



United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

April 22, 2020

Delivered via Electronic Mail

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, District of Columbia 20005
Email: foia@americanoversight.org

Ricardo J. Salvador
Union of Concerned Scientists
1825 K Street NW
Suite 800
Washington, District of Columbia 20006

**Re: Freedom of Information Act (FOIA) Request No. 2020-DA-02835-F
Interim Response**

Dear Mr. Evers and Mr. Salvador:

This is the first interim response to the March 4, 2020, Freedom of Information Act (FOIA) request you submitted to the U.S. Department of Agriculture (USDA), Departmental FOIA Office (DFO). Your request sought the following records:

A complete copy of Contract No. 12314419C0002, issued by USDA's Acquisition Management Branch to Ernst & Young LLP on or around October 22, 2018, pursuant to Solicitation No. 12314219Q0006. This request includes any and all attachments to this contract, including "USDA Contract Clauses," "EY Performance Work Statement," "EY Quality Assurance Surveillance Plan," and "EY Pricing."

Your request is being processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Office of Contracting and Procurement (OCP). OCP serves the Secretary and USDA agencies with oversight, policy, advice and coordination pertaining to USDA contracting. The OCP search located three (3) pages of responsive records.

The DFO continues processing your request and will issue a final response.

Following a review of the responsive records, the DFO has determined that certain information contained therein should be withheld pursuant to U.S.C. § 552(b)(6) (FOIA Exemption 6). Below is an explanation of the information that has been withheld.

FOIA Exemption 6

Exemption 6 generally is referred to as the “personal privacy” exemption. It provides that the disclosure requirements of FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Application of the exemption involves balancing the public’s interest in disclosure against individuals’ privacy interests.

The information withheld under Exemption 6 consists of the identities of the vendor’s points of contact, direct-dial phone numbers, unpublished business contact information, and signatures. This information qualifies as “similar files” because it is information in which individuals have a privacy interest. Releasing the identities of the vendor’s points of contact, direct-dial phone numbers, and unpublished business contact information could subject them to unwarranted or unsolicited communications, or even harassment. Furthermore, the image of a signature could be misused for identity theft. For this reason, there is a strong privacy interest in the image. Since there is a viable privacy interest that would be threatened by disclosure, Exemption 6 authorizes this office to withhold the information. Accordingly, we have determined that the public interest in the information’s release does not outweigh the overriding privacy interests in keeping it confidential.

You have the right to appeal the DFO’s determinations. Due to the need to issue more than one release of records to fully resolve your request, your appeal rights for this request will be provided to you in the DFO’s final response letter.

You may seek dispute resolution services from the DFO’s FOIA Public Liaison, Ms. Camille Aponte. Ms. Aponte may be contacted by telephone at (202) 505-0271, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

If you have any questions regarding the processing of this request, please contact Ms. Melanie Enciso at (202) 694-5982, or electronically at melanie.enciso@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

Austin R. Evers / Ricardo J. Salvador

FOIA Case No. 2020-DA-02835-F

Page 3

The DFO appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves

Alexis R. Graves

Departmental FOIA Officer

Office of the General Counsel

Enclosures: Responsive Records (3 pages)

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT D CODE		PAGE OF PAGES 1 3		
2. AMENDMENT/MODIFICATION NO. P00001		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO. 939974		5. PROJECT NO. (If applicable)	
6. ISSUED BY USDA, DM/OC/P/OD/AMB, POD Acq Mgmt Acquisition Management Branch-WDC 355 E Street S.W. 10th Floor, Suite 10-149A Washington DC 20024-3243		CODE DASO-OC/P-OD-AMB-		7. ADMINISTERED BY (If other than Item 6)		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) ERNST YOUNG LLP 1775 TYSONS BLVD 1100164106# TYSONS VA 22102				(x)		9A. AMENDMENT OF SOLICITATION NO.	
						9B. DATED (SEE ITEM 11)	
				x		10A. MODIFICATION OF CONTRACT/ORDER NO. 12314419C0002	
						10B. DATED (SEE ITEM 13) 10/22/2018	
CODE 1100164106#		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended ☐ is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNT NG AND APPROPRIATION DATA (If required) DA00.19.....198R41RELOC.2540...				Net Increase:		\$169,655.30	
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
CHECK ONE		A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
		B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).					
		C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:					
X		D. OTHER (Specify type of modification and authority) FAR 52.212-4, Alternate I (Jan 2017)) (2)					
E. IMPORTANT Contractor ☐ is not. ☒ is required to sign this document and return <u>1</u> copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							
Tax ID Number: 34-6565596							
DUNS Number: 095347159							
USDA Site Solicitation Consulting Services for ERS and NIFA Relocation							
Award Type: Time-and-Materials							
Award Ceiling: \$339,310.60							
This modification adds funding in the amount of \$169,655.30 for USDA Site Selection Consulting Services in support of USDA making a decision on where to relocate two USDA agencies as announced in Federal Register Volume 83, Number 158 (Wednesday, August 15, 2018). The contractor's quote dated October 4, 2018, pricing revised October 15, 2018, is hereby fully funded in the amount of \$339,310.60. The contractor shall perform services in Continued ...							
Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print) (b)(6)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MONICA L. TAYLOR			
15B. CONTRACTOR/OFFEROR (b)(6) (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)		16C. DATE SIGNED 10-23-18	

CONTINUATION SHEET	REFERENCE NO. OF DOCUMENT BEING CONTINUED 12314419C0002/P00001	PAGE	OF
		2	3

NAME OF OFFEROR OR CONTRACTOR

ERNST YOUNG LLP

ITEM NO. (A)	SUPPL ES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	accordance with its accepted quote, in its entirety. The period of performance for this effort is October 24, 2018 through October 23, 2019. This order is hereby fully funded. The contractor shall not exceed the available obligation on this order. The contractor shall not work at risk. The contractor shall not assume that additional funding will be added nor shall the contractor commence any work beyond the available funding. The ceiling may only be increased via formal modification to this contract signed by a warranted USDA Contracting Officer. Only the Contracting Officer may increase the award ceiling. All other terms and conditions remain the same. Delivery: 10/24/2018 Delivery Location Code: DASO-OCP-DO USDA, DM/OCP/DO, Office of the Dire 1400 INDEPENDENCE AVENUE SW, WHITE WASHINGTON DC 20250 US Payment: Invoice Processing Platform (IPP) All invoices must be submitted electronically through the Invoice Processing Platform (IPP) via www ipp gov Agency Code: DA00 Budget Yr Start: 19 SHC: 198R41RELOC BOC: 2540 FOB: Destination Period of Performance: 10/24/2018 to 10/23/2019 Add Item 002 as follows:				
002	USDA Site Selection Consulting Services Obligated Amount: \$169,655.30 The Contractor shall submit invoices in the Invoice Processing Platform (IPP) as identified on the SF1449. Any invoice submitted outside of the IPP system will not be processed for payment. Unless providing a courtesy copy, invoices shall not be sent directly to the Contracting Officer and/or Program Office. Invoices not submitted in IPP will be considered improper and returned to Continued ...				169,655.30

NAME OF OFFEROR OR CONTRACTOR
 ERNST YOUNG LLP

ITEM NO. (A)	SUPPL ES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	the vendor. The Contractor shall attach documentation to support the invoice in IPP, if applicable. USDA will not enter invoices into IPP on behalf of the contractor. If assistance is needed, the IPP Helpdesk may be reached at: (866) 973-3131 or IPPCustomerSupport@fms.treas.gov. Payment Status: USDA NFC Accounts Payable Branch 800-421-0323 Contracting Officer: Monica L. Taylor, 202-720-3009, MonicaL.Taylor@wdc.usda.gov Contracting Officer Representative (or Technical Point of Contact): TBD Vendor Point of Contacts: (b)(6) , Principal, (b)(6) , (b)(6)@ey.com (b)(6) , Assistant Director, (b)(6) , (b)(6)@ey.com				