



May 17, 2013

Eva Ware
Meridian Systems
1720 Prairie City Road, Suite 120
Folsom, CA 95630

Dear Ms. Ware:

The Illinois Tollway is in receipt of your FOIA request for the following information:

- Internal emails and communications regarding Meridian and e-Builder, Inc. Proposals
- The e-Builder Proposal Response, including any other written or email communications related to their Proposal
- ISTHA's Evaluation documents of Meridian and e-Builder for RFP Section 2.2.1 Administrative Compliance, 2.2.2 Responsibility, 2.2.3 Responsiveness and 2.2.4 Price Evaluation documents per RFP Section 2.3 "Award" (including 2.3.1 Phase 1 Technical Response and 2.3.2 Phase 2 oral Presentation/Product Demonstration
- BEP Partner participation by E-Builder
- The evaluation Element Table in Section 2.3.2 for both Meridian and e-builder

Your request is granted. Please note that the records you are requesting are too large to provide via e-mail. In keeping with the copying fees allowed by the Illinois Freedom of Information Act, 5 ILCS 140/6(b), the cost of copying these records onto a CD is \$2.00 [\$1.00 CD plus \$1.00 postage]. If requested, we can make these records available to be picked up and the postage fee would be waived.

Payments can be made to the Illinois Tollway, Attn: FOIA Officer, 2700 Ogden Avenue, Downers Grove, IL, 60515. The records will be processed upon receipt of payment.

Please note that eBuilders identified certain parts of their submittal as containing proprietary or confidential financial information and based upon that identification, the Tollway has reviewed their self-identified claimed exemptions and made an independent determination. The Tollway then redacted portions of the records that contain proprietary and confidential financial information, as well as individuals' private information.

Per 5 ILCS 140/7 (g), "Trade secrets and commercial or financial information obtained from a person or business 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.” Based upon this standard, the Tollway reviewed the documents and determined that some of the redacted portions of the records identified by the vendors if disclosed would cause competitive harm if released, others were determined to be non-exempt.

In addition, individual's personal addresses and social security numbers are exempt under 5 ILCS 140/7 (1)(b) which allows the Agency to redact individuals' private information. " 'Private information' means 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 address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5)

Finally, your request for notes and individual scoring sheets is denied as some of those records may not constitute a “record” but even if they were, they are exempt from disclosure because they constitute pre-decisional records in which opinions of the individual evaluators are expressed and selection actions are formulated. 5 ILCS 140/7(f). However, the Tollway has included the scoring summary which contains the final recommendation of the selection committee.

Please note that Joelle McGinnis, Freedom of Information Officer, John Donato, Chief and Procurement and Sharon Ferguson, Deputy Chief of Procurement were responsible for the denials referenced herein. Additionally, the Tollway allowed the vendor, as it does for all vendors, to identify what they considered proprietary or confidential, but then the FOIA Officer conducted an independent review. You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 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

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

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.

Respectfully,

Joelle McGinnis
Freedom of Information Officer