



June 26, 2019

**VIA E-MAIL**

Mr. Moses Hong Castillo

Deltek

Email: [mosesadancastillo@deltek.com](mailto:mosesadancastillo@deltek.com)

RE: 19-FOIA-003 Award Info - 15069: Ticket Vending Machine System

Dear Mr. Castillo:

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 January 7, 2019, we received your request for information regarding RFP No. 15069: Ticket Vending Machine System. Specifically, you requested information as to the award status, name of contractor, contract number, contract value and award date and a copy of the awarded contract (“**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 RFP No. 15069, will be re-bid under RFP No. 15069A. To follow available bid opportunities, you may wish to register as a Metra vendor or download Invitations for Bids and Requests for Proposals at: <https://metrarail.com/about-metra/metra-business>.

**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 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](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 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](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642