

EXHIBIT A



International

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2019.COR.0002

BY EMAIL ONLY FOIA-EUD@USACE.ARMY.MIL

January 30, 2019

FOIA-EUD Officer
US Army, Corps of Engineers, Europe District
CMR 410, Box 19
APO AE 09049
Phone: 011-49-611-9744-2711
Fax: 011-49-611-816-2712

Re: Six FOIA Requests for CENAU-Contracting, USACE Europe Division Regarding the Consolidated Intelligence Center (CIC) Project at USAG Klay Kaserne, Wiesbaden, Germany

Dear FOIA-EUD Officer:

I am Corporate Counsel for ECC International LLC ("ECCI"). As directed by the FOIA procedures for this agency, these are Freedom of Information Act ("FOIA") requests made on behalf of ECCI under the Freedom of Information Act, 5 U.S.C. §552. ECCI hereby requests a copy of each of the following documents regarding the Consolidated Intelligence Center (CIC) Project currently under construction by USACE Europe Division, CENAU, at USAG Clay Kaserne, Wiesbaden, Germany, Contract No. W912GB-13-C-0003. All of the documents requested are expected to be in the custody of the Contracting Officer for the Project, LTC USARMY CENAU Christian H. Solinsky, PCO, Special Programs Branch Chief, CENAU-Contracting, Department of the Army, US Army Corps of Engineers, Europe District, CMR 410, Box 7, APO, AE 09049, DSN 314-570-2281 CIV 0611-9744-2281, Mobile 0152-0156-9623, Christian.H.Solinsky@usace.army.mil; Project COR Mr. Austin Eidson, (0611) 9744-2925, Austin.W.Eidson@usace.army.mil; Project ACOR Aaron Edmonson, aaron.g.edmonson@usace.army.mil.

FOUO Designation

Please note that Contract No. W912GB-13-C-0003 is not a classified contract and project, but is a "For Official Use Only" (FOUO) designated contract. Per Executive Order No. 13556 on Controlled Unclassified Information (CUI), "the mere fact that information is designated as CUI shall not have a bearing on determinations pursuant to any law requiring the disclosure of information or permitting disclosure as a matter of discretion" which includes the Freedom of Information Act. The Joint Guidance Memo dated July 3, 2014 from the Information Security Oversight Office (ISOO) and the Office of Information Policy (OIP) at the Department of Justice on Confidential Unclassified Information (CUI) states that "CUI markings and designations should not be associated with or paired to FOIA exemptions and should not be used as a basis for applying a FOIA exemption" and that "[n]either CUI markings nor any other markings are dispositive of a FOIA reviewer's disclosure determination." As a result, no documents in this request should be withheld or redacted unless expressly marked with a "classified" designation.

The Documents Requests are as follows:

Contract Documents*

1) Architecture, Engineering & Design Contract(s) between USACE and Jacobs/BauerConsult, including the original contract documents and all addendums, all modifications, and all proposed

modifications by any party for the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany;

2) Contract(s) between USACE & Data Center Solutions Corp. (DCS) and Critical CxE for the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany, including the original contract documents and addendums, all modifications, and all proposed modifications through the date of this request;

3) Contract(s) between USACE/Unknown Contractor(s) who will furnish to the Project following completion by ECC International LLC, for installation and equipment supply for end user of electrical systems on the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany including the original contract documents and addendums, all modifications, and all proposed modifications through the date of this request.

Communications*

4) All correspondence and communications and meeting records, including emails, for the Architecture, Engineering & Design Contract(s) between USACE and Jacobs/BauerConsult, including the original contract documents and all addendums, all modifications, and all proposed modifications by any party for the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany;

5) All correspondence and communications and meeting records, including emails, for the Contract(s) between USACE and Data Center Solutions Corp. (DCS) and Critical CxE for the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany, including the original contract documents and addendums, all modifications, and all proposed modifications through the date of this request;

6) All correspondence and communications and meeting records, including emails, for the Contract(s) between USACE/Unknown Contractor(s) who will furnish to the Project following completion by ECC International LLC, for installation and equipment supply for end user of electrical systems on the Consolidated Intelligence Center Project (CIC) at USAG Clay Kaserne, Wiesbaden, Germany including the original contract documents and addendums, all modifications, and all proposed modifications through the date of this request.

**Identification of Persons and Entities*

To assist you with these requests, please refer to the attached "List Identification of Names & Email Accounts for ECCI Requests" (Five Pages) (ATTACHMENT ONE), which is a list by entity, then by alpha, of individuals confirmed to be associated with the Project from whom there will be responsive documents, including correspondence, communications, and emails in the custody of the Agency. If it is known that an individual used more than one email, both are listed. All known addresses and contact information are provided; if an individual is listed twice, it is because their office has changed. In the case of documents involving the Agency Attorney (identified on the List), please note that we are not seeking any attorney-client privileged or attorney work product documents; only those documents that are not privileged. Corporate entity and individual names are believed to be correct, but if determined incorrect, the same documents regarding any such corporate entity or individuals, named or unnamed, are included in these requests.

Simple and Complex Requests

We anticipate that compliance with these document requests are simple, but issues may arise which are complex in nature. Interim responses to clarify our requests are expected and appreciated, including addressing redactions. We are not requesting, nor do we expect to receive, any information that would not be available to any taxpayer requestor, or either: 1) bidders under Contract W912GB-13-C-0003, and 2) all of those documents that can be disclosed to the FOUO designated Contractor under Contract W912GB-13-C-0003 for the Project (who is the Requestor here). The unknown Contractors identified in Requests Nos. 3 and 6 are possibly classified in some instances, and we are not seeking classified information, but would expect to receive documents with classified information redacted.

Segregating Requests to Speed Production Requested

If one or more of the numbered requests above are not simple, and are deemed complex or require perfection by the requester, and can be expected to delay compliance with the whole, please advise and consider each numbered request a separate FOIA request, and respond to each numbered request separately for administrative purposes, so as to avoid any such delay in response and production.

Format of Electronic Production Preferred

Pursuant to 5 U.S.C. §552(a)(3)(B), please provide all documents in electronic format (PDF, OCR scanned preferred), and, if you request, we shall provide an FTP link for upload, or we can use an electronic reading room (FTP) provided by your agency for download.

Payment of Costs by Requester

Please note that ECC International LLC (ECCI) is a United States of America (USA) limited liability company and taxpayer, and is a commercial use requester in this context, and is willing to pay the appropriate fees for this request up to a maximum of \$1,000.00 per numbered request. If you estimate that the fees will exceed this limit, please inform me first with a written estimate for each request, including a determination regarding simple or complex, before proceeding.

Responses

Please see my direct contact information below to discuss any aspect of these requests. Responses and communications, including letters, are preferred received by email to jlaurie@ecc.net. Please confirm receipt, thanks.

Very truly yours,

James P. Laurie III

James P. Laurie III
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Attachment: List Identification of Names & Email Accounts for ECCI Requests (Five Pages)

cc: Manjiv Vohra, ECC, MVohra@ecc.net
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List Identification of Names & Email Accounts for ECCI FOIA Requests

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