



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

June 17, 2020

In reply refer to: FOIA #BPA-2020-00762-F

Joe Luchsinger
Marsh USA Inc.
111 SW Columbia Street, Suite 500
Portland, OR 976140
Email: joe.luchsinger@marsh.com

Dear Mr. Luchsinger,

This communication is the Bonneville Power Administration's (BPA) 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 March 6, 2020, with a formal acknowledgement letter sent to you on March 19, 2020.

Request

"[All] bid proposals, other than the Marsh response, for Bonneville Power Administration Solicitation 4774... the winning bid was through McGriff, Seibels & Williams, Inc. All responses were sent electronically to Annette Barnes..."

Response

BPA searched for and gathered 90 pages of responsive records from the agency's Service Acquisition Team, Contracts & Strategic Sourcing office. BPA is withholding those 90 pages in full, relying on 5 U.S.C. § 552(b)(3) (Exemption 3). An explanation of the applied exemption follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

Exemption 3

Exemption 3 of FOIA requires the withholding of information that is prohibited from disclosure by another federal statute (5 U.S.C. § 552(b)(3)). 41 U.S.C. §253b(m) [renumbered at 41 U.S.C. § 4702] prohibits an agency from disclosing under FOIA a contract proposal that is in the possession or control of the agency, unless that proposal is set forth or incorporated by reference in a contract between the agency and the contractor. The Contracting Officer confirmed that this did not occur here. Therefore, all the proposals are withheld.

Fee

There are no fees associated with your request for agency records.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. 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.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at the address on this letter header for any further assistance and to discuss any aspect of your request. 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

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact E. Thanh Knudson (FOIA Case Coordinator, Flux Resources, LLP) at 503-230-5221, or via email at etknudson@bpa.gov.

Sincerely,



Candice D. Palen, Freedom of Information/Privacy Act Officer