



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 21, 2024

In reply refer to: FOIA #BPA-2022-00849-F

SENT VIA EMAIL ONLY TO: cvasos@epicland.com

Corie Lahr Vamos
Senior Proposal Manager
Epic Land Solutions, Inc.
10300 SW Greenburg Road, Suite 370
Tigard, OR 97223

Dear Ms. Vamos,

This communication is the Bonneville Power Association's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on May 13, 2022, and formally acknowledged on June 22, 2022.

Request:

“[Agency records sufficient] to evaluate how much higher [Epic Land Solutions, Inc.] billing rates and unit prices were than [the awardee] Cornerstone's [were].”

Clarification

On June 14, 2022, via email with the agency, you clarified your request as follows: “[Include] Copies of documents submitted by all Proposers in response to Bonneville Power Administration RFQ BPA-22-D-RFQ-5123 “Real Property Support Services IDIQ” [Offer Due Date (closing date) 4/18/2022]; and, [include] scoring tabulations that the selection committee may have completed to review and compare proposals responses.”

Response

BPA searched for and gathered records responsive to your request. BPA collected 352 pages of responsive records from knowledgeable agency Contract Specialist personnel in the agency's Energy Infrastructure Delivery office in the Supply Chain organization. Those 352 pages accompany this communication with redactions and withholdings made under the following exemptions:

- 346 pages withheld in full under 5 U.S.C. § 552(b)(3) (Exemption 3)
- 1 additional page with exemptions applied under 5 U.S.C. § 552(b)(3) (Exemption 3)
- 5 pages with exemptions applied under 5 U.S.C. § 552(b)(6) (Exemption 6)

A more detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 3

Exemption 3 permits withholding of material under the non-disclosure provisions of other federal statutes. A statute may qualify for use along with Exemption 3 if that statute "requires that the matters be withheld" or "establishes particular criteria for withholding" (5 U.S.C. § 552(b)(3)). In this case, 41 U.S.C. § 4702 requires withholding of specific contract information of the type and kind you've requested. Therefore, BPA is withholding that information under Exemption 3 and 41 U.S.C. § 4702. Specific details on the application of Exemption 3 to the records you seek follows.

41 U.S.C. § 4702

BPA is required by Exemption 3 and 41 U.S.C. § 4702 to withhold the unsuccessful bidder submittal records, but, under certain circumstances, not the awarded submittal records. To note, 41 U.S.C. § 4702 exists as a prohibition on the public release of proposal-submittal information that otherwise might be responsive to a FOIA request. That is, BPA is required by Exemption 3 and 41 U.S.C. § 4702 to withhold both unsuccessful bidder submittal records, and the awarded submittal records, if the awarded bidders' submittal information were not incorporated into the awarded contract(s). BPA here relies on Exemption 3 and 41 U.S.C. § 4702 to withhold the unsuccessful submitter records. Further, the successful submitter proposal was not incorporated into the awarded contract and so that record too is subject to Exemption 3 and is being released to you only in redacted format. Lastly to note, the FOIA does not permit a discretionary release of information otherwise protected by Exemption 3.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, personal and other non-public cell phone numbers and personal information. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and

release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for records search and redactions applied in the FOIA response described above. Your FOIA request BPA-2022-00849-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search and the completeness of this final records release within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448

Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621. Thank you for your interest in the Bonneville Power Administration.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

Taylor, Jason E (BPA) - CGI-7

From: Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Sent: Monday, April 18, 2022 10:33 AM
To: Gill, Syreeta L (BPA) - NSSV-4400-2
Cc: Perron, Jon
Subject: [EXTERNAL] Real Property Support Services IDIQ RFP 5123-Cornerstone Energy Submittal
Attachments: 5123 IDIQ Submittal.pdf; B-F Schedule of Items Rev. 1.xlsx; F5 Solicitation Provisions.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Rita-

Thank you for the opportunity to propose on this contract. We have attached our response to this email. Please let us know if you have any questions or if anyone on your staff needs any clarification. My contact information is below.

We look forward to continuing our work with BPA!

All the best,

Brian

Brian Rozyla
Senior Project Manager
Cornerstone Energy Services, Inc.
brozyla@cornerstoneenergyinc.com
(208) 481-4200 (O)

(b) (6)

(b)(3)

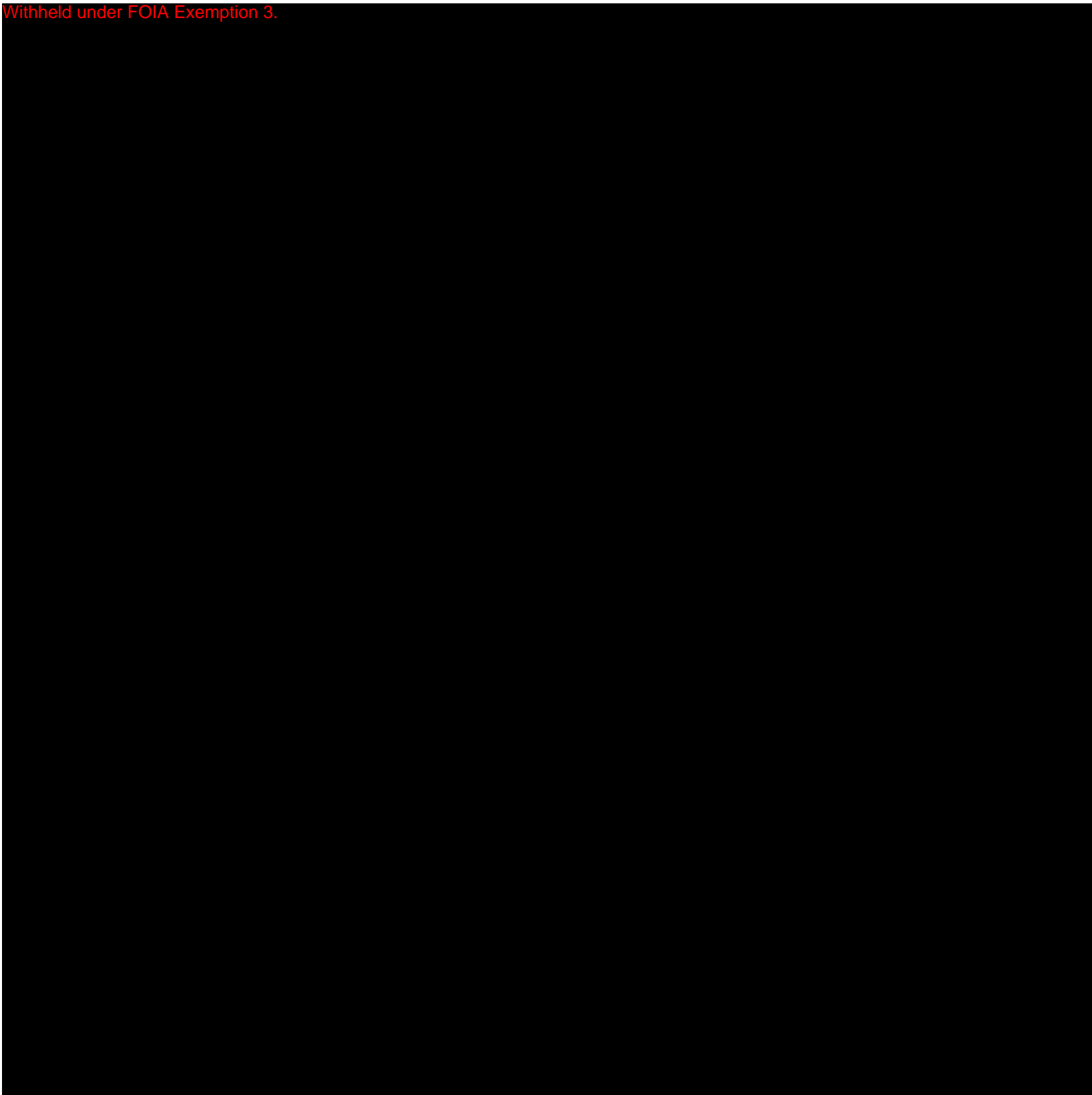
(b)(3)

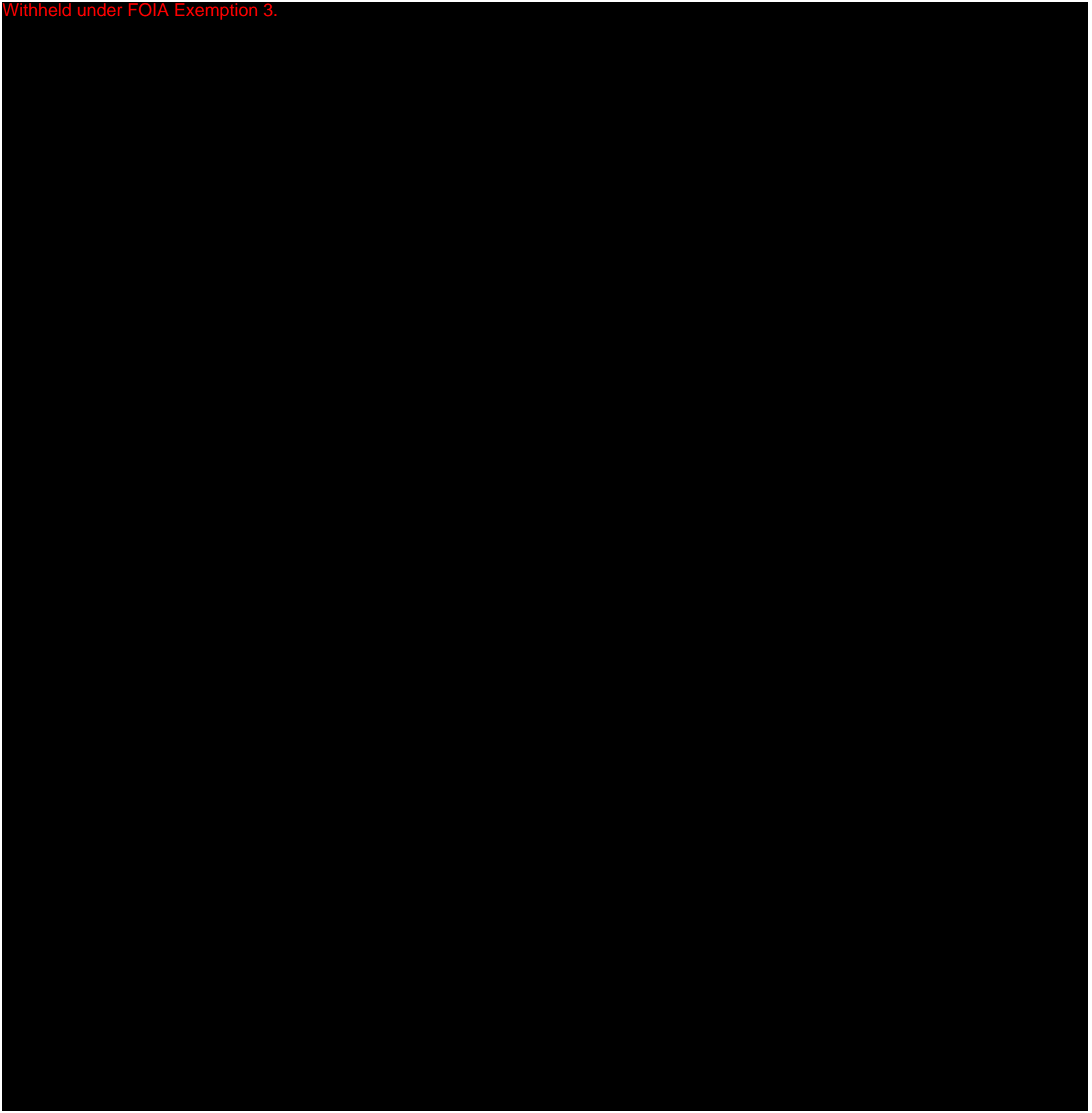
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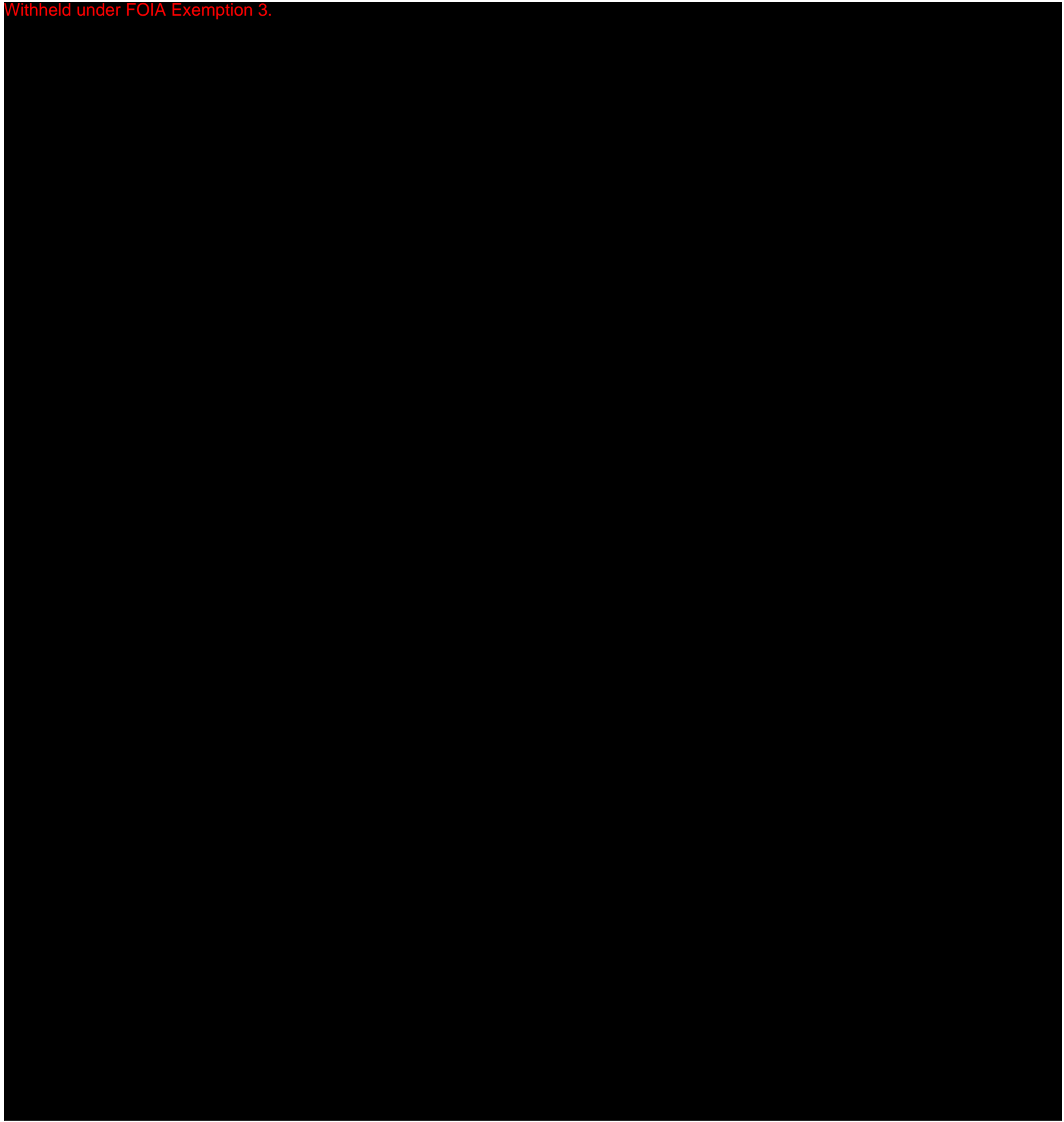
(b)(3)

SOLICITATION/CONTRACT/ORDER DETAILS *(Attach continuation pages as necessary to list all items.)*

18. Item Number	19. Description	20. Quantity	21. Unit	22. Unit Price	23. Amount
	SEE SCHEDULE OF ITEMS SECTION B			







1. Invoices should be sent

electronically to: TBD on Individual
Task Assignments

2. Payment Terms: NET 30

3. Bonneville Contact

Bonneville Office: NSSV-4400-2
Attention: CS Rita Gill
Contact Email: slgill @bpa.gov

4. Contractor Contact

Company Name: Cornerstone Energy Services, Inc.
Attention: Brian Rozyla
Contact Email: brozyla@cornerstoneenergyinc.com

D. DELIVERY INFORMATION

Line Item No.	Period of Performance	Quantity	Unit	Delivery Terms	Place of Performance
0001-0009	June 1, 2022 - May 31, 2024	1.00	Job	Block 11	To Be Determined on individual Task Assignments
1001-1009	June 1, 2024 - May 31, 2025	1.00	Job	Block 11	To Be Determined on individual Task Assignments
2001-2009	June 1, 2025 - May 31, 2026	1.00	Job	Block 11	To Be Determined on individual Task Assignments
3001-3009	June 1, 2026 - May 31, 2027	1.00	Job	Block 11	To Be Determined on individual Task Assignments

Special Delivery Instructions: TBD at Task Assignment level.

E. INSPECTION AND ACCEPTANCE TERMS

All line item(s) in Section B will be inspected and accepted by the COR at the address specified in Section C unless otherwise stated in the table below.

Line Item No.	Inspection At/Inspection By		Acceptance At/Acceptance By		Additional Info
All	Government	Government	Government	Government	To be determined on individual Task Assignments

F. ATTACHMENTS

	Description
F1	Master Contract Statement of Work – Real Property Support Services IDIQ Dated: March 10, 2022
F2	Contract Clauses
F3	Wage Determinations - Multiple "See Attachment"
F4	Additional Attachments: None
F5	Solicitation Provisions, F5.1 Past Performance Evaluation Form

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Withheld under FOIA Exemption (b) (3).



Withheld under FOIA Exemption (b) (3).



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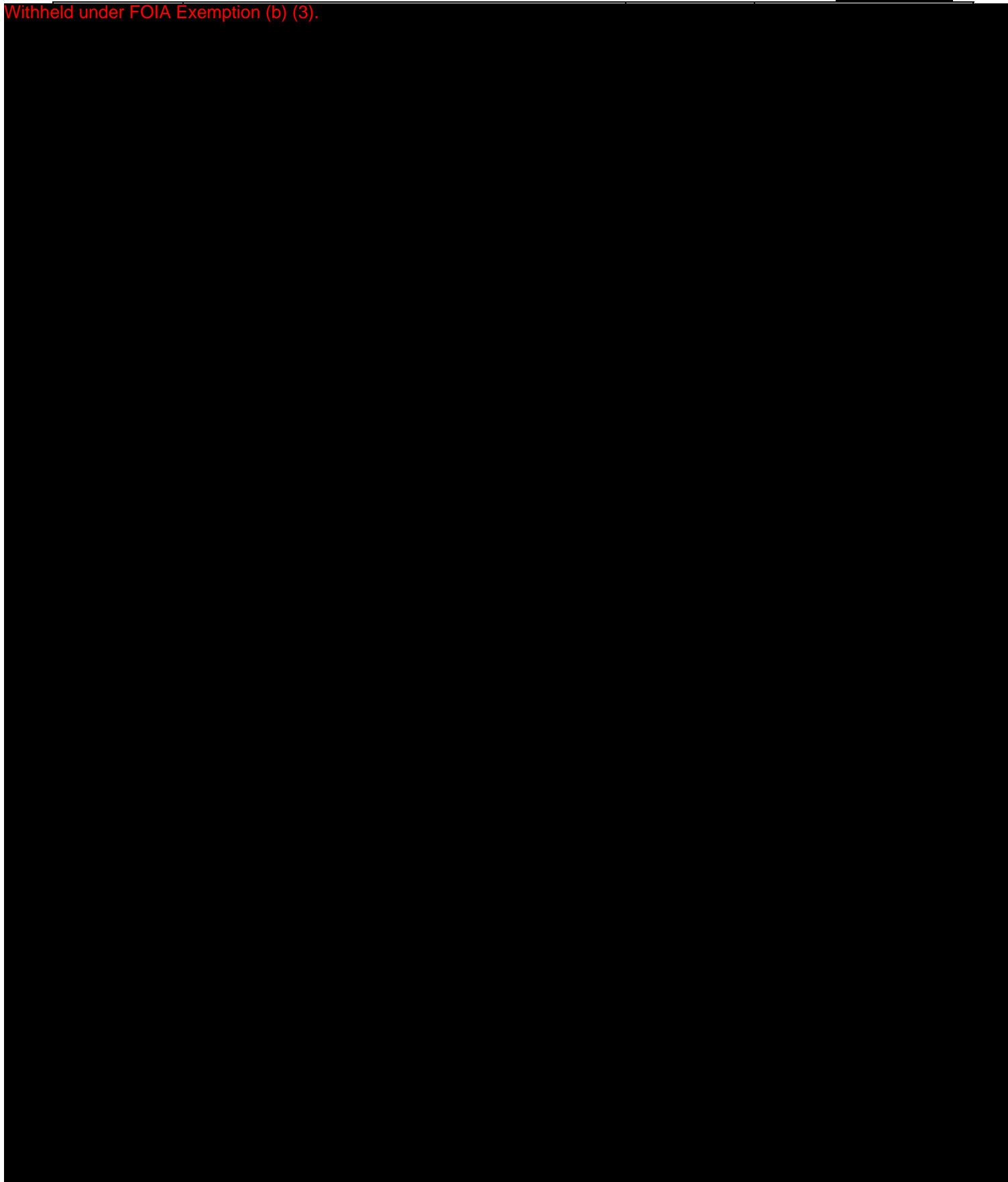
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PAST PERFORMANCE EVALUATION FORM-RFP 5123 REAL
PROPERTY SUPPORT SERVICES IDIQ

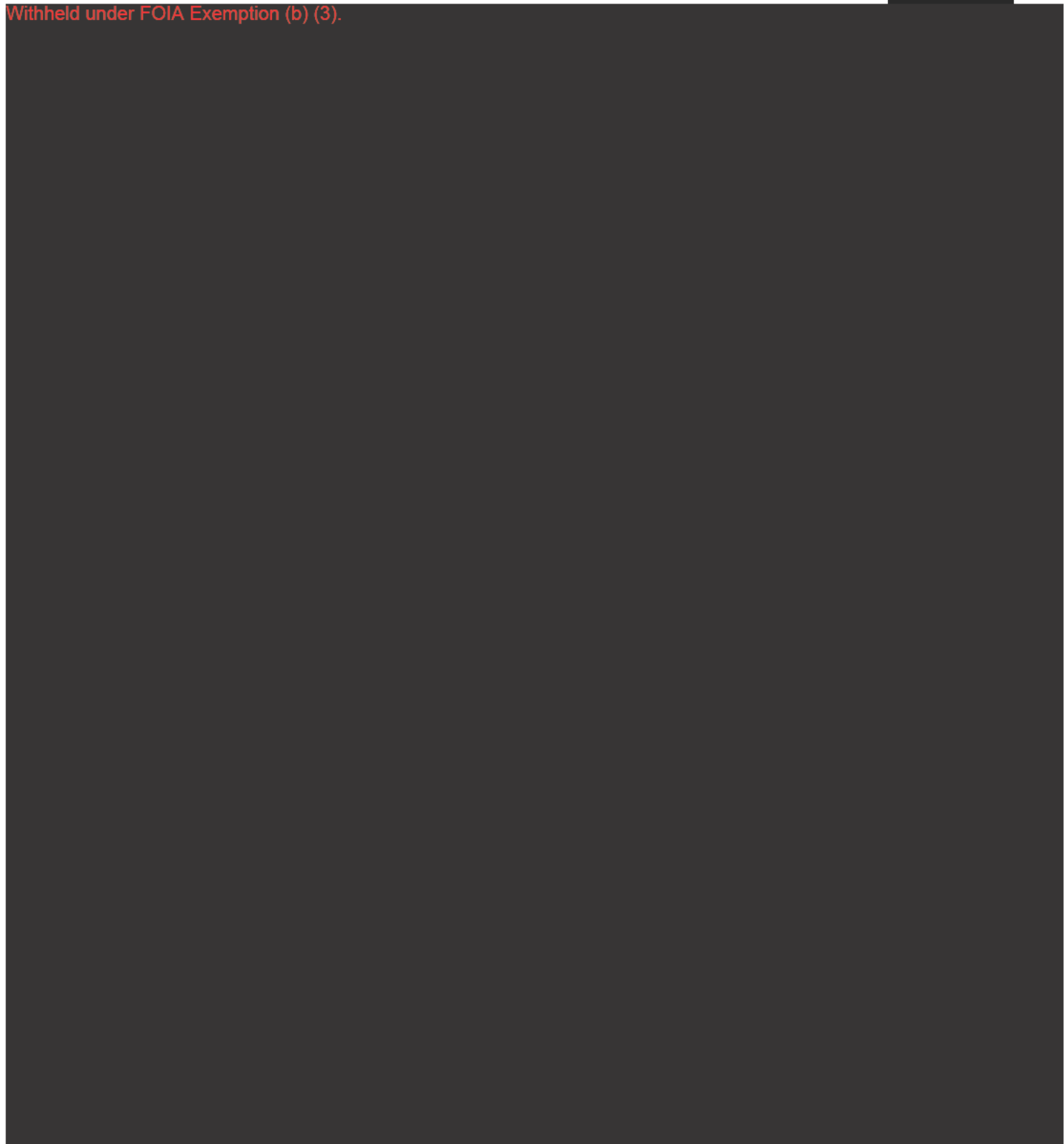


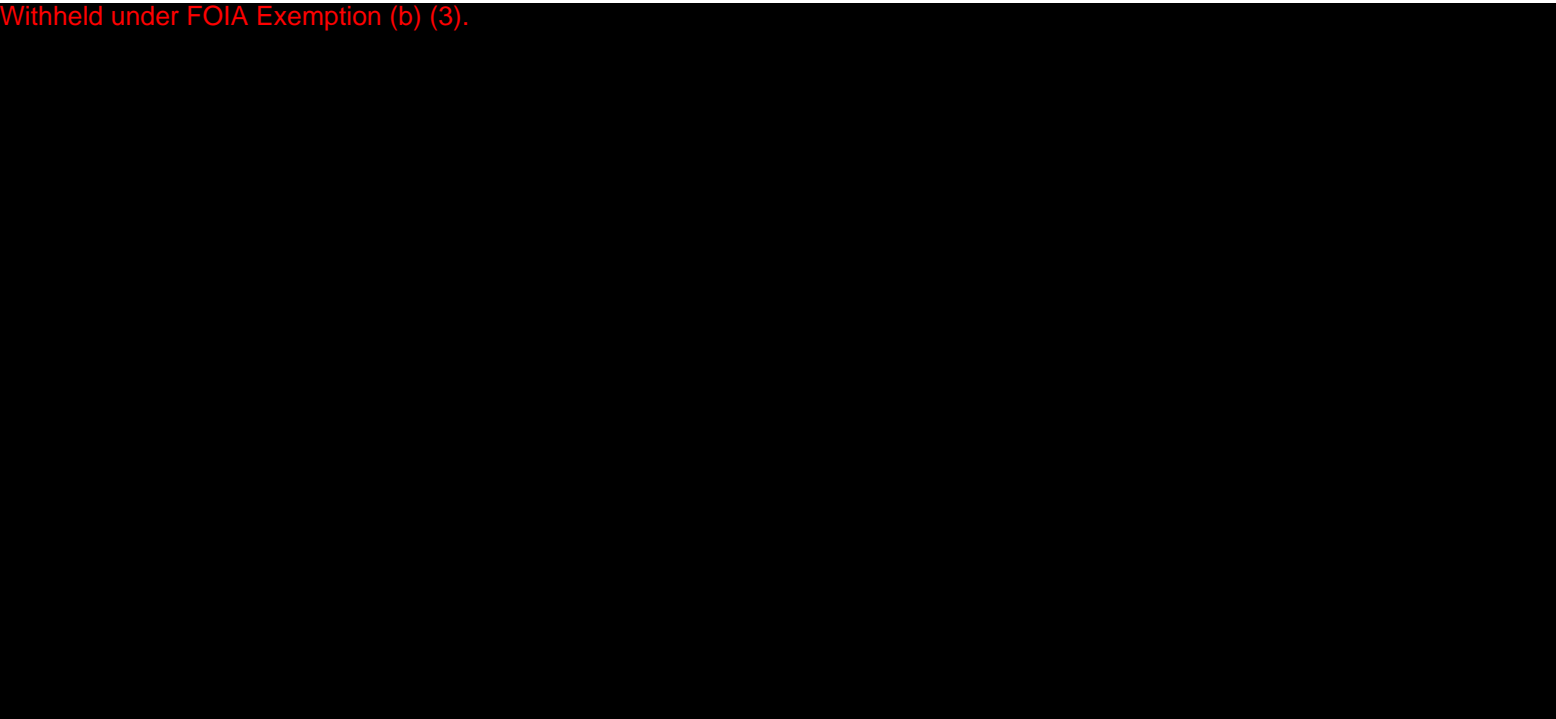
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PAST PERFORMANCE EVALUATION FORM-RFP 5123 REAL
PROPERTY SUPPORT SERVICES IDIQ



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Withheld under FOIA Exemption (b) (3).

Taylor, Jason E (BPA) - CGI-7

From: Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Sent: Tuesday, April 26, 2022 9:07 AM
To: Gill, Syreeta L (BPA) - NSSV-4400-2; Perron, Jon
Subject: [EXTERNAL] RE: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

Good morning, Rita-

Thank you for your call yesterday, I feel as though I wasn't super present, (b) (6)

On further review, I would like to posit the following:

Withheld under FOIA Exemption (b) (3).



Please let me know if you have any questions. I will be in the field for (b) (6) today on Benton-Scootney, but feel free to call with any question or comment, I will pick right up or get back to you within the hour.

Thank you for this opportunity, and we look forward to continuing our work with Bonneville Power!

All the best,

Brian

From: Gill, Syreeta L (BPA) - NSSV-4400-2 <slgill@bpa.gov>
Sent: Monday, April 25, 2022 12:11 PM
To: Perron, Jon <JPerron@cornerstoneenergyinc.com>; Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Subject: RE: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

Hello,

Per conversation with Brian this morning, I would like to confirm your final pricing and/or please provide statement this is your best and final offer. BPA will be concluding Evaluations this week. Thank you.

Best Regards,

Rita Gill, MPA
Contract Specialist

NSSV-4400-2

BONNEVILLE POWER ADMINISTRATION | bpa.gov

Ph: (b) (6) [M] | Email: slgill@bpa.gov



From: Perron, Jon <JPerron@cornerstoneenergyinc.com>

Sent: Monday, April 25, 2022 10:33 AM

To: Gill, Syreeta L (BPA) - NSSV-4400-2 <slgill@bpa.gov>; Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>

Subject: [EXTERNAL] RE: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

Hi Rita,

I spoke with Brian about a minute this morning. He is off for important personal reasons today. I texted him your cell phone number and he was going to try to call you before he became unavailable.

I am happy to support instead of Brian, but I would really prefer to have Brian on the phone as well. Just let me know how you would like to proceed and I'll do it!!!!

Thanks,

Jon

Jon Perron

Cornerstone Energy Services, Inc.
Principal

508-927-4677; 100 Work

(b) (6) JPerron@cornerstoneenergyinc.com

38 Resnik Road
Suite 101
Plymouth, MA 02360

From: Gill, Syreeta L (BPA) - NSSV-4400-2 <slgill@bpa.gov>

Sent: Monday, April 25, 2022 1:17 PM

To: Perron, Jon <JPerron@cornerstoneenergyinc.com>; Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>

Subject: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

I tried calling Brian but it went to voicemail and the voicemail was full. Would you please provide me a time as soon as possible to discuss the recent bid for RFP 5123. Time is of the essence. Thank you.

Regards,

Rita Gill, MPA

Contract Specialist

NSSV-4400-2

BONNEVILLE POWER ADMINISTRATION | bpa.gov

Ph: (b) (6) [M] | Email: slgill@bpa.gov



From: Perron, Jon <JPerron@cornerstoneenergyinc.com>

Sent: Monday, April 25, 2022 6:48 AM

To: Gill,Syreeta L (BPA) - NSSV-4400-2 <slgill@bpa.gov>; Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Subject: [EXTERNAL] RE: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

Good morning Rita,

I am not sure if Brian had a chance to respond yet. I know he is out of the office (and communication) today and will be in the field near Pasco, WA with BPA on Tuesday – but will be able to communicate that day. I just texted him to see if he can determine availability.

Thank you,
Jon.

Jonathan Perron
Cornerstone Energy Services, Inc.
jperron@cornerstoneenergyinc.com
Office: 508-927-4677, Ext 100

(b) (6)

From: Gill,Syreeta L (BPA) - NSSV-4400-2 <slgill@bpa.gov>
Sent: Friday, April 22, 2022 2:06 PM
To: Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Cc: Perron, Jon <JPerron@cornerstoneenergyinc.com>
Subject: ! RE: RFP 5123 Real Property Support Services IDIQ - follow up for Monday 4/25

I received an out of office reply for Brian today 4/22. I have scheduled the follow up call for Monday, April 25th at 10:00am PST. Please let me know should this time not work. Thank you.

Regards,

Rita Gill, MPA
Contract Specialist
NSSV-4400-2

BONNEVILLE POWER ADMINISTRATION | bpa.gov

Ph: (b) (6) [M] | Email: slgill@bpa.gov



From: Gill,Syreeta L (BPA) - NSSV-4400-2
Sent: Friday, April 22, 2022 11:00 AM
To: Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>
Cc: Perron, Jon <JPerron@cornerstoneenergyinc.com>
Subject: RE: RFP 5123 Real Property Support Services IDIQ - follow up

Hello Brian,

BPA is conducting the Evaluation(s) for the RFP 5123 Real Property Support Services IDIQ. The BPA team has a few questions. Will you have time this afternoon for follow up? If yes, I'd like to call at 2pm PST. Let me know if you will be available. Thank you and will look forward to speaking with you soon.

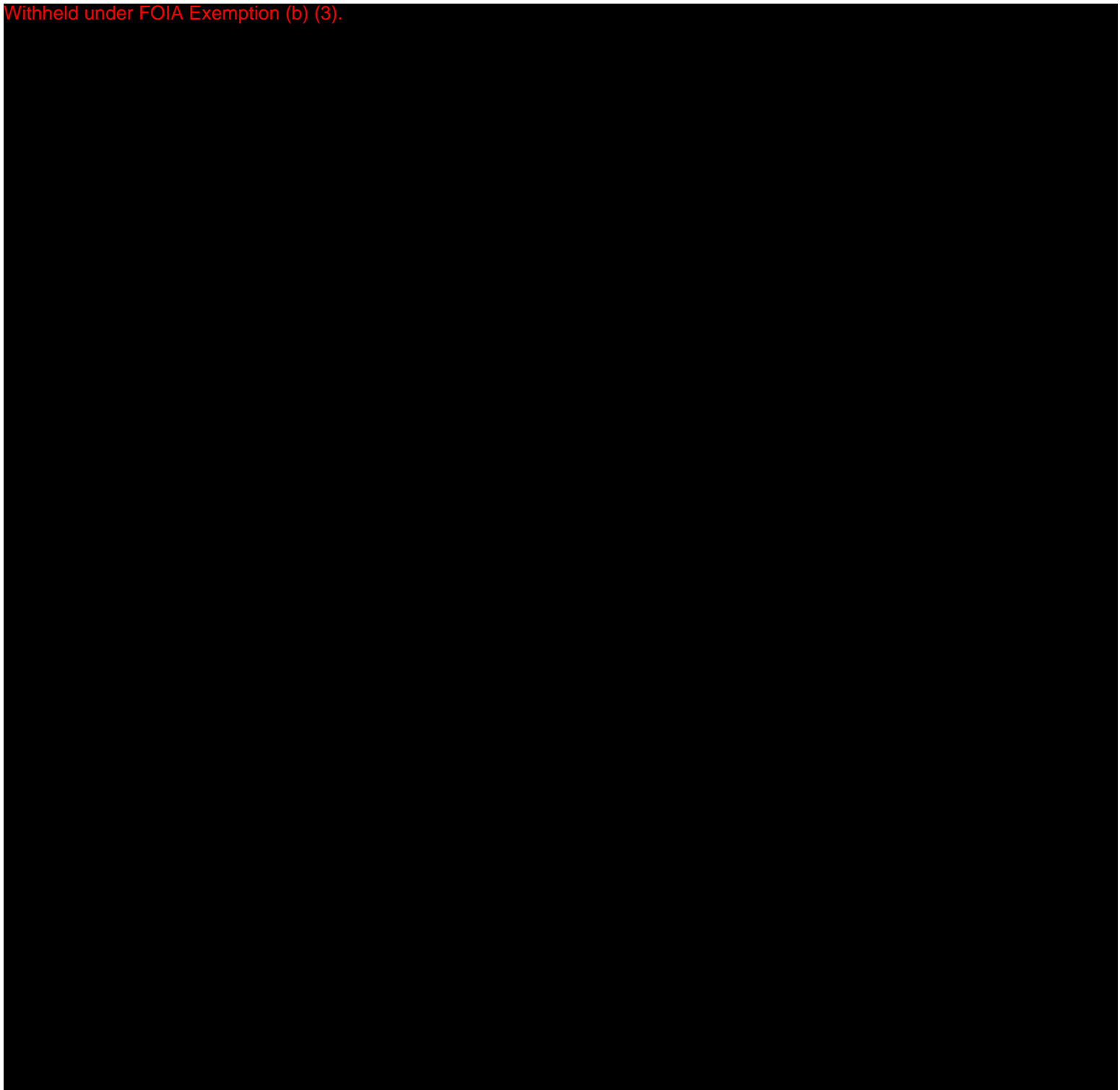
Regards,

Rita Gill, MPA
Contract Specialist
NSSV-4400-2

BONNEVILLE POWER ADMINISTRATION | bpa.gov

Ph: (b) (6) [M] | Email: slgill@bpa.gov





PAST PERFORMANCE EVALUATION FORM-RFP 5123 REAL
PROPERTY SUPPORT SERVICES IDIQ



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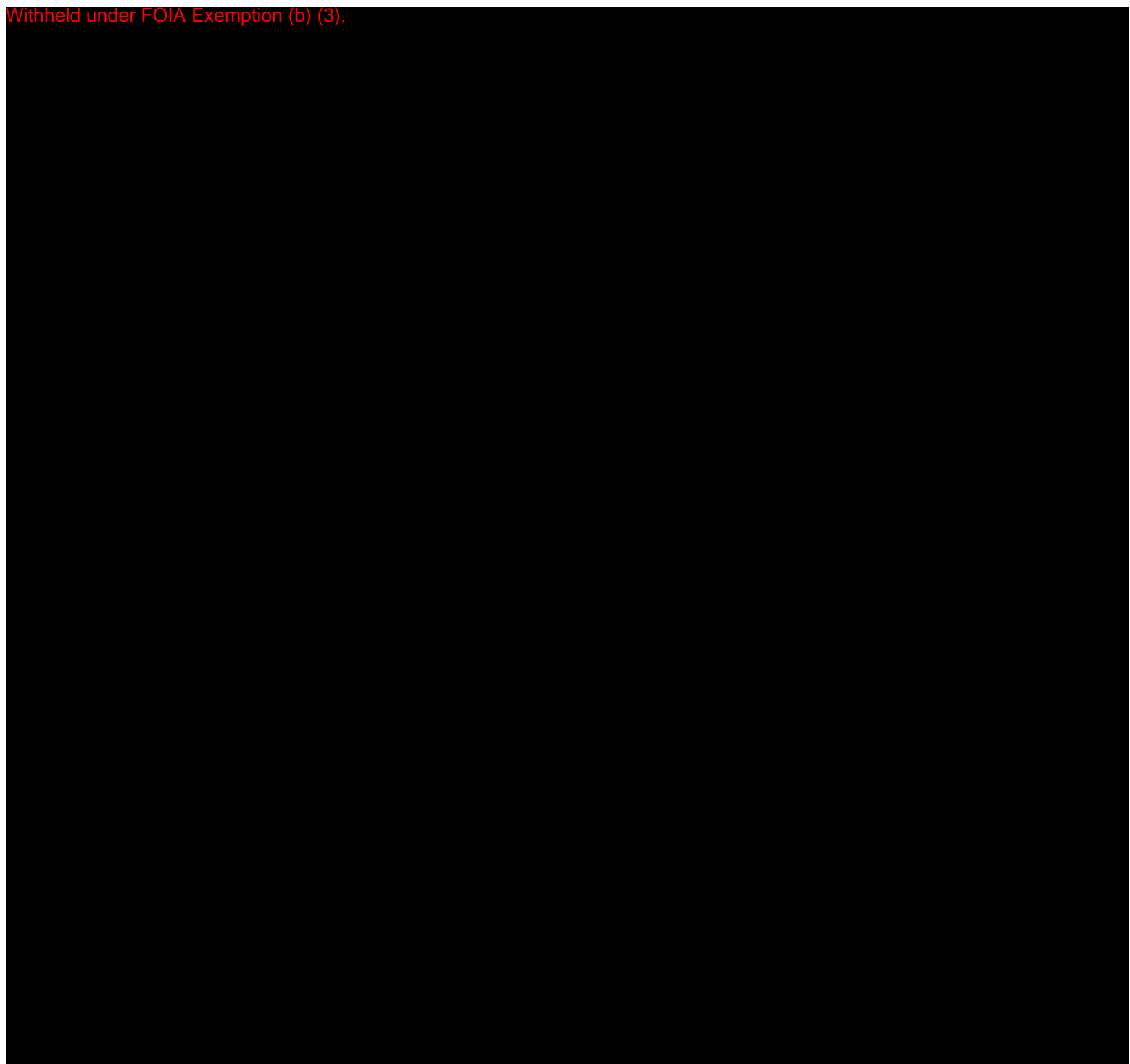
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PROPERTY SUPPORT SERVICES IDIQ



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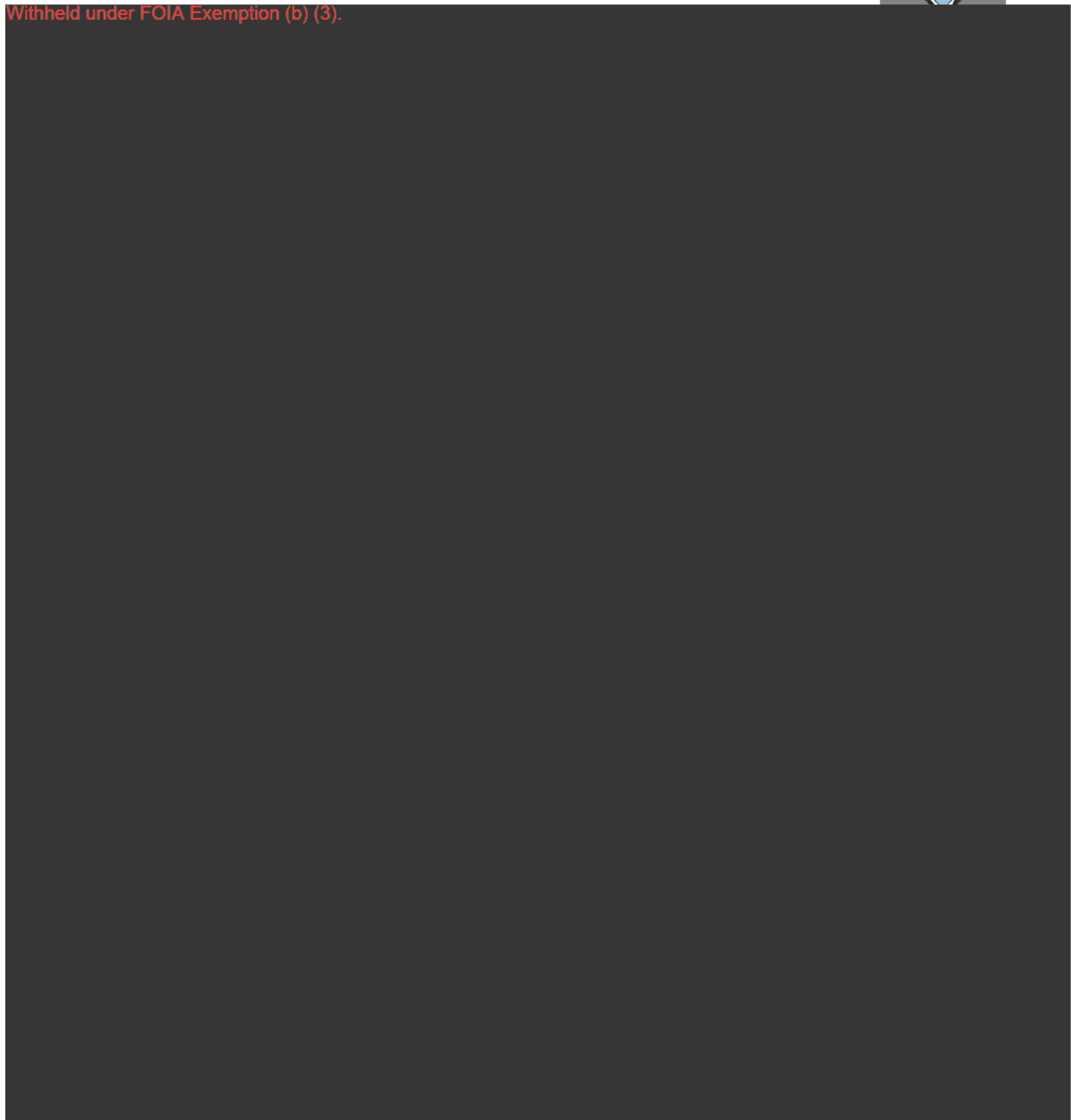
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PROPERTY SUPPORT SERVICES IDIQ

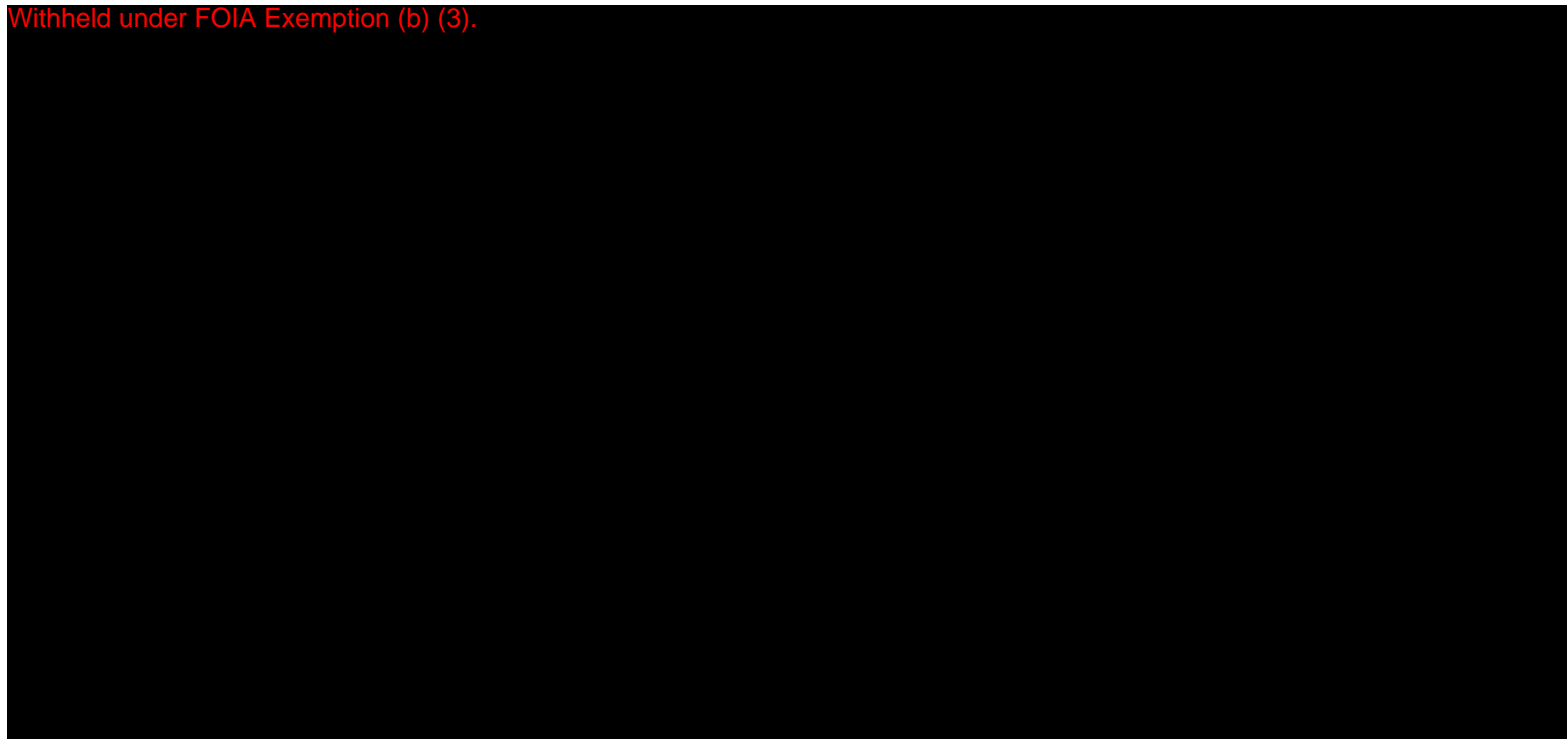


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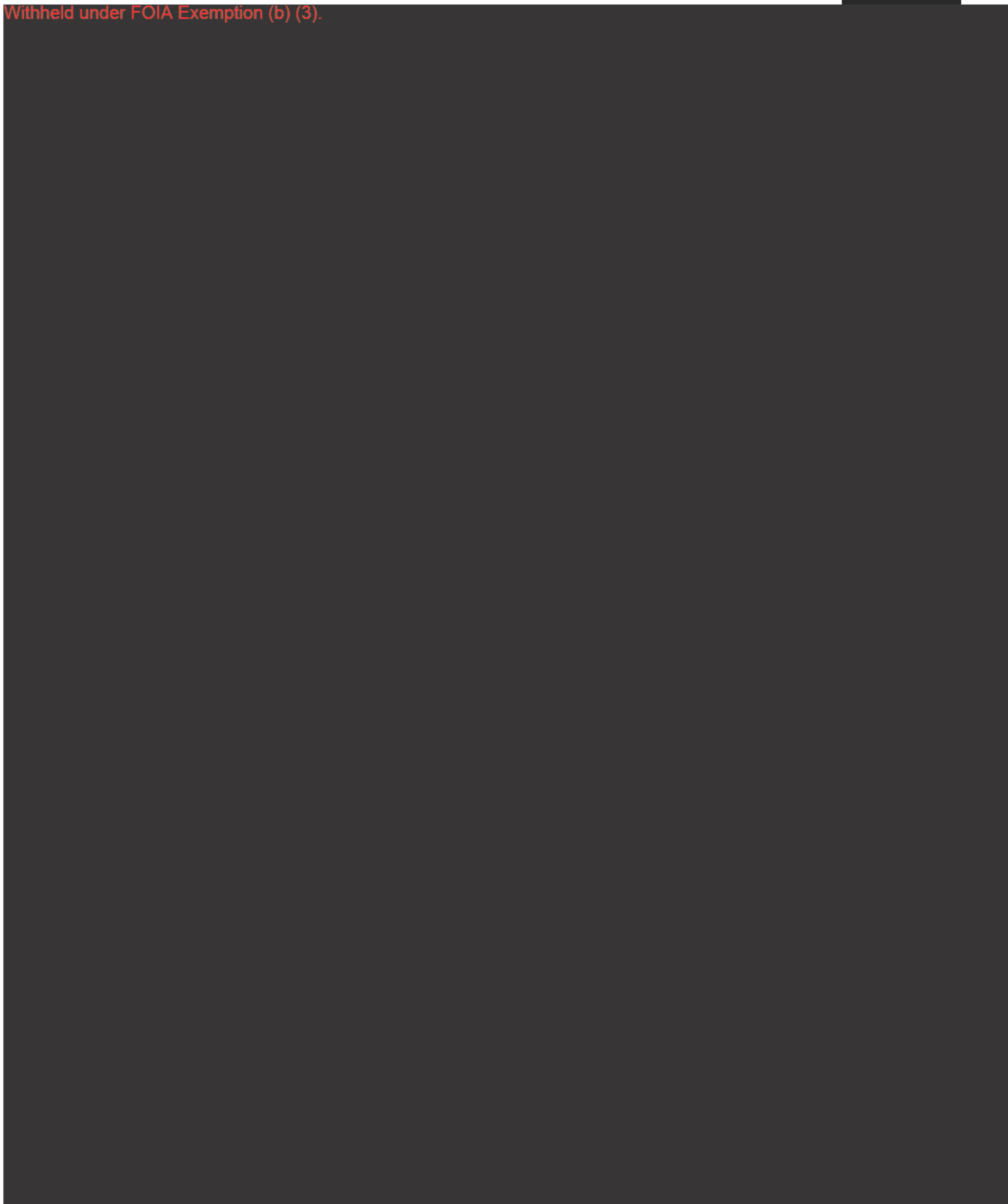




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PROPERTY SUPPORT SERVICES IDIQ

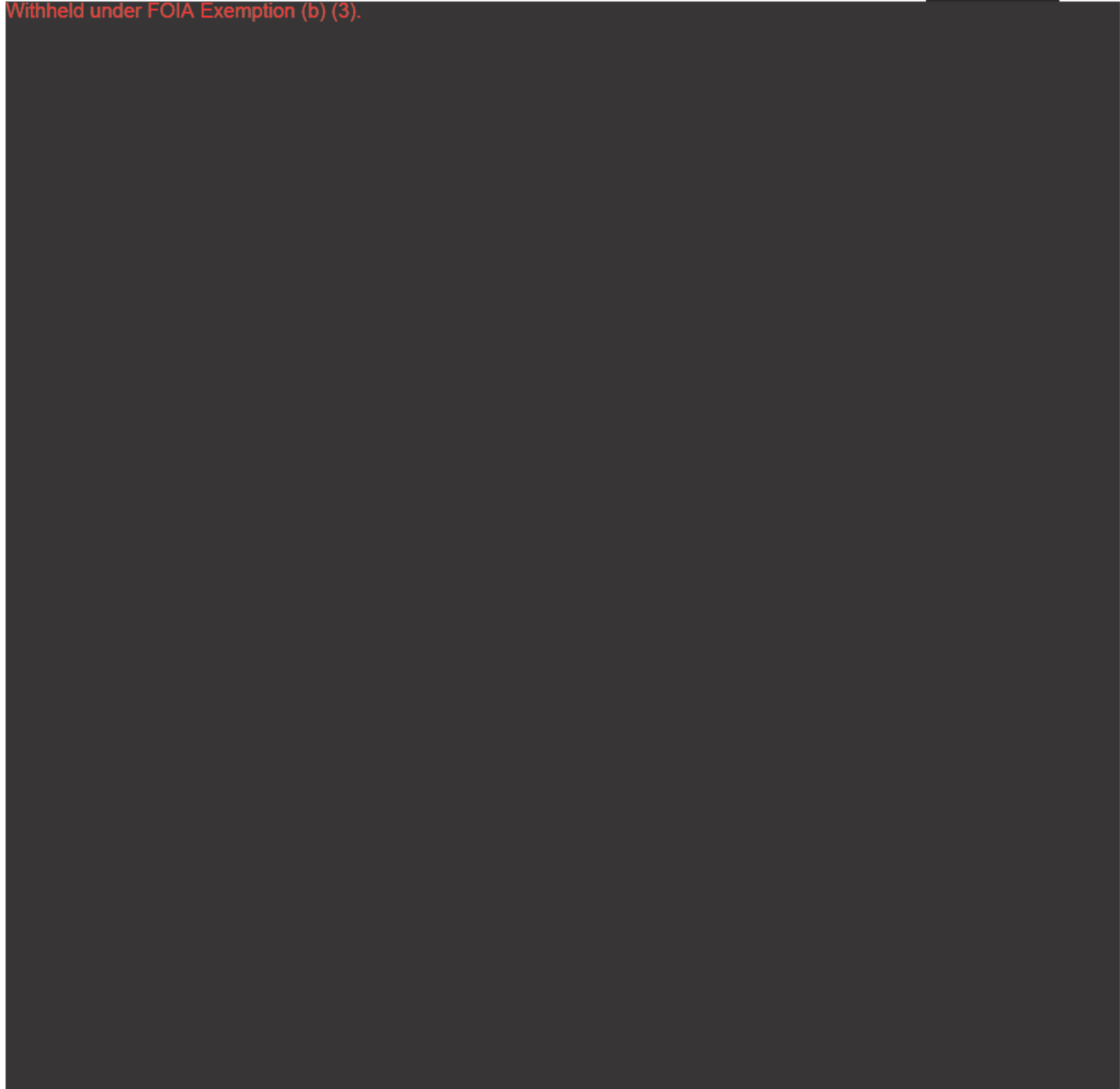


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