

Exhibit 3



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA – William J. Hughes Technical Center
Acquisition and Grants Division – AAQ-640
Bldg. 300
Atlantic City International Airport, NJ 08405

By Electronic Mail

March 19, 2020

James Boutrous II, Esq.
McDonald Hopkins PLC
39533 Woodward Ave., Suite 318
Bloomfield Hills, MI 48304

Subj.: Freedom of Information Act (FOIA) request no. 20-004989

Dear Mr. Boutrous:

The FAA received a Subpoena to Produce Documents, dated 02/26/2020 requesting information related to the LinTech FAA task order: DTFAWA11A-00256-0002 and CAN Softtech, Inc. contract award: 692M15-19-C-00009. On 02/28/2020, the FAA's Office of the Chief Counsel, Litigation and General Law Division (AGC-400) informed you that under 49 C.F.R. part 9, your subpoena was routed to the FAA FOIA Program Office to be processed as a FOIA request, in accordance with FOIA and the FAA's FOIA regulations. 5 USC 552; 49 CFR part 7. On 02/28/2020, the FOIA office logged your request, assigned the request FOIA tracking number 2020-004989, and assigned the request to FAA Acquisition and Grants Division, AAQ-640 Branch.

This letter is a request for clarification on several items from the FOIA request dated 02/28/2020, concerning 25 requested items listed below in reference to the LinTech FAA task order: DTFAWA11A-00256-0002 and CAN Softtech, Inc. contract award: 692M15-19-C-00009. Several of the referenced items are overly broad in that they would not allow an FAA employee with subject matter expertise to conduct a reasonable search for responsive records. 49 CFR § 7.24(d). Additionally, you have been placed in the commercial requester category, due to your commercial interest in the requested records. Please note that under FOIA, there are fees associated with both search and review of records. *See* 49 CFR part 7, subpart E. Narrowing the scope of your request will reduce the amount of fees associated with your request. Additionally, under FOIA, agency employees are required to conduct a line by line review to determine whether information is releasable to the public, or is protected from release under a FOIA exemption. Narrowing the scope of your request to the specific information you are seeking will assist the agency in processing records and providing them to you as efficiently as possible.

Following is the list of 25 items and the FAA's initial review comments for each requested item:

1. All Documents and Correspondence between the FAA and CAN relating to or referring to the pursuit of and subsequent award of the FAA CAN Contract.

FAA response: Please further clarify subject matter of documents requested, and provide a narrow date range. Additionally, please identify the specific individuals you are requesting perform a search. We recommend limiting this search to the following three custodians, who would be most likely to have had the most substantial dealings with CAN related to the subject matter you are seeking: Christine Yezzo, the awarding Contracting Officer; Linda Navarro, the Aviation Safety Office (AVS) Program Manager for the contract, and Mark Perraut, the Program Manager for the contract from FAA's Office of Information Technology (AIT). At minimum, if you do not agree with FAA's suggested custodians, please identify a specific program office in the FAA of which you are requesting a search.

2. All Documents and Correspondence between the FAA and Swapna Reddygari relating to or referring to the pursuit of and subsequent award of the FAA CAN Contract.

FAA response: This item appears to request information that would be a subset of item 1. Recommend limiting to the same parameters as suggested for item 1.

3. All Documents and Correspondence between the FAA and the P3 relating to or referring to the pursuit of and subsequent award of the FAA CAN Contract.

FAA response: Please provide a date range and custodians, or at minimum, identify the FAA program office(s) that you are requesting a search of. We suggest limiting to the same three custodians as referenced in item one.

4. All FAA Documents and Correspondence supporting the award of the FAA CAN Contract.

FAA response: As written, this request is overly broad in that it would not allow an FAA employee with subject matter expertise to conduct a reasonable search for responsive records. Additionally, please note that as written, this search would produce a large amount of source selection material, which would be protected in full under FOIA Exemption 3 (while it is of course your right to request this information and receive a formal determination from the FAA on any exemptions, we note this because there are fees associated with search for and reviewing these records, regardless of whether they are ultimately produced or withheld under a FOIA exemption). We request that you clarify your request by providing a date range, a more specific description as to what types of documents and communications you are seeking, and identify custodians for any correspondence searches (again, we recommend limiting the search to the individuals referenced in item 1).

5. All Documents and Correspondence from CAN and Swapna Reddygari referring or relating to the Litigation.

FAA response: Please identify specific custodians, or at minimum a program office within the FAA, for which you are seeking records. Additionally, please identify the types of documents you are requesting.

6. The executed FAA CAN Contract and all task orders issued under the FAA CAN Contract and copies of all drafts of the same.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

7. All Documents and Correspondence supporting the FAA's decision not to extend the Lin Tech FAA Contract between the FAA and Lin Tech.

FAA response: As written, this request is overly broad in that it would not allow an FAA employee with subject matter expertise to conduct a reasonable search for responsive records. We request that you clarify your request by providing a date range, a more specific description as to what types of documents and communications you are seeking, identify custodians for any correspondence searches (again, we recommend limiting the search to the individuals referenced in item 1).

8. All documents submitted to the FAA by CAN to evidence compliance with Limitations of Subcontracting, FAA AMS Clause 3.6. 1-7(a), including certified payrolls.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

9. FAA Source Selection Plan relating to the FAA CAN Contract.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

10. Independent Government Cost Estimate (IGCE) regarding and/or supporting the FAA CAN Contract, including:

- All representations and warranties submitted by CAN regarding Independent Price Determination pursuant to AMS Provision 3.2.5-2, "Independent Price Determination relating to the FAA CAN Contract;
- All Documents provided by the FAA to CAN regarding the IGCE; and
- All Correspondence between FAA and CAN relating to the IGCE.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

11. All public solicitation and award notices relating to or referring to the award of the FAA CAN Contract.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

12. A full copy of CAN's proposal submitted to the FAA for which the FAA CAN Contract was awarded.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

13. Any and all Conflict of Interest disclosures made by Reddygari and CAN, provided to FAA.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

14. All Communications between the FAA and the U.S. Small Business Administration (SBA) regarding or relating to the sole source award of the FAA CAN Contract.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

15. A copy of the Certificate of Independent Price Determination submitted by CAN to the FAA to support the FAA CAN Contract pursuant to FAA regulation AMS 3.2.5-2 Independent Price Determination.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

16. All resumes submitted to the FAA by CAN to support the FAA CAN Contract award and CAN's proposal related thereto.

FAA response: please clarify the time period for which you are requesting resumes i.e., please confirm that you are requesting resumes related to pre-award through two weeks after award (or identify some other time period).

17. Justification for FAA decision to compete the FAA CAN Contract under a SAP - Simplified Acquisition.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

18. Justification of FAA to engage in a non-competitive acquisition as a single source award to CAN, including documentation reflecting the efforts undertaken to (i) find additional sources and (ii) revise the requirement to enable other sources to compete.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

19. Copy of the FAA Final Source Selection Decision regarding the FAA CAN Contract.

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

20. All other FAA written determinations and findings, justifications and approvals supporting the award of the FAA CAN contract.

FAA response: Please identify a date range for which you are seeking these records.

21. *All documents and information submitted by CAN to support compliance with eVerify under the FAA CAN Contract.*

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

22. *All text, email, SMS and other communications between Swapna Reddygari and Christine Yezzo (FAA) between January 2019 and July 2019 on both personal and business phones.*

FAA response: As written, this item is overly broad in that it requests every communication between two employees over a significant timespan, regardless of the content of those communications. Note that under FOIA, the FAA must review each email and communication line by line to determine whether it is releasable, or falls under a FOIA exemption. There are fees associated with both search and review time for commercial requesters. To narrow the scope of this request, we suggest identifying a narrower timeframe if possible. More significantly, we request that you identify the subject matter of the information you are seeking within these communications.

23. *All text, correspondence, SMS and other communications between Linda Navarro and Swapna Reddygari between May 1, 2019 and May 14, 2019 regarding pricing and any other matters relating to the contemplated FAA CAN Contract generated from both personal and business phones.*

FAA response: The FAA expects that it can perform a reasonable search for this information. However, if there is any additional clarification you wish to provide in order to narrow the scope of your request, please advise.

24. *All text, correspondence, SMS and other communications between Mark Perraut and Swapna Reddygari between January 2019 and May 14, 2019 regarding pricing and any other matters relating to the contemplated FAA CAN Contract generated from both personal and business phones.*

FAA response: the search would produce a substantial amount of privileged materials.

25. *All Documents reflecting records of meetings between Reddygari and any other employee of CAN and FAA personnel referring to or regarding the anticipated FAA CAN contract with the FAA.*

FAA response: Please provide a specific date range for which you are seeking records. Additionally, please identify custodians within the FAA from whom you are requesting a search. We suggest limiting custodians to those referenced in item 1. However, at minimum, if you are unable to identify custodians, please identify a program office within the FAA for which you are requesting a search.

As stated herein, in order to process the FOIA request, clarification is needed on several of the items contained in your request. Your response is required in writing no later than 20 business days from the date of this letter. If we have not received a written response from you within the 20 business days, we will consider this FOIA request withdrawn.

This is not a denial of your “request,” but is an attempt by the agency to assist you in submitting a properly formulated request that identifies the specific records you are seeking, including specific email accounts you would like searched with limiting subject matter and time period(s).

For questions pertaining to this request, please contact the undersigned, who may be reached at (609) 485-4924 or by electronic mail at: wendy.bell@faa.gov. Additionally, you may contact the FAA's FOIA Public Liaison at (202) 267-7799 or by email to 7-awa-arc-foia@faa.gov with "Public Liaison" in the subject line.

Sincerely,

wendy sharon bell Digitally signed by wendy sharon bell
Date: 2020.03.19 13:58:45 -04'00'

Wendy Bell
Contracting Officer, AAQ-640
wendy.bell@faa.gov