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FINAL DETEC. DUE 2 MAY 03

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

March 25, 2003

Will Kammer
Directorate for Freedom of Information and Security Review
Room 2C757
1155 Defense Pentagon
Washington, D.C. 20301-1155
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mtd

Dear Mr. Kammer,

Through media reports Public Citizen has learned that the Department of Defense (DoD) is planning for the reconstruction of post-war Iraq, part of which involves the awarding of procurement contracts under a specific rule allowing the agency to circumvent certain competitive bidding procedures. Public Citizen believes the applicable rule is 48 CFR Ch. 1 § 6.302-2: "When the agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for."

Public Citizen believes that the Office of Reconstruction and Humanitarian Assistance (and the Army Corps of Engineers) at the DoD is primarily responsible for awarding/coordinating these contracts. Public Citizen efforts to contact the Office have been unsuccessful (I was told by the DoD switchboard that no phone number exists for the Office).

Per the Freedom of Information Act, Public Citizen requests:


The written justifications and approvals supporting the DoD's decision to limit competitive bids and proposals for all contracts regarding efforts to rebuild Iraq's infrastructure after the war. If the written justifications and approvals are not yet completed, Public Citizen requests all documentation used to support DoD's decision to limit competitive bids and proposals for all contracts regarding efforts to rebuild Iraq's infrastructure after the war. Public Citizen also requests the names of the companies involved in these bids and proposals. This request applies to all relevant actions of the Office of reconstruction and Humanitarian Assistance, the Army Corps of Engineers and any other agency or department within the DoD.

The number of DoD actions not competed using the 48 CFR Ch. 1 § 6.302-2 "unusual and compelling urgency" exemption from fiscal year 2000 through the most recent period available. In addition to the number of actions, Public Citizen requests the dollar value of each action, the company receiving the contract, and the written justifications and approvals for each action. This request applies to all relevant actions of the Office of reconstruction and Humanitarian Assistance, the Army Corps of Engineers and any other agency or department within the DoD.

Public Citizen requests a waiver for processing and duplication fees associated with preparing this FOIA request. Public Citizen is a 30-year-old non-profit consumer protection organization. Public Citizen does not seek the records at issue for a commercial purpose and disclosure is "in the public interest because it is likely to contribute significantly to public understanding the operations and activities of the government" 5 USC§552(a)(4)(iii). Public Citizen seeks to publish information received to promote public awareness of the federal procurement process. If duplication costs are deemed too excessive for Public Citizen to qualify for the fee waiver, please notify me before billing.

Please contact me if you have any questions.

Sincerely,



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