



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

July 18, 2018

In reply refer to: BPA-FOIA-2017-01395-F

Tim Bunkers
Universal Field Services, Inc.
P.O. Box 35666
Tulsa, OK 74153
tbunkers@ufsrw.com

Dear Mr. Bunkers:

This communication is the Bonneville Power Administration's (BPA) final response to your records request made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your records request was received on July 6, 2017 and was acknowledged on July 14, 2017.

Request

"...all proposals submitted in response to the RFO #3783 Professional Realty Support Services issued on October 17, 2016 by the Department of Energy, Bonneville Power Administration. The contact person for this contract is Tracey A. Albright, Contracting Officer, Construction Acquisition Team|4400-NSSV-2, Contracts & Strategic Sourcing | Supply Chain Services, taalbright@bpa.gov..."

Response

In accord with the FOIA requirements, BPA conducted electronic searches of records in the following agency offices: Construction Acquisition Team, Contracts & Strategic Sourcing, and Supply Chain Services. We located 11 pages of records responsive to your request. BPA's Office of General Counsel (OGC) reviewed that agency record set and determined that an exemption analysis was necessary prior to a release. That analysis is now complete; we are withholding 4 pages in full under Exemption 4; releasing 3 pages in full, and releasing 4 pages with redactions under Exemption 3 and Exemption 4. These records are enclosed.

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)). Agencies are prohibited from disclosing contract proposals under 41 U.S.C. § 4702. Section 4702 does permit disclosure, however, to the extent that "a proposal . . . is set forth or incorporated by reference in a contract" (41 USC 4702(c)).

Therefore, all losing proposals are exempt from disclosure, and only the parts of the winning proposal that BPA incorporated into the contract may be subject to disclosure.

Exemption 4

BPA incorporated only the following information into the contract from the winning proposal by Cornerstone:

1. Pricing (from Schedule of Prices) into Clause 22-51;
2. One project manager's identity (from Tasks per Labor Category) into Clause 23-1 "Key Personnel;" and
3. The columns of required experience, education, and tasks (from Tasks per Labor Category), into the Statement of Work (SOW).

After an independent analysis, BPA finds that most of the incorporated information is protected by Exemption 4. BPA finds that only the following information must be disclosed under Exemption 4:

1. Base Performance Period billing rates
2. Experience and education levels for labor categories.

Fee

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

Certification

Your FOIA request BPA-2017-01395-F is now closed. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the exemption determinations described above.

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, 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, Jason Taylor, at the address at the 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

Questions about this communication may be directed to James King, CorSource Technology Group, LLC, at jjking@bpa.gov or at 503-230-7621.

Sincerely,



Rachel L. Hull
Freedom of Information/Privacy Act Officer

Enclosed: Responsive Records

RFO 3783 AMENDMENT 005

**SCHEDULE OF PRICES (22-51)
(MAR 2017)**

The Schedule of Prices shall be incorporated into each release and task assignment. The contractor shall provide all labor, materials, supplies, equipment and services at the rates stated herein, necessary to perform the work described in the attached statement of work (including, but not limited to, the contractor furnished property) and as specifically ordered through the issuance of a release or task assignment.

No work is authorized under this master contract unless identified by a release (or similar).

Contractor's management of the work through the Project Manager position must not exceed 10% of the total hours of the release or work assignment.

The following unit prices shall be the ceiling unit pricing used in all work under this master contract.

** See task definitions below.*

Base Performance Period: June 1, 2017 – May 31, 2019

Item No.	Description	Unit	Contract Billing Rate
→	Labor Categories - Time-and-Materials		
1	Right of Way Specialist		
1a	Right of Way Specialist I	HR	\$ 85.00
1b	Right of Way Specialist II	HR	\$ 90.00
1c	Right of Way Specialist II	HR	\$ 95.00
2	Right of Way Technician		
2a	Right of Way Technician I	HR	\$ 65.00
2b	Right of Way Technician II	HR	\$ 70.00
2c	Right of Way Technician III	HR	\$ 75.00
3	Project Manager		
3a	Project Manager I	HR	\$ 115.00
3b	Project Manager II	HR	\$ 120.00
3c	Project Manager III	HR	\$ 125.00
→	Tasks - Firm-Fixed Price *		

4	Permission to Enter Property (PEP) Preparation	Each	\$	175.00
5	Acquisition Packet Preparation	Each	\$	375.00
6	Land Rights Review (LRR)	Each	\$	210.00
7	Land Rights Review Analysis (LRRA)	Each	\$	250.00
8	Permission to Enter Property (PEP) Acquisition	Each	\$	360.00
9	Waiver Valuation	Each	\$	405.00

Option Year 1: June 1, 2019 – May 31, 2020

Item No.	Description	Unit	Contract Billing Rate	% Increase From Previous Period
→	Labor Categories - Time-and-Materials			
10	Right of Way Specialist			
10a	Right of Way Specialist I	HR	\$	█
10b	Right of Way Specialist II	HR	\$	█
10c	Right of Way Specialist II	HR	\$	█
11	Right of Way Technician			
11a	Right of Way Technician I	HR	\$	█
11b	Right of Way Technician II	HR	\$	█
11c	Right of Way Technician III	HR	\$	█
12	Project Manager			
12a	Project Manager I	HR	\$	█
12b	Project Manager II	HR	\$	█
12c	Project Manager III	HR	\$	█
→	Tasks - Firm-Fixed Price *			
13	Permission to Enter Property (PEP) Preparation	Each	\$	█
14	Acquisition Packet Preparation	Each	\$	█
15	Land Rights Review (LRR)	Each	\$	█
16	Land Rights Review Analysis (LRRA)	Each	\$	█
17	Permission to Enter Property (PEP) Acquisition	Each	\$	█
18	Waiver Valuation	Each	\$	█

Option Year 2: June 1, 2020 – May 31, 2021

All redactions made and applied under 5 U.S.C. Sec. 552(b)(4).

Item No.	Description	Unit	Contract Billing Rate	% Increase From Previous Period
→	Labor Categories - Time-and-Materials			
19	Right of Way Specialist			
19a	Right of Way Specialist I	HR	\$ █████	█
19b	Right of Way Specialist II	HR	\$ █████	█
19c	Right of Way Specialist III	HR	\$ █████	█
20	Right of Way Technician			
20a	Right of Way Technician I	HR	\$ █████	█
20b	Right of Way Technician II	HR	\$ █████	█
20c	Right of Way Technician III	HR	\$ █████	█
21	Project Manager			
21a	Project Manager I	HR	\$ █████	█
21b	Project Manager II	HR	\$ █████	█
21c	Project Manager III	HR	\$ █████	█
→	Tasks - Firm-Fixed Price *			
22	Permission to Enter Property (PEP) Preparation	Each	\$ █████	█
23	Acquisition Packet Preparation	Each	\$ █████	█
24	Land Rights Review (LRR)	Each	\$ █████	█
25	Land Rights Review Analysis (LRR)	Each	\$ █████	█
26	Permission to Enter Property (PEP) Acquisition	Each	\$ █████	█
27	Waiver Valuation	Each	\$ █████	█

Option Year 3: June 1, 2021 – May 31, 2022

Item No.	Description	Unit	Contract Billing Rate	% Increase From Previous Period
28	Right of Way Specialist			
28a	Right of Way Specialist I	HR	\$ █████	█
28b	Right of Way Specialist II	HR	\$ █████	█
28c	Right of Way Specialist III	HR	\$ █████	█
29	Right of Way Technician			
29a	Right of Way Technician I	HR	\$ █████	█
29b	Right of Way Technician II	HR	\$ █████	█
29c	Right of Way Technician III	HR	\$ █████	█

All redactions made and applied under 5 U.S.C. Sec. 552(b)(4).

30	Project Manager				
30a	Project Manager I	HR	\$	██████	██
30b	Project Manager II	HR	\$	██████	██
30c	Project Manager III	HR	\$	██████	██
→	Tasks - Firm-Fixed Price *				
31	Permission to Enter Property (PEP) Preparation	Each	\$	██████	██
32	Acquisition Packet Preparation	Each	\$	██████	██
33	Land Rights Review (LRR)	Each	\$	██████	██
34	Land Rights Review Analysis (LRRA)	Each	\$	██████	██
35	Permission to Enter Property (PEP) Acquisition	Each	\$	██████	██
36	Waiver Valuation	Each	\$	██████	██

TASK DEFINITIONS

All redactions made and applied under 5 U.S.C. Sec. 552(b)(4).

* Permission to Enter Property (PEP) Preparation. The ROW Technician shall prepare the PEP document using BPA provided template and inputting all parcel data and landowner information. (BPA provides landowner information.) This task is completed when the PEP is mailed to the landowner and the date of the mailing is documented in accordance with the Statement of Work.

* Acquisition Packet Preparation. The ROW Technician shall prepare the documents needed for the acquisition of rights and in accordance with the Statement of Work. This task is completed when transfer of file has been entered in BPA's Land Information System (LIS).

- * Land Rights Review (LRR). The ROW Technician shall review a tract that is identified in the Statement of Work and enters the land rights in a BPA provided spreadsheet. This task is completed when the spreadsheet has been completed with the appropriate information.

- * Land Rights Review Analysis (LRRRA). The ROW Specialist shall draft a summary of the land rights and associated risks for a provided tract needed for a specific project and in accordance with the Statement of Work. This task is completed when the LRRRA document is submitted to the Contracting Officer's Technical Representative (COTR).

- * Permission to Enter Property Acquisition. The ROW Specialist shall review a PEP to ensure correctness prior to mailing to a landowner. This task is completed when the PEP is signed and returned to BPA or there are three (3) documented attempts to acquire a signed PEP from a landowner within the time line specified in the Statement of Work.

- * Waiver Valuation. The ROW Specialist shall provide market sales information and complete BPA's waiver valuation template/form per tract and in accordance with the Statement of Work. There must be a minimum of three (3) comparable sales to determine value. This task is completed when completed waiver valuation form is submitted to the RSFI.

Tasks and Key Personnel Per Labor Category

Item No.	Labor Category	Required Minimum Years Experience *	Required Minimum Education Level *	Tasks / Level of Expertise Per the SOW	Key Personnel and Office Location
1a	Right of Way Specialist I	2	High School or equivalency and some college preferred	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A)
1b	Right of Way Specialist II	4	High School or equivalency and some college preferred	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A)
1c	Right of Way Specialist III	6	College preferred. 2-year specialized degree or 4-year degree	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A) (b) (3) (B)
2a	Right of Way Technician I	2	High School or equivalency and some college preferred	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A) (b) (3) (A)
2b	Right of Way Technician II	4	High School or equivalency and some college preferred	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A) (b) (3) (A)
2c	Right of Way Technician III	6	College preferred. 2-year specialized degree or 4-year degree	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (3) (A)
3a	Project Manager I	10	Bachelor's degree	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	Cornerstone will, upon approval from BPA provide Project Manager I based on work load and scope of services.
3b	Project Manager II	15	Bachelor's degree and equivalent related experience	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	Cornerstone will, upon approval from BPA provide Project Manager II based on work load and scope of services.
3c	Project Manager III	15	Master's degree or Bachelor's degree and equivalent related experience	Tasks are performed by this labor category as outlined in the RFO. Tasks and responsibilities are assigned as appropriate for the size and complexity of the specific project and in coordination with the Client.	(b) (4)

* Please indicate the minimum experience/education required by your company in the categories above.