



HEADQUARTERS, UNITED STATES FORCES, KOREA

UNIT # 15237
APO AP 96205-0010

REPLY TO
ATTENTION OF:

Office of the Judge Advocate

26 September 2003

MEMORANDUM FOR Chief, Construction & Supply Division, U.S. Army Contracting Command Korea (USACCK), Unit #15289, APO AP 96205

SUBJECT: Approval of Request to Place Orders Exceeding the Guaranteed Minimum with Dura Corporation under ID/IQ Contract No. DAJB03-00-D-0054, Building Upgrade and Repair

1. **BACKGROUND:** The contracting officer has requested authority to place orders above the guaranteed minimum under the building upgrade and repair contract for Area III with Dura Corporation pending award of a replacement contract. (Enclosure 1) Dura Corporation and two of its corporate officers were proposed for debarment on 8 August 2003 for violating the Procurement Integrity Act and for paying a bribe to the former commander of the USACCK in January 2002. Responses to the proposed debarment are due on 30 September 2003. DFARS 209.405-1(b) requires the Suspension and Debarment Official to state in writing the compelling reasons for placing orders exceeding the guaranteed minimum under indefinite quantity contracts with firms that have been proposed for debarment. The Chief, Contract Appeals Division, who assumed the duties formerly performed by the Chief, Procurement Fraud Division, has concurred with this action as required under AFARS 5109.405. (Enclosure 2)

2. **COMPELLING REASONS:** Compelling reasons exist to approve this request. This contract provides upgrade and repair services for deteriorating Army and Air Force facilities in Area III. The Contracting Officer has informed the requiring activities that she does not intend to exercise the fourth option period in June 2004; however, the Contracting Officer needs approximately six months to prepare a new solicitation and award a replacement contract. An interruption in or lack of performance of these services currently performed by Dura could have an adverse impact on the health, welfare and safety of servicemembers who live and work in that area and could inhibit the Services' ability to accommodate the anticipated influx of military personnel moving to that area.


Kent R. Meyers
Colonel, U.S. Army
Suspension and Debarment Official

Enclosures: as stated