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American Small Business League  
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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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ATTORNEYS AT LAW  
100 PINE STREET, SUITE 350, SAN FRANCISCO CA, 94111  
TEL: 415.409.8900 - FAX: 415.409.8904

11  
12 AMERICAN SMALL BUSINESS  
LEAGUE

13 Plaintiff,

14 vs.  
15

16 DEPARTMENT OF DEFENSE

17 Defendant.  
18

Case No.

**COMPLAINT FOR DECLARATORY and  
INJUNCTIVE RELIEF UNDER  
FREEDOM OF INFORMATION ACT (5  
U.S. C. 552(a)(3)(A))**

19  
20 **INTRODUCTION**

21 1. This Complaint seeks information which will educate the public about whether  
22 government programs intended to help small businesses are really doing so. Plaintiff American  
23 Small Business League ("Plaintiff" or "ASBL") seeks disclosure under the Freedom of  
24 Information Act ("FOIA"), 5 U.S.C. § 552, of the most recent comprehensive subcontracting  
25 plans submitted to the United States Department of Defense ("Defendant" or "DoD") under its  
26 Comprehensive Subcontracting Plan Test Program by BAE Systems and GE Aviation.

27 **JURISDICTION AND VENUE**

28 2. This Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. §§

1 552(a)(4)(B) and 28 U.S.C. §1331.

2 3. Venue is proper pursuant to 5 U.S.C. § 552(a)(4)(B) because Plaintiff resides in  
3 Petaluma (Sonoma County), in the Northern District of California.

4 **PARTIES**

5 4. Plaintiff is the American Small Business League (“ASBL”), an organization  
6 incorporated in California which has its principal place of business in Sonoma County, California.  
7 ASBL is a national organization whose core mission is to research and focus public attention on  
8 whether government programs intended to help “small” businesses (i.e. those with 10 or 20  
9 employees) are really doing so, or whether they are being misused by the government and large  
10 businesses to help large businesses (i.e. those with over 1,000 employees). ASBL focuses on that  
11 issue and also works generally to otherwise promote the interests of small business. ASBL’s  
12 interests include the review of evolving federal and state government policies and procedures to  
13 determine whether they are really helping small businesses or whether they are being exploited by  
14 large businesses who are not the intended beneficiaries of such programs.

15 5. Defendant United States Department of Defense (“DoD”) is an “agency” within  
16 the meaning of 5 U.S.C. § 552(f).

17 **FACTUAL BACKGROUND**

18 **FOIA Request Number 14-F-0919**

19 6. On May 30, 2014, pursuant to FOIA, ASBL requested records from the DoD  
20 consisting of:

21  
22 The most recent master comprehensive subcontracting plan submitted by BAE  
23 System for participation in the Comprehensive Subcontracting Plan Test Program  
24 for the Department of Defense.

25 A copy of ASBL’s FOIA request is attached as Exhibit A.

26 7. On June 6, 2014, DoD responded to ASBL’s FOIA request via email stating, in  
27 pertinent part:

28 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

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1 your request. These unusual circumstances are: (a) the need to search for and collect  
2 records from a facility geographically separated from this office; (b) the potential volume  
3 of records responsive to your request; and (c) the need for consultation with one or more  
4 other agencies or DoD components having a substantial interest in the determination or  
5 the subject matter of records. For these reasons, your request has been placed in our  
6 complex processing queue and will be working in the order the request was received. Our  
7 current administrative workload is 1,520 open requests.

8 A copy of DoD's response is attached as Exhibit B.

9 8. On August 1, 2014, ASBL appealed DoD's delay in fulfilling its FOIA request. A  
10 copy of the appeal is attached hereto as Exhibit C. The government's FOIA reference number for  
11 this request is 14-F-0919.

12 9. On August 29, 2014, DoD sent a letter stating that the request was still being  
13 processed with due diligence. A copy of this letter is attached hereto as Exhibit D.

14 10. On March 17, 2016, DoD responded to ASBL's FOIA request by producing one  
15 heavily redacted document entitled "Comprehensive Small Business Subcontracting Plan BAE  
16 Systems." In the letter DoD stated that responsive information was redacted and withheld  
17 pursuant to Exemption 4 of FOIA, 5 U.S.C. § 552(b)(4), which refers to withholding of records  
18 related to trade secrets and other confidential business information.

19 A copy of this letter and the attached document are attached hereto as Exhibit E.

20 11. On March 31, 2016, ASBL submitted an administrative appeal of DoD's decision  
21 to heavily redact the document. ASBL's appeal pointed out, among other things, that the records  
22 produced should not have been redacted because they are not true trade secrets or confidential  
23 business information and should be (and always have been) readily available to the public.

24 A copy of the appeal is attached hereto as Exhibit F.

25 12. On April 22, 2016, DoD sent a letter stating that it was unable to complete ASBL's  
26 appeal within the statutory time requirement.

27 A copy of DoD's letter is attached hereto as Exhibit G.

28 13. Thereafter, ASBL did not receive any further response from DoD in response to its  
29 May 30, 2014 request or its March 31, 2016 administrative appeal.

30 //

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**FOIA Request Number 15-F-0568**

1  
2  
3 14. On November 6, 2014, ASBL submitted another FOIA request to the DoD, which  
4 sought:

5 The most recent comprehensive subcontracting plan submitted by GE Aviation for  
6 participation in the Comprehensive Subcontracting Plan Test Program through the  
7 Department of Defense.

8 A copy of this request is attached hereto as Exhibit H.

9 15. After not receiving a response to its November 6, 2014 FOIA request, ASBL sent  
10 DoD a letter regarding the lack of response to its November 6, 2014 request and again requested  
11 GE Aviation's most recent subcontracting plan.

12 A copy of this letter is attached hereto as Exhibit I.

13 16. In January 2015, ASBL and the DoD exchanged emails regarding whether ASBL  
14 should amend its request in order to best obtain the information it sought. ASBL declined to  
15 amend.

16 A copy of this email chain is attached hereto as Exhibit J.

17 17. On December 27, 2016, DoD responded to ASBL's November 6, 2014 request  
18 stating that some of the information requested must be withheld pursuant to 5 U.S.C. § 552(b)(4).

19 A copy of this letter is attached hereto as Exhibit K.

20 18. On January 26, 2017, ASBL submitted an administrative appeal of DoD's  
21 December 26, 2016 denial.

22 A copy of this appeal is attached hereto as Exhibit L.

23 19. On February 15, 2017, the DoD responded to ASBL's appeal acknowledging  
24 receipt of the appeal and stating that it is unable to complete the appeal within the statutory time  
25 requirement.

26 A copy of this letter is attached hereto as Exhibit M.

27 20. On April 9, 2017, the DoD affirmed its initial partial denial of ASBL's November  
28 6, 2014 FOIA request.

A copy of this letter is attached hereto as Exhibit N.

//

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**FIRST CAUSE OF ACTION**  
**Violations of the Freedom of Information Act  
for Wrongful Withholding of Agency Records**

21. Plaintiff incorporates by reference paragraphs 1-20.

22. DoD has wrongfully withheld documents requested by ASBL, and has failed to comply with the statutory deadlines imposed by FOIA. The exemption(s) from disclosure invoked by the DoD do not apply. ASBL requested public information which does not meet the definition of “trade secrets” or confidential information. Disclosure of this information is essential to public monitoring of the spending of public money and whether programs intended to help small business are actually doing so. The records sought are not privileged or confidential under FOIA; in fact, the DoD has released such information in the past. Likewise, since DoD has released this category of information in the past, it cannot plausibly claim that release of the information to the public would cause cognizable harm under exemption 4 of FOIA.

23. Finally, any embarrassment to DoD, the government more generally, or the defense contractors from disclosure of the records to the public is not a cognizable harm under exemption 4 of FOIA and does not justify withholding the records.

24. ASBL has exhausted its administrative remedies with respect to DoD’s wrongful withholding of the requested records.

25. Plaintiff is entitled to declaratory and injunctive relief and an order from the Court compelling DoD to release and disclose, unredacted, the requested documents.

**PRAYER FOR RELIEF**

WHEREFORE, ASBL prays that this Court:

- A. Declare that the records sought are public under 5 U.S.C. section 552 and must be disclosed, and issue an order compelling DoD to fulfill the subject FOIA requests within 15 days and to disclose all responsive documents in their entirety, without redactions;
- B. Alternatively, that this Court conduct an in camera review to determine whether any parts of the Records have been properly redacted or whether they are properly

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- public, and thereafter order such records disclosed without redactions;
- C. Order DoD to prepare a “Vaughn index” describing in detail any withheld documents pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973);
- D. Provide for expeditious proceedings in this action pursuant to 28 U.S.C. section 1657;
- E. Award ASBL its costs and attorneys’ fees incurred in this action; and
- F. Grant such other relief as the Court may deem just and proper.

Dated: March 30, 2018

CANNATA, O'TOOLE, FICKES & ALMAZAN LLP

By: /s/ Karl Olson

KARL OLSON  
Attorneys for Plaintiff  
AMERICAN SMALL BUSINESS LEAGUE

# **EXHIBIT A**

14-F-0919

May 30, 2014

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 BAE Systems 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 Public Affairs Analyst for a not-for-profit news-gathering organization entitled to the fee waivers and other considerations afforded such entities under FOIA and am seeking information for use in our group's research and not for commercial use. All documents are requested in order to serve the public interest.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.

Thank you for your consideration of this request.

Sincerely,

Steve Godfrey | Public Affairs Analyst  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
[sgodfrey@asbl.com](mailto:sgodfrey@asbl.com) | (707) 789-9575



# **EXHIBIT B**

**Steven**

---

**From:** Hargis, Yasmeeen S CIV WHS ESD (US) <yasmeeen.s.hargis.civ@mail.mil>  
**Sent:** Friday, June 06, 2014 5:35 AM  
**To:** Steven  
**Subject:** Freedom of Information Act Request Acknowledgement 14-F-0919

Good morning Mr. Godfrey,

This is an interim response to your Freedom of Information Act (FOIA) request for "the most recent comprehensive subcontracting plan submitted by BAE Systems for participation in the Comprehensive Subcontracting Plan Test Program through the Department of Defense." Your request was received in this office on May 30, 2014, and assigned FOIA case number 14-F-0919.

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 1,520 open requests.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but a past publication record would also be considered in making this determination. You have provided no evidence that you are employed by a news organization or evidence that you are "freelance". A search of the internet provided no information concerning your publication record or any association with a news media organization.

Accordingly, I have determined that you should be placed in the "other" category for fee purposes as you have indicated that you do not seek access to these records for commercial purposes. The "other" fee category affords you two hours of search time and 100 pages of duplication free of charge. As you did not provide any willingness to pay, search will be halted after your two free hours have been expended. If you wish to add a willingness to pay, please contact the action officer assigned to your request at your earliest convenience.

With regard to your request for a waiver of any applicable fees, a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(iii) In making a determination, six factors are considered as to whether your request satisfies this statutory standard: (1) whether the subject of the requested records concerns the operations or activities of the government; (2) whether the disclosure is likely to contribute to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the general public; (4) whether the disclosure is likely to contribute significantly to public understanding of government operations and activities; (5) whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether any such commercial interest outweighs the public interest in disclosure.

While the requested information does concern the operations and activities of the government and does not appear to be intended for a commercial interest, it is not clear how the responsive documents - should they exist - would significantly contribute to the public understanding of the operations and activities of the government. After carefully

reviewing your request I am denying your fee waiver request because the information stated does not support how the documents will significantly contribute to the public's increased understanding of the operations and activities of government. Please be aware that we reserve the right to grant a fee waiver should a search find documents that meet the criteria of a public interest fee waiver as described in the previous paragraph.

I am the action officer assigned to your request and can be reached at either yasmeen.s.hargis.civ@mail.mil or (571) 372-0420. Please reference the case number indicated above in all correspondence with this office.

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, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this email, should cite case number 14-F-0919, and should be clearly marked "Freedom of Information Act Appeal."

Thank you,  
Yasmeen Hargis  
FOIA Analyst  
Office of Freedom of Information  
OSD/JS FOIA Requester Service Center  
P: (571) 372-0420  
F: (571) 372-0480

# **EXHIBIT C**

August 1, 2014

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

Re: Freedom of Information Act Appeal

Re: May 30 ASBL FOIA Request #14-F-0919

Dear FOIA Officer:

This is an appeal under the Freedom of Information Act. On May 30, 2014 I requested that a copy of documents containing the following information be provided to me:

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

I received a letter on June 6, 2014 from Ms. Yasmeen Hargis informing me that, "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." To date, I have not received the information requested in my request; therefore, I am appealing this request.

DOD has failed to comply with both the procedures and the statutory deadlines contained in FOIA for a substantive response to this request, and has waived any requirement that an administrative appeal be served as a prerequisite to litigation. In the event that a substantive response is not received to my request in the time allotted for a response to an administrative appeal by FOIA, ASBL will immediately commence litigation.

For the purposes of this appeal we are not contesting the characterization of ASBL as “other” for fee purposes. We are, however, willing to pay up to an additional 100 pages if necessary to complete our request.

If necessary to discuss any aspect of my appeal, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.

Thank you for your consideration of this appeal.

Sincerely,

Steve Godfrey | Public Affairs Analyst  
[sgodfrey@asbl.com](mailto:sgodfrey@asbl.com)  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
(707) 789-9575

# **EXHIBIT D**



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

AUG 29 2014

Ref: 14-A-0919-A1  
Re: 14-F-0919

Mr. Steve Godfrey  
Public Affairs Analyst  
American Small Business League  
3910 Cypress Drive  
Petaluma, CA 94954

Dear Mr. Godfrey:

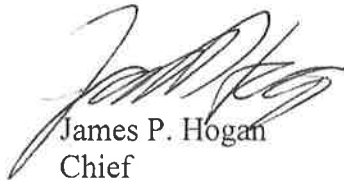
This is in response to your August 1, 2014, Freedom of Information Act (FOIA) appeal. We received your appeal on August 19, 2014. You are appealing the failure of a timely response by the Office of Freedom of Information (OFOI) to the request referenced above.

I consulted with OFOI to determine the status of your initial request (14-F-0919). The Action Officer advises that your request is being processed with all due diligence. Because the actions necessary to complete your initial request is yet to be accomplished, I am remanding the request to OFOI. Once they issue their final response, you will receive appeal rights for any possible denials.

This action will close your appeal and allow necessary, remaining processes to take place in response to your initial request. We will however, monitor the progress of this request.

You have the right to judicial review of this action in a United States District Court in accordance with 5 USC §552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Hogan", is written over the typed name and title.

James P. Hogan  
Chief



# **EXHIBIT E**



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

MAR 17 2016

Ref: 14-F-0919

Mr. Steve Godfrey  
Public Affairs Analyst  
American Small Business League  
3910 Cypress Drive  
Petaluma, CA 94954


Dear Mr. Godfrey:

This responds to your Freedom of Information Act (FOIA) request, attached. We received your request on May 30, 2014, and assigned it case number 14-F-0919.

Mr. Richard Balzano, Chief of Staff, Acquisitions, Technology, and Logistics (AT&L), in his capacity as FOIA Initial Denial Authority (IDA), determined that information in the responsive record should be withheld pursuant to Exemption 4 of the FOIA, 5 U.S.C. §552(b)(4), which permits withholding of records related to trade secrets and other confidential business information.

If you are not satisfied with this action, you have the right to appeal to the appellate authority, the Director for Oversight and Compliance, Office of the Secretary of Defense, by writing directly to the Director of Oversight and Compliance, 9010 Defense Pentagon, Washington, DC 20301-9010. Your appeal must be postmarked within 60 calendar days of the date of this response. Alternately, you may submit your appeal electronically, within 60 calendar days of the date of this response, at the following link: <http://pal.whs.mil/palMain.aspx>. Your appeal should cite case number 14-F-0919, and be clearly marked "Freedom of Information Act Appeal."

Sincerely,

  
Stephanie L. Carr  
Chief

**Comprehensive Small Business Subcontracting Plan  
BAE Systems  
DBA: Electronics Solutions / Electronic Systems  
Divisional Comprehensive Plan**

For utilization of: Small, Small Disadvantaged, Woman Owned, Service Disabled Veteran Owned, Veteran Owned, and Hub Zone Small Businesses, Historically Black Colleges and Universities and Minority Institutions, and Alaskan Native Corporations and Indian Tribes.

This plan is prepared in accordance with Section 834 of Public Law 101-189 and is pursuant to Federal Acquisition Regulations (FAR) Subpart 19.7 and 52.219-9, DFAR 252-219-7004. This plan is applicable to all Department of Defense contracts or subcontract entered into by BAE Systems' facilities listed herein.

**Section 866, PL 112-81; extended the program to December 31, 2014**

**Effective: October 1, 2013 through September 30, 2014**

(b)(4),(b)(6)

Electronic Systems  
BAE Systems Inc.  
65 Spit Brook Road  
Nashua, NH 03060

**Approvals:**

(b)(4),(b)(6)

Electronic Systems  
BAE Systems Inc.  
65 Spit Brook Road  
Nashua, NH 03060

(b)(4),(b)(6)

BAE Systems, Inc.  
65 Spit Brook Road  
Nashua, NH 03060

(b)(4),(b)(6)

Deputy Director, Small Business Office  
Defense Contract Management Agency

(b)(4),(b)(6)

Acting Director, Small Business Office  
Defense Contract Management Agency

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**INTRODUCTION:**

**COMPANY OVERVIEW**

BAE Systems is a global defense, aerospace and security company with approximately (b)(4) employees worldwide. The company delivers a full range of products and services for air, land and naval forces, as well as advanced electronics, security, information technology solutions and support services. Electronics Systems (ES) combines experience in signal processing and data management with an in-depth knowledge of worldwide signal environments. Electronic Systems supplies systems that meet customer mission requirements in all aspects of active and passive signal exploitation, information management, mission management systems and signal attack.

ES Business areas include integrated avionics requirements for military tactical aircraft, advanced radar warning, radar jamming, electronic warfare systems, electronic combat and self-protection systems; and state-of-the-art laser, infrared, and millimeter-wave and technologies to design and build missile seekers, mission subsystems, and laser systems.

BAE Systems, Electronic Systems is one of the four Product/Service Sectors within BAE Systems Inc. and is the constituent of the CSP, referred to as "BAE Systems" in this plan. (b)(4)  
 Electronic Systems, has responsibility for this Sector.

**1. MANUFACTURING SITES AND CONTACTS INCLUDED- COMPREHENSIVE SUBCONTRACTING PLAN**

SITE	LINE OF BUSINESS	Contacts	PHONE	EMAIL	DUNS #	CAGE CODE
65 Splt Brook, Nashua NH	Electronic Systems	(b)(4),(b)(6)			005149120	94117 31637
1250 24th St NW Washington, DC	Electronic Systems				173363052 620837836	0ADD7 4B7S2
2 Forbes Rd Lexington, MA	Electronic Systems				007185718	81395
65 River Rd Hudson, NH	Electronic Systems				007181493	3L667
144 DW Highway Bldg. 15/24 Merrimack, NH	Electronic Systems				007185452	6A684
95 Canal St Nashua, NH	Electronic Systems				007182335	7P325
6100 Western Pl Fort Worth, TX	Electronic Systems				617796284	49VG4
9300 Wellington Rd Manassas, VA	Electronic Systems				177856163	1RU44
1300 N. 17 <sup>th</sup> St., Suite 200 Arlington, VA	Electronic Systems				034455217 023385003	1U0U2 48DR9
42 Nagog Park Acton, MA 01720	Electronic Systems				788241169 145588393	4P6V1 32EZ7
132 Oaiglan Blvd Suite 100 Warner Robins, GA	Electronic Systems	786096102	4KK04			

6500 Tracor Ln Austin, TX	Electronic Systems	(b)(4),(b)(6)	787526839	19397
450 Pulaski Rd Greenlawn, NY	Electronic Systems		795958482 083489893	72314 80249
999 Bishop St 2700, Honolulu, HI	Electronic Systems		146582726	3U4E4
164 Totowa Rd Wayne, NJ	Electronic Systems		194956751	0D0D0
100 Campus Rd #1 Totowa, NJ 07512	Electronic Systems (Relocation of Yonkers NY)		007186526	81413
11487 Sunset Hills Rd Reston VA	Electronic Systems		117278614 928194554	1LB70 1BXC7
645 Harvey Road Manchester, NH 03103	Electronic Systems		147531805	3VTS8
1801 McCarthy Milpitas, CA 95035	Electronic Systems		014390079	50773
350 Collins Rd NE Cedar Rapids, IA	Electronic Systems		018619986	081U3
1400A Duke St Alexandria, VA 22314	Electronic Systems (Falls Church VA relocation)		043672083	1WB74
2000 Taylor St, Fort Wayne, IN	Electronic Systems		938276282	63760
**600 Main Street, Johnson City, NY	Electronic Systems		043183123 014525500	89954 8U543
1930 S Vineyard Ave Ontario, CA	Electronic Systems		803547520 007185890	63631 12705
3131 Story Road, Irving, TX	Electronic Systems		130388044	3X2T2
1800 Alexander Bell Dr Reston, VA	*Network Systems / IS Business		165670139 928194554	4B7U7 1BXC7
1410 Wall St Bellevue, NE	*Network Systems / IS Business		039832233	0H0J7
124 Gaither Dr 100 Mount Laurel, NJ	*Network Systems / IS Business		059014258	2N028
6315 Hillside Ct F Columbia, MD	*Network Systems / IS Business		791395440	4CF90
6 New England Executive Pl Burlington, MA	ES- Technology Solutions		787647192	1S983
10920 Technology Place San Diego CA	*Network Systems / IS Business		797032372 145614116	12436 1QKS0
**1098 Clark Street Endicott NY 13760	Electronic Systems	043183123	89954	



## 2. SMALL BUSINESS OVERVIEW AND COMMITMENT

BAE Systems respects the opportunity to participate in the Department of Defense Comprehensive Subcontracting "Test Program (CSP)". This opportunity allows the establishment of cross sector goals, top down management engagement, and the use of Small Businesses (SB), Small Disadvantaged Businesses (SDB), including Alaska Native Corporations (ANC) and Indian tribes; Woman Owned Small Businesses (WOSB); Historically Underutilized Business Zone Small Businesses (HUB Zone); Veteran Owned Small Businesses (VOSB); and Service Disabled Veteran Owned (SDVOSB) Small Businesses.

BAE Systems received a "Highly Successful", Low Risk, annual program review rating from the Defense Contract Management Agency for the CSP program participation for the fourth consecutive year. DOD related spend with small business diversity suppliers has significantly improved through collaborative efforts and shared best practices, which was green for the 1<sup>st</sup> time. BAE Systems realizes the importance of increased small business participation and the benefits to the United States government and to the economic recovery.

BAE Systems recognizes concentration on the success of the CSP "Test Program" as a valuable asset to the success of our internal programs and to the Department of Defense in achieving the congressionally mandated Small Business goals. (b)(4)

(b)(4)

Electronic Systems publishes and posts a Small Business Policy statement throughout the organization. (See Appendix D)

## 3. COMPANY POLICY & MANAGEMENT COMMITMENT

BAE Systems direction and guidance to procurement agents, small business liaison officers, and functions included in supplier source selection is fully compliant with the provisions of Public Law 100-180 section 806, Public law 103-355 section 7106, Public Law 105-135 section 502, Public Law 106-50 section 502, and all regulations issued by government agencies to support this legislature. Terms and Conditions applied to purchase orders also support the requirements of the Federal Acquisition Regulation (FAR) 52.219-9 and Subpart 19.7 and the Defense Federal Acquisitions Regulation (DFAR) Subpart 219.7.

## 4. RESPONSIBLE COMPANY INDIVIDUAL

(b)(4),(b)(6)

65 Spit Book Road  
Mail Stop NHQ01-361

(b)(4),(b)(6)

(b)(4),(b)(6) reports directly to (b)(4),(b)(6) Deputy Vice President BAE Systems, Operations. (b)(4),(b)(6) reports to (b)(4),(b)(6) Vice President of Operations. (b)(4),(b)(6) reports to (b)(4),(b)(6) President of BAE Systems, Electronic Systems Sector.

**The Comprehensive Small Business Plan Manager responsibilities:**

- Appointed to develop the strategy, implement, and manage the Comprehensive Subcontracting Plan.
- Negotiate the CSP with the DCMA Program Manager of the DCMA CSP Program Division.
- Collaborate with Small Business Working Group (SBWG) to implement small business initiatives in the Supply Chain process through collaboration, strategic agreements, and identification of supplier diversity programs and Outreach efforts.
- Provide the development and tracking of the BAE Systems Small Business Plan goals and target initiatives, and identified and provide small business Industry opportunities.
- Represent BAE Systems on government inquiries pertaining to Small Business and Socio-economic participation. Support the Department of Defense CSP Test Study efforts.
- Report Supplier Diversity performance (scorecard) on a monthly basis to the Operations Supply Chain/Subcontracts team, BAE Systems management, and site Small Business Champions (SBC).
- Management and oversight of all Small Business Programs including Mentor Protégé.
- Prepare the Comprehensive Subcontracting Plan, Summary Subcontracting Reports (SSR's), and review and approval of the Individual Subcontracting Plans (ISR's).
- Ensure that small business plans are prepared for all U.S. government related contracts. Review and approve of small business proposals plans.
- Communicate Legislative updates and changes to policy and Federal Register revisions.

**5. SMALL BUSINESS PLAN GOALS**

In FY2013, BAE Systems Supplier Partnerships directed continued process improvements to further enhance Small Business Opportunity in the proposal process. The New Business Material Proposal Group uses the (b)(4) to price all material. (b)(4) was improved again to select CSP participant suppliers automatically when best value pricing is available. Additional Q4 planned improvements to (b)(4) include (b)(4)  
 (b)(4)

BAE Systems considers the use of Historically Black Colleges and Universities and/or Minority institutions (HBCU/MIs) (per DFARS 219.705-4). BAE Systems includes the use of an HBCU/MI partner when opportunities present themselves and align with business requirements. Currently we are engaged (b)(4)  
 (b)(4)  
 (b)(4) contract performance period effective October 01, 2012.

- Supplier Partnerships Leadership Team (SPLT): The SPLT includes Senior Level Procurement Management from the BAE Systems ES Sector and is specifically chartered to ensure successful implementation of the BAE Systems Comprehensive Small Business Plan. The SPLT leads the development of plans, and special initiatives agreements which result in the individual sectors' material and services acquisitions meeting required supplier category goals in the aggregate for the BAE Systems CSP. Where execution of necessary projects fail to make adequate progress, ensure corrective actions are taken and engage senior Operations and Sector management where required.



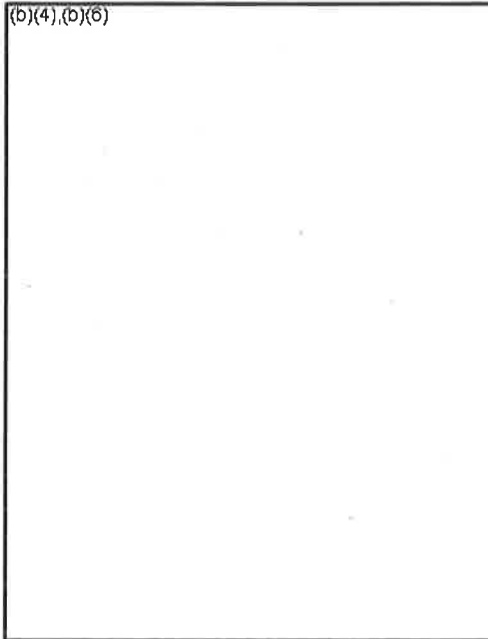
- o Execute to the Comprehensive Subcontracting Plan through the sector Subcontracts and Supply Chain organizations and Business Area Leadership Team.
  - o Monitor and address Small Business issues at the National BAE Systems, level
  - o Leverage strengths and opportunities of the BAE Systems sites while mitigating weaknesses. Comprehensive Plan renewal: guide and support Supplier Diversity Manager in negotiations; work sector and Operations Leadership stakeholder review and approval of negotiation parameters.
  - o Meet regularly to review performance to goals, initiative status, and set any necessary corrective action plans
- Scorecards: Monthly Supplier Diversity performance Scorecards are generated and comprised of a series of charts and reports depicting both Direct and Indirect DOD Spend against the plan goals. Scorecards are reported to BAE Systems executives and Supply Chain personnel.

SBIR Activity: BAE Systems maintains an active SBIR capture team led by (b)(4) business area. This effort is supported by ES Operations and Engineering Operations, subject matter experts (SME's), (b)(4) and Business Development (BD). The Government SBIR data base is searched by key word/phrase to identify companies for targeted technology topics to evaluate for potential matches. NDA's (non-disclosure agreements) are executed with selected companies and feedback is provided to the Government agency technical point of contact for the SBIR contract for candidate assessment of the SBIR Company's performance and maturity of the technology. BAE Systems is a sponsor of the "Beyond Phase II" conference and attends the annual Navy Opportunity Forum. Several new SBIR engagements have resulted and are listed below. A brief description of each technology of interest is included.

(b)(4)

- Strategic "Best Value" approach to procurements: Proposals and quotes received within a best value competitive range are allowed to be awarded to other than a large business low bidder where program budget permits. BAE Systems considers this type of award a reasonable business decision as it contributes to the DOD contract requirements relating to small business concerns, customer small business requirements and the CSP goals, while maintaining a fair and reasonable price.
- Veteran / Service Disabled Veteran inclusion: BAE Systems continues to increase Veteran and Service Disabled Veteran opportunity and work with small business advocates and procurement agents to solicit, and fairly consider veteran owned small business suppliers.

The National Veteran Small Business Coalition (NVSBC) presented (b)(4),(b)(6) Deputy VP of Operations, BAE Systems, Electronic Systems Sector with the Service Disabled Veteran Owned award at the Veteran Entrepreneur Training Symposium (VETS2013) on June 11, 2013 in Reno, Nevada for going above and beyond to make their acquisitions process-friendly for Veterans and taking significant actions to increase contracting or subcontracting opportunities.



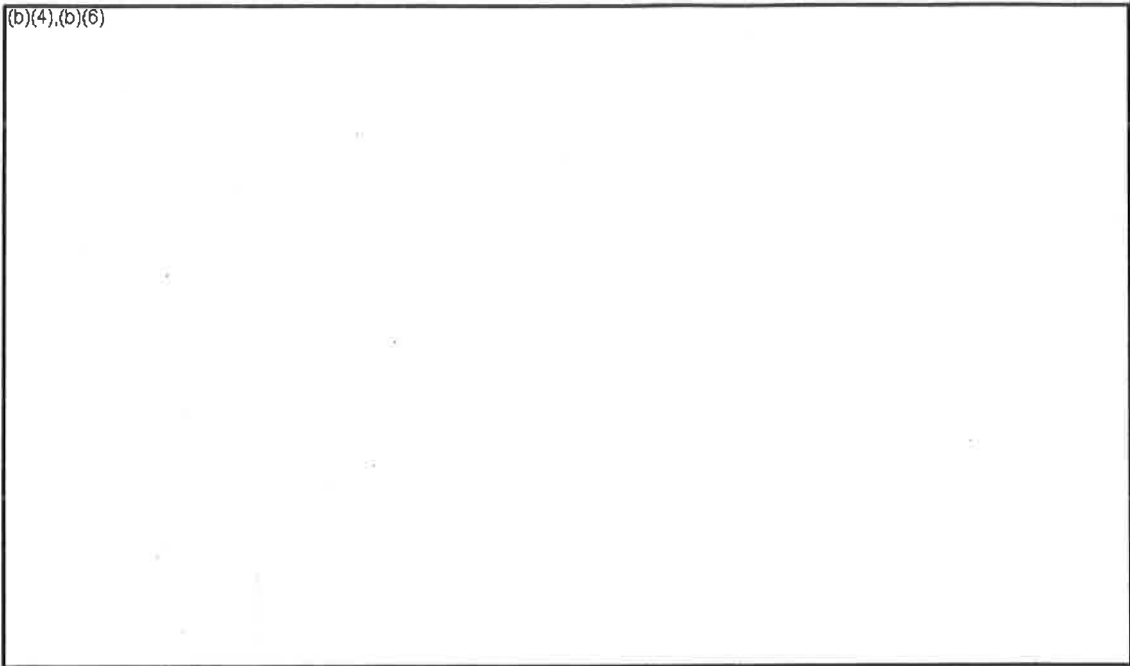
- Education: BAE Systems has implemented an extended small business team with appointed "Small Business Champions" (SBC) to improve communication back to the program level to monitor small business progress to plan goals and report any new small business opportunities. A one day communication forum was held in March to train on small business requirements and leverage new ideas. Bi-weekly meetings take place monitoring actions to increase small business inclusion.

Small Business Champions:

The small business champions continue to lead a cross functional effort to EDUCATE, MOTIVATE, and INFLUENCE the business across the enterprise for achievement of SB supplier opportunity maximization, corporate objective alignment, and to distinguish BAE Systems as a premier advocate for SB inclusion for the benefit of our customers

In March 2013, a two day offsite was held with the SBC's of each business unit to place further concentration on driving small business inclusion and awareness within the program environment. Small Business Champions (SBC) for each ES business area report dotted line into the Small Business office. (b)(4),(b)(6) SBLO, a Subcontracts Operations Director, and a Supply Chain Representative collaborate to execute the small business subcontracting plan to MEET the Supplier Diversity plan goals. Information is shared through the SBC's and Subcontract Directors supporting each Business Area (BA) to the Operations Directors to fully integrate the small business plan.





2013 has proven to be a year of improving the training, deliverables, and overall collaborative approach to managing the material spend by way of the designated business area small business champions. Reporting and tracking of the risks and opportunities impacting the small business subcontracting plan is done monthly.

**GFY 2014 SMALL BUSINESS SPEND FORECAST**

The following matrix indicates both dollar and percentage goals for the Comprehensive Small Business Subcontracting Plan. Please note; we are projecting another decrease in overall material spend and find it difficult to predict what the future defense budgets will look like for GFY2014. Consequently, the goals reflected are our guess analysis at this time. Small business subcontracting performance in all Socio economic categories continues to increase despite the difficult economic times. BAE Systems, ES will continue to persevere to improve performance goals in all small business categories with focus on small and small disadvantaged business goals.

Small Business Category	2014 Estimated Spend		2014 Comprehensive Subcontracting Plan Goals	
Small	(b)(4)		(b)(4)	
SDB				
WOSB				
HUB Zone				
VOSB				
SDVOSB				
LB				
		Base:	(b)(4)	

The forecast analyses by commodity groups, NAICS codes and percentages of total dollar spend represented are found in (b)(4)

## 5. FLOW DOWN TO SUBCONTRACTORS

BAE Systems incorporates the Federal Acquisition Regulation (FAR) Clause 52.219-8 "Utilization of Small Business Concerns" in all government subcontracts that offer subcontracting opportunities. FAR Clause 52-219-9 Small Business Subcontracting Plan and Defense Federal Acquisition Regulation (DFAR) 252-219-7003 Small Business and Small Disadvantaged Subcontracting Plan are imposed on all applicable DOD purchase orders and subcontracts.

BAE Systems requires that all subcontractors (except for small business concerns) that receive subcontracts in excess of \$650,000 (\$1,500,000 for construction) to adopt a plan that complies with the requirements of the clause at 52.219-9 Small Business Plan. BAE Systems complies with maintaining records on each Subcontract solicitation resulting in an award of more than \$150,000 indicating whether small business concerns were solicited and "if not, why not", in all small business categories and the reason the award was not made to a small business concern.

Further, BAE Systems ensures that its subcontractors with required subcontracting plans understand and agree to submit the ISR and/or the SSR into the eSRS system. Semiannual tracking of submissions occur.

BAE Systems will provide its prime contract number, its DUNS number, and the e-mail address of the official responsible for acknowledging or rejecting the reports, to all first-tier subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their reports; and require that each subcontractor with a required subcontracting plan provide the prime contract number, its own DUNS number, and the e-mail address of the official responsible for acknowledging or rejecting the reports, to its subcontractors with subcontracting plans.

## 6. GOALS METHODOLOGY

BAE Systems has used the following process to develop FY2014 goals. A monthly progress scorecard on these goals is reported to the Comprehensive Small Business Plan Manager and Senior BAE Systems management staff.

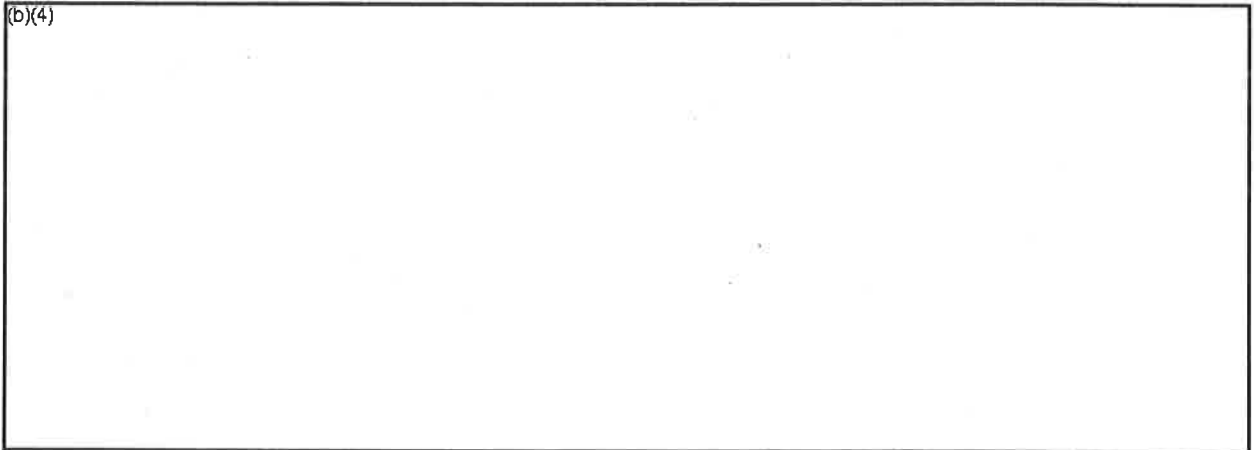
The following analysis points are used to generate Small Business Spend and Goals

- Analysis of Previous Years Spend
  - a. Dollars and Small Business Goals
    - i. Dollars and Percentages Achieved
      - 1. Reasons any Goals were significantly exceeded
    - ii. Identify all Goals not Achieved
      - 1. Reasons for achievement/non-achievement
  - b. Spend by Commodity Groups
    - i. Commodity Group spend by Small Business Category
    - ii. Identify Commodities to move between Large and Small Business categories
- Identify Company Growth/Sustainment Goals
  - a. Organic and Acquisition/ Divestiture
    - i. Percentage of Growth (expected change of subcontracting opportunities)
- Identify Expected Large Programs
  - Percentage of Spend change
- Procurements are made available to small businesses where a qualified small business is known or, in cases where the incumbent supplier is not the only known source and/or customer directed.

## 7. METHOD TO ASSURE EQUITABLE OPPORTUNITY

This Comprehensive Small Business Subcontracting Plan offers BAE Systems the opportunity to incorporate best practices from each of its participating facilities'.

- Small Business Liaison Officers are identified at each Sector and consult regularly and collaborate with Procurement personnel. The INC. Small Business Working Group actively shares information on valued small businesses as well as managing of the small business outreach events.
- Small Business Champions work within each business unit to identify small business subcontracting opportunities, monitor program performance, and administer improvement plans when needed.
- Mentor Protégé Program (MPP) BAE Systems monitors programs for possible protégés to add to the BAE Systems Mentor Protégé Program. BAE Systems successfully graduated a "Credit Only" Mentor Protégé agreement on 7/31/2010 with (b)(4). (b)(4) Despite the difficult economic times, (b)(4) has experienced 110% growth reporting sales > (b)(4). We continue the aftercare and informal mentorship for mutual benefits.
- Two new MPP agreements were approved by the Army Office of Small Business Programs and are currently under contract. The period of performance for both funded Mentor Protégé agreements is October 01, 2012-September 30, 2015.



- BAE Systems actively participates in Small Business events at both the local and the National level. Sponsorships include the National Veterans Coalition, Minority Enterprise Development Week (MED), Navy Gold Coast, and the Reservation Economic Summit (RES) to name a few.
- Suppliers identified at these opportunity events are vetted through System for Award Management, "SAM" and added to an internal source list for future reference.
- BAE Systems Supplier Diversity Professionals are active members of local and National Minority business organizations and DOD Regional Councils for small business education and advocacy.
- Procurement personnel regularly receive inquiries from small business concerns through the use of BAE Systems Supplier Diversity Website.
- BAE Systems is active with the NH Procurement Technical Assistance Center (PTAC) who provides assistance to small business firms. BAE Systems attends local and National Small Business Matchmaker events.



- Sector SBLO is an executive member of the DOD New England Regional Council and actively participates in SBLO training and PTAC activities.
- BAE Systems has an Indirect Commodity Management organization (ICMO) for indirect procurements. The ICMO team is a BAE Systems Inc. function and has a dedicated staff in addition to members from all Divisional Procurement Sectors. All ICMO initiatives include Small Business participation and inclusion as appropriate.

**8. INDIRECT AND OVERHEAD ALLOCATION**

The BAE Systems Small Business goals in this plan include indirect purchase estimates. These estimates are calculated at the Sector level and are based upon the percentage of DOD direct commitment dollars to total direct commitment dollars. The allocation rate varies and is estimated for GFY2014 to be (b)(4) based on the preliminary material forecast by program project. This percentage of DOD spend is computed on the day of the monthly scorecard or SSR report. This percentage of DOD spend determines the proportional percent of indirect dollars to be applied to that sector's small business goals. These sector's small business goals and corresponding dollar projections are then combined to achieve the BAE Systems small business goals.

$$\text{Indirect Allocation Rate} = \frac{\text{DOD Contract Spend (Direct Spend Only)}}{\text{All Contracts Spend (Direct Spend Only)}}$$

The resulting indirect allocation rate is then applied to all Indirect Spend by business category to determine the amount of Indirect Spend to be applied to the SSR Report.

Actual indirect spend by business category (X) Indirect allocation rate = DOD allocated Indirect dollars.

This same mathematical process is used to determine the proportionate share of indirect to be applied to each business category.

Procurement system commitment records and journal entry records from accounts payable and credit are used to determine both indirect and direct subcontracting dollars.

Indirect Spend Impact: The BAE Systems Indirect Commodity Management Organization is a division of BAE Systems Inc. which negotiates (b)(4) for the benefit of BAE Systems and its customers. Out of necessity many of these LTSA's are made with large companies as they are the only sources which can service the company on a Nation-Wide basis. In the final analysis, BAE Systems' Indirect Spend reflects this necessity of utilizing large businesses, which in turn impacts performance against the DOD small business goals.

The following list is representative of the products and services that are included in the indirect and overhead projections:

- (b)(4)
- 
- 
- 
- 
- 
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- 
- 
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-

**9. PLANNED INITIATIVES TO INCREASE VOLUME**

As part of BAE Systems Supply Chain approach, use of "Preferred Suppliers" (required sources for applicable commodities unless special exemption granted) are embedded in our commodity strategy.

The Preferred Supplier Strategy is executed through the (b)(4) (b)(4) has several planned enhancements in process to provide a new robust small business participation "Opportunity Spend" forecast management reporting, proposal specific small business inclusion management reporting, and overall improvements to "Opportunity Spend" status reports.

Included below are BAE Systems three new initiatives aimed at improving small business participation.

**The following table outlines the new GFY 2014 Planned Initiatives:**

Initiative	Objective	Executive Champion/ Title	Subject Matter Expert(s)	Milestones	Metrics
Metrology	Move Metrology procurements to a SB category	(b)(4),(b)(6)		1. Identify supplier/work scope 2. Assess opportunities 3. Move spend from Lg. to SB	1. Evaluation complete 12/2013 2. Identify target spend 3. Award (b)(4)
(b)(4) Integration	Bring (b)(4) into the SB Program			1. System integration 2. Identify # of parts to move to (b)(4) 3. Identify Lg. candidate spend to move to Small Bus. Partner(s)	1. Begin effort by 10/2013 2. Report how many P/N's Incorporated into (b)(4) 3. Report dollar value moved to Small Bus. 6/2014.
Commercial items in support of Computer Technology	Resource selected items to qualified small or SDB business category			1. Identify potential candidates 2. Evaluate capability/credentials 3. Signed agreement	1. Supplier Identified 2. Evaluation complete by 6/2014 3. (b)(4)

(b)(4)

**10. INDUSTRY CATEGORIES**

The following two tables represent the Target Industry Category Goals and Forecast Spend:

TARGET OPPORTUNITY/CATEGORY GFY 2014	Small \$	TARGETED Small %			ANTICIPATED PROCUREMENT BASE
Connectors 423690	(b)(4)	(b)(4)			(b)(4)
Target Result Milestones	(b)(4)				

TARGET OPPORTUNITY/CATEGORY GFY 2014	Small \$	TARGETED Small %	SDB \$	TARGETED SDB %	ANTICIPATE PROCUREMENT BASE
Test Equipment 423830	(b)(4)	(b)(4)	(b)(4)	(b)(4)	(b)(4)
Target Result Milestones	(b)(4)		(b)(4)		

(Note: The TE commodity is targeted for expansion in the current model) \*\* SDVOSB removed per DCMA direction below dated 9/9/2013. (Reference Federal Register IV. A. 2., same reference paragraph that speaks to target timetables/goals.)

BAE Systems, Electronic Systems (ES) has signed an (b)(4) with an SDB/ SDVOSB supplier partner for the connector commodity. Commitments against the ISPA will occur incrementally throughout the year based on actual manufacturing demand for those components under our (b)(4). Evaluation of this effort after a year of performance has resulted in a decision to move the requirements from the SDB partner to (b)(4) (b)(4) equipment commodity will remain with the SDB/SDVOSB partner and will continue to expand as the business allows.

**11. SIZE/STATUS REPRESENTATION AND VERIFICATION**

BAE Systems monitors and maintains its Small Business Supplier Database for accuracy.

BAE Systems, acting in good faith, relies on written representations by subcontractors regarding their status as a SB, SDB, WOSB, HUB Zone, VOSB and HBCU/MI. The subcontractor provides written representation to BAE SYSTEMS certifying its status as a SB, SDB, WOSB, HBCU/MI, HUBZ, VOSB and SDVOSB bi-annually.

Notice is provided to subcontractors concerning penalties for misrepresentations of business status for the purpose of obtaining a subcontract that is to be included as part or all of a goal contained in the contractor's subcontracting plan.



## 12. STUDIES, SURVEYS AND REPORTING

BAE Systems will cooperate in studies and surveys as may be requested or required. In response to special requests from the Comprehensive Subcontracting Program Division DCMAC-CC Program Manager (PM), BAE Systems will provide data and reports as available.

(b)(4) actively participates in the DOD-CSP Test Study. Additionally, an industry team has been actively working the development of a proposed plan for the future CSP.

BAE Systems adheres to the requirements for SSR "Summary Subcontract Report" and eSRS-electronic Summary Reporting System and will comply in accordance with the instructions provided DFARS 252.219. *(BAE Systems has also agreed to include in the SSR high level military services reporting for the US Army, Navy, Air Force, and the Missile Defense agencies).*

Quarterly reporting on the CSP target initiatives, industry categories, and small business performance will be submitted to the DCMA CSP Program Manager.

Mentor Protégé will be submitted in accordance with the DCMA MOU and DFARS Appendix I-112-2.

Upon expulsion from the Program or Program termination, the contractor shall negotiate and establish individual subcontracting plans on all future DoD contracts that otherwise meet the requirements of Section 211 of Public Law 95-507.

## 13. OUTREACH EFFORTS

BAE Systems maintains a calendar of events for annual planned SB outreach; we actively sponsor and attend Government Agency outreach events throughout the year both at the sector and enterprise level.

(b)(4)

(b)(4)

To facilitate communication with small business diversity suppliers; BAE Systems maintains a Supplier Diversity website available through the Intranet which includes links on BAE Systems.

## 2013 Calendar of Events

<p>March 11-14  <b>Las Vegas, NV</b>  RES 2013 Reservation Economic Summit &amp; American Indian Business Trade Fair  <a href="http://www.ncaied.org">www.ncaied.org</a></p>	<p>September 9-10  <b>Fairfax, VA</b>  National HUBZone Conference  <a href="http://www.hubzonecouncil.org">www.hubzonecouncil.org</a></p>
<p>March 21  <b>Fairfax, VA</b>  Veterans in Business Conference  <a href="http://www.veteransbusinessconference.com">www.veteransbusinessconference.com</a></p>	<p>September 10-12 On Hold  <b>Long Beach, CA</b>  DOD Mentor Protégé Conference  <a href="http://www.acq.osd.mil">www.acq.osd.mil</a></p>
<p>April 3  <b>Fairfax, VA</b>  Virginia Opportunity Fair 2013  <a href="http://www.vmsdc.org">www.vmsdc.org</a></p>	<p>September 10-12  <b>Long Beach, CA</b>  National SBIR Beyond Phase II Conference  <a href="http://www.beyondphaseii.com">www.beyondphaseii.com</a></p>
<p>April 25  <b>Washington, DC</b>  Annual OSDBU Procurement Conference  <a href="http://www.osdbu.gov">www.osdbu.gov</a></p>	<p>September 25  <b>Springfield, VA</b>  NDIA National Small Business Conference  <a href="http://www.ndia.org/meetings/3140">www.ndia.org/meetings/3140</a></p>
<p>June 10-13  <b>Reno, NV</b>  Veteran Entrepreneur Training Symposium  <a href="http://www.veterantrainingsymposium.com">www.veterantrainingsymposium.com</a></p>	<p>December  <b>Tampa, FL</b>  SDVOSB/VOSB Technology Conference  <a href="http://www.macdillsdvosb.net">www.macdillsdvosb.net</a></p>
<p>August 6-8  <b>St. Louis, MO</b>  Annual National Veteran Small Business Conference  <a href="http://www.nationalveteransconference.com">www.nationalveteransconference.com</a></p>	<p>Date TBD  <b>Washington, DC</b>  Minority Enterprise Development  <a href="http://www.medweek.gov">www.medweek.gov</a></p>
<p>August 26-28  <b>San Diego, CA</b>  Navy Gold Coast  <a href="http://www.navygoldcoast.org">www.navygoldcoast.org</a></p>	

14. **ORGANIZATION CHARTS:** Comprehensive Small Business Plan Organization Chart

(b)(4)



BAE Systems Proprietary Information

Page 1

SB CHAMPION

SB CHAMPION

SB CHAMPION

SB CHAMPION

SB CHAMPION

- The Small Business Working Group (SBWG) was formed at the corporate level to leverage small business best practices, share small business successes and improve coordination of the enterprise Small Business Outreach events. The SBWG meets actively every month. Legislative updates and process improvements are shared as well as updates from local area councils.

(b)(4)



## 15. TRAINING

Training and direction is provided by the Small Business Liaison Officers throughout the company.

BAE Systems conducts has two primary training courses related to Procurement/Subcontracting that each have modules specific to US Government Small Business requirements. BAE Systems Internal training Course PE445W, The Subcontract Management Process, is part of the Functional Training Plan (FTP) for all Subcontract Administrators and Procurement/Subcontracts Managers. The SBLO participates as a presenter training on the small business program and compliance requirements.

The PM101G, the Subcontract Management Process for Project Managers, is included in the FTP for all Program Managers and Program Engineering Managers.

In 2012, a Compliance roadshow was launched to further communicate compliance importance. In 2013 a Small Business module was added to increase awareness of the small business obligations. Mandatory attendance by all Supply Chain personnel is required. A monthly compliance memo is also published to keep people apprised on critical information to include small business updates.

## 16. RECORD SYSTEMS

BAE Systems recognizes the importance of monitoring and reporting small business plan performance. The following records are maintained and available to BAE Systems personnel responsible for subcontracting opportunities represented in each BAE Systems business unit.

1. Oracle Enterprise Resource Planning (ERP) software database on all procurements maintained.
2. Organizations contacted in an attempt to locate sources that are SB, SDB, WOSB, HUB Zone, VOSB, SDVOSB and Hub Zone concerns.
3. Records of each subcontract solicitation resulting in an award of more than \$100,000 and indicate:
  - a. Whether SB, SDB (including ANCs and Indian tribes); WOSB, Hub zone, VOSB, SDVOSB and were solicited; and if not, why not.
  - b. When applicable, the reason the award was not made to a SB, SDB, WOSB, HUB Zone, VOSB, and SDVOSB concerns.
4. Records of Outreach efforts:
  - a. Active participation as sponsors, exhibitors, speakers, counselors, panelists, and hosts at small business Outreach events
  - b. Procurement Technical Assistance organizations (PTACS)
  - c. The Virginia Minority Supplier Development Council (VMSDC)
  - d. NDIA- New England Chapter
  - e. MARC- Mid-Atlantic Regional Council
  - f. BAE Systems small business forums
5. Records of internal guidance and encouragement provided to buyers through
  - a. Workshops and Seminars
  - b. On line L&D Net functional training profile
  - c. Senior Leadership extended staff meetings
  - d. Annual Compliance Roadshow
6. Small Business Bulletin is published and posted with metrics and important messages.
7. Compliance memo is published highlighting legislative updates and changes to the SB Plan

## APPENDIX A – APPLICABLE REGULATIONS

This BAE Systems Comprehensive Subcontracting Plan has been prepared in accordance with FAR Part 19.7, "The Small Business Subcontracting Program"; the Federal Register Volume 65, Number 31; the DFARS, Subpart 219.7, "The Small Business Subcontracting Program", and DFARS Subpart 219.71, "Pilot Mentor-Protégé Program", DFARS, 226.3 "Historically Black Colleges and University and Minority Institutions"; and DFARS 252.219-7004, " Small Business Subcontracting Plan (Test Program)".

It is the intent of this BAE Systems Comprehensive Subcontracting Plan to address each of the elements set forth in paragraph (d) of the clause at FAR 52.219-9.

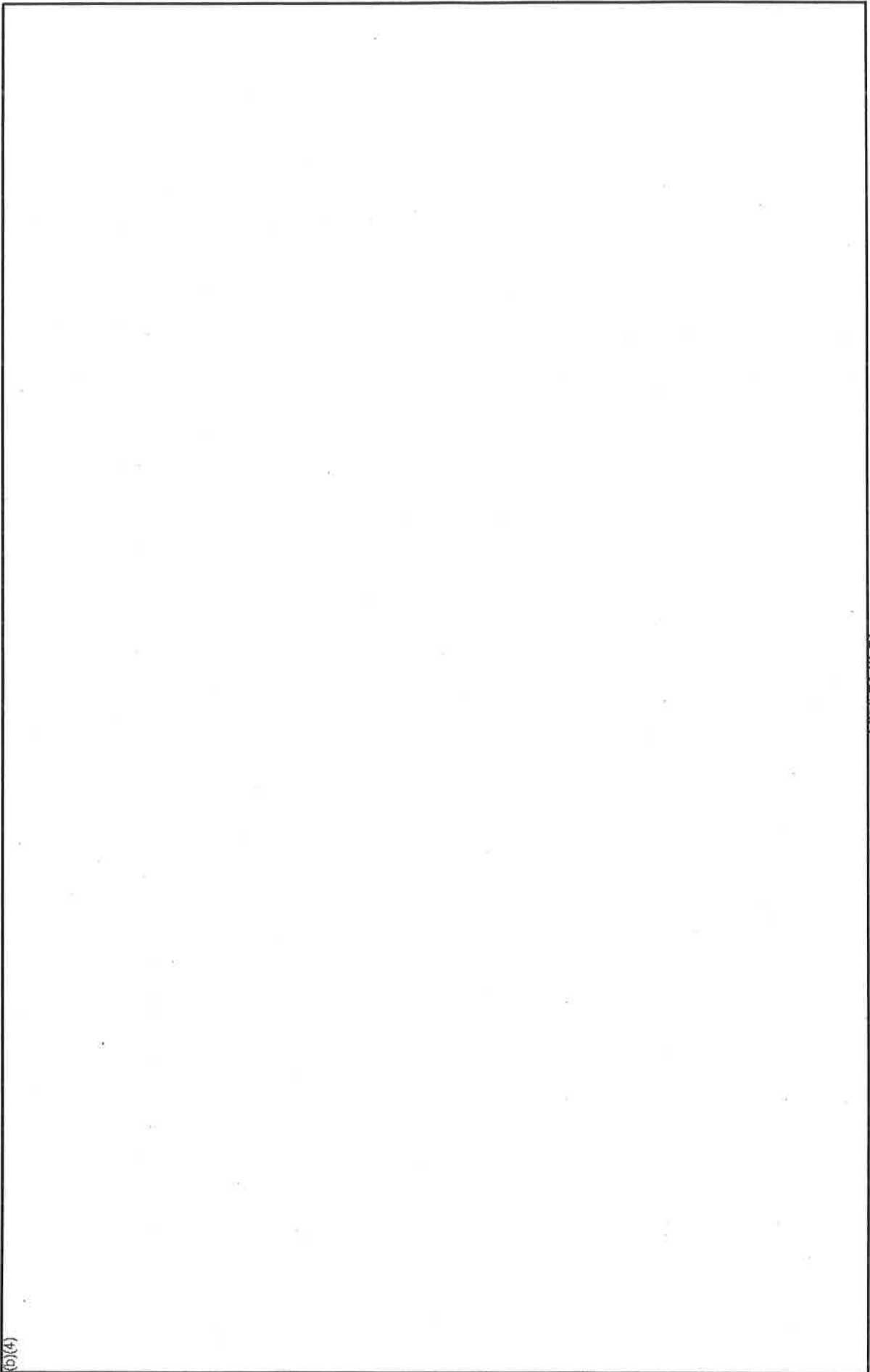
In accordance with DFARS 219.708, "Contract Clauses" the following regulations are considered not applicable to this plan: FAR 52.219-10, "Incentive Subcontracting Program"; FAR 52.219-16, "Liquidated Damages - Subcontracting Plan"; and DFARS 252.219-7003, "Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DOD Contracts)"; and FAR 52.219-10, "Incentive Subcontracting Program".

Consistent with Section 402 of the U.S. Small Business Administration Reauthorization and Amendment Act of 1990, Public Law 101-574, Liquidated Damages, shall not apply to the test program. DAR Case 90-336 dated March 4, 1991, deletes FAR 52.219-16 (Liquidated Damages – Subcontracting Plan) and the application of liquidated damages to the test program in accordance with the public law.

BAE Systems incorporates Federal Acquisition Regulation (FAR) Clause 52.219-8 "Utilization of Small Business Concerns" in all government subcontracts that offer subcontracting opportunities. FAR Clause 52-219-9 Small Business Subcontracting Plan and Defense Federal Acquisition Regulation Supplement (DFARS) 252-219-7003 Small Business and Small Disadvantaged Business Subcontracting Plan are imposed on all applicable DOD purchase orders and subcontracts.

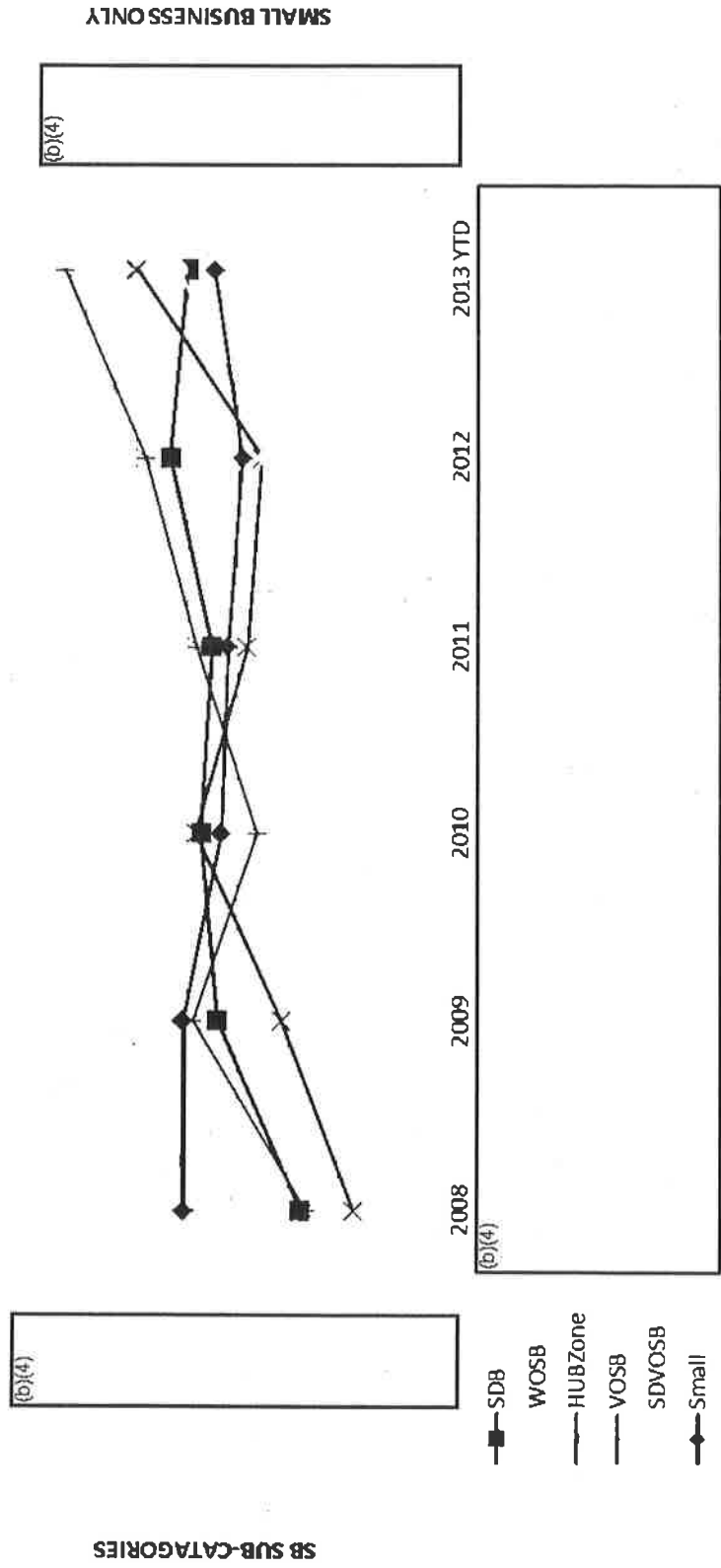
**APPENDIX B- ITEMS TO BE SUBCONTRACTED  
DOD SPECIFIC-  
COMMODITY TABLE (pg. 1)**

(b)(4)



APPENDIX C- HISTORICAL SMALL BUSINESS PARTICIPATION-PERCENTAGES

### Electronic Solutions & Electronic Systems 6 Year Trend





**APPENDIX D – POLICY STATEMENT**

(b)(4)



**APPENDIX E – SMALL BUSINESS POLICY**

**PROPRIETARY & CONFIDENTIAL**

(b)(4)



**PROPRIETARY & CONFIDENTIAL**

(b)(4)



PROPRIETARY & CONFIDENTIAL

(b)(4)



August 12, 2012

## ADDENDUM: Appendix F

### Significant challenges facing GFY2014 small business planning:

BAE Systems, ES remains very active in proposals and is experiencing the uncertainty of a very high level of quoting activity. Many are for follow-on business which does not easily lend itself to increasing small business opportunities without increasing cost and risk to schedule and technical compliance. Fulfillment of customer requirements includes partnering with other large businesses for technology capabilities. The customer directed large business sources also affect the ability to subcontract to small businesses.

There continues to be a high turnover of programs within (b)(4) every year. The projected GFY 2014 commitments for ES are (b)(4). This is made up of (b)(4) each with its own material requirements that include nearly every defense related technology. A significant amount of these are proposed business that the Government has not yet awarded. The no doubt decline in the US defense budget and its uncertainty make it exceptionally difficult to predict which awards will materialize. This requires continuous adjustments to our forecast planning. Due to the nature of our business it is not economically feasible to "transfer" parts from one supplier to another supplier in order to achieve a small business goal. Changes in suppliers on active programs affect delivery dates; add startup costs and first article qualification test requirements which add RISK to DOD programs.

As the government is well aware we are faced with sequestration, cutting of government spending, delays and cancellations of key programs. The result of this greatly affects our ability to plan and forecast. The defense budget is the primary source of funding for ES programs. This uncertainty also affects our industries ability to invest in our future. Some program impacts are noted below:

- (b)(4) is in its final year of a 5 Year IDIQ (b)(4). The program ends (b)(4). The figures noted below show how the annual DVE-FOS contract value have decreased over the five (5) year period.

2010	(b)(4)
2011	
2012	
2013	
2014	

(b)(4)	SB category	2013		2014	
	WOSB, SDB	(b)(4)		(b)(4)	
	SDB, HUBZ				
	SDVOSB				

- The (b)(4) program has significantly diminished and is entering the sustainment phase of the product lifecycle. In 2012, the Integrated Business Plan (IBP) for (b)(4) IBP for 2013 is (b)(4) and declining each year. Anticipated orders are primarily for international prospects and spares deliverables.

As the (b)(4) enters the sustainment phase of the product lifecycle, the adjusted contract value projected is reflected below.

2012	(b)(4)
2013	(b)(4)
2014	(b)(4)
2015	(b)(4)

(b)(4) primary Small Business Suppliers:

(b)(4)	SB category	2013	2014
(b)(4)	(b)(4)	(b)(4)	(b)(4)

- BAE Systems, ES recently received a request for proposal from (b)(4) for (b)(4) 1,000 units per month previously delivered.
- In 2012, BAE Systems won (b)(4) of the Request for (b)(4) that the government competes between BAE Systems and (b)(4). To date; BAE Systems has received only (b)(4) of the awards.
- Customer (b)(4) requested a proposal from BAE Systems for the (b)(4) (b)(4), but has ultimately decided to keep it internal to (b)(4). This impacts our GY14 subcontracting opportunities significantly affecting our overall small business spend. The numbers below are representative of the impact.

Category	\$ Impact	Percentage
Small Business	(b)(4)	(b)(4)
Woman Owned		
Veteran Owned		
HubZone		
Unknown		

- (b)(4) program has been cancelled due to the impact of sequestration.
- (b)(4) subcontract. (b)(4) program was cancelled due to the Prime Contract (b)(4) being terminated because of sequestration. Contract was awarded on (b)(4) for

(b)(4) A Stop Work Order was issued to the supplier (b)(4) classified as a small business, on 4/30/2013 for termination due to sequestration.

- (b)(4)
- (b)(4) business became a large business. The (b)(4) facility included in the CSP subcontracted a significant amount of work in support of the (b)(4) (b)(4) Subcontracts awarded over a 3 year period ranged from (b)(4) (b)(4) program was recently competed for a "winner take all" RFP for the remaining four years of the program (b)(4) One key supplier (b)(4) (b)(4) Below is the specific impact to the Hub Zone category alone.

Supplier	SB Category	\$ Impact
(b)(4)	(b)(4)	(b)(4)

# **EXHIBIT F**



American  
**small  
business**  
League

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

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March 31, 2016

Director for Oversight and Compliance  
Office of the Secretary of Defense  
9010 Defense Pentagon  
Washington, DC 20301-9010

Re: Freedom of Information Act Appeal

Re: May 30 ASBL FOIA Request #14-F-0919

Dear Director of Oversight and Compliance:

This is an appeal under the Freedom of Information Act. On May 30, 2014 I requested that a copy of documents containing the following information be provided to me:

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

I received a letter on June 6, 2014 from Ms. Yasmeeen Hargis informing me that, "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."

On August 1, 2014 I sent an appeal stating that I had not received the information I had requested. On March 21, 2016 I received a letter from Ms. Stephanie Carr along with attached records of partial documents that I requested. After reviewing the records, these partial records do not satisfy my request and we do not believe that they should be redacted under Exemption 4 of the FOIA, 5U.S.C. §552(b)(4) as they are not trade secrets or confidential business information and should be (and always have been) readily available to the public; therefore, I am appealing this request.



DOD has failed to comply with both the procedures and the statutory deadlines contained in FOIA for a substantive response to this request, and has waived any requirement that an administrative appeal be served as a prerequisite to litigation. In the event that a substantive response is not received to my request in the time allotted for a response to an administrative appeal by FOIA, ASBL will immediately commence litigation.

If necessary to discuss any aspect of my appeal, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.

Thank you for your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to be "SG" with a long horizontal stroke extending to the right.

Steve Godfrey | Public Affairs Analyst  
[sgodfrey@asbl.com](mailto:sgodfrey@asbl.com)  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
(707) 789-9575

# **EXHIBIT G**



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

APR 22 2016

Ref: 14-A-0919  
14-F-0919

Mr. Steve Godfrey  
Public Affairs Analyst  
American Small Business League  
3910 Cypress Drive  
Petaluma, CA 94954

Dear Mr. Godfrey:

This is in response to your Freedom of Information Act (FOIA) appeal. We received your appeal in this office on April 18, 2016.

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 Director of Oversight and Compliance, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (571) 372-0423, or [danaeka.l.spear.civ@mail.mil](mailto:danaeka.l.spear.civ@mail.mil).

Sincerely,

A handwritten signature in black ink that reads "Danaeka Spear". The signature is written in a cursive style with a large, sweeping initial "D".

Danaeka Spear  
Chief, Appellate Office

# **EXHIBIT H**

**Steven Godfrey**

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**From:** Steven Godfrey  
**Sent:** Thursday, November 06, 2014 10:12 AM  
**To:** 'foia@whs.mil'  
**Subject:** Freedom of Information Act Request  
**Attachments:** FOIA-20141106 DOD CSPTP GE Aviation Request.pdf

15-F-0568

November 6, 2014

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 GE Aviation 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 Public Affairs Analyst for a not-for-profit news-gathering organization entitled to the fee waivers and other considerations afforded such entities under FOIA and am seeking information for use in our group's research and not for commercial use. All documents are requested in order to serve the public interest.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.

Thank you for your consideration of this request.

Sincerely,

Steve Godfrey | Public Affairs Analyst  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
[sgodfrey@asbl.com](mailto:sgodfrey@asbl.com) | (707) 789-9575

# **EXHIBIT I**



American



League

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

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December 29, 2014

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:

On November 6, 2014 in an electronic format to the email: foia@whs.mil, I requested that a copy of documents containing the following information be provided to me:

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

To date, I have not received a response or the information requested in my original request; therefore, I am resubmitting this request in writing.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am the Public Affairs Analyst for a not-for-profit news-gathering organization entitled to the fee waivers and other considerations afforded such entities under FOIA and am seeking information for use in our group's research and not for commercial use. All documents are requested in order to serve the public interest.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.



Thank you for your consideration of this request.

Sincerely,

Steve Godfrey | Public Affairs Analyst  
sgodfrey@asbl.com  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
(707) 789-9575

# **EXHIBIT J**

**Steven Godfrey**

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**From:** Steven Godfrey  
**Sent:** Friday, January 30, 2015 9:08 AM  
**To:** 'Blake, Adrienne C CIV WHS ESD (US)'  
**Subject:** RE: OSD/JS FOIA Request - 15-F-0568 and 15-F-0574 Inquiry

Good Morning,

After reviewing your inquiry, we have decided to not amend either request and continue with both of our original requests (15-F-0568 and 15-F-0574) . We believe they are seeking two different pieces of documents, although one is more specific, we would still prefer to have both.

The ASBL is a national small business advocacy organization established to research and focus public attention on emerging small business issues and to otherwise promote the interests of small businesses. The ASBL uses the information gathered from its FOIA requests to specifically, according to section 5 CFR 2604.503(c)(1) of the Freedom of Information Act, Pub. Law No. 99-570, §§ 1802-1804 (Jan. 1986), "contribute significantly to public understanding of the operations or activities of the government." ASBL's activities include the review [digest] of evolving federal and state government policy and procedures to determine possible impact on small business, monitoring federal contracts which are by law required to be set aside for small business, and identifying instances where such contracts are unlawfully awarded to large corporations.

Should you deem this response unsatisfactory and if necessary to discuss any aspect of my requests, I would prefer all communication to be in written format, either via email to [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com), or via letter.

Thank you for your consideration of this request.

Sincerely,

Steve Godfrey  
Public Relations Specialist  
American Small Business League  
(707) 789-9575

[sgodfrey@ASBL.com](mailto:sgodfrey@ASBL.com)  
[www.ASBL.com](http://www.ASBL.com)

-----Original Message-----

From: Blake, Adrienne C CIV WHS ESD (US) [<mailto:adrienne.c.blake.civ@mail.mil>]  
Sent: Friday, January 30, 2015 4:27 AM  
To: Steven Godfrey; Lloyd Chapman  
Cc: Council, Suzanne F CIV WHS ESD (US)  
Subject: RE: OSD/JS FOIA Request - 15-F-0568 and 15-F-0574 Inquiry

Good Morning,

I am following up regarding the below email inquiry and the subject FOIA requests.

Both of the subject requests appear to be seeking similar information. In order to best obtain the information you are requesting, would you be willing to consider amending the first request received (15-F-0568) to include exactly what information you are seeking, and thus, withdrawing the secondary request (15-F-0574)?

Before this office can further proceed with the processing of your request, it will be necessary for you to reply to this mail no later than close of business February 2, 2015 with your response.

In the event that we do not receive your reply within this time period, we will believe that you are no longer interested and will administratively close both requests.

Respectfully,

Mrs. Adrienne C. Blake  
Government Information Specialist  
For Suzanne Council on behalf of  
M. L. Wahling, Acting Chief, Freedom of Information Act Division OSD/JS FOIA Office [adrienne.c.blake.civ@mail.mil](mailto:adrienne.c.blake.civ@mail.mil)

-----Original Message-----

From: Blake, Adrienne C CIV WHS ESD (US)  
Sent: Friday, January 23, 2015 8:51 AM  
To: 'sgodfrey@asbl.com'; 'lchapman@asbl.com'  
Cc: Council, Suzanne F CIV WHS ESD (US)  
Subject: OSD/JS FOIA Request - 15-F-0568 and 15-F-0574 Inquiry

Mr. Steve Godfrey and Mr. Lloyd Chapman  
American Small Business League  
3910 Cypress Dr.  
Petaluma, CA 94954

Sent by electronic mail to: [sgodfrey@asbl.com](mailto:sgodfrey@asbl.com) and [lchapman@asbl.com](mailto:lchapman@asbl.com)

Greetings,

This is an email inquiry related to attached OSD/JS FOIA requests assigned case numbers 15-F-0568 (Mr. Godfrey's) and 15-F-0574 (Mr. Chapman's), received in this office on January 8, 2015 and January 9, 2015, respectively. Mr. Godfrey's request, emailed to [FOIA@whs.mil](mailto:FOIA@whs.mil) on November 6, 2014 was not received, as that email account is not operational. We no longer monitor an email address for public FOIA request submission. Electronic requests may be sent via our Public Access Link (PAL), found here: [http://www.dod.mil/pubs/foi/submit\\_PALfoiaform.html](http://www.dod.mil/pubs/foi/submit_PALfoiaform.html).

Both of the subject requests appear to be seeking similar information. In order to best obtain the information you are requesting, would you be willing to consider amending the first request received (15-F-0568) to include exactly what information you are seeking, and thus, withdrawing the secondary request (15-F-0574)?

I am the action officer for these requests and may be reached at [adrienne.c.blake.civ@mail.mil](mailto:adrienne.c.blake.civ@mail.mil).

Respectfully,  
Adrienne

# **EXHIBIT K**



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

DEC 27 2016  
Ref: 15-F-0568

Mr. Steve Godfrey  
American Small Business League  
3910 Cypress Dr.  
Petaluma, CA 94954

Dear Mr. Godfrey:

This is our final response to your November 4, 2014, Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on January 8, 2015, and assigned it case number 15-F-0568 for tracking purposes.

Mr. James J. Galvin, Deputy Director, Office of Small Business Programs, Office of the Under Secretary of Defense for Acquisition, Technology & Logistics, has determined that some information must be withheld pursuant to 5 U.S.C. § 552 (b)(4) which pertains to trade secrets or commercial or financial data that is privileged or confidential and which, if released, would result in competitive harm to the company.

Please note that GE Aviation does not participate in the DOD Test Program or have a Comprehensive Subcontracting Plan (CSP) at the corporate level. However, GE Aviation's Supply Chain-Source Division, a segment of GE Aviation, participates in the DOD Test Program and has a division-level CSP, which covers GE Aviation (DUNS 137488664) with locations in Evendale, OH (CAGE 07482) and Lynn, MA (CAGE 99207). As a result, the goals contained in their CSP apply only to this division and not company or corporate-wide. DOD contracts outside GE Aviation's Supply Chain-Sourcing Division may be covered under an Individual Subcontract Plan or Commercial Subcontract Plan, depending on the contract.

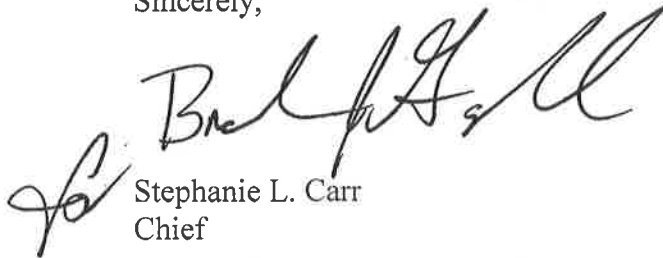
If you are not satisfied with this response, you may contact our OSD FOIA Public Liaison, Jim Hogan, at 571-372-0462 or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). Also, please note that the Office of Government Information Services (OGIS) offers services to requesters who have disputes with Federal agencies. If you have concerns about the processing of your request, please contact OGIS at:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may use the OSD FOIA request portal at <http://pal.whs.mil/palMain.aspx> or email your appeal to [OSD.FOIA-APPEAL@mail.mil](mailto:OSD.FOIA-APPEAL@mail.mil). If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case number 15-F-0568 in any appeal correspondence.

If you have questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Megan Farrell at [megan.b.farrell2.civ@mail.mil](mailto:megan.b.farrell2.civ@mail.mil) or (571) 372-0409.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie L. Carr". The signature is written in a cursive style with a large initial "S" and "C".

Stephanie L. Carr  
Chief

Enclosures:  
As stated



# **EXHIBIT L**

January 26, 2017

Miss Joo Chung, Director of Oversight and Compliance  
Office of the Secretary of Defense  
4800 Mark Center Drive  
ATT:DPCLTD  
FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700

Re: Freedom of Information Act Request #15-F-0568

Dear FOIA Officer:

This is an appeal under the Freedom of Information Act:

In response to the above referenced FOIA request, the Agency has provided an extensively redacted document, asserting that the redacted portions are exempt from disclosure pursuant to FOIA exemption b(4) which protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." Please identify specifically, for each redacted portion of the document, whether it is being withheld on "trade secret" or "confidential" "commercial or financial information" grounds. If the material has been redacted on confidential information grounds, please describe specifically how disclosure of the information is likely (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am the Public Affairs Analyst for a not-for-profit news-gathering organization entitled to the fee waivers and other considerations afforded such entities under FOIA and am seeking information for use in our group's research and not for commercial use. All documents are requested in order to serve the public interest.

If necessary to discuss any aspect of my request, I would prefer all communication to be in written format, either via email to [khilmoe@asbl.com](mailto:khilmoe@asbl.com) , or via letter.

Thank you for your consideration of this request.

Sincerely,

Kyle Hilmoe | Communications Director  
American Small Business League  
3910 Cypress Dr.  
Petaluma CA, 94954  
[khilmoe@asbl.com](mailto:khilmoe@asbl.com) | (707) 789-9575

# **EXHIBIT M**



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

FEB 15 2017

Ref: 15-A-0568  
15-F-0568

Mr. Steve Godfrey  
American Small Business League  
3910 Cypress Drive  
Petaluma, CA 94954

Dear Mr. Godfrey:

This is in response to your Freedom of Information Act (FOIA) appeal. We received your appeal in this office on February 8, 2017.

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 Director of Oversight and Compliance, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (571) 372-0423, or [danaeka.l.spear.civ@mail.mil](mailto:danaeka.l.spear.civ@mail.mil).

Sincerely,

A handwritten signature in black ink that reads "Danaeka Spear". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Danaeka Spear  
Chief, Appeals Office

# **EXHIBIT N**



OVERSIGHT AND  
COMPLIANCE

**OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER**  
9010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-9010

APR 09 2017

Ref: 15-A-0568-A1

Re: 15-F-0568

Mr. Kyle Hilmoe  
American Small Business League  
3910 Cypress Dr.  
Petaluma, CA 94954

Dear Mr. Hilmoe:

This responds to your January 26, 2017, Freedom of Information Act (FOIA) appeal. You appealed the partial denial determination by the Office of Small Business Programs in response to your organization's November 6, 2014, FOIA request.

I have reviewed the denied information at the appellate level, and after careful consideration, I am affirming the initial determination to deny the two responsive pages in part. The withheld information remains exempt from release because it pertains to trade secrets and commercial and financial data that is privileged or confidential and disclosure would cause competitive harm to the company. Consequently, I must continue to 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,

A handwritten signature in black ink, appearing to read "Joo Y. Chung".

Joo Y. Chung  
Director