DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND WASHINGTON
1314 HARWOOD STREET SE
WASHINGTON NAVY YARD DC 20374-5018

IN REPLY REFER TO:

5720
DON-NAVY-2020-003457
MAR 17 2020

Ms. Katelyn Wolford
Foundation for Fair Contracting
815 16th Street, NW, Suite 600
Washington, DC 20006

Dear Ms. Wolford,

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER DON-NAVY-2020-003457

We are providing a response to your Freedom of Information Act (FOIA) request of January 10, 2020, where you request "…copies of all certified payroll records submitted on behalf of [Kogok Corporation] (to include any/all of their subcontractors) for work performed on the Rickover Hall Building 590 construction project at the U.S. Naval Academy campus (solicitation no. N40080-17-R-0036) from October 2018 through December 2019…"

We are withholding 27 records consisting of 278 pages in full under exemption 4 U.S.C. § 552 (b)(4) of the FOIA.

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. This exemption is intended to protect the interests of both the government and submitters of information. The exemption also affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure. In this regard, we have determined that the release of copies of all certified payroll records submitted on behalf of Kogok Corporation, including those of their subcontractors, will not be released.

The fees associated with the processing of your request are waived in this instance.

If you consider this response an adverse determination, you may appeal. Since you have created an account in FOIAonline, you may submit an appeal directly within this web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-01, ogis@nara.gov; (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Further questions regarding the action this office has taken may be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2020-003457 whenever corresponding about this request.

Sincerely,

B. M. VOGEL
By direction