



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

OCT 20 2009

Mr. Pedro Nieves Miranda, President
Environmental Quality Board
1375 Avenida Ponce de Leon
San Juan, Puerto Rico 00926-2604

Dear Mr. Nieves:

This is in reference to your request for clarification on the constraints upon the U.S. Army Corps of Engineers (Corps) on the release of sensitive cost estimate information. The Corps is bound by Federal Acquisition Regulations (FAR), Procurement Policies, and Army Regulations (AR) that govern over the all projects to include the construction of the Portugues Dam in Ponce, Puerto Rico.

To quote our regulations, Engineering Instructions (EI) - Construction Cost Estimates (EI 01D010), paragraph 2-11.d. states in part "The Government estimate backup data should not be released since it contains sensitive cost data that are proprietary or might compromise cost estimates for future similar procurements."

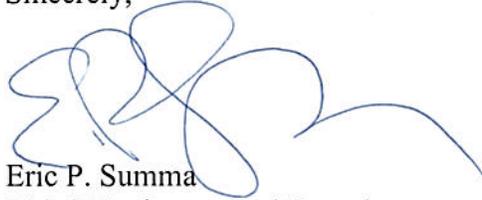
In addition, FAR 36.203, (Government estimate of construction costs), states in part, "Access to information concerning the Government estimate shall be limited to Government personnel whose official duties require knowledge of the estimate."

Finally, the Independent Government Estimate (IGE) for the Portugues Dam is considered source selection information in accordance with FAR 2.101. As such, and in accordance with FAR 3.101-4, no person or other entity may disclose contractor bid or proposal information or source selection information to any person other than a person authorized, in accordance with applicable agency regulation or procedures.

I hope the above clarifies that cost estimates for governmental projects require certain protections to assure fair competition among private sector entities and therefore, were redacted from the submitted plan.

Should you have any questions or need additional information, please contact Mr. Iván Acosta, Chief Special Projects Section, at phone number (904) 232-1693 or by e-mail at Ivan.Acosta@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Eric P. Summa
Chief, Environmental Branch