

# EXHIBIT 1

415.956.2828 (t)	Robert Dollar Building
415.956.6457 (f)	311 California Street, 10th Flr.
	San Francisco CA 94104
202.777.8950 (t)	Bowen Building
202.347.8429 (f)	875 15th Street, NW, Suite 725
www.rjo.com	Washington DC 20005

ROGERS JOSEPH O'DONNELL

Richard M. Harris  
rharris@rjo.com

April 3, 2020

**Via E-mail (Abby.machelec@navy.mil)**

Abby Machalec  
NAVFAC FOIA Officer

Re: Freedom of Information Act Request For Documents Related to NAVFAC  
Southwest Contract Number N62473-13-D-0607

Dear Ms. Machalec:

On behalf of ACCO Engineered Systems, Inc. ("ACCO"), Rogers Joseph O'Donnell, PC makes this request for the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

We request that you adhere to the time limitations set forth in 5 U.S.C. § 552(a)(6)(A). We also ask that you forward information related to any individual request without waiting until all records are located (i.e., please provide records on a rolling basis). If you determine that a record contains material exempt from disclosure, please review it for possible discretionary disclosure. In addition, we request that you produce any and all segregable portions of the record in question. Please notify me when responsive records are either furnished or specifically identified and denied for release. If no records exist for any request, please provide written confirmation of same.

We further request that, pursuant to 5 U.S.C. § 552(a)(3)(B), your agency produce responsive documents in the native electronic format in which the document was created. To the extent that your agency is unable to produce the responsive documents in the requested format, we request that your agency confirm that the record does not exist in native format and produce the documents in the following format, listed in accordance with our preference: 1) PDF format; or 2) paper copy. While the burden is on the government to produce all documents within the required time period, we are willing to discuss and agree upon the means and sequence of production to facilitate government compliance with the law.

To the extent that you determine that any subject document will not be disclosed because it meets any of the criteria in the FOIA for nondisclosure, you are requested to identify such documents in accordance with the requirements of *Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975). To the extent that you determine that any subject document will not be disclosed because it is classified in accordance with document classification procedures of your Department, request is hereby made that such document be declassified or redacted sufficiently to enable useful review and inclusion of its identifying characteristics under *Vaughn v. Rosen*.

ROGERS JOSEPH O'DONNELL

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**REQUESTED DOCUMENTS**

Please provide the following records<sup>1</sup> to the undersigned:

1. All documents<sup>2</sup> constituting requests for payment from Fortis Networks, Inc. to NAVFAC Southwest related to Contract Number N62473-13-D-0607.
2. All documents constituting records for payment from NAVFAC Southwest to Fortis Networks, Inc. for work completed on Contract Number N62473-13-D-0607.
3. The most recent 25 documents sent between Fortis Networks, Inc. and NAVFAC Southwest referencing Contract Number N62473-13-D-0607.
4. All documents between Fortis Networks, Inc. and NAVFAC Southwest referencing either “ACCO” or “termination”.
5. All correspondence regarding termination or noticing of possible termination of Fortis Networks, Inc. concerning the above-mentioned contract.
6. All correspondence describing the reasons for termination or possible termination of Fortis Networks, Inc. concerning the above-mentioned contract.

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<sup>1</sup> An “agency record” includes “the products of data compilation, such as all books, papers, maps, photographs, and machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in DA possession and control at the time the FOIA request is made.” 32 CFR § 518.7(b).

<sup>2</sup> As used herein, the term “document” should be interpreted broadly to include anything that constitutes an “agency record” including, but not limited to, emails and other electronic communications.

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This is the same request as DON-NAVY-2020-006464, which was submitted earlier today.

We are willing and able to pay all reasonable and applicable fees in connection with this request as required under statute and regulation. We request prior notice only if you determine that such costs will exceed \$1,000. Please feel free to contact me by phone (415-956-2828) or by email (rharris@rjo.com) if you have any questions about this request or need further information.

Sincerely,



Richard Harris

RMH:ls

**From:** [Richard M. Harris](#)  
**To:** [Abby.machelec@navy.mil](mailto:Abby.machelec@navy.mil)  
**Subject:** FW: FOIA Request DON-NAVY-2020-006464 Submitted  
**Date:** Friday, April 3, 2020 1:54:00 PM  
**Attachments:** [FOIA REQUEST Machalec.pdf](#)

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Ms. Machalec –

I have submitted the below request. Please see the attached courtesy copy.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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**From:** [admin@foiaonline.gov](mailto:admin@foiaonline.gov) <[admin@foiaonline.gov](mailto:admin@foiaonline.gov)>  
**Sent:** Friday, April 3, 2020 1:50 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Subject:** FOIA Request DON-NAVY-2020-006464 Submitted

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DON-NAVY-2020-006464
- Requester Name: Mr. Richard Harris
- Date Submitted: 04/03/2020
- Request Status: Submitted
- Description: On behalf of ACCO Engineered Systems, Inc. (“ACCO”), Rogers Joseph O’Donnell, PC makes this request for the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

Please see the attached request for more detail. The request includes:

1. All documents constituting requests for payment from Fortis Networks, Inc. to NAVFAC Southwest related to Contract Number N62473-13-D-0607.
2. All documents constituting records for payment from NAVFAC Southwest to Fortis Networks, Inc. for work completed on Contract Number N62473-13-D-0607.

3. The most recent 25 documents sent between Fortis Networks, Inc. and NAVFAC Southwest referencing Contract Number N62473-13-D-0607.
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6. All correspondence describing the reasons for termination or possible termination of Fortis Networks, Inc. concerning the above-mentioned contract.