DEPARTMENT OF THE AIR FORCE
ARLINGTON, VA 22203-3258

Office of the Deputy General Counsel

July 15, 2011

VIA FEDERAL EXPRESS

SAF/GCR
1235 South Clark Street, Suite 301
Arlington, VA 22202-3258

Mr. Evan A. Gordon
[redacted]

Re: Notice of Debarment

Dear Mr. Gordon,

Effective this date the Air Force has debarred you, Evan A. Gordon, from Government contracting and from directly or indirectly receiving the benefits of federal assistance programs. This action is initiated pursuant to Federal Acquisition Regulation (FAR) Subpart 9.4, Defense FAR Supplement 209.4 and Appendix H, and 2 C.F.R. Part 1125.

On May 31, 2011, the Air Force proposed you for debarment and afforded you the opportunity to submit information and argument in opposition to your proposed debarment. You were issued a Notice of Proposed Debarment and a Memorandum in Support of the Proposed Debarment. You have not responded to your proposed debarment.

I have carefully considered all information contained in the Administrative Record and determined that a preponderance of the evidence establishes the existence of a cause for debarment, and you have failed to demonstrate your present responsibility. I have concluded that debarment is in the public interest and necessary to protect the Government's interests.

The effects of debarment are set forth in the Notice of Proposed Debarment issued to you, as well as in FAR Subpart 9.4, Defense FAR Supplement 209.4 and Appendix H, and 2 C.F.R. Part 1125, which are provided on our website at: http://www.safgc.hq.af.mil/organizations/gcr/index.asp. Your debarment is effective immediately. As to the length of the debarment term, due to the nature of your improper conduct, I have determined that a three-year term is appropriate, which will run from the date of your proposed debarment, May 31, 2011. Your debarment will terminate on May 30, 2014.

Sincerely,

[redacted]

STEVEN A. SHAW
Deputy General Counsel
(Contractor Responsibility)

DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1740

Office of the Deputy General Counsel

MAY 31 2011

VIA FEDERAL EXPRESS

SAF/GCR
4040 N. Fairfax Drive
Suite 204
Arlington, VA 22203

Evan A. Gordon
[redacted]

Re: Notice of Proposed Debarment

Mr. Gordon:

You are hereby notified that the Air Force has proposed that you, Evan A. Gordon, be debarred from federal Government contracting and from directly or indirectly receiving the benefits of federal assistance programs. This action is initiated pursuant to the authority and the procedures of the Federal Acquisition Regulation (FAR) Subpart 9.4. Copies of FAR 9.4, Defense FAR Supplement 209.4 and Appendix H, and 2 C.F.R. Part 1125 are provided on our website at http://www.safgc.hq.af.mil/organizations/gcr/index.asp. 2 C.F.R. Part 1125 is the Defense Department's implementation of the Nonprocurement Common Rule referenced in FAR 9.401. If you do not have access to the Internet and wish to receive a hardcopy of the aforementioned regulations, please submit a written request to my counsel as designated below.

The proposed debarment is based upon the information in the attached Memorandum In Support of the Proposed Debarment(s) (Encl. 1).

The proposed debarment is effective this day and has the following consequences during the period of proposed debarment:

1. Your name will be published in Excluded Parties List System, available at https://www.epls.gov/, a publication of the General Services Administration that contains 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 and applies to procurement and nonprocurement programs.

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 Government

approval will not be approved for you by any agency in the executive branch of the Federal Government unless the head of the agency taking the contracting action or a designee states in writing the compelling reason for continued business dealings between you and the agency.

3. You may not conduct business with the Federal Government as an agent or representative of other contractors, nor may you act as an individual surety for other contractors.

4. No Government contractor may award you a subcontract equal to or in excess of $30,000 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. No agency in the executive branch shall enter into, renew, or extend primary or lower-tier covered transactions in which you are either a participant or principal, unless the head of the agency grants an exception in writing. (Covered transactions are defined at 2 C.F.R. Section 1125.30).

6. You may not act as an agent or representative of other participants in federal assistance programs.

7. Your 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 to receive federal assistance.

Within 30 calendar days, you may submit, either in person or in writing, or both, information and argument in opposition to the proposed debarment. If you provide a written response, you are required to provide it electronically to the address in the last paragraph of this letter.

If you designate a representative to respond on your behalf, please notify my counsel of the identity of the representative by electronic mail. The designation should specifically state the names and addresses of all individuals or companies the designee has the authority to represent in this matter.

Your submission, if any, should include any specific information that may raise a genuine dispute over material facts. If it is found that the information submitted raises a genuine dispute over material facts, fact-finding may be conducted to determine the disputed facts. Facts proved by conviction or civil judgment, however, are not subject to dispute in this proceeding.

This debarment proceeding has been initiated on the basis of an administrative record. A copy of the record is included (Encl. 2). Any written information submitted by you will be added to the administrative record.

The determination whether or not to debar you is discretionary and will be made on the basis of the administrative record, together with any written materials submitted for the record by the Government or you during the period of proposed debarment.

If debarment is imposed, the limitations described in Paragraphs 1 through 7 above will continue to apply and your name will continue to be published in the List of Parties Excluded From Federal Procurement and Nonprocurement Programs. Your status, however, will be changed to reflect that you are debarred.

Any communications regarding this matter should be directed to my counsel, whose contact information is provided below: Todd Canni, SAF/GCR, 4040 N. Fairfax Drive, Suite 204, Arlington, VA 22203, (703) 588-0049, and Todd.Canni@pentagon.af.mil.

Sincerely,

[redacted]

STEVEN A. SHAW
Deputy General Counsel
(Contractor Responsibility)

Encl. 2
a/s

DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

MAY 31 2011

Office Of The Deputy General Counsel

MEMORANDUM IN SUPPORT OF THE PROPOSED DEBARMENT OF:

EVAN A. GORDON

Effective this date the Air Force has proposed the debarment of Mr. Evan A. Gordon (Mr. Gordon) from Government contracting and from directly or indirectly receiving the benefits of federal assistance programs. This action is initiated pursuant to Federal Acquisition Regulation ("FAR") Subpart 9.4.

INFORMATION IN THE RECORD

Information in the record establishes by a preponderance of the evidence that at all times relevant hereto:

1. Mr. Gordon is a former employee of Company L, a federal Government contractor.[1]

2. Mr. Gordon was employed by Company L as a software engineer working in Valley Forge, Pennsylvania.

3. From August 5, 2008 to November 17, 2010, Mr. Gordon worked on at least two Government contracts, including Contract Nos. N00019-06-C-0300 and N00019-10-C-0064.

4. In a mandatory disclosure dated March 31, 2011, Company L disclosed that Mr. Gordon mischarged approximately 1090.9 hours by conducting unauthorized social media networking while charging that time to the above referenced contracts.

5. Company L terminated Mr. Gordon's employment on January 26, 2011 and credited $104,408.32 to the Government for the 1090.9 hours mischarged by Mr. Gordon.

[1] The title "Company L" is used because the contractor is not a party to this action.

BASIS FOR THE PROPOSED DEBARMENT

The improper conduct of Mr. Gordon is of so serious or compelling a nature that it affects his present responsibility to be a Government contractor or subcontractor and provides a separate independent basis for his debarment pursuant to FAR 9.406-2(c).

[redacted]

STEVEN A. SHAW
Deputy General Counsel
(Contractor Responsibility)