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46KB

98% of all U.S. firms have less than 100 employees

April 20, 2010

Chief, Freedom of Information
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act. I request that a copy of documents containing the following information be provided to me:

- The most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am the Director of Government Affairs for a small business advocacy group and am seeking information for use in our group's research and not for commercial use.

The American Small Business League is willing to pay fees for this request up to a maximum of \$200.00. If you estimate that the fees will exceed this limit, please inform me first.

I have included a telephone number at which I can be contacted during the hours of 8 a.m. to 5 p.m. Pacific, if necessary to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Baron', with a long horizontal flourish extending to the right.

Kevin Baron, Director of Government Affairs
American Small Business League
3910 Cypress Dr.
Petaluma CA, 94954
(707) 789-9575



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

03 MAY 2010

Ref: 10-F-0919

Mr. Kevin Baron
Director of Government Affairs
American Small Business League
3910 Cypress Drive
Petaluma, CA 94954

Dear Mr. Baron:

This is an interim response to your enclosed Freedom of Information Act (FOIA) request. Your request has been assigned case number 10-F-0919 and we ask that you use this number when referring to it.

We will be unable to respond to your request within the FOIA's 20 day statutory time period as there are unusual circumstances which impact on our ability to quickly process your request. These unusual circumstances are: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. For these reasons, your request has been placed in our complex processing queue and will be worked in the order the request was received. Our current administrative workload is approximately 1,710 open requests.

If you would like to discuss how to limit your request in order to speed the processing time, we would be pleased to discuss how you might modify your request. The action officer assigned to your request is Nick Cormier at (703) 696-3223. The toll free number for this Office is 866-574-4970. For your information, we maintain a website and electronic reading room at: <http://www.dod.mil/pubs/foi/>.

Sincerely,

Nicholas J. Cormier
for Paul J. Jacobsmeyer
Chief

Enclosure(s):
As stated

4/6/10

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May 18, 2010

Chief, Freedom of Information
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

Re: Freedom of Information Act Request Clarification

Re: FOIA Case # 10-F-0919

Dear FOIA Officer:

This is a request for clarification under the Freedom of Information Act. On April 20, 2010, I requested that a copy of documents containing the following information be provided to me:

- The most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense.

On May 12, 2010, I received a letter dated May 3, 2010 from Mr. Paul J. Jacobsmeyer informing me that my request had been received and that DOD would be unable to respond to the request within the FOIA's 20 day statutory period due to, "unusual circumstances" that will impact the ability to respond quickly to the request.

It is my understanding that the records requested are not excessively voluminous, representing a simple report turned in by the contractor on an annual or bi-annual basis. Additionally, it is my understanding that given the limited scope of my request, that the documents sought could be recovered with a basic search of agency records. With all that in mind, I request additional information on the location of my request within DOD's current administrative workload, and an approximate date on which this request will be fulfilled.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Baron', with a long, sweeping horizontal line extending to the right.

Kevin Baron, Director of Government Affairs
American Small Business League
3910 Cypress Dr.
Petaluma CA, 94954
(707) 789-9575

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**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

JUN - 1 2010

Ref: 10-F-0919, 10-F-0944
10-F-0954, 10-F-0960
10-F-0968, 10-F-1056

Mr. Kevin Baron
American Small Business League
3910 Cypress Drive
Petaluma, CA 94954

Dear Mr. Baron:

This responds to six of your Freedom of Information Act (FOIA) requests. You had requested the following:

10-F-0919 – The most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program (CSPTP) through the Department of Defense (DoD).

10-F-0944 – The most recent master comprehensive subcontracting plan submitted by General Dynamics C4 Systems for participation in the CSPTP through DoD. And, the most recent SSR/SF 295 submitted by General Dynamics C4 Systems as part of the CSPTP.

10-F-0954 – The percentage and dollar volume of federal contracts awarded by DoD – including each...DoD Component...for Fiscal Year 2009 and the names, DUNS numbers, and contract dollar amounts for...all firms that received federal small business contracts from DoD, including all subsequent DoD Components, during Fiscal Year 2009, in an electronic format.

10-F-0960 – All documents indicating the reporting requirements for companies for participation in the CSPTP.

10-F-0968 – The most recent review or audit of the Raytheon Company conducted by DoD within the last fiscal year, as part of the CSPTP to determine if the Raytheon Company is meeting its stated subcontracting goals.

10-F-1056 – The most recent master comprehensive subcontracting plan submitted by Northrop Grumman Electronic Systems for participation in the CSPTP through

DoD. Also, the most recent SSF/SF 295 submitted by Northrop Grumman Electronic Systems as part of the CSPTP.

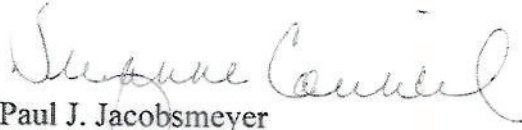
Ms. Linda B. Oliver, Acting Director, Office of Small Business Programs, has determined that this information should be withheld from release because it applies to information such as trade secrets and commercial and financial information obtained from a person on a privileged or confidential basis which, if released, would result in competitive harm to the company; or would impair the government from obtaining like information in the future; or would affect overall program effectiveness. Also, this information should be withheld because it is pre-decisional and deliberative in nature and contains subjective evaluations, opinions and recommendations which, if disclosed, would inhibit the decision making process. Release of this information would have the foreseeable harm of curtailing frank discussions and recommendations in the future. Consequently, this information is exempt from release pursuant to 5 U.S.C. § 552(b)(4) and (b)(5).

Small business (SB) subcontracting plans are required by Federal Acquisition Regulation (FAR) Subpart 19.7 for acquisitions meeting certain dollar thresholds. However, participation in the DoD comprehensive small business subcontracting plan (CSP) (Test Program) under Defense Federal Regulation Acquisition Supplement (DFARS) Subpart 219.7 is voluntary. The difference between plans under FAR 19.7 and the DoD test program under DFARS 219.7 is that the FAR requires a plan per contract and the DoD test program covers an entire corporation, division, or plant for all contracts awarded by DoD. Thus, the complexity of the plan and information submitted to allow for negotiations in good faith are beyond what is required by FAR. The information provided includes, but is not limited to subcontracting business processes, corporate subcontracting budget including indirect costs and break downs by business sector/division, corporate policy statements, organizational charts, and past performance information used to develop projections. Release of this information would harm a company's competitive position on future DoD contracts since SB subcontracting is evaluated for best value award decisions.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attention: Mr. James P. Hogan, 1155 Defense Pentagon, Washington, DC 20301-1155.

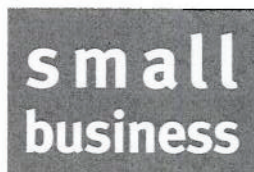
Your appeal(s) should be postmarked within 60 calendar days of the date of this letter, should cite the case numbers referenced above, and should be clearly marked "Freedom of Information Act Appeal." There are no assessable fees associated with this request in this instance.

Sincerely,

for 
Paul J. Jacobsmeyer
Chief

4/6/10

American



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98% of all U.S. firms have less than 100 employees

June 10, 2010

Director of Administration and Management
Defense Freedom of Information Policy Office
ATTN: Mr. James P. Hogan
1155 Defense Pentagon
Washington, DC 20301-1155

Re: Freedom of Information Act Appeal

Re: FOIA No. 10-F-0919

Dear Mr. Hogan:

This is an appeal under the Freedom of Information Act. On April 20, 2010, I requested that a copy of documents containing the following information be provided to me:

- The most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense.

On June 7, 2010, I received a letter dated June 1, 2010, from Mr. Paul J. Jacobsmeyer informing me that the documents requested above fall into FOIA exemption (b)(4) or (b)(5). It is my understanding that the subcontracting plans submitted to be a participant in the Comprehensive Subcontracting Plan Test Program are public information, therefore should not fall under any FOIA exemption.

Thank you for your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Baron". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin Baron, Director of Government Affairs
American Small Business League



46143

DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JUN 30 2010

Ref: 10-A-0919-A1

Mr. Kevin Baron
Director of Government Affairs
American Small Business League
3910 Cypress Drive
Petaluma, CA 94954

Dear Mr. Baron:

This is in response to your June 10, 2010, Freedom of Information Act (FOIA) appeal. We received your appeal on June 18, 2010.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Ms. Alisa Turner at (703) 588-6802, or alisa.turner@whs.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Turner", is written over the typed name of James P. Hogan.

James P. Hogan
Chief

HOB

American
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98% of all U.S. firms have less than 100 employees

November 29, 2010

Director of Administration and Management
Defense Freedom of Information Policy Office
ATTN: Mr. James P. Hogan
1155 Defense Pentagon
Washington, DC 20301-1155

Re: Freedom of Information Act Appeal

Re: FOIA No. 10-A-0919-A1; 10-F-0919

Dear FOIA Officer:

This is an appeal under the Freedom of Information Act. On April 20, 2010, I requested that a copy of documents containing the following information be provided to me:

- The most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense.

On June 7, 2010, I received a letter dated June 1, 2010, from Mr. Paul J. Jacobsmeyer informing me that the documents requested above fall into FOIA exemption (b)(4) or (b)(5). An appeal was filed to this response, dated June 10, 2010. A response to the appeal was received dated June 30, 2010 informing me that DoD would need more time to respond due to a heavy FOIA workload.

To date, I have not received an appeal denial or the documents requested in the request; therefore, I am appealing this request. At this point, due to a lack of sufficient response from DoD, which has had over 120 business days to provide the documents or a denial, I am informing you that if I do not receive an appeal denial or the documents being requested within 20 business days from the date of this letter, then we will be pursuing legal action.

Thank you for your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Baron', with a long, sweeping horizontal stroke extending to the right.

Kevin Baron, Director of Government Affairs
American Small Business League



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

Ref: 10-A-0919

Mr. Kevin Baron
America Small Business League
3910 Cypress Drive
Petaluma, CA 94954

SEP 9 2011

Dear Mr. Baron:

This responds to your June 10, 2010, Freedom of Information Act (FOIA) appeal. You appealed the denial of the most recent comprehensive subcontracting plan submitted by Lockheed Martin for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense.

I have reviewed the denied information at the appellate level and, after careful consideration of your appeal, I have determined that information in the enclosed document may now be released. The withheld information remains exempt from disclosure because it pertains to trade secrets and commercial or financial data that is privileged or confidential and disclosure would cause substantial harm to the competitive position of Lockheed Martin Corporation. Consequently, I must deny this information pursuant to 5 U.S.C. § 552(b)(4).

You have the right to judicial review of this decision in a United States District Court, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

William E. Brazis
Deputy Director

Attachment:
As stated

