

Re: FOIA-96-394

APPENDIX B

DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION/EXEMPTION
1.	----	Eastman Kodak's Technical Proposal, (11 pgs.), EX. 3.
2.	7/2/96	Quotation for Small Purchases, (1 pg.), EX. 4.

THE DOCUMENT COMPANY

XEROX

J. David Goins
Federal Contract Manager
United States Customer Operations

October 3, 1996

Post-it® Fax Note	7671	Date	# of pages 2
To	Mike Mills	From	Dave Goins
Co./Dept.	NRC	Co.	Xerox
Phone #		Phone #	703 442-6855
Fax #	301-415-5346	Fax #	

Mr. Mike Mills
United States Nuclear Regulatory Commission
Procurement Office
Division of Contracts
Washington, DC 20555

FOIA/PA REQUEST

Case No: 96-394
Date Rec'd: 10-4-96
Action Off: Pugh
Related Case:

Subject: FREEDOM OF INFORMATION REQUEST

Reference: Contract No. DR96-0599

Dear Mr. Mills

Under the Freedom of Information Act, Public Laws 89-487, 90-23, and 93-502, Xerox wishes to obtain the following documentation: a copy of the referenced contract and the proposal/quotation submitted by the successful offeror to include all correspondence with that offer both pre and post award.

It is the desire of Xerox to have you provide an exact copy of the above requested documents with the understanding that Xerox will pay reasonable reproduction and search costs. However, we request a waiver of these fees in that the documents requested can be considered as primarily benefiting the general public and release is in the public interest.

In considering this request, please review *Racal - Milgo v. SBA* No. 81-1840 dated December 28, 1981, U. S. District Court of Washington D. C., in which the judge states, "Disclosure of prices charged the Government is a cost of doing business with the Government".

Also please consider *Public Citizen Health Research Group v. Food and Drug Administration*, CA DC No. 82-1745, 4/15/83 which states that a trade secret under FOIA must be treated in the context of the Restatement of Torts definition that says accordingly, a trade secret for the purpose of Exemption 4, is "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end project of either innovation or substantial effort." The decision states this does not include business confidentially terms such as pricing and sales value data.

Xerox Corporation
7900 Westpark Drive, Suite A400
McLean, VA 22102
Telephone 703.442.6855
Facsimile 703.790.3702



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Worldwide Document

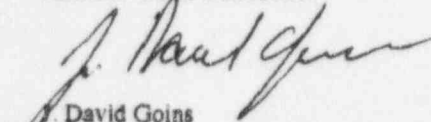
THE DOCUMENT COMPANY
XEROX

If for any reason you believe that some portions of these files are exempt from disclosure under the Freedom of Information Act, please delete any such alleged exempt material. However, our consent is designed to facilitate your prompt response and in no way waives our right to the complete documents which we may still choose to request.

We look forward to hearing from you within the next ten (10) working days, pursuant to Section (a) (6) (i) of the Freedom of Information Act. In the event we are denied any portion of these documents, please specify the statutory basis for the denial and the names and titles of the persons responsible.

Sincerely,

XEROX CORPORATION


J. David Goins
Federal Contract Manager



THE
DOCUMENT
COMPANY
XEROX
Worldwide Scanner

PURCHASE/DELIVERY ORDER

POINT OF ISSUE: U.S. NUCLEAR REGULATORY COMMISSION

THIS NUMBER MUST APPEAR ON ALL INVOICES AND/OR PACKAGES AND PAPERS RELATING TO THIS ORDER.		DATE
ORDER NUMBER	9/25/96	
DR-96-0599		
REQUISITION NUMBER		
40-600708		

INSTRUCTIONS: See billing address, lower left corner of this form.

DOC: * See Be

ow 40-600708

PURCHASE ORDER PER YOUR OF		APPROPRIATION/ALLOTMENT	JOB CODE	B & R NUMBER	BOC NUMBER
		31X0200	D2384	4015-32	20-20
NEGOTIATED PURSUANT TO THE AUTHORITY OF 41 USC 252(C)(3).		CONSIGNEE AND DESTINATION (SHIP TO NRC WAREHOUSE UNLESS OTHERWISE SPECIFIED)			
X DELIVERY ORDER UNDER CONTRACT NUMBER: GS26F-1018B		U.S. Nuclear Regulatory Commission ATTN: Linda Schneider, Washington, DC 20555 **See Delivery Instructions Below			
TO (Seller) Eastman Kodak Company Office of Imaging Division ATTN: Calvin Hunter 1100 North Glebe Road Arlington, VA 22201		DELIVERY F.O.B.		PLACE OF INSPECTION AND ACCEPTANCE	DATE
		Destination			
		DELIVERY DATE		DISCOUNT PAYMENT TERMS	
		503-4 Weeks ARO		Net 30	
TIN No. 16-0417-1					

PLEASE FURNISH THE FOLLOWING ON THE TERMS SPECIFIED ON BOTH SIDES OF THIS SHEET AND ON THE ATTACHED, IF ANY, EXCEPT THAT ANY SUCH TERMS WHICH MIGHT BE INCONSISTENT WITH THE TERMS OF ANY EXISTING FEDERAL CONTRACT OR AGREEMENT UNDER WHICH THIS ORDER IS PLACED WILL NOT APPLY.

ITEM NO.	ARTICLES OR SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.	<p>Purchase of 16 Kodak 2085S copiers on 60 month lease-to-purchase plan.</p> <p>Rates for 60 month term: \$269.00 per month, per unit X 16 units = \$4,304 per month X 60 months = \$258,240.00</p> <p>LTOP price includes \$8,169.00 per machine trade-in and \$2,991.00 per unit, Xerox invoice credits.</p> <p>LTOP Period of Performance - Date of installation through 60 months.</p> <p>Trade-in Equipment: (See Attachment A)</p> <p>Trade-in copiers are to be removed from the locations listed in Attachment A and replaced with a new Kodak 2085S copier.</p> <p>** Delivery and installation shall be coordinated with the NRC Project Officer (Linda Schneider 301-415-6141). No charge for inside delivery, installation, removal of trade-in copiers, and onsite training.</p> <p>Warranty: 3 months (no maintenance costs) from date of installation for each copier.</p>	60	MO	\$4,304.00	\$258,240.00
2.	<p>Maintenance: Cost/Image Plan based on 80K copies per month (estimated), per copier. All copies @ .0076. 16 copiers x \$608 per month, each copier = \$9,728.00 (aggregate monthly estimate)</p>	57	MO	\$9,723.00	\$554,496.00
				Estimated	
				(Partial Funding)	

PERSON TO CONTACT REGARDING THIS ORDER		TELEPHONE		Not To Exceed	
Michael Mills		AREA CODE	NUMBER	TOTAL	
		301	415-6550	\$79,300.00	
SUBMIT INVOICE IN DUPLICATE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE. (P.O. NUMBER MUST BE INCLUDED ON ALL INVOICES) AND FORWARD TO:		SIGNATURE AND TYPED NAME			
DIVISION OF ACCOUNTING AND FINANCE OFFICE OF THE CONTROLLER T-9 E2 U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON D.C. 20555-0001		Mary Jo Mattia			
		CONTRACTING OFFICER			

DR-96-0599

Eastman Kodak Company

Est.

3. Excess copy charges @ .0076 per copy, estimated \$4,836.00
and not to exceed

The period of performance for maintenance is
the date of installation through 60 months.

The contractor shall provide an on-site technician
and such person shall remain on the premises,
Monday through Friday, 8:00 a.m. through 5:00 p.m.
The on-site technician shall be provided by the
contractor at no additional cost to the Government.

The NRC shall be billed at a minimum of 45,000
copies per month, per machine under the Cost/
Image Plan. Maintenance prices are valid
through the end of the contractor's GSA,
FSS contract of 9/30/98

Site Access Badge Procedures and Site Access Badge
Requirements (NRCAR 2052.204-71) are incorporated
and hereby part of this order.

Funding

This purchase order, under **Maintenance**, is
partially funded in the amount of \$53,476.00
for 5 months. This purchase order will be
modified at a future date to add additional
FY 97 funds contingent upon their availability.
No legal liability on the part of the Government
may arise for performance beyond this partial
funding.

This purchase order under, under **LTOP payments**, is
partially funded in the amount of \$25,824.00
for 6 months of maintenance. This purchase
order will be modified at a future date to add
additional FY 97 funds contingent upon their
availability. No legal liability on the part
of the Government may arise for performance
beyond this partial funding.

* NOTE FOR ACCOUNTING: Maintenance, BOC 2570 - \$53,476.00
LTOP, BOC 2370, \$25,824.00

DR-96-0599

Eastman Kodak Company

Est.

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* NOTE FOR ACCOUNTING: Maintenance, BOC 2570 - \$53,476.00
LTOP, BOC 2370, \$25,824.00

Use of Automated Clearing House (ACH)
Electronic Payment

It is the policy of the U.S. Nuclear Regulatory Commission to pay government vendors by the Automated Clearing House (ACH) electronic funds transfer payment system in lieu of a U.S. Treasury check. The electronic system is known as Vendor Express. Payment shall be made in accordance with FAR 52.232-28, entitled "Electronic Funds Transfer Payment Methods."

To receive payment by Vendor express, the contractor shall complete the "Company Information" portion of the Form SF 3881, entitled "Payment Information Form - ACH Vendor Payment System." The contractor shall take the form to the ACH Coordinator at the financial institution that maintains its company's bank account. **The contractor shall discuss with the ACH Coordinator how the payment identification information (addendum record) will be passed to them once the payment is received by the financial institution. The contractor must ensure that the addendum record will not be stripped from the payment.** The ACH Coordinator will fill out the "Financial Institution Information" portion of the form and return it to the Office of the Controller at the following address: Nuclear Regulatory Commission, Division of Accounting and Finance, Mailstop T-9E2, Washington, DC 20555, ATTN: ACH/Vendor Express. Once the Office of the Controller has processed the contractor's sign-up form, the contractor will begin to receive payments electronically via Vendor Express/ACH.

If you have questions concerning ACH/Vendor Express, contact the Commercial Payments staff at (301) 415-7520.

ATTACHMENT A
NEW COPIER LOCATIONS

O - One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852
T - Two White Flint North, 11545 Rockville Pike, Rockville, MD, 20852

The trade-in copiers listed below are to be removed from the locations listed and replaced with a new copier.

LOCATION	TRADE-IN COPIER MODEL	TRADE-IN COPIER SERIAL #
O-3F6	Kodak 235	2338781
O-4F6	Kodak 235	4586794
O-5F6	Xerox 1090	M08-039440
O-6F6	Xerox 1090	M08-052374
O-7F6	Xerox 1090	M08-052029
O-10F6	Kodak 235	4586444
O-12F6	Kodak 235	4412730
O-13F6	Kodak 235	2825841
O-14F6	Xerox 1090	M08-620094
O-15G15	Kodak 235	3580673
O-16F6	Kodak 235	4029292
O-17F8	Xerox 1090	M08-042400
T-2A2	Xerox 5065	OC4-031524
T-2E26	Xerox 1090	M08-023685
T-9A23	Xerox 1090	M08-620951
T-10C18	Xerox 1090	M08-023592

Eastman Kodak Company
Office Imaging Division
1100 North Glebe Road
Arlington, Virginia 22201

Date:

Main Number: 703/908-5450



(COVER SHEET)

To: M.K. MillsPhone Number: (301) 415-6550

Location:

FAX Number: 415 5396

Mail Code:

From: Calvin HunterFax Number: 703/908-5497Knet: 231-5497

Office Imaging Center
12th Floor

Total number of pages including cover sheet:

2

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 3
FOIA- 96-394