

SONENTHAL & OVERALL, P.C.

1120 Nineteenth Street, N.W.

Suite 600

Washington, D.C. 20036

July 6, 1998

BY TELEFAX

Ms. Kimberly D. Frazier
Public Affairs
MS/AS/IRD
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
RRB 2.07-100
Washington, D.C. 20523-2710

SUBJECT: FOI -023/98

Dear Ms. Frazier,

Thanks very much for taking the time to talk with me this morning about FOI-023/98, filed on October 24, 1997.

In light of the "no records" response from USAID, dated April 1, 1998, which you were kind enough to withdraw on April 9, 1998, I am naturally concerned that USAID/Moscow's response be full and complete, and that the response include the full array of records covered by the request.

In particular, as I mentioned on the telephone, I believe that the response should include all records referring or relating to any **subcontracts** entered into by The Pragma Corporation in connection with the Russian Regional Mutual Funds Task Order. Subcontract records (e.g., without limitation, Pragma's request for USAID approval and the USAID approval documents) clearly qualify as records relating to the "implementation and performance" of the Task Order, as stated in my original FOIA request. I would hope to see such records among the documents made available to me, so that a separate FOIA request for them is not necessary.

Thanks again for your assistance on this matter.

Sincerely,



Robert Sonenthal

Telephone: (202) 785-0227

Telefax: (202) 861-2348

email: rsonenthal@psiwash.org

SONENTHAL & OVERALL, P.C.
1120 Nineteenth Street, N.W.
Suite 600
Washington, D.C. 20036

April 8, 1998

BY TELEFAX

Ms. Kimberly D. Frazier
Public Affairs
MS/AS/IRD
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
RRB 2.07-100
Washington, D.C. 20523-2710

SUBJECT: FOI -023/98

Dear Ms. Frazier,

Thank you very much for taking the time to talk with me yesterday about my Freedom of Information Act request (FOI-023/98), filed on October 24, 1997, which supplemented a FOIA request filed on May 6, 1997 (FOI-126/97). I thought it would be helpful to confirm some of the points I made in our conversation.

The "no records" response from USAID, dated April 1, 1998, referred only to records concerning the "solicitation, award, modification, amendment, interpretation and/or extension of Task Order #1 to the Pragma Corporation [under] contract EPE-O005-I-00-5040-00." However, FOI-023/98 was also for all records concerning the **implementation and performance** of the T.O. from the date of our original initial request (May 6, 1997) to the date of the supplemental request (October 24, 1997) -- along with any responsive documents from before May 6, 1997 not released to us in response to the original request.

As I understand it, the Task Order was signed in September 1997, modified in late May 1998, and "implemented and performed" through at least October 31, 1998, and possibly later. It is simply not possible that there are "no records" regarding implementation and performance of the Task Order from the period May 6, 1998 to October 24, 1998. In fact, there should be a large volume of records (reports, e-mail, financial records) relating to T.O. "implementation and performance." My guess is that the Mission misread the

SONENTHAL & OVERALL, P.C.

Ms. Kimberly D. Frazier
April 8, 1998
Page 2

request and missed the second clause -- the one specifically referring to "implementation and performance."

As you know, I have thirty days in which to appeal the "no records" letter, but I am loathe to do so if we can arrange, informally, to have the letter withdrawn, and the request returned to USAID/Moscow for serious and expedited handling. I think that approach would be best, for me and for the agency. Accordingly, I will not file a formal appeal at present, pending my hearing from you as to whether an informal resolution, such as the one sketched out above, is possible.

Thanks again for your assistance on this matter.

Sincerely,



Robert Sonenthal

SONENTHAL & OVERALL, P.C.

1120 Nineteenth Street, N.W.

Suite 600

Washington, D.C. 20036

October 24, 1997

FREEDOM OF INFORMATION ACT REQUEST

FOI-023/97

Chief, Customer Outreach and Oversight
Staff
U.S. Agency for International Development
Ronald Reagan Building
Room 2.7C
Washington, D.C. 20523-2701

Dear Sir/Madam:

This is a request pursuant to the Freedom of Information Act ("FOIA") and USAID's implementing regulations, 22 CFR Part 212. This request supplements and expands on our previous request, FOIA 126/97, dated May 6, 1997. Of course, any documents provided by the agency in response to FOIA 126/97 should not be provided a second time.

Please provide copies of the following agency records (hereinafter, "the requested records"):

All records referring or in any way relating to the solicitation, award, modification, amendment, interpretation and/or extension of Task Order #1 ("T.O.") to the Pragma Corporation ("Pragma") under Contract EPE-0005-1-00-5040-00 for services in regard to mutual funds in Russia, and to the implementation and performance of the T.O. up to the date of this request. Such records include, but are expressly not limited to, the following:

✓ (a) All records containing, or referring or relating to, communications between Pragma (defined to include its officers, employees, agents and representatives) and USAID, including, but expressly not limited to, Pragma's performance reports to USAID,

✓ (b) All records containing, referring or relating to communications between either Pragma or USAID and any third party (corporation, firm or individual) regarding

Telephone: (202) 785-0227

Telefax: (202) 785-0120

email: rsonenthal@psiwash.org

*This request
was received
in this office
officially
10-24-97*

SONENTHAL & OVERALL, P.C.

Chief, Customer Outreach and
Oversight Staff
October 24, 1997
Page 2

the actual or potential participation of such third party, as a subcontractor, consultant, advisor, employee or otherwise, in the implementation or performance of the T.O.

(c) All records containing information on, or referring or relating to, [i] the hiring of former Intrados employees or consultants (including but expressly not limited to David Luchterhand), by Pragma to perform services under the T.O. and [ii] the views or involvement of USAID, through its officials, employees, agents or otherwise, in any manner, in Pragma's decision to hire them.

(d) All records referring or relating to the [i] the Task Order Modification dated May 29, 1997 and [ii] any other actual or proposed Task Order modifications. This should include, without limitation, for both [i] and [ii], records referring or relating to the proposal (by Pragma or others) negotiation, and execution of all such modifications, and to the services to be performed, the skills required, and the personnel proposed to implement the services.

* * *

The requested documents include all records -- including, but not limited to, written documents, notes of oral or other communications, regardless of by whom generated, in any form, whether final or draft, or whether handwritten, printed, mechanical or electronic.

The requested documents are believed to be publicly available, non-exempt, and in the custody of procurement and program staff at the USAID Mission in Moscow and the USAID/Washington Office of Procurement. However, this request is expressly not limited to documents in the custody of the above-referenced offices.

If any portion of this request is denied, I respectfully request a detailed statement of the reasons for the withholding and an index or similar statement of the nature of any documents withheld. To expedite this request, I would be willing to discuss specific instances of deletion or other exemption claims in advance of a final decision by the agency. In the event of deletions, I request that a reason be stated for each partial denial of access.

-- FREEDOM OF INFORMATION ACT REQUEST --

SONENTHAL & OVERALL, P.C.

Chief, Customer Outreach and
Oversight Staff
October 24, 1997
Page 3

In compliance with the applicable regulations, I promise to pay reasonable charges incurred for search and copying and any other legally required costs. Please send me your invoice along with the copies. If total charges will exceed US\$350.00, please telephone me in advance at the number below for agreement to such charges.

I look forward to your response within 10 days, or earlier if possible. Thank you very much for your assistance in this matter.

Sincerely yours,



Robert Sonenthal