



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 22, 2010

Robin Kaler
Associate Chancellor for Public Affairs
507 East Green Street, Suite 312
MC-426
Champaign, Illinois 61820

RE: Pre-Authorization Request – 2010 PAC 6696

Dear Ms. Kaler:

We have received and reviewed the documents that our Office requested on April 15, 2010 in order to determine whether your request to withhold documents under Section 7(1)(f) of the Freedom of Information Act (FOIA) 5 ILCS 140/1 *et. seq.*, as amended, is proper.

Specifically, on March 18, 2010 Bob Vander Meer submitted a FOIA request to the University seeking copies of the following documents:

1. all documents produced in response to and evaluation of 1MKG206 LiDar Elevation data;
2. all responses that were submitted in response to the University of Illinois' LiDAR Elevation Data Project – Solicitation 1MKG206;
3. all evaluation and judging materials, documentation and scores, initial evaluation/scores and any subsequent evaluation/scores;
4. all pricing forms, from all respondents, the initial submission, subsequent amended submissions; and
5. the final contract with Merrick and Company

In its April 7, 2010 pre-authorization letter to our Office, the University sought to withhold the following documents as exempt from disclosure under Section 7(1)(f) of FOIA:

1. a proposed evaluation matrix sheet used in the bidding process;
2. a scored evaluation matrix sheet used in the bidding process; and
3. two e-mails from a bid review committee chair to the University's purchasing department.

Section 7(1)(f) 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” as long as the documents are not publicly cited or identified by the head of the public body. 5 ILCS 140/7(1)(f).

Determinations

The University’s request for approval of its decision to withhold these documents pursuant to Section 7(1)(f) is approved. All of the documents are preliminary in nature and fall within the scope of Section 7(1)(f).

The proposed and scored evaluation matrices are draft documents disseminated internally for review and comment. The two e-mails contain recommendations for action and requests for information between a department committee chair and a University employee regarding the bidding process.

Based on these facts, the University has met its burden and may assert the exemption under Section 7(1)(f) for records in which opinions are expressed or policies or actions are formulated.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew Rogina
Assistant Public Access Counselor

cc: Robert VanDerMeer
Account Manager
Aero-Metric Inc.
4020 Technology Parkway
Sheboygan, Wisconsin 53083