February 25, 2015

Patrick McElhiney
Patrick.mcehiney@ingramcontent.com

Re: FOIA 15-062

Dear Mr. McElhiney:

I write to respond to your Freedom of Information request dated and received in my office on January 27, 2015, in which you requested:

“In March 2014 we responded to Request for Proposal No. 1AHB1455 for a Monographic Firm Order/Approval/Standing Order Supplier. The RFP was awarded to Yankee Book Peddler (YBP).

In an effort to improve our RFP responses, we would like to obtain any information available under the IFOIA including: YBP’s proposal response documents, bid tabulations and evaluation scoring sheets for Coutts and YBP”

Information responsive to your request is available and attached. These are public documents numbering 96 pages.

 Portions of these documents have been redacted and other documents have been withheld pursuant to the following section(s) of the Act:

- 140/7(1)(b) that exempts from disclosure “Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.” This includes bank account information and other unique identifiers.

- 140/7(1)(f) that exempts from disclosure “Preliminary 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.” The scoring matrix you requested is deliberative in nature and, thus, is being withheld. On numerous occasions the Public Access Counselor has concluded that scoring sheets used to select a vendor fall within the provisions of this section. (See Ill. Att’y Gen. PAC Pre-Auth. 16159, 16151, 15486, 15333, 15364, 14858, and 14851.)

- 140/7(1)(g) that exempts from disclosure “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 or where disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business...” This financial information, which was provided under a claim that it is confidential, a trade secret or proprietary, that would cause competitive harm if released.
Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

Per 5 ILCS 140/9.5(b), you have a right, under the law, to seek a review of your status as a commercial requestor by the Public Access Counselor in the Office of the Attorney General. They may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer