



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 20, 2011

Joelle McGinnis  
Freedom of Information Officer  
Illinois Tollway  
2700 Ogden Avenue  
Downers Grove, IL 60515

RE: Pre-Authorization Request – 2010 PAC 11555

Dear Ms. McGinnis:

We have received and reviewed the written notice from Illinois Tollway of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On December 10, 2010, Ms. Delia Bruntz sent a FOIA request to Illinois Tollway, seeking the following documents:

- All technical and price proposals and best and final offers received, with the exception of the proposal submitted by Crowe Horwath LLP, by the Department in conjunction with the Illinois Tollway's Request for Proposal for a Transition management and Performance Audit, Reference Number 10-0151 due on September 8, 2010.
- Scoring sheets/evaluation notes pertaining to the Department's evaluation of the proposals received in conjunction with Request for Proposals stated above.

In its written notice, the Illinois Tollway asserts that certain scoring sheets and evaluation notes containing opinions and recommendations of individual evaluators have been withheld from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

**Determination**

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.”

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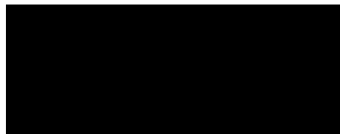
Illinois Tollway's use of Section 7(1)(f) exemption with regard to the withheld scoring sheets and evaluation notes is **approved**. We have determined that the withheld records are pre-decisional documents in which opinions were expressed and were relied upon by the Illinois Tollway in its decision-making process regarding certain matter(s). Moreover, there is no indication that these documents have been publicly cited or identified by the Executive Director of Illinois Tollway. Accordingly, Illinois Tollway has met its burden of demonstrating that the notes are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Tola Sobitan  
Assistant Public Access Counselor

cc: Delia Bruntz  
Senior Associate, Proposal Center  
Crowe Horwarth  
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