



August 20, 2020

Mr. Christopher R. Yukins
George Washington University Law School
2000 H Street NW
Washington, DC 20052

Dear Mr. Yukins:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number (GSA-2020-001040), submitted on July 3, 2020, in which you requested the following:

“For a pending academic article to be published by Thomson Reuters, please produce electronic copies of the contracts awarded by the General Services Administration (GSA) on June 26, 2020 to Amazon Business, Overstock.com and Fisher Scientific, as reported by GSA at <https://interact.gsa.gov/blog/gsa-awards-contracts-commercial-e-marketplace-platform-providers>. Please provide all related materials, including the contractor Performance Work Statements (PWS's) which were submitted by the offerors in response to GSA's Statement of Objectives (SOO) in accordance with FAR 37.602, as those PWS's will be an important part of the contractors' implementations of commercial platforms under the subject procurement. Also please include the contractors' plans for addressing FAR Part 8 requirements within 120 days of award, per the Amended RFP which said that “proposals may indicate how the Mandatory Sources sections of the Statement of Objectives (Sections 4.B. (iii) Small Business Identification, 4.B. (iv) AbilityOne and ‘Essentially the Same’ Items) will be met within 120 days of award.” These materials will be discussed in the referenced article, and republished on my publicly available website, www.publicprocurementinternational.com. Making these contracts and materials transparent is essential so that other vendors that hope to sell through the commercial platforms established by GSA, other commercial platforms providers that may provide beneficial competition through the "open season" contemplated by GSA's solicitation, public officials who may purchase through the commercial platforms and who may use them as models for other procurement systems, and the commercial platforms providers themselves, fully understand how each commercial platform will be configured under GSA's initiative. Expedited processing is needed as the platforms become operational within 30 days of the June 26, 2020 award.”

Enclosed please find the documents responsive to your request.

In processing your request, GSA withheld confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4). The fourth statutory exemption permits an agency to withhold “matters that are trade secrets and commercial or financial information obtained from a person or organization, that are privileged or confidential, if released, would result in competitive harm to the company.”

As we have withheld information referenced in the above paragraph with the aforementioned FOIA exemption, this constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H3A)
1800 F Street, NW, Room 7308
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, “Freedom of Information Act Appeal.”

This completes our action on this FOIA request. Should you have any questions, please contact Dominic Lackey at (202) 501-2272 or by email at dominic.lackey@gsa.gov. You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912 or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

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, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

Travis Lewis

Deputy Director
Office of Accountability and Transparency
Office of Administrative Services

