

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

March 27, 2015

Mark J. Zilner, R.Ph.
Owner and Chief Operating Officer
mzilner@diamondpharmacy.com

Re: FOIA Request 15-155

Dear Mr. Zilner:

I write to respond to your Freedom of Information request dated and received in my office on February 26, 2015, in which you requested:

“Diamond Pharmacy Services submit this Illinois Freedom of Information Act (FOIA) request for materials related to Request for Proposals (RFP) #IJW020: Pharmacy Services for Winnebago County Jail. We specifically hope to receive copies of the following:

- Proposal submitted by the awarded vendor (Correct Rx Pharmacy Services, Inc., Linthicum, MD)
- Forms and associated documents submitted by the awarded vendor with their proposal
- Pricing submitted by the awarded vendor
- Scoring tabulations
- All evaluator notes and comments.”

Information responsive to your request is not available. The requested RFP information has not been finalized due to a current protest and therefore is exempt from disclosure. Section 7(1)(h) of the Illinois Freedom of Information Act exempts from disclosure “proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of the bid solicitation shall be exempt until an award or final selection is made.” Since a final award has not been granted for this RFP due to the current protest, release of the requested information could frustrate the selection process or give a person proposing to contract with the University an unfair advantage.

The University anticipates that the protest process will be completed and contract finalized by April 15, 2015. You may resubmit your request at that time. However, please keep in mind, scoring tabulations and evaluator notes and comments often contain deliberative information and are exempt from production pursuant to Section 7(1)(f) of the FOIA, which exempts “[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

Office for University Relations

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relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

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