 34408, Bates Stamped Nos. 16-FOIA-268-001 through 16-FOIA-268-071, awarded to McClendon Company, Bid Tabulation Sheet for IFB No. 34408 and correspondence with McClendon Company in connection with price increase requests (“**Responsive Documents**”).

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 Thomas Stuebner has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. Certain portions of the Responsive Documents are exempt from disclosure under Section 7(1)(g) of FOIA. Section 7(1)(g) 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.” Accordingly, per Attorney Thomas Stuebner, all information regarding commercial financial information within the Responsive Document has been redacted.

2. Insurance policy numbers mentioned in the Responsive Documents has been redacted because it is exempt from disclosure under Section 7(1)(c) of FOIA, which exempts “personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” Section 7(1)(c) goes on to say that, “‘Unwarranted invasion of personal privacy’ means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.”
3. Insurance information contained within the Responsive Documents is being redacted because it is exempt from disclosure under Section 7(1)(s) of FOIA, which exempts “[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 Thomas Stuebner, all information regarding insurance within the Responsive Documents have 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.

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

Chicago United Industries, LTD/Garriga
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Sincerely,

A handwritten signature in blue ink, appearing to read "S. Hatch".

Sonserese Hatch
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments