



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 21, 2010

Illinois State University  
Office of the President  
Jay R. Groves  
Assistant to the President and Public Records Officer  
421 Hovey Hall  
Campus Box 1000  
Normal, IL 61790-1000

Re: Pre-authorization request – 2010 PAC 10417

Dear Mr. Groves:

We have reviewed Illinois State University's (ISU) request for pre-authorization to withhold records requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Onvia requested all materials which ISU used to evaluate bids for an energy services contract. ISU agreed to disclose records documenting the final result of the bid process and requested pre-authorization under Section 7(1)(f) (5 ILCS 140/7(1)(f)) to withhold records which were used to evaluate proposals.

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 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." 5 ILCS 140/7(1)(f).

**Determination**

The request for pre-approval to withhold records pursuant to Section 7(1)(f) is **approved**. We have reviewed copies of the records which ISU characterized as "tools used to evaluate proposals in an effort to formulate final action on these proposals." Those records are preliminary in nature and contain notes, opinions and recommendations regarding the selection of a company to provide ISU with energy services. Additionally, there is no indication that the records have been

publicly cited by the head of the public body. Therefore, ISU has met its initial burden of demonstrating that the records are exempt under Section 7(1)(f).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

Cara Smith  
Public Access Counselor

By:

A solid black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman  
Assistant Public Access Counselor

cc: Onvia  
Attn. Aubrina Ard  
509 Olive Way  
Ste. 400  
Seattle, WA 98101