



United States Department of State

Washington, D.C. 20520

April 29, 2009

Mr. Mark Carruthers
Vice President
Armor Group North America, Inc.
Dulles Plaza I., 1420 Spring Hill Rd
Suite 300
McLean, VA 22102

Subject: TCN Senior Guards Resume Approval

Refs: a) AGNA letters of March 9, 2009/Serial 09-035
b) CO letter dated 3/12/2008
c) CO letter dated 11/2/2007
d) CO letter dated 3/31/2009
e) AGNA letter of 4/10/2009/Serial 09-049

Dear Mr. Carruthers:

This letter is in response to your letter of April 10, 2009, regarding the resume approval status of Gurkhas who have been standing post as Senior Guards on the USE Kabul Guard Force. In an effort to resolve this matter, there are several concerns that require further clarification and discussion.

To the discussion, pursuant to the terms and conditions of the contract there are two non compliance areas identified as follows:

1. Failure of AGNA to have any guards resume approved for the Senior TCN guard positions.
2. Failure of AGNA guards working in these positions to meet the level 3 English language requirement.

Further there are inconsistencies and discrepancies in your letter of April 10, 2009, that require further clarification and explanation. For example, while your letter of April 10, 2009 states that resumes are pending approval, the Government currently has no resumes in its possession subject to approval for the TCN Senior Guard position. Your letter also states that AGNA did not bill Senior TCN guard hours for January and February 2009 which is correct, however, AGNA did not bill these hours as TCN guard positions as your letter states. Moreover, the Government has no way to verify the claim that 28,556 hours were billed for Senior TCNs who did not meet level 3 language requirements, per the contract. We therefore request that AGNA provides the methodology used to support the number of hours calculated. We will also

need to understand how your methodology supports the calculation for the hours in the base and option years. This information will be critical to the determination of the amount of credit due the U.S. Government.

Additionally, the Government hereby requests that AGNA provide a list of all unqualified (non-language compliant) TCN senior guards that have worked on the contract to date. Given that AGNA provided different numbers in correspondence submissions of 2/24/2009 and 3/9/09 is it confusing and unclear to the Government whether the full list of names is two or six individuals or more. Subsequently, AGNA stated that 22 out of 37 total Senior TCN guards were not language compliant. We are therefore confused and request a complete list in order to bring full resolution to the Senior TCN Guard issue.

Ultimately, within the April 10, 2009 correspondence AGNA makes three statements that appear to be contradictory and therefore require further clarification and explanation as follows:

1. "We expect to be fully compliant by 15 May 2009." (regarding language level 3 compliance)
2. "With effect from 11 April 2009 all incumbent personnel who do not meet the level three requirements have been removed from post."
3. However, the following TCN senior guard posts have recently been manned with incumbent personnel who do not meet the level three language requirement...."

The Government hereby requests that you fully address the TCN Senior Guard issue to include whether AGNA is contract compliant at this time and if not, when this issue will be permanently resolved. Please provide your response to the aforementioned points by written correspondence no later than close of business May 4, 2009. Please contact me directly at (703) 875-7320 or jamesd@state.gov if you have any questions or concerns.

Sincerely,


Sharon D. James
Senior Contracting Officer