DEFENSE LOGISTICS AGENCY
LAND AND MARITIME
P.O. BOX 3990
COLUMBUS, OHIO 43218-3990

June 24, 2019

John P Day
Day & Day, Inc.
22648 Glenn Drive, Ste. 102
Sterling, VA 20164

Mr. Day,

This letter addresses your Freedom of Information Act (FOIA) request for records. Your FOIA request was assigned the **FOIA control number** DLA-HQ-2019-003095. Enclosed are the Responsive Records we have in response to your request which are released in part pursuant to 5 U.S.C. § 552(b)(4) and 5 U.S.C. § 552(b)(5).

Following consultation with Defense Logistics Agency (DLA) Office of General Counsel, DLA has determined that the Exceptions listed under the FOIA support redaction of identified elements of data or information on the Responsive Records. The Responsive Records for your request are released as a "Partial Denial/Partial Grant" set of records.

Due to changes in the DoD FOIA Regulation (32 CFR Part 286, January 5, 2017) and following consultation with DLA Office of General Counsel, DLA has determined that releasing both the Commercial And Government Entity (CAGE) code and the unit price bid of losing bidders would likely constitute release of commercial proprietary information.

As economic theory more strongly supports the value to the market of release of unit price bid vice the CAGE code, DLA has determined that the CAGE code of losing bidders must be withheld in accordance with Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4). Pursuant to Exemption 4, certain non-government financial information is exempt from disclosure. Exemption 4 protects: trade secrets; or information that is commercial or financial, obtained from a person or entity outside of the U.S. Government, and privileged or confidential.

Internal control numbers associated with funding citations as well as pricing logic elements are withheld under Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which protects internal deliberative records and records the release of which would likely place the government at a competitive disadvantage in the procurement process.

This agency decision concludes the processing of your request(s) referred to above.

You have the right to dispute or appeal this partial denial. You have the right to seek dispute resolution services from either the Office of Government Information Services (OGIS) or DLA FOIA Public Liaison. As part of the 2007 FOIA amendments, the OGIS was created to offer mediation services.

Similarly, as part of the FOIA Improvement Act of 2016, DLA established a FOIA Public Liaison to offer mediation services. Both OGIS and the DLA Public Liaison will assist in resolving disputes between FOIA requesters and DLA as a non-exclusive alternative to an appeal. Using OGIS or the DLA FOIA Public Liaison for mediation services does not affect your right to pursue an appeal nor does it stay the appeal clock. You may contact OGIS or the DLA Public Liaison in either of the following ways:

Option A	or	Option B
Office of Government Information Services		DLA FOIA Public Liaison
National Archives and Records Administration		Lewis Oleinick, CIPP/US/G
Room 2510		Defense Logistics Agency
8601 Adelphi Road		Suite 1326, ATTN: IGC (FOIA/PA)
College Park, MD 20740-6001		8725 John J. Kingman Rd.
E-mail: ogis@nara.gov		Fort Belvoir, VA 22060-6221
Telephone: 202-741-5770		571-767-6194 (w)
Facsimile: 202-741-5769		FOIA.Liaison@dla.mil
Toll-free: 1-877-684-6448		

You have the right to appeal this partial denial. An appeal must be made in writing to the General Counsel and reach the General Counsel's Office within 90 calendar days from the date of this letter, and no later than 5:00 pm Eastern Standard Time. The appeal should include your reason(s) for appeal, the full FOIA control number (identified above) and a copy of this letter. Go to https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate to submit your appeal or mail your appeal to:

The FOIA and Privacy Office
Defense Logistics Agency,
ATTN: IGC (FOIA/PA), Suite 1326
8725 John J. Kingman Road
Fort Belvoir, Virginia 22060-6221

The processing fee for your completed FOIA request is now due; see the enclosed Invoice. For greater efficiency processing payments, DLA no longer accepts check or money order payments for FOIAonline requests for the Abstract of an awarded contract. Please make your payment to the **Defense Logistics Agency** via Pay.gov (https://www.pay.gov/public/home), please visit the web-site to review available payment options. For your convenience we have attached a step-by-step guide from the Pay.gov web-site for making a payment to DLA for a FOIA request using the Pay-gov web-site.

Request that each payment include the ***full FOIA control number*** (identified above) for identification purposes. The Pay.gov web-site will send a payment confirmation message to the e-mail address you provide. Please keep a copy of this message for your records and forward a copy of the payment confirmation message to Foia_payment@dla.mil to update your payment status. At this time the Pay.gov web-page doesn't update FOIAonline, so we need confirmation of payment to update our records and FOIAonline.

If payment is not received within thirty days from the date of this letter, interest will begin to accrue and continue to accrue until payment is received. Interest charges will accrue as set forth by the Debt Collection Act of 1982.

You have the right to dispute the processing fee and any accrued interest; if applicable. You have the right to seek dispute resolution services from either the OGIS or DLA FOIA Public Liaison; see contact information above as appropriate.

If you have any questions concerning this response, please direct them to the undersigned via e-mail to Tyler.Stewart@dla.mil or via telephone at 614-692-9066.

Sincerely,

Michael D. Yeatts

Michael D. Yeatts
Management Analyst

Enclosure