



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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

April 8, 2016

In reply refer to: FOIA BPA-2014-00792-F

Nicole Knudsen
3536 SE 26th Ave
Portland, OR 97202

To obtain a copy of
the responsive
records please
contact the BPA
FOIA Office at
503-230-5273

Dear Ms. Knudsen:

This communication is a final response to your Freedom of Information Act (FOIA) request received at Bonneville Power Administration (BPA) on March 31, 2014, which BPA acknowledged on April 4, 2014.

Your Request

“A copy of the contract between BPA and Township United Building Services, including any extensions and addenda.”

BPA’s Response

BPA has conducted a search of records in its Construction Acquisition office and their contracting office and has located records responsive to your request. In accord with the FOIA and Executive Order 12,600 and Department of Energy (DOE) regulations at 10 C.F.R. 1004.11, BPA submitted the records responsive to your request to Township - United Building Services, LLC’s (the submitter) on April 23, 2014. BPA also sent its solicitation of objection to release under 5 U.S.C. § 552(b)(4) (Exemption 4), which protects business trade secrets or other confidential commercial or financial information from release. The submitter responded to that objection solicitation on May 5, 2014. The Exemption 4 analysis of the submitter’s objections to the release of information is now complete.

Exemption 4 protects “trade secrets and commercial or financial information obtained from a person and privileged and confidential” (5 U.S.C. § 552(b)(4)). The existence of Exemption 4 encourages businesses and other entities to voluntarily furnish useful commercial or financial information, and provides protection from competitive harm to submitters who are required to furnish information to the government.

Information is considered commercial or financial in nature if it relates to business or trade. Here, the dollar value figures, including the Schedule of Prices, in Contract 53453 with BPA, for

Janitor Service at Ross Complex and BPA Portland Airport Service (the contract) sought to be protected under Exemption 4 is commercial and financial in nature. Information is “obtained from a person” when it has been provided to the government by an individual or by a wide range of entities including corporations. Here, BPA obtained the subject information from the submitter.

The submitter was required to provide this information to BPA by longstanding and permitted process and policy. When BPA exercises its authority to require information submissions, the information can be withheld under Exemption 4 when disclosure of the information would (1) impair the government’s ability to obtain necessary information in the future, or (2) cause substantial harm to the competitive position of the submitter. Here, pricing and financial information is properly kept confidential to protect companies from competitive harm and to avoid disclosure of sensitive business practices. The submitter asserts, and BPA agrees, that a release of the information identified for exemption has the potential to cause the submitter harm by giving competitors a financial picture of the submitter's pricing structure for the subject contract. This, they argue, will enable those competitors to undercut the submitter on future contract bids. BPA accepts this argument and agrees. BPA has determined that the submitter has shown a likelihood of competitive harm. Therefore, we find that the dollar value figures, including the Schedule of Prices, in Contract 53453 with BPA, is confidential and we withhold this information under Exemption 4. We decline to evaluate any impairment considerations.

In accord with the above determinations and conclusions, BPA is releasing 142 pages of responsive records, with 6 of those 142 pages containing redactions made pursuant to Exemption 4. Those records accompany this communication.

Please note that since the date of the subject FOIA request, three modifications to Contract 53453 have been put in place. If you and your organization are interested in these contract modifications, you may submit a new FOIA request to obtain them.

Fees

There are no fees associated with this request.

Appeal

You may seek administrative appeal pursuant to DOE FOIA regulations at 10 C.F.R. § 1004.8. If you choose to appeal, you must do so in writing within 30 days of the date of this letter, and include the following information:

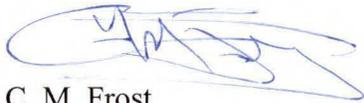
1. The nature of your appeal - denial of records, partial denial of records, lack of responsive records, or denial of fee waiver;
2. Any legal authorities relied upon to support the appeal; and
3. A copy of this determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to the following address:

Director, Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-1615

If you have questions about this communication, you may contact James King (CorSource Technology Group, Inc.), assigned to BPA, at 503-230-7621.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer