



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 16, 2017

In reply refer to: FOIA #BPA-2017-00680-F

George Kramer  
Kramer & Company  
386 North Laurel  
Ashland, OR 97520  
[george@preserveoregon.com](mailto:george@preserveoregon.com)

Dear Mr. Kramer:

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 by BPA on March 8, 2017 and acknowledged on April 14, 2017.

### Request

"...the TECHNICAL PROPOSAL from AECOM presented in response to BPA RFO 3899."

### Response

In accord with the FOIA requirements BPA has conducted electronic searches of records in the following agency offices:

Services Acquisition Team

The Services Acquisition Team provided the February 13, 2017 Technical/Management (Non-Price/Cost) Proposal from AECOM, submitted to BPA—the agency record responsive to your request. BPA's Office of General Counsel reviewed the proposal and determined that an exemption determination was necessary.

### Exemption 3

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

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) (currently 41 U.S.C. § 4702) prohibits an agency from disclosing under FOIA a 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. That did not occur here. Therefore, the proposal by AECOM is withheld in its entirety.

### **Certification**

Your FOIA request BPA-2017-00680-F is closed with the agency's sole responsive record being withheld in its entirety under Exemption 3 to the FOIA. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determinations described above.

### **Fee**

There are no FOIA fees applicable to your request for BPA records.

### **Appeal**

This decision, as well as 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

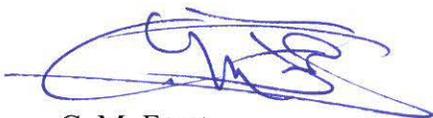
The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of the 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, Sarah Westenberg, 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 at [ogis@nara.gov](mailto: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, CorSource Technology Group, Inc., assigned to the BPA FOIA office, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or at 503-230-7621.

Sincerely,



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