

May 25, 2016

**VIA E-MAIL**

Mr. Calvin Smith

On Call Properties Inc.

Email: [csmith@oncallp.com](mailto:csmith@oncallp.com)

RE: 16-FOIA-103 Tally & Winning Bidder Info – Mowing / Site Clean-up R.O.W.

Dear Mr. Smith:

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 April 18, 2016, we received your request for the tally and winning bidder for the rough-cut mowing and site clean-up along Metra’s right-of-way for 2015 season (“Request”). Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra’s Procurement is providing you with copies of bid tabulation sheet IFB #62788, and Contract #B60787 between Metra and Landcare and Lawn Maintenance, Inc. (“Responsive Documents”).

After performing a diligent search of Metra’s records, we were unable to locate any records responsive to your Request for a winning bidder for rough-cut mowing and site clean-up along Metra’s right-of-way for the 2015 season. Metra’s Procurement Department advises that there was no bid for the 2015 season service.

**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 Thomas Stuebner, all information regarding insurance within the Responsive Documents 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

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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](mailto: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,



Kathleen E. Haton  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642

Attachments