DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221

December 30, 2020

Mr. Juan Fernandez
Now Electronics Inc,
48 Elm St.
Huntington, NY 11743

Mr. Fernandez,

This response addresses your Freedom Of Information Act (FOIA) request for abstract records. Your FOIA request was assigned the FOIA control number DLA-HQ-2021-000537.

Enclosed are the 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).

Due to changes in the DoD FOIA Regulation (32 CFR Part 286, Jan. 5, 2017) and following consultation with DLA Office of General Counsel, DLA has determined that releasing both the 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 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.

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 reasons for reconsideration and enclose a copy of this letter. Appeals are submitted online via https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate or mailed. Appeals are to be addressed 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.

This agency decision concludes the processing of your request(s) referred to above. As part of the 2007 FOIA amendments, the Office of Government Information Services (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 appeal. Using OGIS or the DLA FOIA Public Liaison does not affect your right to pursue appeal nor

does it stay the appeal clock. You may contact OGIS or the DLA Public Liaison in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

DLA FOIA Public Liaison
Lewis Oleinick, CIPP/US/G
Defense Logistics Agency
Suite 1326, ATTN: IGC (FOIA/PA)
8725 John J. Kingman Rd.
Fort Belvoir, VA 22060-6221
571-767-6194 (w)
FOIA Liaison@dla.mil

The balance for your FOIA request on the enclosed invoice is now due. **For greater payment efficiency, our agency no longer accepts mailed checks and money orders. Please go to pay.gov for payment options**. Please go to the website, place "dla" in the search, scroll down and choose DFAS Columbus Form 6335. **Attached for your convenience is a step-by-step instruction guide for using pay.gov.** Please email your payment confirmation (receipt) to Foia_payment@dla.mil, so we can properly credit your FOIA account.

If you have any questions, please contact Shirley Brown, at shirley.brown@dla.mil, 215-737-2199. Please reference DLA-HQ-2021-000537 or any communication.

Sincerely,

Christopher K Webb

Christopher K Webb
Management Analyst