



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
106 SOUTH 15TH STREET
OMAHA, NEBRASKA 68102-1618

REPLY TO:

October 26, 2004

Office of Counsel

Connie A. Determan, PE
MFG Inc
9910 N. 48th Street, Suite 200
Omaha, Nebraska 68152

Dear Ms. Determan:

This letter is in response to your Freedom of Information Act (FOIA) request dated September 21, 2004, for a list of names of bidders and subcontractors for the Omaha Lead Site Performance Based Contracting project.

The two successful proposers were Environmental Chemical Corporation and HydroGeologic, Inc. Copies are enclosed of the subcontractors' list.

The Department of the Army is committed to full compliance with the Freedom of Information Act. Documents will normally be withheld if they fall within one of the nine exemptions in the Act or there is a sound legal basis for withholding. Discretionary release of records will be made only after full and deliberative consideration of the institutional, commercial, and personal privacy interests that could be implicated by disclosure of the information.

I have reviewed the unsuccessful proposals and have determined that the names of unsuccessful bidders and their subcontractors are not releasable under Exemption 3 of the FOIA. Exemption 3 allows the withholding of information prohibited from disclosure by another statute. In this particular situation, Section 821 of the National Defense Authorization Act for Fiscal Year 1997, Public Law 104-201, is an Exemption 3 statute that prohibits the release of unsuccessful proposals.

I trust that you will appreciate the consideration upon which this determination is based. However, because your request has been denied in part, you are advised of your right to appeal this determination to the Secretary of the Army (ATTN: General Counsel). An appeal must be received within 60 calendar days of the date of this letter. The envelope containing the appeal should bear the notation: "Freedom of Information Act Appeal" and should be sent to: U.S. Army Engineer District, Omaha, ATTN: CENWO-OC, 106 South 15th Street, Omaha, Nebraska 68102-1618.

Under the Freedom of Information Act, your request is in the "commercial request" category. All commercial requesters are charged \$20.00 per hour for clerical search and review,

**OMAHA LEAD SITE
ENVIRONMENTAL CHEMICAL CORPORATION
SUBCONTRACTORS**

Around the World, LLC
ASW Associates, Inc.
Diversity Print & Graphics
FD & Associates
Midwest Labs
Midwest Video
Professional Environmental Engineers
QCI, Inc.
George Rose
Ben Salazar
Cheryl Weston

Exhibit 4. Listing of Pre-Qualified Firms for Outsourced Work

Company Name
Lead Safe Omaha Coalition (LSOC)
Safety Training
FD & Associates
M & S Grading (Earl Brice Equipment)
Fager Excavating Co.
G & G Trenching Co.
Coleman Construction
QCI Construction Company
Navarro Enterprise Construction
Olsberg Excavating Company
Paradise Landscaping Co.
Indian Creek Nursery
Midwest Labs, Inc.
Protrans, LLC
Around the World, LLC.
Diversity Printing
Armored Knights Inc.
Jim Nelson Video Construction Svcs.
Midwest Video
D&D Construction
Butler County Landfill
Midwest Paving, Inc.
Lyman - Richey Corp