



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY EUROPE AND SEVENTH ARMY
OFFICE OF THE JUDGE ADVOCATE
UNIT 29351
APO AE 09014-0010

REPLY TO
ATTENTION OF:

AEAJA

21 January 2004

MEMORANDUM FOR Deputy Chief of Staff, Passenger and Personal Property, Headquarters, Military Traffic Management Command, Hoffman Building II, 200 Stovall Street, Alexandria, Virginia 22332-5000

SUBJECT: Request for Compelling Need Determination

1. On January 21, 2004, Gosselin World Wide Moving, N.V. (Gosselin) and Marc Smet were suspended from future contracting with any agency in the executive branch of the United States Government under Federal Acquisition Regulation 9-407. The basis for the suspension is the indictment against Gosselin and Marc Smet returned by the Federal Grand Jury in the United States District Court, Eastern District of Virginia, on November 13, 2004. The indictment charges Gosselin and Marc Smet with two counts: count one, 15 U.S.C. §1, Conspiracy to Restrain Trade and count two, 18 U.S.C. § 371, Conspiracy to Defraud the United States.
2. Agencies of the executive branch of the Federal Government will neither solicit offers, award contracts, renew or otherwise extend existing contracts, nor approve subcontracts requiring Government approval with suspended contractors unless the head of the agency taking the contracting action (or a designee) states in writing the compelling reasons for continued business dealings between the contractor and the agency.
3. The Department of the Army, Military Traffic Management Command (MTMC) has submitted a request for a compelling reasons determination to continue to do business with Gosselin based upon the grounds stated in Enclosure 1. MTMC's request was routed through the Department of the Army, Contract Appeals Division (CAD), which recommended approval (Encl 2).
4. I have determined that MTMC has provided compelling reasons to continue to do business with Gosselin for 60 days from the date of this letter for the following reasons and for those enumerated in the enclosed documents:
 - a. Gosselin is an integral part of MTMC's ability to ship DoD household goods between the United States and Germany.
 - b. Many carriers performing such services use Gosselin as their general agent, and it is impossible in some situations and impracticable in others for MTMC to replace Gosselin with another agent within 60 days.

AEAJA

**MEMORANDUM FOR Deputy Chief of Staff, Passenger and Personal Property, Headquarters,
Military Traffic Management Command, Hoffman Building II, 200 Stovall Street, Alexandria,
Virginia 22332-5000**

5. Pursuant to DFARS 209.405, written notification will be provided to the General Services Administration of this compelling reason determination for MTMC to conduct business with a contractor that is suspended or debarred from procurement programs. Should you have any questions, please contact [REDACTED]

[REDACTED]
SARAH S. GREEN
Colonel, U.S. Army
Suspension and Debarment Official

Enclosures