

Exhibit D



United States
Department of
Agriculture

Forest
Service

National Interagency
Fire Center

3833 S. Development Ave.
Boise, ID 83705

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Date: August 21, 2008

Subject: HTS-Protest, Additional Contracting Officer's Statement of Relevant Facts
To: Elin Dugan, OGC

CONTRACTING OFFICER'S SUPPLEMENTAL STATEMENT OF RELEVANT FACTS

Protest of Helicopter Transport Services, LLC B400295.2, AG-024B-S-08-9003 Heavy or Medium Exclusive Use Helicopters.

This statement responds to the supplemental protest submitted by Helicopter Transport Services, LLC (HTS). I appreciate the level of knowledge exhibited from all of the interested parties trying to resolve the protest and the level of understanding of the facts to arrive at an equitable decision.

Use of Optimization Model and Tradeoff Analysis

1. In our past evaluations of contracts for exclusive-use helicopters, we implemented similar evaluation criteria and utilized a predominantly subjective process in determining awards of contracts. In those past procurements, after awards were made, we on the evaluation team were concerned that the process did not account for the importance of each of the evaluation factors in an unbiased way. In fact, with the subjective process used in the past, there was the potential to assign more importance to factors that were not assigned that same importance in the solicitation. This year, we wanted to decrease the possibility of this type of human error.
2. Therefore, we approached this evaluation utilizing an objective process with an optimization model (OM) to assist the evaluation team in the review of the information and the recommended awards. We developed the OM due to the inconsistencies on past procurements of truly weighting the factors in accordance with the source selection plan in an objective manner. The model helped us balance the objectivity with the subjective process. We specifically assigned weights to each criterion themselves:
3. The OM model then considered the input provided by the Technical Evaluation Team (TET) based on the above scoring. The numbers were validated to ensure they were correct before they were entered into the computer model. The evaluation team then reviewed the OM recommendations to ensure the Government was obtaining the best combination of aircraft, not



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necessarily the aircraft that was recommended by the OM. This process was subjective and allowed for adjustments to the OM recommendations, which we did make. In the review by the technical team we studied each recommendation provided by the OM model and looked at the overall scoring, gallons delivered, price per pound index and the overall price for each recommendation. For each line item, the team either concurred with the OM recommendations or made a recommendation to award to a different vendor. We did change a couple of the OM recommended items, per the recommendation of the TET.

Scoring of Factor 1 on an Acceptable/Unacceptable Basis

4. In our most recent solicitation, our evaluation process quantified the importance of each evaluation criteria and specifically stated the 4 technical evaluation factors were going to be more important than price. In the evaluations we focused on each evaluation factor, being careful to stay within the stated objectives where factor 1 was more important than factor 2, and factor 2 was more important than factor 3 and so on.

5. If you look at factor 1 Aircraft Technical Capability you will see it requires the contractor to submit information on each helicopter's capabilities. In essence, it requires the contractor to submit paperwork that validates and proves the aircraft can do what the contractor claims it will do. The information is either submitted or it's not. The evaluation team was using a pre-printed evaluation form that allowed only a rating of acceptable or unacceptable.

6. The purpose of this factor was not to identify an aircraft's increased performance over and above the minimum standards; it was simply to identify that the aircraft met the standard performance specifications as stated in the solicitation. Factor 1 validated the Technical Capability of the Aircraft. Nowhere in the source selection process did we say Factor 1 was intended to evaluate the capability of a helicopter as compared to other helicopters. It was intended to determine that a given helicopter was capable of meeting the solicitation requirements. It is very important in making this determination to have accurate information, because without it, we do not have the assurance that the aircraft will perform. Also, inaccurate, or non-current weight information affects the price analysis, because it is an element of the price-per-pound calculation (a.k.a., the Best Value Formula). For all these reasons, we made this factor the most important.

7. Although from the scoresheet, it appears that the TET assigned scores of 2 (Acceptable) or 5 (Unacceptable) to aircraft under Factor 1, in practice, only the Acceptable aircraft received a score (2) that was added in to the offeror's total adjectival score. That is because Unacceptable aircraft were not considered further in the evaluation process; they did not actually receive a score of 5. Every offeror that went forward in the evaluation process with at least one Acceptable aircraft received a 2 for factor 1. HTS went forward in the evaluation process with 10 out of the 11 helicopters it offered. One of HTS's offered helicopters was disqualified under Factor 1 for having incomplete documentation.

8. We did not disregard distinctions between helicopters offered; those distinctions were accounted for elsewhere in the evaluation process. For example, if one helicopter could lift more than another, that difference was given the appropriate weight of importance on the Price

Proposal side. The Best Value Formula which was considered in the Business Proposal separate from the Technical proposal was calculated and considered in the overall recommendation. The Best value formula provides an index, a measure of what the helicopter would cost to deliver a pound of product. It provided the evaluation team another variable to consider in its recommendations for awards.

9. Although the contractor may feel the increased capability should be what we should consider as a primary selection criteria, the team and the source selection documents differed in the importance and ranked the information as it was specified.

Evaluators' Personal Experience With HTS

10. From personal experience, many members of the TET are intimately aware of all the offerors' operational practices. A number of our technical evaluators on the team have worked for these companies as pilots or maintenance personnel when they were working in the private sector. In addition, I have been working with the same vendors we just evaluated for the past 13 years. We are called upon from other federal, state and international agencies to provide expertise and background information on past performance. The evaluators on the technical panel are senior employees and understand the intricate operations of the contractors.

11. In recent discussions with field personnel, similar past performance issues mentioned in the documentation continue to occur. We have already had a number of performance issues brought to HTS's attention this year for the awards they have received. Although they are minor performance issues at this time, they substantiate the validity of the rating HTS received in the evaluation of their performance.

12. The statement made by the lead evaluator Mr. Charles Taylor states

Taylor's statement was not intended to contradict the recommendation or the score HTS received.

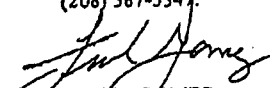
Mr.

13. HTS is a

Where we did not have that
nce. In other words,
That is consistent with

past performance being the third most important technical evaluation factor.

If I can be of any further assistance or your need additional information please contact me at
(208) 387-5347.


FRANK GOMEZ
Contracting Officer