

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



Reply to Attn of: G

JAN 21 2011

Frankie Friend & Associates, Inc.
Attn: Michael Lebofsky
2305 E. Arapahoe Road, Suite 132
Centennial, CO 80122

Subject: Freedom of Information Act (FOIA) Request No. 11-GRC-F-00342

This letter is to advise you that a releasability determination regarding your FOIA request for a copy of contracts NNC09TA52T and NNC06BA04B including the two most recent modifications, the cost schedule, winning proposal, and the most recent invoice for each contract has been made. This determination has taken into consideration the relevant statutes, case law, and guidance, as well as comments received from the Contracting Officer and the submitters. Accordingly, it is my decision to deny your request in part. The basis for this denial is set forth below.

Contract NNC06BA04B including modifications #6 and 7, and task order NNC09TA52T including modifications #15 and 16 will be released in full. Cost schedules are not requirements for either contract, therefore no records exist. Lastly, the proposals for each contract will be withheld in its entirety. Submitter's proposals are exempt from release under Exemption 3 of the FOIA 5 U.S.C § 552 (b). Statute 10 U.S.C 2305(g) as amended by Pub. Law 106-65 (October 5, 1999) was made applicable to NASA. This statute prohibits the release of contractor's proposal.

Please note that you were notified on January 6, 2011 that a portion (recent invoice for each contract) of your FOIA request was transferred to the NASA Shared Service Center in Mississippi. You will receive a direct response from the NSSC for this portion of the FOIA request. If you have any questions, you may contact the NSSC via e-mail at nssc@nasa.gov or telephone at (228) 813-6174.

You may appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the **Administrator, National Aeronautics and Space Administration (NASA), Mail Stop: FOIA, Room 9R17, 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.

There is no charge for processing this request since the applicable fees do not meet the established threshold.

If you have any questions/concerns, please contact the undersigned at (216) 433-2813 or via e-mail at foia@grc.nasa.gov, and reference FOIA request #11-GRC-F-00342.

A handwritten signature in cursive script that reads "Angela L. Pierce".

Angela L. Pierce
FOIA Officer