FEDERAL RETIREMENT THRIFT INVESTMENT BOARD
1250 H Street, NW Washington, DC 20005

THRIFT SAVINGS PLAN

Dear

This responds to your letter, dated March 16, 2004, requesting information under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended. You requests and my responses to each request follow.

REQUEST 1

A copy of the Spherix, Inc. proposal(s), prepared in response to Federal Retirement Thrift Investment Board Request for Proposal TIB-RFP-04-02 to provide external call center support services.

RESPONSE 1

I am withholding some information in accordance with FOIA Exemption 4, 5 U.S.C. 552(b)(4). This exemption permits the Agency to withhold records containing "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Id. The exemption protects the interests of the Board by assuring that it will receive reliable information from potential contractors, and it protects the submitters of contract information from competitive harm by the release of sensitive business information.

Set forth below is a list of five categories of proprietary information, the release of which could cause competitive harm to Spherix. Each redacted item in the "Technical Proposal" refers to one of the categories listed below and is shown in the margin as a "Comment." Please refer to these categories as you review the "Technical Proposal."

1. Proprietary project design information, including details of how Spherix configured specific facilities, support staffs, and other private resources.

2. Proprietary project management processes, including details of how Spherix manages personnel and resources to accomplish its business objectives.

3. Proprietary personnel assets, including the names and personal information of Spherix employees, and other sensitive personnel data.

4. Proprietary technology assets, including names, specifications, and descriptions of Spherix-built software, as well as specific ways in which it utilizes brand name software and hardware.

5. Sensitive information about Spherix's non-Federal Retirement Thrift Investment Board clients, including personnel names and contact data, and details of proprietary designs, processes, and assets used in those projects.

The redacted information in the "Business Proposal" is proprietary and could cause serious competitive harm to Spherix. Information redacted from this proposal in accordance with Exemption 4 relates to the structure of the proposal, the pricing methodology and strategy, and costs or loading multipliers (overhead, G & A, etc,). The bid totals are not redacted.

REQUEST 2

A copy of the contract awarded to Spherix, Inc. in response to Federal Retirement Thrift Investment Board Request for Proposal TIA-RFP-04-02.

RESPONSE 2

Your response is granted and a copy of the contract awarded to Spherix, Inc. is enclosed.

REQUEST 3

A copy of evaluation documentation prepared by The Federal Retirement Thrift Investment Board or its representative with respect to proposals submitted by both Aspen Systems Corporation and Spherix Inc., in response to the Federal Retirement Thrift Investment Board Request for

Proposal TIB-RFP-04-02. More specifically, FRTIB documentation regarding: a) Technical/management evaluation; b) pricing evaluation; c) business evaluation; d) past performance evaluation; and e) best value analysis.

RESPONSE 3

Your request for the "FRTIB Vendor Evaluation Worksheet" is denied because it contains the kind of pre-decisional evaluation protected by the deliberative process privilege encompassed in FOIA exemption 5. The fifth exemption permits the Agency to withhold "interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The records listed above meet these criteria because they contain evaluations of proposals and recommendations and are part of the Agency's decision process.

In accordance with the Agency's published rules at 5 C.F.R. § 1631.10, my response to your FOIA request may be appealed to the General Counsel of the Agency within thirty days of your receipt of this decision.

Please contact Monday through Wednesday on or me on if you have any questions regarding this response.

Sincerely,

FOIA Officer

Enclosures