



HEADQUARTERS
CENTCOM JOINT THEATER SUPPORT CONTRACTING COMMAND (FORWARD)
REGIONAL CONTRACTING CENTER-SOUTH, KANDAHAR AIRFIELD, AFGHANISTAN
APO AE 09355



REPLY TO THE ATTENTION OF:

DETERMINATION AND FINDINGS
CONTRACTOR RESPONSIBILITY
FOR
W91B4L-14-C-0007

Food Service for Tactical Base Dwyer

Upon the basis of findings and determination I hereby make pursuant to the authority of FAR 9.405-1(a), Food Service may be continued for the contract described below.

FINDINGS

- 1. Background.** Contract No. W91B4L-14-C-0007 for Food Services operations to provide cooking, preparing and serving over 1,200 Service Members and Department of Defense personnel on Tactical Base Dwyer was awarded on 21 August 2014 in the amount of \$1,768,198.00. The contractor, Supreme Foodservice FZE, was proposed for debarment with the U.S. Army Suspension and Debarment Official (SDO) on 8 December 2014. Pursuant to FAR 9.405-1(a), notwithstanding the company's proposed debarment, agencies may continue contracts or subcontracts in existence at the time the contractor was proposed for debarment, unless the agency head directs otherwise.
- 2. DSO Proposed Debarment.** The SDO's proposed debarment of Supreme Foodservice FZE is based upon evidence that Supreme Foodservice committed major fraud against the United States, conspiracy to commit major fraud against the United States and fraud by wire in the submission of invoices under contracts awarded by DLA Troop Support.
- 3. Neither Void Ab Initio Nor Voidable Contract.** There is no known evidence of fraud or misrepresentation by Supreme Foodservice FZE in connection with either the formation or performance of this contract. As stated above, this contract was not part of DLA Troop Support contracts in the SDO's proposal for debarment. Research by the CJTSCC contracting staff has found no evidence or allegations of fraud or misrepresentations in connection with the contract.
- 4. Assessment of Contractor's Performance.** The original period of performance for the contract was 21 August 2014 to 20 June 2015. During the period of performance, Supreme Foodservice has received Excellent performance ratings by the Government. Fraud has not been detected in the contractor's invoices or any other contract actions.
- 5. Impact of Not Exercising the Option.** The Government conducted market research and posted a Request for Information on the Joint Contingency Expeditionary System for food service providers with the ability to mobilize operations in 60 days. Thirty-one responses were received. Only Ecolog fully understood the requirement; however, could not meet the constrained mobilization timeline. Unless the option with Supreme can be exercised with the beginning date of 21 June 2015, there will be a break in service. Not only will the personnel assigned to the austere environment be forced to go without DFAC services, but this break will lessen the Government's ability to effectively negotiate the price of the following contract.

6. **Customer Requirements.** Urgency requires the Government to continue contracting with Supreme Foodservice FZE up to an additional 30 days. Supreme is in place and capable of providing food service support to TB Dwyer without a break in service. This extension will allow the Government to negotiate a new requirement and allow for a sufficient mobilization period for the contractor to obtain the necessary equipment and staffing to operate a food service operation to cook, prepare and feed 1,200 U.S. Service Members and DoD personnel.

DETERMINATION

Because there is no evidence of fraud or misrepresentations in connection with the contract, the contract is neither void *ab initio* nor voidable. In consideration of the cost and time impact to replace Supreme Foodservice FZE as the contractor on this project, I determine that it is in the best interest of the Government to continue the contract with Supreme Foodservice FZE.

[Redacted Signature]

MAJ, AG
Chief of Contracting

CONCUR: _____
C-JTSCC Command Judge Advocate