



DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
9275 GUNSTON ROAD
BUILDING 1450
FORT BELVOIR, VA 22060-5546

REPLY TO
ATTENTION OF:

JALS-KFLD-PF

21 January 2014

MEMORANDUM FOR Head of Contracting Activity, (HCA), BG [REDACTED], CENTCOM
Joint Theater Support Contracting Command (C-JTSCC), New Kabul Compound, Afghanistan

SUBJECT: Request for Compelling Reasons Determination

1. On 22 November 2013, the Regional Contracting Office - Leatherneck posted a solicitation on the Joint Contingency Contracting Service for a Lowest Price Technically Acceptable (LPTA) Indefinite Delivery Indefinite Quantity, Portable Latrine (PAJ) service at Camp Leatherneck, Afghanistan. On 26 December 2013, the Contracting Officer awarded contract W5K9FH-14-D-0001 to Sun Care Logistics. In their proposal, Sun Care Logistic proposed a mobilization beginning on 4 January 2014 and be fully mission capable (FMC) by 17 January 2014. Based on the actions of Sun Care Logistic, the Contracting Officer does not believe they will be FMC by 24 January 2014. Unity Kabul Logistics and Supply Services is the incumbent contractor currently performing PAJ services.
2. On 13 December 2013, I proposed Unity Logistics and Supply Services (ULSS), a.k.a. Unity Kabul Logistics and Supply Services, for debarment from contracting with any agency in the Executive branch of the U.S. government pursuant to Section 9.406 of the Federal Acquisition Regulation (FAR).
3. On 18 January 2014, the Commander of CJTSCC requested a compelling needs determination to allow for the award of a bridge contract with Unity Kabul Logistics and Supply Services. The basis of this request is that if it is not granted, personnel at Camp Leatherneck will be deprived of critical sanitation services that will impact life and safety. The current Unity Kabul Logistics and Supply Services portable latrine services contract is unrelated to the contracts which were the basis for the proposed debarment.
4. Agencies shall not renew or otherwise extend the duration of current contracts, or consent to subcontracts, with contractors debarred, suspended or proposed for debarment, unless the agency head or a designee with authorized representative status states in writing the compelling reasons for renewal or extension in accordance with the provisions of FAR 9.405-1(b) and 0.405-2(a) and (b).
5. This request was referred to the Chief, Procurement Fraud Branch, U.S. Army Legal Services Agency, Contract and Fiscal Law Division (PFB) consistent with Section 5109.405 of the Army Federal Acquisition Regulation Supplement.

6. I have determined that the Regional Contracting Command (Southwest) has provided compelling reasons for the contracting officer to award a bridge contract to Unity Kabul Logistics and Supply Services:

- a. Immediate operational needs require that a bridge contract be available should the new awardee not be fully operationally capable on 24 January 2014. If the awardee is unable to perform and a bridge contract is not in place, the resulting gap in service will present a serious threat to the health and safety of those aboard Camp Leatherneck, Afghanistan.
- b. There is insufficient time to mobilize other contractors to replace Unity Kabul Logistics and Supply Services, without a resulting gap in services. Mobilization of the new vendor will require at least 3-4 weeks. The bridge contract will provide urgently required sanitation services to service members at Camp Leatherneck, Afghanistan, until such time a new contractor is able to fulfill such requirements.
- c. The extension will provide personnel at Camp Leatherneck urgently required sanitation services.

7. This determination of compelling reasons is for the sole purpose of allowing Regional Contracting Office - Leatherneck to execute a bridge contract for not more than sixty (60) days, in accordance with their request. Other awards, renewals, or extensions of additional contracts or subcontracts during the period of Unity Kabul Logistics and Supply Services proposed debarment are not included in this compelling reasons determination.

8. Pursuant to Section 209.405 of the Defense Federal Acquisition Regulation Supplement, written notification of this compelling reasons determination will be provided to the General Services Administration.

MICHAEL J. MEISEL
Army Suspension and Debarment Official