



DEPARTMENT OF THE AIR FORCE

ARLINGTON, VA 22203-1613

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Office Of The Deputy General Counsel

MEMORANDUM IN SUPPORT OF THE PROPOSED DEBARMENT OF:

AIR MOBILITY SUPPORT

MEMORANDUM IN SUPPORT OF EXTENSION OF DEBARMENT OF:

JOSPEH KUCHTA

Effective this date, the Air Force has proposed the debarment of Air Mobility Support (Air Mobility) and has proposed the extension of the debarment of Joseph Kuchta (Kuchta) from government contracting and from directly or indirectly receiving the benefits of federal assistance programs. This action was initiated pursuant to Federal Acquisition Regulation (FAR) Subpart 9.4.

INFORMATION IN THE RECORD

Information in the record establishes that at all times relevant hereto:

1. Express One was engaged in the business of providing air terminal and ground handling services to the Department of Defense and others. Express One Holding (EO Holding) was formed in September 2005 for the purpose of managing the government contracts awarded to Express One. Kuchta was the President of EO Holding, and was an executive officer for Express One.
2. Express One, EO Holding, and Kuchta were debarred by the Air Force on February 1, 2008 for conduct that was of so serious or compelling a nature that it affected their present responsibility as contractors for the U.S. government. Kuchta's conduct was particularly egregious resulting in his debarment for a five-year term.
3. Kuchta's conduct included working with Neville Bennett, who was also debarred, to form a company, Signature International Flight Corporation (SIF), for the purpose of creating fictional competition for the ultimate benefit of Express One. As part of this fraudulent scheme, Kuchta wrote and submitted bid proposals for SIF and EO Holding that created the false impression of having been submitted independently. Kuchta did not disclose to the government the relationship between EO Holding, Express One, and SIF.
4. Kuchta also knowingly created SIF's name and logo to mirror that of Signature Flight Support Corporation (Signature), a well-established corporation that provided the same type of air/ground support services as, but was unaffiliated with, SIF. Kuchta caused SIF to provide past performance information to the government related to contracts that Signature had performed for the purposes of misleading the government. Signature sued SIF for trademark infringement in 2007, and the case is still being litigated in civil court.

5. Air Mobility, doing business at Military Air Transport Command in Bogota, Colombia, was created for the purpose of providing aircraft support for U.S. military missions. Kuchta is one of Air Mobility's "executive officers."

6. In his capacity as an executive officer of Air Mobility, Kuchta has attempted to use Air Mobility to secure contracts with the United States government despite his debarment. USTRANSCOM officials in Bogota, Colombia have reported that Air Mobility personnel have approached planes as they land and presented paperwork to the air crews in an attempt to provide aircraft support services as if they had a valid contract to provide such services. Kuchta has also been marketing Air Mobility to service non-contract missions in Bogota.

7. Air Mobility also has attempted to exploit Air Force Air Mobility Command's logo to gain contracts in Bogota. Air Mobility letterhead includes an emblem nearly identical to that of Air Mobility Command, but with Air Mobility's company name rather than Air Mobility Command. According to statements made by USTRANSCOM officials, flight personnel in Bogota have expressed confusion about the logo and assumed that Air Mobility is affiliated with the United States government.

BASES FOR PROPOSED DEBARMENT AND EXTENSION OF DEBARMENT

1. Kuchta's conduct is of so serious or compelling a nature that it continues to affect his present responsibility. This conduct provides a basis for the extension of his debarment pursuant to FAR 9.406-2(c).
2. Pursuant to FAR 9.406-1(b), debarments may be extended to the affiliates of a contractor. Air Mobility Support and Kuchta are affiliates, as Kuchta controls, or has the power to control, Air Mobility Support. This affiliation provides a separate and independent basis for the debarment of Air Mobility Support.
3. Pursuant to FAR 9.406-5(a) the seriously improper conduct of Kuchta may be imputed to Air Mobility Support, because Kuchta's seriously improper conduct occurred in connection with the performance of his duties on behalf of Air Mobility Support. This imputation provides a separate and independent basis for the debarment of Air Mobility Support.



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(Contractor Responsibility)