

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-164**

November 22, 2021

VIA ELECTRONIC MAIL

Mr. Joshua Louria

RE: FOIA Appeal 2020-164

Dear Mr. Louria:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Department General Services (“DGS”) failed to respond to your FOIA request.

You submitted a DC FOIA request to DGS seeking a copy of the contract awarded by the agency pursuant to the Request for Proposals for Solicitation Number DCAM-20-AE-RFP-0002. On March 20, 2020, DGS denied your request on the basis of the deliberative process privilege pursuant to D.C Official Code § 2-534(a)(4) (“Exemption 4”).

On March 23, 2020, you filed an appeal with this Office. In your appeal, you assert that you are entitled to a copy of the contract pursuant to Section 1104(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371, D.C. Official Code § 2-361.04(a)(3)) (current version at D.C. Official Code § 2-361.04(b)(3)). Specifically, you state that this provision “clearly states that a copy of contracts in excess of \$100,000 shall be made available on the internet, and therefore available to the public. If DGS determines that any portions of the contract contain privilege information exempt from disclosure under [this provision] then that information should be redacted.”

On April 23, 2020, DGS filed a response to your appeal.¹ In the response, DGS clarified that at the time of your DC FOIA request no contract had been awarded from Solicitation Number DCAM-20-AE-RFP-0002, so for that reason there were no records to produce. Additionally, DGS stated that the agency was informed that a contract was awarded in early April 2020 and that it would provide you with a copy after an opportunity to review the contract.

Subsequently on January 22, 2021, DGS filed a second response to your appeal.² In this response, DGS explained that the agency conducted a search and determined that this solicitation was not awarded. Accordingly, the agency stated that it did not have a contract responsive to

¹ A copy of the first response to your appeal from DGS is attached to this decision.

² A copy of the second response to your appeal from DGS is attached to this decision.

your DC FOIA request. Lastly, DGS asserts that any other documents regarding the contract are exempt from disclosure pursuant to Exemption 4.

Since your appeal only challenged the failure of DGS to respond to your FOIA request and DOES has now responded to your request, we dismiss your appeal as moot. However, you may file a new appeal if you are dissatisfied with the agency's response.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with D.C. Official Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

cc: Victoria B. Johnson, FOIA Specialist
DGS (via email)