



March 30, 2017

VIA EMAIL

Ms. Cynthia Pietrucha, Attorney at Law
Pietrucha Law Firm, LLC
Email: cpietruchas@pietruchalaw.com

RE: 17-FOIA-029 Info - Metra IFB No. 23504

Dear Ms. Pietrucha:

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 February 14, 2017, we received your request for:

1. The IFB No. 23504, including any amendments, addendums, revisions and rebid documents;
2. Bidders’ Lists for IFB No. 23504;
3. Written records/e-mails between Metra staff and Bidders’ for IFB No. 23504 from June 1, 2016 through February 2, 2017;
4. Bidders’ Exhibit 1-M Price List for IFB No. 23504;
5. Bidders’ DBE-related paperwork for IFB No. 23504;
6. Internal bid responsive evaluations/e-mails created by Metra staff for IFB No. 23504;
7. Contract and Purchase Orders awarded for IFB No. 23504; and
8. Any and all correspondence from any source, including Metra, regarding a bid protest in connection with IFB No. 23504

(“**Request**”).

We contacted you on February 24 regarding item #5 to ask if you were seeking the DBE schedules from the contract, and if you would consider narrowing the scope of item #3, as Metra’s Procurement department indicated that to gather these records would be disruptive to the day-to-day operations of that department which is currently operating short staffed.

You responded to our email on March 2 stating that for item #5, it would be helpful to see a copy of the blank bid IFB No. 23504 before clarifying this question. What you intended to receive is any Bidders’ or re-bidders’ documents Metra reviewed to evaluate and determine DBE credit. As for item #3, you revised this portion of your Request to e-mails or written records made by Metra staff responsible for determining whether a bidder/proposer met the DBE Responsiveness Requirements for this IFB No.

23504, or the re-bid of IFB No. 23504, as well as any memos to file or similar written records in the IFB hardcopy file No. 23504 about the decision to reject all bids for IFB No. 23504.

You 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 records and information:

1. IFB No. 23504, including any amendments, addendums, revisions and rebid documents:
 - *Copy of IFB No. 23504, with Exhibits, Addendum No. 1, Revised Exhibit 1-M and revised page 4 of IFB No. 23504; and*
 - *Copy of IFB No. 23504A (re-bid), with Exhibits;*
2. Bidders' Lists for IFB No. 23504 – *a list of contact names and email addresses of potential bidders for IFB No. 23504;*
3. E-mails or written records made by Metra staff responsible for determining whether a bidder/proposer met the DBE Responsiveness Requirements for this IFB No. 23504, or the re-bid of IFB No. 23504, as well as any memos to file or similar written records in the IFB hardcopy file No. 23504 about the decision to reject all bids for IFB No. 23504:
 - *See item no. 5 below;*
 - *Bid tabulation sheet for IFB No. 23504 noting that all bids received were rejected, the DBE goal was removed and price list was revised;*
 - *A letter sent via email to: AR3 Transport LLC, Claeven, Ltd. and Klos Trucking, Inc., advising that all bids for IFB No. 23504 were rejected; and*
 - *Bid tabulation sheet for IFB No. 23504A (re-bid)*
4. Bidders' Exhibit 1-M Price List for IFB No. 23504 - *Exhibit 1-M Price List received from:*
 - *AR3 Transport LLC;*
 - *Claeven, Ltd.; and*
 - *Klos Trucking, Inc.;*
5. Any Bidders' or re-bidders' documents Metra reviewed to evaluate and determine DBE credit – *Metra reviewed the DBE schedules received in response to IFB No. 23504 from:*
 - *AR3 Transport LLC;*
 - *Claeven, Ltd.; and*
 - *Klos Trucking, Inc.;*

Metra's Procurement department advised that the DBE requirement was removed from IFB No. 23504A (re-bid);

6. Internal bid responsive evaluations/e-mails created by Metra staff for IFB No. 23504 –*After performing a diligent search of Metra's records, we have been unable to locate any records*

responsive to this portion of your Request. Metra's Procurement department advised that bid evaluations were not applicable to this bid as the award for this service would go to the lowest responsible bidder;

7. Contract and Purchase Orders awarded for IFB No. 23504 – *After performing a diligent search of Metra's records, we have been unable to locate any records responsive to this portion of your Request. Metra's Procurement department advised that there was no award made for IFB No. 23504 as this IFB was re-bid; however, the Procurement department is providing you with blanket purchase order no. B61831, awarded to Claeven, Ltd. on 12/01/2016, in response to IFB No. 23504A (re-bid); and*
8. Any and all correspondence from any source, including Metra, regarding a bid protest in connection with IFB No. 23504 - *After performing a diligent search of Metra's records, we have been unable to locate any records responsive to this portion of your Request. Metra's Procurement department advised that there were no bid protests for this IFB.*

(“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 Jamie Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information (insurance policy numbers) of the party mentioned in the Responsive Documents is being redacted because it is exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” is defined as unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home addresses and personal license plates which are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA. (5 ILCS 140/2(c-5)).
2. 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 Jamie Harrmann, 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 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 partial denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



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

Attachments