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From: Walker Mary L Hon SAF/GC

Sent: Saturday, January 28, 2006 1:04 PM

To: Moseley Michael Gen AF/CC

Cc: Wynne Michael Honorable SAF/OS; Rives Jack Maj Gen AF/JA; Hughes Ty SES SAF/GCQ; Ramos Daniel SES SAF/GC

Subject: Thunderbird Protest Update

Sir,

In response to your question, this is an update on the Thunderbirds Airshow Production Service protest.

We have until February 13th when the agency report is due at GAO to make a decision on how to proceed.

We met with JACN and SAF/AQC this week to discuss the protest. Based on that meeting, several issues were identified that represent significant areas of risk for the Air Force in defending against the protest. They include lack of documentation in the record, a weak past performance evaluation, potentially restrictive evaluation criteria, and whether the best value determination was reasonable when considering what the Air Force is getting for its money. The award decision was not unanimous by the evaluation team.

The allegations of bias toward the winning contractor are also troublesome given the history of prior dealing with Ed Shipley and his company, to include prior efforts awarded to him without competition and the initial attempt to award this effort to him in the same manner. Part of the excellent past performance rating given to SMS was based on the Thunderbird's music contract with Ed Beasley. The current contract structure is somewhat unique, in that it provides for work under the contract and payment before there is a finalized statement of work. It also gives the contractor the unilateral right to reprice \$35 million of effort if the Thunderbirds change their schedule.

SAF/AQC has set up a meeting with SAF/AQ (Lt Gen Hoffman) early next week to discuss the issues and determine a way ahead. Both my division, GCQ, and JACN will attend. Potential courses of action under consideration include terminating the contract for convenience.

Mary

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