



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 21, 2024

In reply refer to: FOIA #BPA-2022-00850-F

**SENT VIA EMAIL ONLY TO:** [lfinnigan@ufsrw.com](mailto:lfinnigan@ufsrw.com)

Leslie Finnigan  
Vice President, Western Region  
Universal Field Services  
P.O. Box 2354  
Salem, OR 97308

Dear Ms. Finnigan,

This communication is the Bonneville Power Association's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on May 16, 2022, and formally acknowledged on May 31, 2022.

### **Request:**

"...the winning proposal [for Request for Proposal 5123, for Real Property Support Services IDIQ]..."

### **Response**

BPA searched for and gathered records responsive to your request. BPA collected 36 pages of responsive records from knowledgeable agency personnel in the agency's Energy Infrastructure Delivery office in the Supply Chain organization. Those 36 pages accompany this communication with redactions and withholdings made under the following exemptions:

- 31 pages withheld in full under 5 U.S.C. § 552(b)(3) (Exemption 3)
- 1 page with exemptions applied under 5 U.S.C. § 552(b)(6) (Exemption 6)

A more detailed explanation of the applied exemptions follows.

### **Explanation of Exemptions**

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

A more detailed explanation of the applied exemptions follows.

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#### Exemption 3

Exemption 3 permits withholding of material under the non-disclosure provisions of other federal statutes. A statute may qualify for use along with Exemption 3 if that statute "requires that the matters be withheld" or "establishes particular criteria for withholding" (5 U.S.C. § 552(b)(3)). In this case, 41 U.S.C. § 4702 requires withholding of specific contract information of the type and kind you've requested. Therefore, BPA is withholding that information under Exemption 3 and 41 U.S.C. § 4702. Specific details on the application of Exemption 3 to the records you seek follows.

#### 41 U.S.C. § 4702

BPA is required by Exemption 3 and 41 U.S.C. § 4702 to withhold the unsuccessful bidder submittal records, but, under certain circumstances, not the awarded submittal records. To note, 41 U.S.C. § 4702 exists as a prohibition on the public release of proposal-submittal information that otherwise might be responsive to a FOIA request. That is, BPA is required by Exemption 3 and 41 U.S.C. § 4702 to withhold both unsuccessful bidder submittal records, and the awarded submittal records, if the awarded bidders' submittal information were not incorporated into the awarded contract(s). The successful submitter proposal was not incorporated into the awarded contract and so that record is subject to Exemption 3 and is being released to you only in redacted format. Lastly to note, the FOIA does not permit a discretionary release of information otherwise protected by Exemption 3.

#### Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, personal and other non-public cell phone numbers. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and

release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

**Fees**

There are no fees associated with processing your FOIA request.

**Certification**

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for records search and redactions applied in the FOIA response described above. Your FOIA request BPA-2022-00850-F is now closed with the responsive agency information provided.

**Appeal**

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search and the completeness of this final records release within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals  
HG-1, L'Enfant Plaza  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770  
Toll-free: 1-877-684-6448

Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or 503-230-7621. Thank you for your interest in the Bonneville Power Administration.

Sincerely,

Candice D. Palen  
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

**Taylor, Jason E (BPA) - CGI-7**

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**From:** Rozyla, Brian <BRozyla@cornerstoneenergyinc.com>  
**Sent:** Monday, April 18, 2022 10:33 AM  
**To:** Gill, Syreeta L (BPA) - NSSV-4400-2  
**Cc:** Perron, Jon  
**Subject:** [EXTERNAL] Real Property Support Services IDIQ RFP 5123-Cornerstone Energy Submittal  
**Attachments:** 5123 IDIQ Submittal.pdf; B-F Schedule of Items Rev. 1.xlsx; F5 Solicitation Provisions.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning, Rita-

Thank you for the opportunity to propose on this contract. We have attached our response to this email. Please let us know if you have any questions or if anyone on your staff needs any clarification. My contact information is below.

We look forward to continuing our work with BPA!

All the best,

Brian

Brian Rozyla  
Senior Project Manager  
Cornerstone Energy Services, Inc.  
[brozyla@cornerstoneenergyinc.com](mailto:brozyla@cornerstoneenergyinc.com)  
(208) 481-4200 (O)

(b) (6)

























































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**SOLICITATION/CONTRACT/ORDER DETAILS** *(Attach continuation pages as necessary to list all items.)*

18. Item Number	19. Description	20. Quantity	21. Unit	22. Unit Price	23. Amount
	SEE SCHEDULE OF ITEMS SECTION B		... ... ... ...		

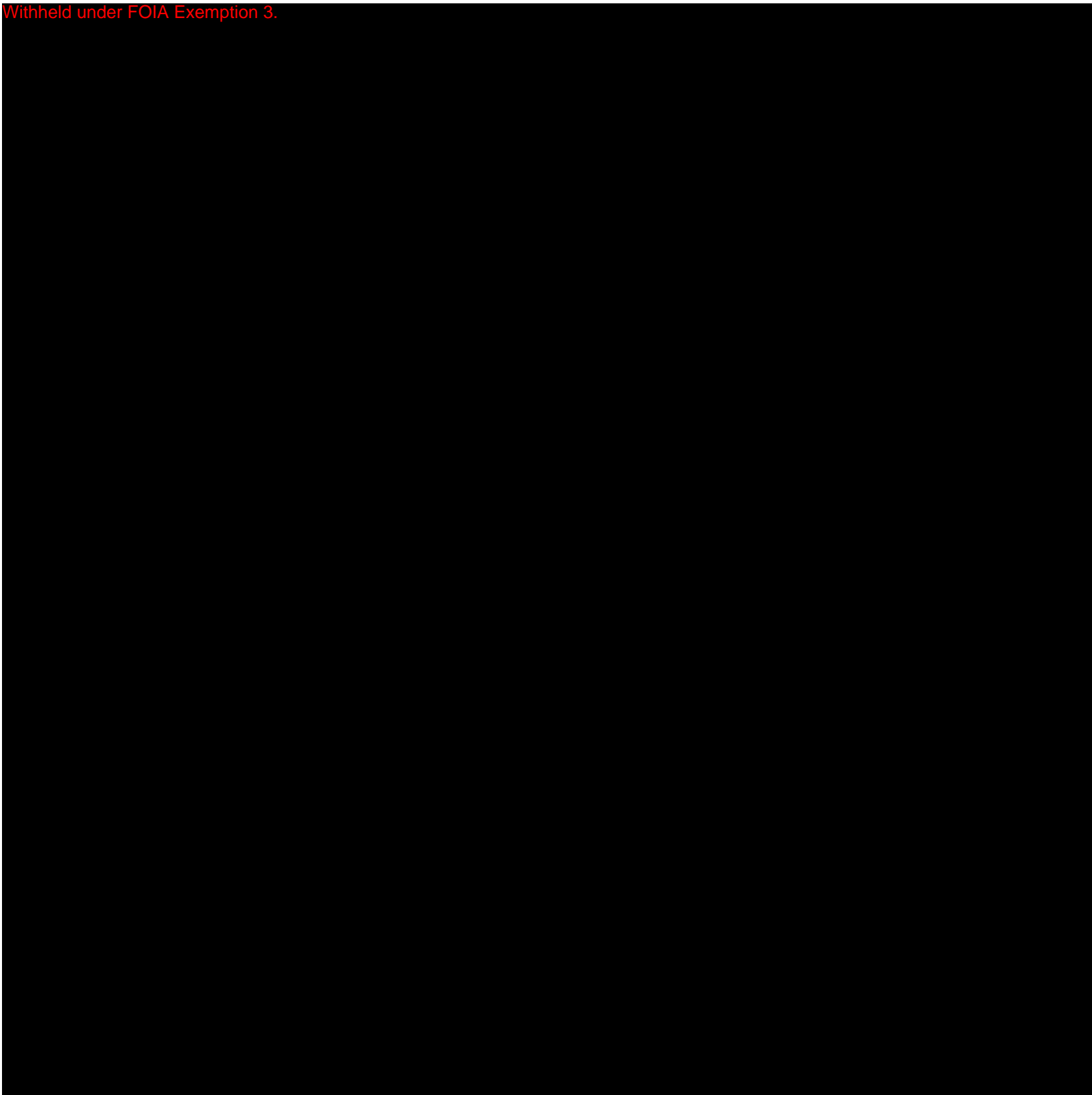
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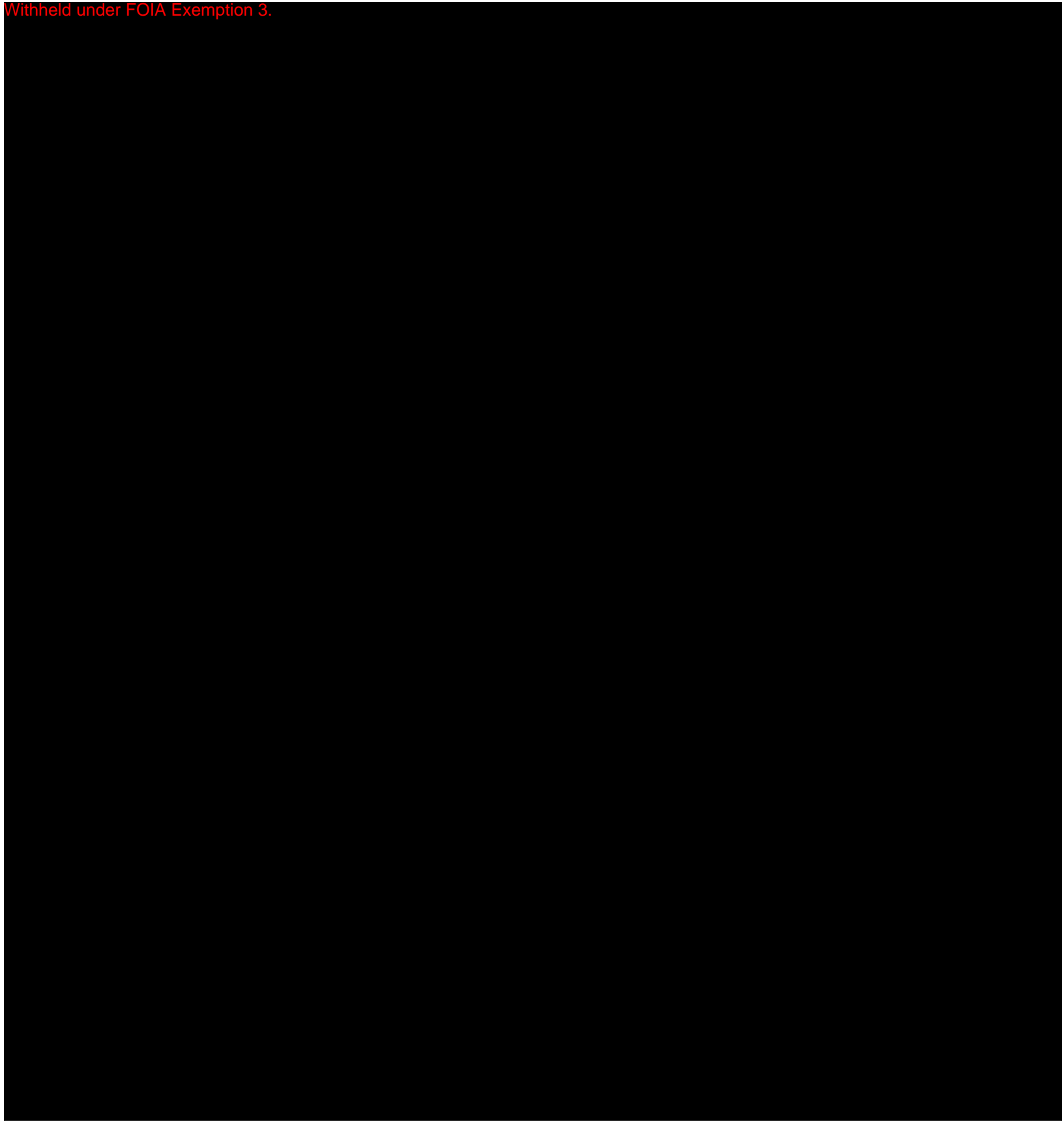












**1. Invoices should be sent**

**electronically to:** TBD on Individual  
Task Assignments

**2. Payment Terms:** NET 30

**3. Bonneville Contact**

Bonneville Office: NSSV-4400-2  
Attention: CS Rita Gill  
Contact Email: slgill @bpa.gov  
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\_\_\_\_\_  
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**4. Contractor Contact**

Company Name: Cornerstone Energy Services, Inc.  
Attention: Brian Rozyla  
Contact Email: [brozyla@cornerstoneenergyinc.com](mailto:brozyla@cornerstoneenergyinc.com)  
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**D. DELIVERY INFORMATION**

<b>Line Item No.</b>	<b>Period of Performance</b>	<b>Quantity</b>	<b>Unit</b>	<b>Delivery Terms</b>	<b>Place of Performance</b>
0001-0009	June 1, 2022 - May 31, 2024	1.00	Job	Block 11	To Be Determined on individual Task Assignments
1001-1009	June 1, 2024 - May 31, 2025	1.00	Job	Block 11	To Be Determined on individual Task Assignments
2001-2009	June 1, 2025 - May 31, 2026	1.00	Job	Block 11	To Be Determined on individual Task Assignments
3001-3009	June 1, 2026 - May 31, 2027	1.00	Job	Block 11	To Be Determined on individual Task Assignments

**Special Delivery Instructions:** TBD at Task Assignment level.

**E. INSPECTION AND ACCEPTANCE TERMS**

All line item(s) in Section B will be inspected and accepted by the COR at the address specified in Section C unless otherwise stated in the table below.

<b>Line Item No.</b>	<b>Inspection At/Inspection By</b>		<b>Acceptance At/Acceptance By</b>		<b>Additional Info</b>
All	Government	Government	Government	Government	To be determined on individual Task Assignments

## F. ATTACHMENTS

	<b>Description</b>
F1	Master Contract Statement of Work – Real Property Support Services IDIQ Dated: March 10, 2022
F2	Contract Clauses
F3	Wage Determinations - Multiple "See Attachment"
F4	Additional Attachments: None
F5	Solicitation Provisions, F5.1 Past Performance Evaluation Form