



April 10, 2019

VIA E-MAIL

Mr. Thomas Haley
Indiana, Illinois, and Iowa Foundation
For Fair Contracting
Email: thaley@iiffc.org

RE: 19-FOIA-095 Hazel Crest Station Rehab FOIA

Dear Mr. Haley:

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

On March 27, 2018, we received your request for the following information with regard to the rehabilitation of the Hazel Crest Station on Metra’s Electric District Line:

- a) the engineer’s estimate, and the date the project was awarded;
- b) a copy of the signed contract between the BOWA Group and Metra, the project start date and estimated completion date;
- c) a copy of the BOWA Group’s bid package including their Certificate of Insurance, bid bonds, and references; and
- d) a list of all sub-contractors on site

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

I. Responsive Documents

In response to your Request, Metra is providing you with the following documents and/or information:

- a) the engineer’s estimate, and the date the project was awarded – *The project was awarded on July 12, 2017. For the engineer’s estimate, please refer to the Estimate of Probable Construction Cost;*
- b) a copy of the signed contract between the BOWA Group and Metra, the project start date and estimated completion date – *Metra’s Procurement department advises that the project start date was July 12, 2017, and the Contract duration was 365 days. With regard to the signed Contract between the BOWA Group and Metra, please refer to PO72434_MTRA-34808;*

- c) a copy of the BOWA Group's bid package including their Certificate of Insurance, bid bonds, and references – *For the BOWA Group's bid package including their Certificate of Insurance and bid bonds, please refer to IFB No. 97467 Proposal – Contract. For a list of the BOWA Group's references, please refer to References; and*
- d) a list of all sub-contractors on site – *For a list of sub-contractors, please refer to Exhibit K of the Contract (PO72434_MTRA-34808)*

(“Responsive Documents”).

II. 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. The unique identifiers and home addresses of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Unique identifiers” and “home addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The photographs of third-parties and license numbers mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(c) of FOIA, which exempts “personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” Section 7(1)(c) goes on to say that, “‘Unwarranted invasion of personal privacy’ means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.” It has been determined that the aforementioned data falls squarely within that definition and its redaction is appropriate under FOIA.
3. Portions of the Contract are redacted under Section 7(1)(f) of FOIA which provides, records that are “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” are exempt from disclosure. 5 ILCS 140/7(1)(f). This section of the requested contract contains recommendations. Accordingly, it has been determined that the above-referenced section is properly redacted under Section 7(1)(f) of the FOIA.
4. Portions of the Contract are marked as “Confidential” and are exempt from disclosure under Section 7(1)(g) of FOIA. Section 7(1)(g) of FOIA states that “trade secrets and commercial or financial information obtained from a person or business” can be exempt “where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records

requested.” The aforementioned portions are specifically marked as “Confidential” and therefore fall squarely within this exemption. Accordingly, it has been determined that the above-referenced sections are properly redacted under Section 7(1)(g) of the FOIA.

III. 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:

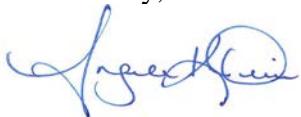
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

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,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments