

September 25, 2015

VIA E-MAIL

Ms. Sara Myklebust
Lead Researcher
AFL-CIO Center for Strategic Research
Email: smyklebust@aflcio.org

RE: 15-FOIA-175 EMU Info; RFP/NOA/Contract

Dear Ms. Myklebust:

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

I. Background

On August 31, 2015, we received your request for copies of records related to Contract No. K03995, Metra awarded to Sumitomo Corporation of America for 160 Highliner cars for use on the Metra Electric Line. Specifically, you requested all documents related to, and including the following:

1. A complete copy of RFP 16870 for EMUs for the Metra Electric Line;
2. Notice of Award to Sumitomo Corporation of America (SCOA) on September 13, 2010;
3. A complete copy of Contract No. K03995 and any and all other current and past contracts between METRA and Sumitomo and / or Nippon Sharyo

(“**Request**”). Your Request is granted in part and denied in part.

We contacted you on September 8, 2015, asking if you would consider narrowing down the scope of your Request to only items 1 – 3 as listed above, because that portion of your request for “all documents related to Contract #K03995” as written was overly broad, as it contemplated gathering a large number documents from various departments which would disrupt the daily operations of these departments making this portion of your request unduly burdensome to produce. You responded later that same day agreeing to narrow the scope of your Request as noted above, with the understanding that you reserved the right to submit a new request for additional documents. On September 22, 2015, we contacted you seeking an additional extension to finalize your Request to September 25th. You granted our request for this extension.

II. Responsive Documents

In response to your Request Metra is providing you with:

1. A complete copy of RFP #16870 for EMUs for the Metra Electric Line;
2. Notice of Award to Sumitomo Corporation of America dated 9/13/2010;
3. A complete copy of Contract No. K03995;
4. Nippon Sharyo IFBs and purchase orders;

5. Change orders;
6. Addenda to Exhibit 1-P;
7. Exhibit 1-A Revised 9/10/2010;
8. Exhibit 1-H QC Plan to Exhibit 1; and
9. Exhibit 1-M-01042-Rev. E

(“Responsive Documents”).

You may access the Responsive Documents via Metra’s file transfer protocol (“FTP”) site. Direct your browser to <https://ftp.metrarr.com/>. The user name is: **foia20** and the case sensitive password is: **36P7568w**. Access to this FTP site will expire October 9, 2015. *If you require additional time to download these documents, please let us know prior to the expiration date.*

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 Thomas Stuebner has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. Private information contained within the Responsive Documents is exempt under Section 7(1)(b) of FOIA. "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 e-mail addresses," as well as home address, and personal license plates. 5 ILCS 140/2(c-5).
2. Certain drawings containing draft, proposed extensions within the Responsive Documents are exempt under Sections 7(1)(f) and 7(1)(k) of FOIA. Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f). Under Section 7(1)(k) of FOIA, “Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.” 5 ILCS 140/7(1)(k). As such, the redaction of these drawings is appropriate under FOIA.
3. 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

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). 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