

National Aeronautics and  
Space Administration  
  
John H. Glenn Research Center  
Lewis Field  
Cleveland, OH 44135-3191



Reply to Attn of: X

APR 12 2006

Federal Sources, Inc.  
Attn: Kelly Miller  
8400 Westpark Dr., 4<sup>th</sup> Floor  
McLean, VA 22102

Subject: Freedom of Information Act Request No. 06-009

This letter is to advise you that a releasability determination regarding NASA Contract NAS3-03100 including the statement of work has been made. In making the initial determination, the relevant statutes, case law, and guidance, as well as the comments provided by the submitter of the information contained in the records and the comments provided by the contracting officer were considered. Accordingly, it is my decision to partially deny your request for information contained in the contract. The basis for this partial denial is set forth below.

The following records have been identified as exempt from disclosure under the FOIA, 5 U.S.C § 552(b)(4):

**Contract NAS3-03100:**

- Page 2, Item #2 entitled "Estimated Costs". Specifically, the dollar amounts listed in the "estimated costs" and "fixed fee incentive fee" columns.

The information identified above reveals the unique methods, procedures, and/or techniques employed by the contractor to accomplish the contract, and, therefore, is considered to be confidential. The initial determination has been made that these items are exempt from release under the Freedom of Information Act, 5 U.S.C § 552(b)(4), as "commercial and financial information, and obtained from a person, and privileged or confidential."

In order to properly and effectively conduct procurements, it is necessary for the Government to obtain detailed technical, financial, and commercial data. Only through evaluation of complete and accurate data of this type can the Government hope to negotiate an agreement that best meets its requirements, both cost and technical. It is mandatory that the federal procurement process be handled in a manner that fosters and promotes uninhibited transmission of confidential material. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

The integrity of the procurement process would clearly be compromised if the Government were to disclose information such as that contained in the exempted items outlined above. The disclosure of such information with sufficient levels of detail, or indeed, from participating in future procurements at all. Because of the importance to the procurement process of maximizing competition, the Government's needs would be frustrated.

In addition to protecting the Government's ability to obtain necessary information, exemption (b)(4) protects the competitive position of submitters. Disclosure of the redacted information could cause substantial competitive injury to submitters because it would reveal insights into their business practices. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

Except as noted above, the following documents are enclosed.

- Copy of NASA contract NAS3-03100 including the statement of work.

The itemized charges for furnishing you this material are as follows:

Duplication:	\$ 2.50	(25 pages @ \$.10/ pg.)
Search/Review:	<u>30.00</u>	(1 hr. @ \$7.50/1/4 hr. Professional)
<b>Total</b>	<b>\$ 32.50</b>	

Payment should be made through Pay.gov. Pay.gov has been developed to meet the Financial Management Services commitment to process collections electronically using Internet technologies. Please refer to the attached document detailing the process for submitting payment for the fees incurred to process this FOIA request.

Please be advised that the amount due must be paid in full within 30 days. The 30-day period will begin three days after the date of this letter. In remitting payment, please reference FOIA request 06-009.

You may appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the **Administrator, National Aeronautics and Space (NASA), Mail Stop: P, 300 E Street SW, Washington, DC 20546**; (2) be clearly identified on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA)"; (3) include a copy of the request for the Agency record and a copy of this initial determination; (4) to the extent possible, state the reasons why you believe this decision should be reversed; and (5) be sent to the Administrator within 30 calendar days of the date of the receipt of this initial determination.

If you need further assistance, please call Angela Pierce, FOIA Officer, at (216) 433-2813 or FAX (216) 433-5489.



John M. Hairston, Jr.  
Director of External Programs

Enclosure(s)

Cc:  
BFA0/R.Grossman