

May 25, 2016

VIA E-MAIL

Mr. Calvin Smith

On Call Properties Inc.

Email: 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.

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
FOIA Hotline #312-663-3642

Attachments