

VIA FACSIMILE TO (202) 401-2032 AND U.S. MAIL

December 20, 1996

Ms. A. Dolores Ammons-Barnett
Contracting Officer
Program Support Division
Office of Procurement and Contracts
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W., Room 5256
Washington, D.C. 20410

Re: Managing and Marketing Single Family HUD Properties - Solicitation
Numbers DU100C000018501, DU100C000018502, and
DU100C000018503

Dear Ms. Ammons-Barnett:

In your letter dated December 15, 1996, you stated that, despite HUD's position that neither EAA nor GAMEX are interested parties in the above-referenced solicitations, you would provide answers to questions submitted under the written debriefing process. You then refused to provide answers to 27 out of the 31 questions we asked.

As we have pointed out to you numerous times, in accordance with FAR 15.1004(d)(6), we are entitled to receive "Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations and other applicable authorities were followed." We believe these, like most other procurements at HUD, were fixed, entitling us to receive reasonable responses to all of the questions we asked.

Of the four questions you chose to answer, your responses are inadequate. For example, in the question you numbered 10, we asked, "Did any bidder see, review or comment on the statement of work before it was issued?" You answered, "As far as I am aware, no bidder saw, reviewed or commented on the statement of work before it was issued."

As far as you are aware? To provide a more effective answer to our question, you should have inquired among the Technical staff involved in drafting the Statement of Work if any unauthorized person saw, reviewed or commented on it in advance of it being issued. Apparently, we are aware of circumstances at HUD that you are not aware of, or are not acknowledging.

With regard to questions 15 and 16, how is it possible that EAA/GAMEX received a score of 3 out of 10 on the requirement to have a local presence in Maryland, a state where we have two established offices, but received scores of 2.7 and 3.3 out of 10 in the states of California and Louisiana, respectively, where we had no offices at all? In

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addition, how does this compare to the points assigned to the winner, Golden Feather, who established local offices only after being awarded all three contracts? You failed to provide any meaningful rationale for this major discrepancy.

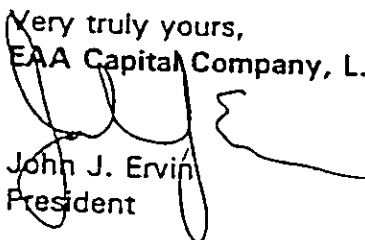
Finally, on question 17, we cannot understand how a bidder with a track record of asset management and sale of over 30,000 single family homes throughout the country was not considered as having a reasonable chance for award. It appears that HUD intentionally eliminated competition like it did with METEC and us on the SWAT procurement, Brown & Company and us on the Due Diligence contract, Cushman and Wakefield on the Crosscutting task order, and Holland & Knight on the first Legal Services.

It is also important that you explain how Golden Feather included award of these contracts on its Internet Web Page long before such contract was awarded. Was Golden Feather aware of something we didn't know?

Please accept this letter as our Freedom of Information Act request to be provided with a copy of the executed "Certificate of Procurement Integrity" for this contract award. We believe that you are not in a position to issue this certificate knowing that it will be proven false when this contract award is thoroughly investigated. ?

Please recognize that your continued refusal to answer legitimate questions about the integrity of this and other procurements is totally inappropriate for a Contracting Officer. Therefore, we request that you forward this letter to Annette Hancock and Craig Durkin for confirmation of your decision not to comply with the requirements to provide us with the "reasonable responses to relevant questions" we requested.

Very truly yours,
EAA Capital Company, L.L.C.


John J. Ervin
President

cc: Wayne Travell, Esquire - Tucker Flyer & Lewis
Daniel Hawke, Esquire - Tucker Flyer & Lewis