



GSA Office of Governmentwide Policy

MAY 28 2004

RECEIVED JUN 9 9 2004

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Bering Sea Eccotech, Inc.
C/O Tanadgusix Corporation
4300 B Street
Suite 402
Anchorage, AK 99503

Re: Notice of Proposed Debarment of Bering Sea Eccotech, Inc.

Dear Sir or Madam:

You are hereby notified that the General Services Administration (GSA) has initiated proceedings to debar Bering Sea Eccotech, Inc. (BSE), from participation in Federal procurement and nonprocurement programs. This action is initiated pursuant to Federal Acquisition Regulation (FAR) Subpart 9.4, General Services Administration Acquisition Manual (GSAM) Subpart 509.4, and the Federal Management Regulations (FMR) Subparts 102-38.170 and 102-38.175. Copies of the referenced FAR, GSAM, and FMR Subparts are enclosed for your information.

The proposed debarment is based on information provided by GSA's Office of Inspector General (OIG). The OIG report indicates that BSE lacks the present responsibility to be a Government contractor and provides a basis for its debarment.

A summary of the information on which the proposed debarment is based is set forth in the enclosed memorandum.

The proposed debarment is effective the date of this notice and has the following consequences:

1. The company name, Bering Sea Eccotech, Inc., will be published in the Excluded Parties Listing System (EPLS), a GSA web site (<http://www.epls.gov>) containing the names of contractors debarred, suspended, proposed for debarment, or declared ineligible by any agency of the Federal Government. Proposed debarment is effective throughout the executive branch of the Federal Government.
2. Offers will not be solicited from, contracts will not be awarded to, existing contracts will not be renewed or otherwise extended for, and subcontracts requiring

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

Government approval will not be approved for BSE by any agency in the executive branch of the Federal Government, unless the head of the agency taking the contracting action determines that there is a compelling reason for such action.

3. BSE may not conduct business with the Federal Government as an agent or representative of other contractors or of participants in Federal assistance programs.

4. No Government contractor may award to BSE a subcontract equal to or in excess of \$25,000 unless there is a compelling reason to do so and the contractor first notifies the contracting officer and further complies with the provisions of FAR 9.405-2(b).

5. BSE's affiliation with or relationship to any organization doing business with the Government will be carefully examined to determine the impact of those ties on the responsibility of that organization to be a Government contractor or subcontractor.

6. No agency in the executive branch shall enter into, renew, or extend primary or lower-tier covered transactions in which BSE is either a participant or principal, unless the head of the agency grants an exception in writing.

Within thirty (30) calendar days after receipt of this notice, a representative acting on BSE's behalf may submit, either in person or in writing, or both, information and argument in opposition to the proposed debarment. If you designate a representative to respond on BSE's, please notify Mr. Donald J. Suda, in writing, of the identity of the representative. The designation should specifically state the names and addresses of all individuals or companies the designee has the authority to represent in this matter. Any response to this Notice should include specific information material to the proposed debarment. If it is found that the information or argument submitted raises a genuine dispute over material facts, factfinding may be conducted to determine the disputed facts. Facts proved by conviction or civil judgment, however, are not subject to factfinding in this proceeding.

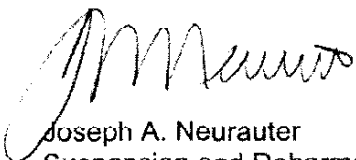
If a representative on BSE's behalf desires to present information and argument to me in person, an oral presentation will be scheduled to occur within 20 calendar days after receipt of the request, unless a longer period of time is requested.

The determination whether or not to debar BSE is discretionary and will be made on the basis of the administrative record, including any information added to the record during the period of proposed debarment either by BSE or by the Federal Government.

If debarment is imposed, the limitations described in paragraphs 1 through 6, above, will continue to apply and BSE's name will continue to be published in the EPLS. The status, however, will be changed to reflect the debarment.

Any communication regarding this matter should be directed to Mr. Suda at (202) 501-4770. Any written submission should be forwarded in duplicate to him at General Services Administration, Office of Acquisition Policy (MV), 1800 F St. NW, Washington, DC 20405. You may also respond by e-mail at: donald.suda@gsa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Neurauter". The signature is fluid and cursive, with a large initial "J" and "N".

Joseph A. Neurauter
Suspension and Debarment Official

Enclosures



JUN - 9

GSA Office of Governmentwide Policy

MAY 28 2004

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Tanadgusix Corporation
4300 B Street
Suite 402
Anchorage, AK 99503

Re: Notice of Proposed Debarment of Tanadgusix Corporation

Dear Sir or Madam:

You are hereby notified that the General Services Administration (GSA) has initiated proceedings to debar Tanadgusix Corporation (TDX) from participation in Federal procurement and nonprocurement programs. This action is initiated pursuant to Federal Acquisition Regulation (FAR) Subpart 9.4, General Services Administration Acquisition Manual (GSAM) Subpart 509.4, and the Federal Management Regulations (FMR) Subparts 102-38.170 and 102-38.175. Copies of the referenced FAR, GSAM, and FMR Subparts are enclosed for your information.

The proposed debarment is based on information provided by GSA's Office of Inspector General (OIG). The OIG report indicates that TDX lacks the present responsibility to be a Government contractor and provides a basis for its debarment.

A summary of the information on which the proposed debarment is based is set forth in the enclosed memorandum.

The proposed debarment is effective the date of this notice and has the following consequences:

1. The company name, Tanadgusix Corporation, will be published in the Excluded Parties Listing System (EPLS), a GSA web site (<http://www.epls.gov>) containing the names of contractors debarred, suspended, proposed for debarment, or declared ineligible by any agency of the Federal Government. Proposed debarment is effective throughout the executive branch of the Federal Government.
2. Offers will not be solicited from, contracts will not be awarded to, existing contracts will not be renewed or otherwise extended for, and subcontracts requiring

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0001
www.gsa.gov

Government approval will not be approved for TDX by any agency in the executive branch of the Federal Government, unless the head of the agency taking the contracting action determines that there is a compelling reason for such action.

3. TDX may not conduct business with the Federal Government as an agent or representative of other contractors or of participants in Federal assistance programs.

4. No Government contractor may award to TDX a subcontract equal to or in excess of \$25,000 unless there is a compelling reason to do so and the contractor first notifies the contracting officer and further complies with the provisions of FAR 9.405-2(b).

5. TDX's affiliation with or relationship to any organization doing business with the Government will be carefully examined to determine the impact of those ties on the responsibility of that organization to be a Government contractor or subcontractor.

6. No agency in the executive branch shall enter into, renew, or extend primary or lower-tier covered transactions in which TDX is either a participant or principal, unless the head of the agency grants an exception in writing.

Within thirty (30) calendar days after receipt of this notice, a representative acting on TDX's behalf may submit, either in person or in writing, or both, information and argument in opposition to the proposed debarment. If you designate a representative to respond on TDX's, please notify Mr. Donald J. Suda, in writing, of the identity of the representative. The designation should specifically state the names and addresses of all individuals or companies the designee has the authority to represent in this matter. Any response to this Notice should include specific information material to the proposed debarment. If it is found that the information or argument submitted raises a genuine dispute over material facts, factfinding may be conducted to determine the disputed facts. Facts proved by conviction or civil judgment, however, are not subject to factfinding in this proceeding.

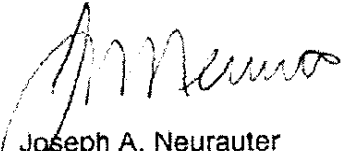
If a representative on TDX's behalf desires to present information and argument to me in person, an oral presentation will be scheduled to occur within 20 calendar days after receipt of the request, unless a longer period of time is requested.

The determination whether or not to debar TDX is discretionary and will be made on the basis of the administrative record, including any information added to the record during the period of proposed debarment either by TDX or by the Federal Government.

If debarment is imposed, the limitations described in paragraphs 1 through 6, above, will continue to apply and TDX's name will continue to be published in the EPLS. The status, however, will be changed to reflect the debarment.

Any communication regarding this matter should be directed to Mr. Suda at (202) 501-4770. Any written submission should be forwarded in duplicate to him at General Services Administration, Office of Acquisition Policy (MV), 1800 F St. NW, Washington, DC 20405. You may also respond by e-mail at: donald.suda@gsa.gov.

Sincerely,



Joseph A. Neurauter
Suspension and Debarment Official

Enclosures



MAY 28 2004

MEMORANDUM CONCERNING THE PROPOSED DEBARMENT OF TANADGUSIX, CORPORATION, BERING SEA ECCOTECH, INC., AND MARISCO, LTD.

The General Services Administration (GSA) this day has issued Notices of Proposed Debarment to Tanadgusix Corporation (TDX), Bering Sea Eccotech, Inc. (BSE), and Marisco, LTD. (Marisco). The proposed actions are taken pursuant to the standards and procedures set forth in Federal Acquisition Regulation (FAR) Subpart 9.4, General Services Acquisition Manual (GSAM) Subpart 509.4, and the Federal Management Regulation (FMR) Subparts 102-38.170 and 102-38.175.

The proposed actions are based on a report from the GSA Office of Inspector General (OIG). The OIG report indicates that TDX and Marisco lack the present responsibility to be Government contractors and provides a basis for their debarments.

INFORMATION IN THE RECORD

A summary of the information upon which the proposed debarments are based appears below:

1. The Federal Property and Administrative Services Act (Property Act) authorizes GSA, in its discretion and pursuant to regulation, to transfer surplus federal property to any of the states or territories of the United States for donation within the State to an eligible donee.
2. In Alaska, donation is done through the Alaska State Agency for Surplus Property (ASASP).
3. TDX, as an Alaska Native Village Corporation, is an eligible donee in Alaska and is allowed to receive federal surplus property through the Federal Surplus Property Donation Program. BSE is a subsidiary of TDX; it is not an eligible donee.
4. Marisco, LTD, is a Hawaii corporation with its principal place of business in Hawaii. Marisco is not an eligible donee under the program.
5. In January 2000, TDX requested that GSA, through ASASP, donate a floating dry dock, called the Ex-Competent, to TDX. As part of the transaction, TDX on January 19, 2001, signed a Letter of Intent detailing its intended use for the dry dock. Additionally, TDX signed a Vessel Conditional Transfer Document (VCTD) on the same date. The

VCTD required TDX not to "sell, trade, lease, lend, bail cannibalize, encumber, or otherwise dispose" of the Ex-Competent for a period of five years and not to "permanently moor" the vessel outside of Alaska.

6. On March 23, 2001, based on the signed Letter of Intent and the VCTD, GSA authorized TDX to pick up the Ex-Competent from the Naval Inactive Shipyard in Hawaii.

7. On October 24, 2000, prior to the execution of the Letter of Intent and the VCTD, TDX and Marisco signed "A Letter of Understanding" setting forth an agreement according to which Marisco agreed to pay TDX \$250,000 to use the Ex-Competent for five years in its regular course of business in Hawaii and TDX agreed to leave the Ex-Competent at Marisco's ship yard. Officers of both corporations signed the Letter. TDX and Marisco did not inform GSA or the ASASP of the Letter of Understanding.

8. Despite the representations in the Letter of Intent and the restrictions in the VCTD, TDX, on March 30, 2001, authorized Marisco to take possession of the Ex-Competent. On May 2, 2001, Marisco moved the Ex-Competent to its facility in Campbell Industrial Park in Hawaii but it has possession of the Ex-Competent and is still improperly using it to generate profits for its commercial operation.

9. On December 5, 2002, the United States District Court for the District of Alaska found that TDX violated the terms of the VCTD and granted the Government's motion for Summary Judgment.

BASIS FOR THE PROPOSED DEBARMENT

On the basis of the information summarized above, it appears that:

1. The Federal Property and Administrative Services Act (Property Act) authorizes GSA, in its discretion and pursuant to regulation, to transfer surplus federal property to any of the states or territories of the United States for donation within the State to an eligible donee.

2. In Alaska, donation is done through the Alaska State Agency for Surplus Property (ASASP).

3. TDX, as an Alaska Native Village Corporation, is an eligible donee in Alaska and is allowed to receive federal surplus property through the Federal Surplus Property Donation Program. BSE is a subsidiary of TDX; it is not an eligible donee.

4. Marisco, LTD, is a Hawaii corporation with its principal place of business in Hawaii. Marisco is not an eligible donee under the program but it has possession of the Ex-Competent and is still improperly using it to generate profits for its commercial operation.

5. In January 2000, TDX requested that GSA, through ASASP, donate a floating dry dock, called the Ex-Competent, to TDX. As part of the transaction, TDX on January 19, 2001, signed a Letter of Intent detailing its intended use for the dry dock. Additionally, TDX signed a Vessel Conditional Transfer Document (VCTD) on the same date. The VCTD required TDX not to "sell, trade, lease, lend, bail cannibalize, encumber, or otherwise dispose" of the Ex-Competent for a period of five years and not to "permanently moor" the vessel outside of Alaska.

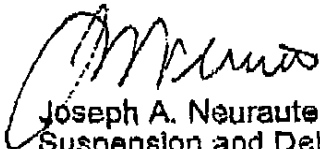
6. On March 23, 2001, based on the signed Letter of Intent and the VCTD, GSA authorized TDX to pick up the Ex-Competent from the Naval Inactive Shipyard in Hawaii.

7. On October 24, 2000, prior to the execution of the Letter of Intent and the VCTD, TDX and Marisco signed "A Letter of Understanding" setting forth an agreement according to which Marisco agreed to pay TDX \$250,000 to use the Ex-Competent for five years in its regular course of business in Hawaii and TDX agreed to leave the Ex-Competent at Marisco's ship yard. TDX and Marisco did not inform GSA or the ASASP of the Letter of Understanding. TDX and Marisco engaged in seriously improper conduct in that they failed to inform GSA and ASASP of their separate agreement for Marisco to use the Ex-Competent in violation of the Letter of Intent and the VCTD, a cause for their debarment pursuant to FAR 9.406-2(c).

8. The judgment by the United States District Court for the District of Alaska that TDX violated the terms of the VCTD provides a separate and independent cause for the debarment of TDX pursuant to FAR 9.406-2(c).

9. Pursuant to FAR 9.406-1(b), debarment may be extended to include any affiliates of a contractor.

a. Pursuant to FAR 9.403 (affiliates), BSE is an affiliate of TDX because TDX directly or indirectly controls or can control BSE, a cause for the debarment of BSE pursuant to FAR 9.406-2(c).



Joseph A. Neurauter
Suspension and Debarment Official