



June 10, 2019

VIA EMAIL

Mr. Thomas Haley
Indiana, Illinois, and Iowa Foundation
For Fair Contracting
Email: thaley@iiffc.org

RE: 19- FOIA-138 Hazel Crest Station Rehab Project

Dear Mr. Haley:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“**FOIA**”).

I. Background

On May 20, 2019, we received your request for **1)** copies of any records of payment, requests for payment, waivers of lien, and Certified Payrolls from March 2019 to present from D5 Design and Metal Fabrication and/or Hollywood Crane Service; and **2)** copies of any records of progress notes and any correspondence with D5 and/or Hollywood Crane Services regarding the project (“**Request**”). Your Request is granted in part and denied in part.

On June 4, 2019, we contacted you via telephone to ask if you would allow us additional time within which to respond to your Request. You agreed to allow us until June 10, 2019 to issue our Response.

II. Responsive Documents

In response to your Request, Metra’s Engineering Construction department is providing you with the Application for Payment and Waivers of Lien for the Hazel Crest Station project. D5 Design and Metal Fabrication, LLC (“**D5**”) is one of the many entities listed on the Application for Payment submitted for the period of March 2019 thru May 20, 2019; D5’s Waiver of Lien is also included in the document. Metra’s Office of Diversity and Civil Rights department is providing you with Certified Payrolls submitted by D5 for the weeks of 02/17/2019 – 02/23/2019, 02/24/2019 – 03/02/2019, and 03/03/2019 – 03/09/2019 (“**Responsive Documents**”). Hollywood Crane Services did not perform work at the site and as such, did not submit any Certified Payrolls.

Metra’s Engineering Construction department advises that there has been no correspondence with D5 or Hollywood Crane Services. The progress notes related to D5’s and/or Hollywood Crane Services’ work at the Hazel Crest Station project are as follows:

- Hollywood crane (crane rental company) on site 1 day on March 27, 2019. They did not set-up their out riggers or perform any work on site.
- D5 on site the following days:

- 3/14/2019: Install metal decking for elevator roof + install beam for elevator shaft pulley system.
- 3/15/2019: Installing structural steel at North Head House
- 3/18/2019: Install metal decking at elevator roof + welding structural members at North Head House
- 3/19/2019: Continue welding structural members at NHH
- 3/25/2019: Continue installation of structural steel for NHH
- 3/26/2019: Continue installation of structural steel for NHH
- 3/27/2019: Continue installation of structural steel for NHH
- 3/28/2019: Continue installation of structural steel for NHH
- 3/29/2019: Continue installation of structural steel for NHH
- 4/1/2019: Install metal decking at North Head House
- 4/2/2019: completed installation of metal decking and welding at NHH

Metra's Accounts Payable department advises that payment for the work performed at the Hazel Crest Station project during the timeframe you requested was made to The Bowa Group. Check number 3038803 dated April 23, 2019 was in the amount of \$633,427.79, which included a payment of \$19,863.90 for work performed by D5.

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Keith Pardonnet has determined the unique identifiers and social security numbers of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Unique identifiers" and "social security numbers" are specifically mentioned within the definition of "private information" found in Section 2(c-5) of FOIA.

Additionally, Section 2.10 of the FOIA states:

"Certified payroll records submitted to a public body under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying in accordance with the provisions of this Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the public body prior to disclosure." 5 ILCS 140/2.10.

IV. Right of Review

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor ("PAC") of the Illinois Attorney General's Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street

Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your partial denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela K. Ollie".

Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments