

**Atterbury, Laura M - DKR-7**

**From:** simpkin007@aol.com  
**Sent:** Monday, May 07, 2007 1:03 PM  
**To:** FOIA  
**Subject:** FOIA Request

RECEIVED BY BPA FOIA OFFICE THIS DATE: 5/7/07
DATE: 6/4/07
LOG # 07-027

The following is a New FOIA request:  
\*\*\*\*\*

**Name:** James W. Simpkin  
**Organization:** Opportunity Construction Company, Inc.  
**Address:** 1810 Schneidmiller Ave. #140 Post Falls, ID 83854  
**Phone:** 208-777-9181  
**FAX:** 208-777-9182  
**Email:** simpkin007@aol.com

**Description of Request:** OCC is hereby requesting the following information under the Freedom of Information Act. This request is in reference to BPA Project # 2005-007-00, and also known as the Fulton Diversion Dam, Phase 2. 1) Engineering design documents and cost estimates prepared by BPA and/or received by BPA from the Bureau of Reclamation and/or others; 2) Bid package preparation and information for the above project; 3) Copies of regulatory required documents regarding the project; 4) Copy of approved applicable Biological Assessment prepared for the project; 5) Notifications of technical changes to the JARPA prior to actual construction field changes occurring; 6) qualifications of Contract Officer/Technical Representative (Chris Johnson) for project management; 7) Copy of certification of Chris Johnson to BPA requirements for the handling of project funds; 8) Project correspondence between BPA and other governmental agencies regarding this project; 9) Project correspondence between BPA and private entities, companies, non-profit organizations, etc.; 10) BPA's determination process for allowing Chewuch Basin Council to manage the project, contract negotiations, contract award, and distributing BPA funds; 11) Copies of project solicitation and award process for this project; 12) Changes in design of the diversion approach (BOR); 13) Documents justifying the use of a grant for construction work that involves work relative to the Endangered Species Act; 14) Documents received from the Independent Scientific Review Panel (ISRP) specifically associated with this project; 15) Copy of document used to allow the bid proposal winner to improperly retract their bid without penalty.

**Preferred format:** e-mail or hard copy

**Type of Requester:** Business

I request a fee Waiver

**I request a waiver or reduction of fees because my request concerns "the operations or activities of the government" as explained below:**

*This request predominantly includes specific information related to the withholding of information; improper bid solicitation process; improper use of grant money and/or collaborative agreements; the withholding of regulatory permits to the contractor to ensure compliance to the Endangered Species Act and many other regulations.*

**I request a waiver or reduction of fees because the disclosure is "likely to contribute" to an**

**understanding of government operations or activities as explained below:**

*This information will reveal the improper use of a grant to perform construction work without controls to ensure the following of ESA requirements.*

**I request a waiver or reduction of fees because an understanding by the general public of the subject is likely to result from disclosure, taking into account my ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter as explained below:**

*This information is believed to provide clear and convincing evidence that the ISRP made available to the BPA prior to project award.*

**I request a waiver or reduction of fees because the disclosure is likely to contribute "significantly" to public understanding of government operations or activities as explained below:**

*The result of the information to be provided should contribute greatly to the controls necessary to ensure compliance to the ESA.*

**I request a waiver or reduction of fees because of a commercial interest that would be furthered by the requested disclosure, and, if so:**

*The improper use of contract solicitation, withholding known information and permits, demanding significant changes that should have required multiple agency approval, OCC has incurred a large amount of costs.*

**I request a waiver or reduction of fees because the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." as explained below:**

*These documents have multiple uses. Some are relative to improper contractual methods and some are related to improper in-river work and potential impacts to ESA regulations.*

**If denied a waiver or reduction, I Agree to pay up to 1,000.00**