

Ms. Joo Chung
Assistant to the Secretary of Defense for Privacy
Civil Liberties, and Transparency (PCLT)
Office of the Secretary of Defense

BACKGROUND

On May 21, 2023, I submitted a request under the Freedom of Information Act, 5 U.S.C. subsection 552, FOIA case number 23-F-0905, for copies of records for award ID HQ003422C0094. This ID is connected to a contract awarded by Department of Defense through the Office of the Under Secretary of Defense For Intelligence and Security to Sancorp Consulting, LLC (UEI: GRYKNJ8BGFC8) in 2022, for work identified as “AARO SUPPORT SERVICES.”

CONTEXT

On September 11, 2023, I received a partial response, attached, from Stephanie L. Carr, Chief, Department of Defense (DOD), Freedom of Information Division, stating that the DOD had identified 125 pages of documents responsive to my request, but that it would be releasing only a portion; a file containing 34 pages, labeled 23-F-0905_doc_1.pdf, was attached.

The partial response letter also stated: **“Finally, Acquisition Directorate conducted an exhaustive search of their records systems for the following: Correspondence (internal emails, physical mail, etc.); Requests for Information; Memorandum(s) of Understanding; Letters of Interest; Task Letters; Privacy Impact Assessments; and, Presentations by Sancorp Consulting, LLC. After thorough searches of their electronic records and files, no records of the subjects were located. In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.”**

APPEAL

Upon review of the partial response letter, the Acquisition Directorate appears to have overlooked at least one item identified in my original request, which I reproduce in part below:

“- Correspondence (internal emails, physical mail, etc.)

- Requests for Proposals

- Requests for Information

- Statements of Work

- Memorandum(s) of Understanding

- Letters of Interest

- Award Letters

- **Task Letters**
- **Privacy Impact Assessments**
- **Invoices**
- **Purchase and/or Change Orders**
- **Project Budgets and/or Budget Proposals**
- **Evaluation Reports**
- **Presentations by Sancorp Consulting, LLC**

Please take note that the Acquisition Directorate's response jumps from "Requests for Information" to "Memorandums of Understanding." Missing is an acknowledgement that the Acquisition Directorate did or did not locate records responsive to my request for "Statements of Work" (SOW). Per Acquisition Directorate documents available on the General Services Administration's website, attached, this item may also be identified as a Performance Work Statement (PWS). Page 4 of a PowerPoint presentation labeled "PWS Writing Tips," dated April 16, 2014, identifies the SOW and PWS as being synonymous. This information can be found at: <https://hallways.cap.gsa.gov/system/files/doclib/april-2015-clemens-pws-presentation-final-1523974380.pdf>

Therefore, I am appealing the partial response because the DOD Acquisition Directorate, in the course of its exhaustive search, could not identify whether it does or does not have an SOW/PWS on record. Given that the Acquisition Directorate has created a separate document identifying best practices for the writing of an SOW/PWS, it should already be familiar with this item and require no additional clarification.

I am also requesting an additional search for records responsive to my original request. If the Office of the Under Secretary of Defense For Intelligence and Security and the Acquisition Directorate could overlook the SOW/PWS, then it is possible they may have missed other information.

I am renewing a request for a fee waiver. I am a member of the news media and request classification as such. My bylines, which include Unicorn Riot, the Geopolitical Economy Report, and Creem Magazine, can be found in both print and electronic publications. Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media.

A fee waiver is appropriate in situations where "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government, and is not primarily in the commercial interest of the requester," 5 U.S.C. § 552(a)(4)(iii). This request would contribute significantly to public understanding of the operations and activities of government with regard to work being completed on behalf of a government agency, the All-Domain Anomaly Resolution Office.

Sincerely,
Robert Skvarla, Jr.