



May 1, 2019

VIA E-MAIL

Mr. Keith Szymanski

Plante Moran

Email: Keith.Szymanski@plantemoran.com

RE: 19-FOIA-097 Info - Metra RFP No. 23951

Dear Mr. Szymanski:

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

I. Background

On April 2, 2019, we received your request for documents related to RFP No. 23951 for External Audit Services, including all bids received and any tabulations or evaluations (“**Request**”). Your request is denied.

II. Denial

Your Request is denied inasmuch as it seeks information regarding an RFP that was not awarded. Section 7(1)(h) of FOIA authorizes units of government to withhold:

“Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.” 5 ILCS 140/7(1)(h).

The documents sought in the Request pertain to information that, if released, would frustrate the procurement process and could give an advantage to any person proposing to enter into a contract or agreement with Metra. Attorney Keith Pardonnet has determined that denial of your Request is proper under Section 7(1)(h) of FOIA because the denied records, “[s]hall be exempt until an award or final selection is made.”

Metra’s Procurement Department has advised that although this RFP was listed on the Board agenda for approval in November 2018, it was not awarded. This procurement was ultimately cancelled and is currently being re-bid.

III. 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

Mr. Keith Szymanski / Plante Moran
19-FOIA-097 Info - Metra RFP No. 23951
Page 2 of 2

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 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