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November 15, 2018

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IN REPLY REFER TO FILE NO.  
EP-1

Sharon Borkowicz  
Flood Brothers Disposal/Recycling Services  
17W609 14<sup>th</sup> Street  
Oakbrook Terrace, Illinois 60181-3718  
[Sharon.borkowicz@floodbrothersdisposal.com](mailto:Sharon.borkowicz@floodbrothersdisposal.com)

**Re: Freedom of Information Act Request**

Dear Ms. Borkowicz:

On November 6, 2018, the Village of Elmwood Park received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Please provide the seven (7) proposal responses submitted to the Village of Elmwood Park in reference to the RFP for solid waste, landscape waste and recyclable materials collection services issued June 15, 2018, and due on August 10, 2018.

We also would like copies of the four (4) additional proposals submitted through follow up meetings due on or around September 13, 2018.

In addition, we are requesting copies of the two (2) final proposals submitted by the final two (2) companies that met with Village Officials after Sept 13, 2018."

Your request has been denied.

Section 7 (1) (h) of FOIA provides that "proposals...for any contract, grant, or agreement, including information which if it were disclosed would frustrate the procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, [are exempt] until an award or final selection is made..." Consequently, the proposals are exempt until the Village of Elmwood Park approves an agreement with an entity and makes a

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final selection. The Village of Elmwood Park invites you to resubmit your FOIA request after it approves an agreement and makes a final selection.

The person responsible for the decision to deny a portion of your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General's Office. You can file your Request for Review with the Public Access Counselor by writing to:


Sarah Pratt  
Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN  
Attorneys for the Village of Elmwood Park



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Peter A. Pacione

Enclosures