

FE-263694

ERVIN and ASSOCIATES

FAX COVER

INCORPORATED

To: WILLIAM BARTZ

Date: 4/23/99

Fax#: _____

Pages: 4

From: John Ervin

(includes this cover page)

Phone#: 301/469-3410

COMMENTS:

FOIA - NAPA

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FI-263694

April 23, 1999

Mr. V. Stephen Carberry
Office of the Chief Procurement Officer
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Via facsimile to (202) 708-1610

Mr. William K. Barth
Office of General Counsel, Freedom of Information Act Division
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410-0500

Via Facsimile to (202) 401-7901

Re: Freedom of Information Act Request - NAPA Contracts

Dear Messrs. Carberry and Barth:

HUD had contracted with the National Academy of Public Administration ("NAPA") to assist in a "top-to-bottom remake" of HUD's procurement processes. In connection with that work, NAPA recently released its long-awaited report, which appears to have been delayed by over a year beyond its original required issuance date, probably as a result of extensive negotiation by HUD to soften its impact.

Under the Freedom of Information Act, please provide us with copies of the following documents related to NAPA's work for HUD:

- HUD's contract with NAPA.
- Any change orders to the contract.
- All billings by NAPA to HUD.
- The reasons for NAPA's delays in issuing the final report.
- All workpapers identifying procurement procedural problems identified in reviewing the "contracts mapped" and "contracts reviewed."
- All correspondence between NAPA and HUD, including but not limited to, restrictions on the scope of the examination. This includes but is not limited to the exclusion of specific contracts from NAPA's review (e.g., those under Inspector General review) or the exclusion of certain parties from NAPA's review (e.g., HUD Office of General Counsel personnel assigned to procurement matters such as John Opitz, Bruce Kasson, Michael Farley or Richard Marchese) or the exclusion of Ervin from NAPA's review.
- Reasons the issues raised in Ervin's protest on the NAPA contract were not considered in NAPA's review.

Given that HUD has previously waived the deliberative process privilege in connection with the agency's litigation with Ervin, HUD should release these documents without delay. See attached.

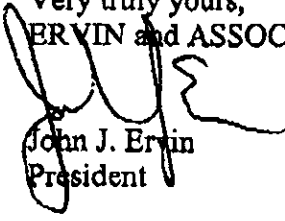
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Mr. William K. Barth
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Ervin and Associates agrees to pay up to \$100 for the processing of this request. If the anticipated fees are to exceed \$100, please call me immediately at (301) 469-3410 so I may have an opportunity to reformulate this request or approve the additional fees without delaying the processing of this request.

Thank you for your assistance.

Very truly yours,
ERVIN and ASSOCIATES, INCORPORATED



John J. Ervin
President

**ERVIN and
ASSOCIATES**
INCORPORATED

FD-263694

November 7, 1997

VIA FACSIMILE to (202) 512-9749

Jacqueline Maeder, Esquire
Office of General Counsel
United States General Accounting Office
441 G Street, N.W.
Washington, D. C. 20548

Re: GAO File Number: B-278230.1

Dear Ms. Maeder:

I called your office at approximately 2:30 pm today to discuss the following request with you, but you had left the office for the day.

The Department of Justice has informed Ervin and Associates that HUD will not be claiming any deliberative process or other privilege related to the agency's contract with NAPA, NAPA's preliminary review of HUD's procurement and contracting processes and NAPA's preliminary report. As a result, HUD should be producing significant documentation to Ervin in connection with discovery in the District Court Action over the next day or two. Ervin believes that this documentation may contain valuable information relevant to the Protest cited above, and needs additional time to receive and review HUD's document production to determine if the Protest should be amended or withdrawn.

Therefore, Ervin respectfully requests an extension of time of ten (10) days from today in which to file its comments to HUD's Agency Report. If you are inclined to deny this request, we request an opportunity to discuss this matter with you and a couple of day grace period in which to file the comments to the HUD Agency Report.

If you should have any questions or wish to discuss this matter, please do not hesitate to call me at (301) 469-3407.

Very truly yours,

ERVIN and ASSOCIATES, INCORPORATED



Bernard S. Oleniacz
Corporate Counsel

cc: Michael Farley, Esquire - HUD