



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 29, 2011

Ms. Amanda Carone
Legal Department Administrator
Illinois Housing Development Authority
401 N. Michigan Ave.
Chicago, IL 60611

RE: FOIA Pre-Authorization Request - 2011 PAC 13418

Dear Ms. Carone:

We have received and reviewed the written notice from the Illinois Housing Development Authority (IHDA) of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

On April 21, 2010, Ms. Nicole Owren-Wiest of Wiley Rein, LLP, submitted a FOIA request to IDHA seeking records relating to Request for Proposal 2009-HAD-TS-015, Contract Administration Services Under Section 8 Rental Voucher Program (RFP), including:

- All proposals submitted in response to the RFP, including but not limited to those submitted by D&A RFS MS8 LLC, dba Multifamily Asset Managers, and the successful proposal submitted by Quadel Consulting Corporation;
- All documents reflecting the agency's evaluation of proposals, including but not limited to scoring documents, evaluation worksheets, and evaluation notes;
- All documents, including correspondence or e-mail communications, reflecting communications by or between agency staff, officials or members of the evaluation committee relating to

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or referring to the RFP or any proposals submitted in response to the RFP;

- All documents related to or reflecting notices of any and all meetings relating to the RFP or any proposals submitted in response to the RFP, including but not limited to the agendas from any and all such meetings;
- All documents comprising the contract awarded to Quadel Consulting Corporation on or about March 5, 2010, including all renewal options.

IDHA furnished some responsive documents to the requester. In its written notice, however, IDHA asserted that other responsive documents "are or include preliminary drafts, notes, recommendations, and other records in which opinions are expressed" and were withheld under section 7(1)(f). We asked IDHA to provide this office with a representative sample and detailed description of the withheld documents together with a detailed summary of its basis for asserting section 7(1)(f).

DETERMINATION

After thorough review of the documents and explanations provided, we have determined that the withheld records consist of notes and documents in which opinions are expressed and policies or actions are formulated. Further, IDHA asserts that these documents have not been publicly cited by the head of the public body. Accordingly, IDHA has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,


REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

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cc: Ms. Nicole Owren-Wiest
Wiley Rein, LLP
1776 K Street, NW
Washington, DC 20006